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PASSING AND CONTENT OF THE FIRST INSTANCE VERDICT – A COMPARATIVE LEGAL ANALYSIS BETWEEN BULGARIAN AND SERBIAN LAW

Summary

The paper examines the similarities and differences in the legislation of the Republic of Serbia and the Republic of Bulgaria regarding the issuance of the first instance verdict. It also addresses the types of judgments regulated in the legislation of both countries and their required content.

Key words: Judgment, criminal procedure, comparative legal analysis

1. INTRODUCTION

The regulation of criminal procedure relationships in the two neighboring countries – the Republic of Bulgaria and the Republic of Serbia – reveals both many similarities and significant differences. This paper aims to explore the common features and distinctions concerning the delivery and content of the first instance criminal judgment in the respective legislations. A comprehensive review of this topic is challenging, as the rendering of a verdict engages numerous institutions of both substantive and procedural law. For this reason, the analysis focuses on essential provisions without claiming to be exhaustive.

2. ISSUANCE OF THE FIRST INSTANCE JUDGMENT UNDER BULGARIAN AND SERBIAN CRIMINAL PROCEDURE LAW

The first significant difference observed in the issuance of a first instance verdict is that, according to Article 270, paragraph 2 of the Criminal Procedure Code (CPC) of the Republic of Serbia, only the members of the judicial panel and the court recorder may be present in the room where deliberation and voting take place. In contrast, under Bulgarian legislation, the court renders its decisions in a closed session attended only by judges and lay judges. The presence of the court clerk is strictly prohibited. If it is established that any other person, such as the court clerk or a reserve judge, was present during deliberation, the

act shall be annulled, and the case shall be remanded for a new trial by a different first instance court panel.

Another distinction is the explicitly regulated order of speeches and voting by the judicial panel in the Bulgarian CPC. According to Article 33, paragraph 3 of the Bulgarian CPC, lay judges speak and vote before the professional judges, and the presiding judge speaking and voting last. Article 33, paragraph 4 of the Bulgarian CPC simply states that “the court decides by a simple majority, with all members of the panel having an equal vote.” In Serbian legislation, there are detailed rules on what happens when there is no majority on certain issues to be voted on. Additionally, Article 272, paragraph 3 of the Serbian CPC stipulates that a panel member who voted for the acquittal of the defendant or the rejection of the charges and remained in the minority is not obliged to vote on criminal sanctions. If they abstain, it is considered that they have accepted the most favorable position for the defendant. No such provision exists in Bulgarian legislation.

Another significant difference is the possibility under Bulgarian law for any member of the court panel to express a dissenting opinion, which must be reasoned. When the reporting judge holds a dissenting opinion, the reasoning is prepared by another panel member. Even if a panel member dissents, they must still sign the judgment. Signing the judgment does not imply absolute agreement with its content but signifies that all panel members participated in the deliberation and decision-making. The judgment consists of reasoning and operative parts. The reasoning can be drafted within a specified period after pronouncement. If the reasoning is postponed, the operative part—signed by all panel members—should state that the judgment was adopted with a dissenting opinion. The dissent must be submitted within 15 days, or up to 60 days in complex cases, and it is published with the reasoning. When both the operative part and reasoning are prepared simultaneously, the dissenting opinion must also be announced. When the reasoning is deferred, it is signed only by the reporting judge who drafted it, while the lay judges must sign the reasoning only if the judgment includes a dissenting opinion. The dissenting opinion is always published alongside the judgment’s reasoning.

According to Article 273 of the Serbian CPC, only a judge from the Supreme Court¹ who, during the panel’s session, remains in the minority on the issue of a legal issue may submit a dissenting opinion. The judge must orally declare their intent to submit a written dissenting opinion during the session and may request its publication alongside the decision. The judge must submit the written reasoning to the panel’s president within 15 days of the decision. If the dissenting opinion is not submitted within this period as per Article 273(3) of the Serbian CPC, the decision is issued, and any subsequently submitted dissenting opinion is attached to the case file as an integral part thereof.

¹ According to the Law on the Organization of Courts (Official Gazette of the Republic of Serbia, No. 10/2023), the name “Supreme Court of Cassation” (Върховен касационен суд) has been replaced with “Supreme Court” (Върховен суд). The present article uses the updated designation.

Under Article 420, paragraph 2 of the Serbian CPC, “the court is not bound by the prosecutor’s proposals regarding the legal qualification of the offense.” Bulgarian legislation provides a different resolution to this issue. According to Article 287 of the Bulgarian CPC, the prosecutor raises a new charge when, during the trial, grounds emerge for a substantial change in the factual circumstances of the charge or for applying a law concerning a more serious offense. This means that new circumstances (i.e., evidence gathered during the trial) necessitate a significant alteration of the factual basis of the charge or the application of a law for a more severely punishable offense. “A law for a more serious offense” refers to comparing the two offenses (old and new) based on the type and severity of the punishment prescribed, not the punishment imposed by the court in the judgment. In other cases—i.e., those not involving a substantial change in the factual basis or the application of a law for a more serious offense—the prosecutor is not required to raise a new charge. These cases include applying a law for the same offense (i.e., the legal qualification remains identical, but the factual basis changes), an equivalent offense (where two different offenses carry the same type and severity of punishment), or a less serious offense without significant changes to the factual basis. Only in these instances can the court convict the defendant under such a qualification—same, equivalent, or less serious offense—without a substantial change to the charge. The indictment sets the factual and legal framework of the charge. The court cannot issue a guilty or not guilty verdict regarding factual circumstances not specified in the indictment, nor can it apply a legal qualification not indicated therein, except in the aforementioned cases: applying a law for the same, equivalent, or less serious offense without a substantial change in the factual basis.

Under Bulgarian law, if trial evidence reveals circumstances indicating new offenses committed by the same person or involving new individuals in the charge, the prosecutor cannot amend the charge during the trial. This is a significant difference from Article 410 of the Serbian CPC, which allows the court, based on the prosecutor’s indictment (which may be submitted orally), to extend the trial to cover a previously committed offense uncovered during the hearing or decide to address it in a separate proceeding. As noted, Bulgarian law requires a new criminal proceeding for any newly discovered offense during the trial.

Both Serbian and Bulgarian law prescribe that the judgment must be delivered in the name of the people. Likewise, both systems require the presiding judge to announce the judgment immediately after deliberation. Under Article 425, paragraph 1 of the Serbian CPC, the presiding judge pronounces the judgment immediately after its issuance by the court. Article 310, paragraph 1 of the Bulgarian CPC similarly requires the immediate pronouncement of the judgment by the presiding judge after it is signed by all panel members. However, Bulgarian law also mandates signing the judgment with a qualified electronic signature by all panel members and its entry into the unified court information system, reflecting the introduction of e-justice in the country. Article 427, paragraph 4 of

the Serbian CPC requires the original judgment to be signed by the panel president and the court recorder. In Bulgarian law, the court clerk signs only the protocol of the trial session, not the first instance judgment.

Another similarity is the requirement in both systems that the operative part of the judgment always be read in the presence of the public, even if publicity was restricted. Article 425, paragraph 6 of the Serbian CPC mandates that all present in the courtroom stand while the operative part is read. Such a provision existed in Bulgarian law under the 1897 Criminal Procedure Act, requiring all persons in the courtroom to stand when the judges entered and during the reading of the judgment. While no such rule currently exists in the Bulgarian CPC, the tradition of standing during the pronouncement persists.

3. TYPES OF FIRST INSTANCE JUDGMENTS UNDER THE LEGISLATION OF THE REPUBLIC OF BULGARIA AND THE REPUBLIC OF SERBIA

Unlike Bulgarian legislation, the Serbian CPC distinguishes three types of judgments: dismissal, acquittal, and conviction. The Bulgarian CPC only provides provisions for cases where the defendant is found guilty or not guilty, without explicitly categorizing judgment types.

The first scenario for issuing a dismissal judgment under Serbian law occurs when the prosecutor withdraws the charge from the start to the end of the trial or the victim abandons the request for prosecution. In Bulgaria, for public prosecution cases, a prosecutor's statement that the proceedings should be terminated or that an acquittal should be rendered does not release the court of its duty to rule based on its inner conviction, meaning the court may still issue a judgment even if the prosecutor no longer supports the charge. In private prosecution cases (for example, criminal offenses concerning personal honor and dignity), where no prosecutor is involved and the victim acts as the primary accuser, withdrawing the complaint explicitly or implicitly is grounds for terminating the proceedings.

The second scenario for a dismissal judgment is when the defendant has already been finally convicted, acquitted, had the charge dismissed, or had proceedings terminated with a final court decision for the same offense. In Bulgarian legislation, this hypothesis is introduced as a ground for the termination of criminal proceedings, in which case the court issues a ruling rather than a judgment.

The final possibility for rendering a dismissive judgment under Article 422 of the Serbian Criminal Procedure Code arises when the defendant is exempted from criminal prosecution by an act of amnesty or pardon, or when prosecution cannot be initiated due to the expiration of the statute of limitations or another reason that permanently precludes criminal prosecution. Under the Bulgarian CPC, if the offense falls under an amnesty law or the statute of limitations has expired, the competent authority must acknowledge these consequences and terminate the proceedings with a ruling. However, this duty is not

absolute—given the defendant’s right to “clear their name” and reputation, they may request the case to proceed despite grounds for termination (Article 24, paragraph 2 CPC). If such grounds (Article 24, paragraph 1, items 2 and 3 CPC) emerge during the trial and the defendant requests continuation, the court issues a judgment, which may be an acquittal or conviction, declaring the defendant not guilty or guilty.

Next, under the Serbian CPC, an acquittal is issued when it is established that the act is not a crime and no security measures are warranted, or when it is not proven that the defendant committed the charged offense. Similar grounds for an acquittal exist under Article 305 of the Bulgarian CPC—the court declares the defendant not guilty when it is not established that the act occurred, was committed by the defendant, or was committed with guilt, or when the act does not constitute a crime. Unlike the convicting judgment, which is rendered when the guilt of the defendant is proven beyond doubt and dispute, in the case of an acquittal before the Bulgarian court, three scenarios are possible – proven innocence, unproven guilt, and unproven innocence. This means the defendant must be acquitted if their innocence is categorically proven or if there is the slightest doubt about their guilt. The defendant must be acquitted even when the conclusion regarding innocence tends toward a presumption. In every case of doubt as to whether the act was committed, whether it was committed by the defendant, or whether it was committed by him with guilt, as well as when the court establishes that the act does not constitute a criminal offense, an acquittal shall be rendered. Accordingly, from the perspective of criminal procedure and the protection of the defendant’s rights, there is no qualitative difference between an acquittal due to insufficient evidence and one based on unequivocally established innocence. Thus, Article 305, paragraph 7 of the Bulgarian CPC mandates that an acquittal must not contain expressions casting doubt on the acquitted person’s innocence, ensuring their societal rehabilitation.

In line with the principle of uncovering objective truth, Bulgarian procedural law requires that a judgment not rest on assumptions (Article 303, paragraph 1 CPC). Before this understanding was codified, courts acquitted defendants due to doubts about their innocence. This possibility was eliminated, as the principle of objective truth demands that judgments be based on undoubtedly correct conclusions, not probabilities. This overcomes the maxim “*In dubio pro reo*” (presumption in favor of the accused), as it cannot align with the requirement to establish objective truth. When, after an objective, comprehensive, and complete clarification of the circumstances of the case, it is concluded that the accusation has not been proven in an indisputable manner, this means that the defendant is indisputably innocent, and not that some doubt remains as to his guilt.

Differences are also observed in the legislative approach to regulating the issue of the convicting judgment. In the Criminal Procedure Code of the Republic of Serbia – Article 424 CPC – the matters on which the court rules when rendering a convicting judgment are specified, whereas Article 303 of the Bulgarian Criminal Procedure Code states only when a convicting judgment is rendered, without explicitly setting out its

content. Article 303 states: “The judgment may not rest on assumptions. The court declares the defendant guilty when the charge is proven beyond doubt.” This was partly addressed in the discussion of acquittals. However, Article 301 of the Bulgarian CPC, which also applies to the content of acquittals, specifies the issues the court must resolve when issuing a conviction. Under Article 424 of the Serbian CPC, a conviction judgment will specify:

1. For which offense the defendant is found guilty, indicating the facts and circumstances that constitute the elements of the offense, as well as those upon which the application of the relevant provision of the criminal law depends;
2. The legal name of the offense and the applied legal provisions;
3. The punishment imposed or whether the defendant is exempted from punishment under penal law provisions;
4. Decisions on a suspended sentence, its revocation, or conditional release;
5. Decisions on a security measure, the confiscation of material benefits, or the confiscation of property acquired through the offense;
6. Decisions on civil claims;
7. Decision on the crediting of pre-trial detention or time already served;
8. Decisions on criminal procedure costs.

The following paragraphs of Article 424 of the Criminal Procedure Code discuss what the court may decide when imposing various types of punishments – imprisonment of up to one year, a fine, community service, deprivation of the right to operate a motor vehicle – as well as what must be indicated in the content of the judgment if a suspended sentence with protective supervision is imposed.

Under Article 301 of the Bulgarian CPC, the court addresses the following issues in every verdict, whether a conviction or acquittal:

1. Whether an act has been committed, whether it was committed by the defendant, and whether it was committed with guilt;
2. Whether the act constitutes a crime and its legal qualification;
3. Whether the defendant is subject to punishment, what punishment to impose, and, in cases under Articles 23–25 and 27 of the Penal Code (rules for multiple offenses), what aggregate punishment to impose;
4. Whether grounds exist for exemption from criminal liability under Article 61, paragraph 1 (exemption of minors from criminal liability) and Article 78a, paragraph 1 of the Penal Code (exemption from criminal liability with administrative punishment);
5. Whether the defendant should be released from serving the punishment, what the probationary period should be in the case of a suspended sentence (conditional execution of the punishment), and in the cases under Article 64, paragraph 1 of the Criminal Code (release of minors from serving a punishment of up to one year of imprisonment, where the execution has not been suspended) – what educational measure should be imposed;
6. The initial regime for serving an imprisonment sentence;

7. Who is tasked with the defendant's rehabilitative supervision in cases of a suspended sentence;

8. Whether conditions under Articles 68–69a (enforcement of the suspended sentence) and Article 70, paragraph 7 of the Penal Code (early release from serving the remaining sentence) exist, and what punishment the defendant must serve;

9. Whether conditions under Article 53 of the Penal Code (confiscation of property in favor of the state regardless of criminal liability) exist;

10. Whether to grant the civil claim and in what amount;

11. What to do with material evidence;

12. Who bears the case costs.

When the defendant is charged with multiple offenses or multiple persons are involved in one or more offenses, the court addresses these issues separately for each person and offense.

When the Bulgarian court has omitted to rule on the civil claim, it shall rule on it by means of an additional judgment within the time limit for appeal.

When addressing point 2, the court also determines whether the act constitutes an administrative violation.

When rendering an acquittal, the court, of course, shall not rule on the issues related to the punishment of the defendant – items 3, 5, 6, 7, and 8 – as well as on the issues regarding the release of the defendant from criminal liability – item 4. If the court considers that the act does not constitute a criminal offense, it cannot determine its legal qualification – item 2 of the above-listed. On the remaining issues, the court shall rule even when rendering an acquittal.

4. CONTENT OF THE FIRST INSTANCE JUDGMENT

The requirements for the judgment's content are outlined in Article 428 of the Serbian CPC and Article 305 of the Bulgarian CPC.

Article 428, paragraph 1 of the Serbian CPC explicitly states that the written judgment must fully correspond to the pronounced judgment, a requirement that applies to Bulgarian judgments but is not expressly stated in the CPC. In both legal systems, the judgment comprises three parts: an introduction, reasoning, and operative part.

According to paragraph 2 of Article 428 of the Serbian CPC, the introduction of the judgment shall contain: a statement that the judgment is rendered in the name of the people; the name of the court; the names and surnames of the presiding judge and the members of the judicial panel, as well as the court clerk; the name and surname of the defendant; the offense with which the defendant is charged and whether he was present at the court hearing; the date of the court hearing and whether it was public; the names and surnames of the prosecutor, the defense counsel, the legal representative, and the trustee who were

present at the court hearing; the date of the pronouncement of the judgment; as well as whether the judgment was rendered unanimously or by a majority vote.

In the Bulgarian Criminal Procedure Code, it is also explicitly stated that the judgment is issued in the name of the people, as mentioned above. Article 305, paragraph 2 of the Bulgarian Criminal Procedure Code also requires the indication of the court, the names of the members of the panel, the court clerk, and the prosecutor; the name of the defendant and the offense for which the charge has been brought. Whether the court hearing was public, whether the defendant was present during its conduct, as well as the names and surnames of the defense counsel, the trustee, the private prosecutor, and the civil claimant (persons who have suffered harm from the offense or injured legal entities), are not included in the judgment, but in the minutes of the court hearing in which the judgment was pronounced.

Both Bulgarian and Serbian law require that the date of issuance be included in the introductory part of the judgment. According to Article 428, paragraph 2 of the Serbian Criminal Procedure Code, it must also be indicated whether the judgment was rendered unanimously or by a majority vote. The Bulgarian Criminal Procedure Code contains no such requirement, but if the judgment was not rendered unanimously, this will be evident from the existence of a dissenting opinion by the member of the panel who disagrees with the majority on one or more issues of the judgment.

In the reasoning of the judgment, the Serbian court sets out its considerations regarding each point of the judgment. If the indictment is dismissed, the reasoning will be limited only to the reasons for the dismissal of the indictment (Article 422 CPC). In the reasoning of the judgment by which the defendant is either acquitted or found guilty, the court shall present the facts it has established in the criminal proceedings (Article 83 CPC) and the reasons for which it considers them proven or unproven, as well as why it has not granted certain requests by the parties, giving particular assessment to the credibility of contradictory evidence, the considerations that guided it in resolving legal issues, and in particular in determining whether the defendant committed the offense and in applying the relevant legal provisions to him.

If the defendant is acquitted, the reasoning of the judgment shall also indicate the reasons for the acquittal (Article 423 CPC). If the defendant is found guilty, the reasoning shall also indicate the facts that the court took into account in determining the punishment, the reasons for which it found it necessary to impose a more severe punishment than that provided by law, or to reduce the punishment, or to release the defendant from punishment, or to impose community service, deprivation of the right to operate a motor vehicle, a suspended sentence, a judicial warning, a security measure, confiscation of unlawfully acquired material benefit or property acquired through the offense, as well as the reasons for the revocation of conditional release.

In the Bulgarian Criminal Procedure Code, the content of the reasoning of the judgment is not listed in such detail, but the requirements are similar. The reasoning of the

Bulgarian judgment sets out the established facts, on the basis of which evidentiary materials they are established, and what the legal considerations are for the decision rendered. In case of contradictions in the evidentiary materials, the reasoning shall state why some of them are accepted and others are rejected. A separate paragraph 7 of Article 305 of the Criminal Procedure Code stipulates that an acquittal may not contain expressions that cast doubt on the innocence of the acquitted person. As already mentioned above, when rendering the first-instance judgment, the court decides on a specific set of issues provided in Article 301 of the Bulgarian Criminal Procedure Code. The reasoning of the judgment must include a ruling on these issues, which are very similar to those set out in Article 428 of the Serbian Criminal Procedure Code concerning the reasoning of the acquittal and the conviction.

According to Article 428 of the Criminal Procedure Code of the Republic of Serbia, the operative part of the judgment contains the personal data of the defendant (Article 85, paragraph 1 CPC) and the decision by which the indictment is dismissed, the defendant is acquitted, or is found guilty. If the indictment is dismissed or the defendant is acquitted, the operative part of the judgment contains a description of the act for which the defendant was charged, as well as a decision regarding the costs of the criminal proceedings and the civil claim, if one was filed. If the defendant is found guilty, the operative part of the judgment contains the necessary data referred to in Article 424 CPC, and in the case of a concurrence of offenses – the punishments determined for each separate offense, as well as the aggregate punishment imposed for all offenses in the concurrence.

According to the Bulgarian CPC, the operative part sets out the personal data of the defendant and states the court's decision on the issues listed in Article 301 CPC, which have already been discussed. In addition to the matters of costs and the civil claim, when rendering an acquittal, the Bulgarian court must also decide on the disposition of the physical evidence in the case and whether the conditions under Article 53 of the Criminal Code (confiscation of items regardless of criminal liability) are present.

The operative part of the judgment also indicates the court before which the judgment may be appealed and within what time limit. A similar obligation for the presiding judge to provide instructions regarding the right to appeal and the right to respond to the appeal is contained in Article 426, paragraph 1 of the Serbian CPC.

Article 305 of the Bulgarian CPC also provides for the content of the judgment in cases where the offender does not bear criminal liability due to amnesty, as well as in cases where criminal liability is extinguished due to the expiration of the statutory limitation period. As already mentioned above, the court shall render a judgment when these two grounds are revealed during the court hearing and the defendant requests that the proceedings continue.

Article 305, paragraph 4 of the Bulgarian CPC also provides for the content of the judgment when the defendant is a minor and has committed an offense that does not constitute significant public danger, due to infatuation or recklessness. The same provision

also sets out the content of the judgment in cases where there are grounds for releasing the defendant from criminal liability and imposing an administrative penalty (Article 78a of the Criminal Code).

Article 305, paragraph 5 CPC provides for the content of the judgment when the committed act is punishable under administrative procedure in the cases provided for in the Special Part of the Criminal Code, or when it constitutes an administrative offense provided for in a law or decree.

The Bulgarian CPC does not contain a provision similar to Article 429 of the Criminal Procedure Code of the Republic of Serbia, which provides for the absence of reasoning or partial reasoning of the judgment in explicitly listed hypotheses. However, when an agreement is concluded and the special rules of Chapter 29 of the Bulgarian CPC are applied, the court is not obliged to provide reasoning indicating the established facts, the evidentiary materials on which they are based, or the legal considerations for the decision rendered, nor to discuss contradictory evidentiary materials. But in this hypothesis, the Bulgarian court does not render a judgment, but rather an order by which it approves the agreement reached. If the court does not approve the agreement, it returns the case to the prosecutor.

The Bulgarian CPC provides that, on certain issues, the court may rule by means of an order, separate from the judgment. These are the issues related to the determination of an aggregate punishment in cases of multiple offenses; the application of Article 53 of the Criminal Code (confiscation of items regardless of criminal liability); the initial regime for serving the sentence of imprisonment; whether the conditions are met for enforcing a conditionally suspended sentence or conditional early release, and what punishment the defendant should serve in these cases. The court may also rule by means of an order on the issues concerning physical evidence and the costs of the proceedings.

Another provision that is absent from Bulgarian legislation is that of Article 431 of the Criminal Procedure Code of the Republic of Serbia, according to which errors in the judgment may be corrected – errors in names and numbers, as well as other obvious errors in writing and calculation, formal deficiencies, and discrepancies between the certified copy of the judgment and the original of the judgment, shall be corrected by a separate decision of the presiding judge, upon request by the parties or *ex officio*. If there is a discrepancy between the certified copy of the judgment and its original with regard to the data indicated in Article 424 CPC, the decision on correction shall be served on the persons referred to in Article 427, paragraphs 5 and 6 of the CPC. In this case, the time limit for appealing the judgment shall begin to run from the day on which this decision is served, and a separate appeal against it shall not be allowed.

The Bulgarian CPC provides for the possibility of interpretation of the judgment, as Article 414, paragraph 1 CPC allows the court that rendered the final judgment to rule on all difficulties and doubts related to its interpretation. These matters are examined in an open court hearing with the participation of the convicted person and the prosecutor.

Another similarity between the two legal systems is the possibility for the court to rule on the detention of the defendant after the pronouncement of the judgment. According to Bulgarian legislation – Article 309 CPC – after rendering the judgment, the court also rules on the measures of restraint applicable to the defendant (there are four types of measures of restraint – signature bond, bail, house arrest, and detention), as well as on the measure for securing the civil claim, the fine, and the confiscation.

5. CONCLUSION

Based on the foregoing, it can be concluded that, despite specific peculiarities in issuing the first instance judgment under the legislation of the Republic of Bulgaria and the Republic of Serbia, both countries demonstrate a commitment to a fair and transparent criminal process. Serbian legislation stands out for its detail and clarity in regulating judicial acts, which contributes to legal certainty and the protection of the parties' rights. These similarities and differences indicate that both countries can draw valuable experience from one another in further refining their criminal procedural systems.

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ИЗРИЦАЊЕ И САДРЖИНА ПРЕСУДЕ ПРВОСТЕПЕНОГ СУДА –
УПОРЕДНОПРАВНА АНАЛИЗА ИЗМЕЂУ БУГАРСКОГ И СРПСКОГ ПРАВА

Апстракт

У раду се разматрају сличности и разлике у законодавствима Републике Србије и Републике Бугарске у погледу изрицања првостепене кривичне пресуде. Анализирано је и питање који су типови пресуда регулисани у законодавствима обе државе и какав треба да буде њихов садржај.

Кључне речи: пресуда, кривични поступак, упоредноправна анализа.

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