

Criminal Law Education as a Component of the National Security System of the Republic of Bulgaria

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Abstract- Criminal law is deeply connected with human nature, because it indicates the natural striving of the individual after safety and prosperity. Criminal law is a civilized form of measuring and limiting the fear of violence and arbitrariness in the human community. Insofar as criminal law practice is a mechanism for creating an assessment and a fair resolution of a dangerous life conflict, it is also a mechanism for creating safety, reassurance and satisfaction of the socially organized person. Criminal law education is an important component of the national security system of the Republic of Bulgaria. With its help it is possible to successfully train and educate human resources supposed to recognize, realize and manage the emerging risks, especially (but not only) in the justice, judicial and educational systems of the state. The products (legal acts/deeds) of a knowledgeable person in the field of criminal justice are of universal value and usefulness. It could and should be successfully invested in the sphere of national security as public welfare through criminal law education. Quality criminal law education accelerates, enriches and expands the field of application of the fight against crimes as one of the important modern tests in the rule of law. In this sense, it contributes in its own way to the understanding of the dilemma, levels, classification and management of national security in the rule of law. By the way, the rule of law is both a goal and a means of national security. Improving the quality of criminal law education in the conditions of a changing social environment leads to a budget and safe increase in the quality and quantity of the national security in the Republic of Bulgaria. Educating knowledgeable and decent citizens increases national security by reducing mistrust between individual members of society. With some reservations - an educated person is more reasonable, more responsible, more creative and more predictable than an uneducated one.

Keywords - education, security, criminal law, criminal process, science.

I. INTRODUCTION

The modern world is complex and dynamic, and therefore problematic. The preservation and development of the world, therefore, is based on the possibility of a successful solution of the problems arising and modifying within it. Problem solving, however, is not possible without knowing both the world and the problems themselves, i.e. without the formation of knowledge. This is valid even when there is a possible conclusion that a problem does not actually exist (i.e. an imaginary problem). Hence, the process of creating, preserving, enriching and teaching knowledge is a key issue to the evolution of the world. This is how the creation of quality education (as a strategic task) in itself ensures the achievement of security in the world (as a strategic goal). According to this strategic goal, appropriate resources (including human resources) have to be created, organized and used. There is no other way. It is no coincidence that Stoykov Stoykov concludes "... We can no longer arm ourselves with our own abilities and imagine that they will be enough for us. Security requires the continuous creation and development of capabilities ... because now the goal determines the resources, not the resources – the goal. Facing certain problems, we ought to find solutions, and not seek for problems that meet our requirements, because the search for scientifically based solutions is possible only if we develop not what we know about, but we know and are prepared for what we work for"[1]. Relatively speaking, the more scientific knowledge is, the more

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reasonable is the state of affairs recommended by it. The better knowledge is taught, the better the practice is facilitated. Hence, the more knowledgeable a person is, the better he does in solving problems and creating welfare for others. Transferred to the sphere of national security, these judgments mean that education is a strategic category. This is because as priority, through education, respectively through criminal law education, knowledgeable people are trained who, through their activities, are able to personally and realistically create national security in the rule of law. The products (legal acts/deeds) of the competent person in the field of criminal justice are of universal value and usefulness. It is possible and should be successfully invested in security as a kind of welfare, not exactly as a service to citizens through criminal law education. And this is the most desirable and most valuable aspect in the protection of the individual, the society and state nowadays [19]. In support of this statement it is enough to point out what Nikolay Slatinski stated: "the distribution of welfare is based on the principle of unconditionality, of pure justice, i.e. everyone receives his share from it. And the distribution of this service is related to the operation of the principle of conditionality, of criterion injustice" [2].

II. MATERIALS AND METHODS

What has been said so far makes it possible to understand the purpose, subject matter and tasks of this report. Namely The aim is to briefly appraise criminal law education as an important component of the national security system of the Republic of Bulgaria. To achieve the goal, it is necessary to perform the following tasks:

- To reveal the role of the positive criminal law in the national security system of the Republic of Bulgaria.
- To develop and illustrate the relationship between the quality of the criminal law education and the quality of the national security in the Republic of Bulgaria.
- To look for and explain the current problem of the criminal law education in the Republic of Bulgaria.
- To propose possible solutions for improving the teaching of criminal law in the higher schools of the Republic of Bulgaria.

The subject of the research in this report is criminal law education in the higher schools of the Republic of Bulgaria and its reflection on the national security system of the Republic of Bulgaria. The following scientific methods have been used to perform the tasks referred to: normative, logical, systemic and interdisciplinary. Only after examining the subject of research, mentioned in the title, through these methods can the desired benefit from the report be obtained, namely to prove and recommend that the improvement of criminal law education will lead to the enhancement of the national security system of the Republic of Bulgaria.

III. RESULTS AND DISCUSSION

Before proceeding to the solution of the tasks set and in compliance with the maxim *omnis definitio periculosa est* (meaning from latin- any definition is dangerous) it is appropriate to draw up a 'small chart' of the basic concepts frequently used in the report. The notion is about the concepts: security, risk, criminal law education, the place of criminal law education in the security system of the Republic of Bulgaria and criminal law.

First, the content of the concept of security should be specified. In this report, it is used in its possible and conceivable meaning in the broadest sense of the word, not in its deeper and more precise meanings in relation to the object of security science. This is imposed by the subject limitation of the publication set out in the very title. Certainty does not mean a state of absolute safety, protected safety, relative security, or transformational security [2]. Security is conceived more generally as a state of protection against influences that are detrimental to the equilibrium or to the very existence of the system (human being, society, state). I accept that conservation is the prevention or successful management of already allowed internal and/or external influences on the balance of the system [2]. It is useful to add that the modern comprehension of strategic security management requires not only continuous efforts to improve the formation and implementation of security policies, but also new approaches and specific solutions for modernizing the security system, making it adequate to the requirements of the dynamic security environment [3]. The development of such policies ought also to be consistent with the pace of change in security on the territory of the EU [4].

A certain factor (group of factors) could be identified with the concept of risk, which could manifest itself and threaten the equilibrium or existence of the system with measurable probability. Possible factors could be: processes, phenomena, conscious/unconscious human activity, respectively lack of the latter and so on.

Criminal law education here means a purposeful process of selection, systematization, lecturing, learning and acquisition of knowledge and skills about the essence, effect and consequences of the norms of the criminal and criminal procedure law of the Republic of Bulgaria.

The place of criminal law education as a specific concept in the national security system of the Republic of Bulgaria is conceivable and quickly discoverable through the scheme of the five levels of security developed by N. Slatinski [2]. Through criminal law education, security is produced predominantly for the subjects of the first three levels and ancillary (indirectly) for the subjects of the last two levels of security. Criminal law education, therefore, serves more to fathom and increase the protection of the individual, society and the state, and less to protect the community of states and the world as a whole. Metaphorically speaking, within some space boundaries, criminal law education "sits" with the individual, society and the state, both separately and simultaneously. And

quite naturally – criminal law and criminal procedure law are domestic legal branches with minimal direct global (non-state) manifestation.

In order to evolve in modern conditions, the system of education, training and research in the field of security should first of all be adaptable, i.e. able to change in order to respond to the changes in the security environment. Change is not just one of the most important processes in an organization, but an opportunity for its active and effective participation in this change [5].

In the following lines, for brevity and greater clarity, the term criminal law as general and expressing the totality of the substantive and procedural criminal law of the Republic of Bulgaria will be used. Although they exist independently as two separate legal branches, they are inextricably linked, because substantive criminal law without criminal procedure (in legal theory, the phrase criminal procedure is used as a synonym for the phrase - criminal procedural law) is meaningless, and the criminal process without substantive criminal law is pointless.

A. Criminal Law as a Positive Law.

Criminal Law as a Positive Law, [15] i.e. as a written law (a set of legal norms in force united in a system) that regulates certain social relations is important for the national security of the country by its very existence. This is so for three reasons.

First, criminal law is deeply connected with human nature, because through it the natural striving of the individual for safety and prosperity has always been reproduced. Criminal law is a civilized form of measuring and limiting the fear of violence and arbitrariness in the human community. Insofar as criminal law practice is a mechanism for creating an assessment and a fair resolution of a dangerous life conflict, it is also a mechanism for creating safety, reassurance and satisfaction of the socially organized person.

Secondly, it is evident from Art. 1 of the Criminal Code that criminal law has a protective function. It protects the individual, society and the state from criminal encroachments. The structure and content of criminal law provisions are directly determined by its protective (defensive) function [6], [12]. The outline of the essence, limits and direction of the protective function of the criminal law is achieved through the Criminal Code. The Code defines which socially dangerous acts are considered crimes and what penalties are imposed for them. Moreover, criminal law educates the protection of national security. To understand this, it is enough to point out the following thought of Rumen Markov: "By prohibiting the commission of crimes under fear of punishment, the criminal law exerts on the psyche of citizens a general educational (informational) and warning-deterrent effect in order to motivate them to refrain from crime. The general educational impact of the Criminal Code is based on information about the actual social nature of the acts declared to be crimes. Each crime is a socially dangerous

act. By emphasizing their public danger, the Criminal Code educates the understanding of the categorical inadmissibility and reprehensibility of committing criminal acts. The warning-deterrent effect, in turn, is based on the anticipation of the punishment laid down by law and the warning that it will be imposed when the crime is committed" [6], [13], [14]. In summary - Criminal law regulates a type of conduct that is too dangerous for the national security, declaring it to be criminal and punishable, also instructs for the individual to refrain from undertaking it in terms of objective reality. This is considered to be useful for the national security.

Third, the actual (regulating in the narrow sense of the word) manifestation of the protective function of criminal law is achieved through the fulfillment of the tasks of the criminal process. The fulfillment of the tasks of the criminal process is an expression of the understanding that when the preventive effect of the protective function is actually neutralized by the commission of one or more crimes by one (at least) criminally responsible person, it is necessary to proceed to subsequent regulation of the offender's behavior, namely - exposing the guilty person and imposing a fair punishment. The criminal process is a way to realize the content of the substantive criminal legal relationship. When talking about criminal process, it must be borne in mind that, as part of the state activity, that it is always related to the nature, tasks and organization of the state itself. That is why the content and arrangement of criminal procedure institutes always follow and further develop the logic of those principles, methods and forms of work that characterize the state organization at a given historical moment. Therefore, the criminal process is always bound by significant state policies. Moreover, it is an instrument for the implementation of the state penal policy. In this line of thought, the norms of criminal procedure (consciously or not) express part of the state policy in the field of national security.

The tasks of the Bulgarian criminal process are two in number – main and immediate. They are regulated by law in Art. 1 of the CPC (Criminal Procedure Code of the Republic of Bulgaria).

In Art. 1 para 1 of the CPC, the legislator determines the immediate task of the process. It is expressed in the detection of crimes, exposure of the guilty and the correct application of the law. The main task of the process, on the other hand, is incorporated in Art. 1, par. 2 of the CPC. The legislator has ordered that the main task of the process is to ensure protection against criminal attacks concerning the Republic of Bulgaria, against the life, freedom, honor, rights and legitimate interests of citizens, as well as the rights and legitimate interests of legal entities, and assistance in preventing crimes and strengthening the rule of law. The main task is achieved by completing the immediate task [7], [17], [18]. This means protection of the Republic of Bulgaria, individual citizens and legal entities from criminal encroachments, as well as strengthening the trust in the law and law enforcement

only by detecting crimes, by exposing the guilty and by correctly and fairly applying the law in each possible criminal case. Criminal procedure provides protection of the national security through effective and fair sanctioning of its violators! In a state governed by the rule of law, this ought always to be conducted through the precise, fair and justified application of clear and expertly (scientifically) confirmed legal regulations.

In summary, with the help of positive criminal law, in a legal way and with legitimate coercion, intervention with criminal attacks on the national security of the Republic of Bulgaria is prohibited and sanctioned. Criminal encroachments are only one of the possible threats to national security, but very serious and with a steady probability of manifestation. Hence, criminal law is important and should be amended and further developed *de lege ferenda* so as to effectively contribute to limiting and managing the risk of committing crimes in the Republic of Bulgaria. For cognitive purposes, it should be noted that the norms of international criminal law could provide protection to the international security.

B. Criminal Law Education and Its Role in the Protection of the National Security of the Republic of Bulgaria.

Education is one of the fundamental values of the modern world and without it there will be no foundation on which society might step in order to move forward. Modern organizations of science, education and qualifications in the security system are becoming more and more dependent on knowledge, because they have to become "knowledge factories" and their main product is mainly ideas, not material products. The key to success is the fundamental transformation of the role of science in our academic life by creating a sustainable institutional model for national security system research [8].

Criminal law education is an important component of the national security system of the Republic of Bulgaria, because with its help human resources could be successfully trained and educated. These resources ought to recognize, realize and manage the emerging risks, especially (but not only) in the justice, judicial and educational systems of the state. In other words, only with the help of criminal law education it is possible for human resources to be developed in the area of understanding and strictly applying the norms of positive criminal law in the environment of changing national security. Criminal law education as a purposeful process of transferring knowledge from the trainer to the trainee and aims to form in the latter ideas and views about the actual content and manifestation of criminal law norms, as well as readiness for fair action in accordance with these ideas in the objective legal world. Only in this way, through the knowledge and understanding of the actual meaning of the norms of criminal law, an adequate and solid discerning in connection with protection of the national security from criminal encroachments can be established. Criminal law education, therefore, provides invaluable knowledge for a desired impact on national security through the norms of

criminal law. Therefore, accelerating, enriching and expanding the fight against crimes in the rule of law is a function of high-quality criminal law education. Without it, this struggle could hardly be developed into a goal and could hardly evolve thoroughly. To summarize, without criminal law education, it is almost impossible to develop a skill to counteract crime. This skill is especially valuable because, even if left "in the hands" of a single citizen, it can produce security for the majority of citizens. Through it, security is created and protected as a benefit for the whole society! Hence, the lack of legal knowledge and skills to counteract crimes always worsens the protection of national security [16]. It would not be an exaggeration to conclude that **legal incompetence is a serious risk to the national security system.**

At present, higher education institutions are the main place where criminal law education is established and received. Lecturers at higher education institutions are entrusted with minimizing the weaknesses and maximizing the strengths of criminal law education. To date, the problems of criminal law education are actually a private manifestation of the problems of the educational system in the Republic of Bulgaria. If the main problem of the educational system is emphasized, it cannot but be noticed that it manifests itself as such (main) in the conduct of criminal law education in higher schools. In my opinion **This problem is expressed in the reproduction of training, which is focused more on providing ready-made useful information to learners, and less on providing information and skills for independent interpretation and finding useful information.** The emphasis is on knowledge instead of seeking for awareness and comprehension! Comprehension is a larger category. It contains a system of knowledge related both to each other and to real life and state policies implemented in it. S. Stoykov has reached a similar conclusion (albeit on a different occasion): "In Bulgaria, the reform in education is concerned with what to learn, instead of how to learn... The learning process should be centered around the student, not around the teacher... Students are asked to reproduce the material from the textbook, and not to debate ideas and alternatives for development. Lectures are supposed to provide answers to all questions..." [9]. Criminal law education should therefore be organized in such a way as to influence with knowledge not only on criminal law norms, but also on their interaction with the components of the national security system in the state.

The criminal law education itself is a component of the national security system, which is located and functions in view of its other components. For example, education itself is a component of the national security system, which is located next to and functions alongside social and health security, which are also components of the country's national security system. The idea that criminal law education is a component of the national security system, through which security is produced as a benefit for all citizens, leads to a fair conclusion in financial terms. The state is interested in allocating more money to good teachers and students! Thus, money "follows" the competent and capable, but also the interest of the entire

Bulgarian society! It is important that well-trained experts are well paid, because well-paid unprepared experts do nothing to protect national security! The arbitrary and random provision of money in the education system does not guarantee the increase of security in society. And here is the time to recall the security dilemma – it is not true that whenever a system (state) invests in its security, including by increasing monetary resources, it necessarily receives more security [9]. And one more thing, priority threats require ideas and careful reforms in investments, due to the limitations and the tendency to reduce national resources [10]. Increasing the quality of criminal law education through the comprehensive stimulation of those who know in the educational system (instead of everyone employed in it) is cheaper and more justified, because a person who is valued with dignity is more productive and more interested in the future. In this regard, some important recommendations for improving the current quality of criminal law education in the country's higher education institutions will be provided below.

First, the number of exercises for the interpretation of criminal law norms should be increased in the curriculum. Students should be encouraged to analyze and disclose the content of criminal legal relations independently. This will give them the opportunity to fully discover and comprehend the relationship between the norms of criminal law and the norms of other legal branches. In this way, the complex influence of the Bulgarian legislation on the national security system can be traced and directed.

Secondly, to encourage the resolution of criminal cases that illustrate well the relationship between criminal law and the protection of national security. This is not particularly difficult, given that there are entire sections in the Criminal Code with crimes against different levels of security. For example, crimes against the republic, crimes against the person, crimes against the rights and freedoms of citizens, generally dangerous crimes, etc.

Thirdly, to assign more independent work to students, which should include answers to questions of an interdisciplinary nature. For example, preparing and delivering reports, presentations and essays on the application of legal institutions that regulate public relations in the field of national security. A person learns well while teaching!

Fourthly, to expand the influence of legal clinics in universities, as students acquire the habits of legal work with citizens on legal problems from real life cases there. Responsiveness, responsibility and empathy for fellow citizens in need is cultivated in such places.

Fifth, to increase the internship time of students under the supervision of a habilitated person in the justice system. In this way, it is more understandable and faster to observe, study and include in the fight against crime.

Sixth, students should be more often enrolled in existing and future projects in the field of justice or national security with specific tasks according to their current preparation. For example, students can engage in the preparation of: surveys, draft documents, short analyses, translations, etc. All this adds not only knowledge and skills, but also self-confidence due to the general

commitment to tasks with real experts from theory and practice.

Seventh, to stimulate students who excel in high results during their studies or in student programs for educational exchange, scientific student conferences, contests and competitions. Such students can be stimulated with: generous cash prizes, sponsored access to world databases with scientific and educational content, internships in significant state and private structures, facilitated conditions for applying for PhD students and junior experts in practice. The same attitude can be applied to high-achieving lecturers.

Eighth, more guidance to students in terms of education should be applied. For this purpose, they should be directed to considering reality as it is. Thus, students learn to separate the illusory from the real problems and undertake appropriate behavior. This increases the desire to get in touch with reality and builds confidence in the face of all its changes. In other words, an ambition for development is in the process of developing. A similar conclusion is made by S. Stoykov: "education is a single purposeful process of upbringing, training and acquisition of a set of knowledge, skills, values, social beliefs and habits, for the formation of the mind, character and physical abilities of a person, as well as the transmission of knowledge accumulated over generations" [11].

Ninth, to approach students more individually, depending on their strengths and talents. Thus, each of them will get to know each other more easily and it will be easier to form faith in themselves. They will get used to relying first on themselves and in case of need- on others. Such people are truly capable of connecting with other people and taking care of them.

Tenth, to pay more attention to building leadership qualities in students. In the modern world, difficulties are diverse, multidirectional and daily. Everyone should be able to manage their own difficulties. Difficulty should not be denied and deviated, but accepted and overcome (as far as and if possible), because in difficulty the personality grows!

Eleventh, when evaluating students after the exam, their activity and work during the academic semester should be considered. Thus, students are taught to organize their goal around work, not their work around the goal. Work prepares a person for life, not just for the moments chosen by him. Like an exam, for example!

IV. CONCLUSION

From all that has been said so far, the following important conclusions can be drawn which are a direct result from it and prove all formulated tasks:

- Criminal law education is a strategically important component of the national security system of the Republic of Bulgaria. The human resource who has received a good criminal law education develops and applies legal norms consistent with the protection of national security.

- Criminal law education contributes to the comprehension, affirmation and reproduction of security as a benefit for the Bulgarian nation.
- Without criminal law education, it is almost impossible to develop the skill of opposing crime, as the main threat to the modern rule of law and its society.
- Poor criminal law education leads to poor protection of individual, group and state security.
- Improving the quality of criminal law education in the conditions of a changing social environment leads to a cheap and safe increase in the quality and quantity of national security in and in the Republic of Bulgaria.
- Criminal law as a valid written law is important for the national security of the country, if only by the fact of its existence [20].
- Bulgarian criminal law education is not unproblematic. It encounters solvable problems. The solution of these problems should be made a priority because it will lead to the creation of individuals who are knowledgeable, responsible, confident and unyielding in the face of life's difficulties.
- The tutoring of educated and decent citizens always increases national security by reducing mistrust between individual members of society. With some reservations - the educated person is more reasonable, more collective, more creative and more predictable than the uneducated!

It should be explicitly stated that the report has achieved the goal stated in the title, namely, it has proven the statement that criminal law education is an important component of the national security system of the Republic of Bulgaria. The scientific benefit of proving this connection lies in the fact that this is how the improvement of criminal law education is understood and recommended as an effective tool for increasing national security, which has a generally valid utility for Bulgarian citizens. The study is also useful in that it outlines specific problems facing criminal law education together with their solutions. This also contributes to the correct understanding and overcoming of basic problems that affect the complex concept - national security, and not only the national security of the Republic of Bulgaria. The theoretical study is the first (new) of its kind on the territory of the Republic of Bulgaria.

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