SUMMARIES

Of the research papers of

Chief Assistant Professor PhD Anna Svobodenova Cholakova

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I. Monographic work *"Hereditary transmission"*, Sofia: Nova Zvezda, 2022, ISBN 978-619-198-167-0.

The presented monographic work is the first and only research of hereditary transmission in Bulgaria, normatively fixed as early as the Inheritance Act of 1890. The volume of the work is 186 pages, and it consists of introduction, four chapters and a conclusion.

Chapter One presents the historical and comparative-law research of the hereditary transmission. The attention focus is on the origin and development of the legal institute in Ancient Rome, its archetypes, social-political context, and the reasons that lead to its development. The monography illustrates this with multiple cases dating from the Ancient Rome Age.

A comparative analysis is based on the legal regulation in France, Germany, Austria, Macedonia and Russia.

The work systemises and researches the factual contents, which cause the hereditary transmission, with *Chapter Two* looking at its elements in detail. As a result, a more complete definition of the term hereditary transmission is drawn. The hereditary transmission is clearly differentiated from the inheritance due to transmission.

Chapter Three researches the legal subjects, to which the unexercised right of inheritance is transferred through transmission. Additional arguments are presented, which defend the opinion that the non-fully adopted person may be a transmitter. It further develops the arguments regarding the discussion matter of why the state or the municipalities may not be transmitters. It analyses the particular hypotheses of transmission in case of an absent person and in case of simultaneous death of two persons – Article 10a of the IA.

For the first time *Chapter Four* systemises and researches the particular legal consequences, which arise from the hereditary transmission. It raises the question about the volume of the heritable succession in case of transmission

and, in particular, whether together with the unexercised right of inheritance, the transmitters acquire any other rights from their testator, such as the claim to legal portion according to Article 28 of IA or the particular rights of heirs according to Article 12 of IA. Critical analysis is performed regarding inheriting the claim to legal portion and it is explained why it is not possible to inherit it through transmission due to it being in essence a right, based on the personality of the holder.

The conclusion of the monographic work presents the main legal inferences and propositions de lege ferenda.

II. Summaries of other works, presented in the competition:

1. ***UN Convention on the Rights of the Child and the active legislation on child recognition in the Family Code of Republic of Bulgaria.*** International Science Conference of the Burgas Free University, June 2015.

The paper presents a critical analysis of the current active legal regulations on child recognition in the Family Code of 2009, which, according to the author, does not conform to the origin principles, as laid out in the UN Convention on the Rights of the Child. The paper points out the normative limitations in our legislation, which restrict the finding of the actual origin. Conclusions and propositions are made on the basis of the critical comparative analysis for changes in the Family Code, in conformity with the UN Convention and aiming at increasing the legal opportunities for finding the actual/biological original of the persons.

2. ***Bulgarian family law throughout the last 25 years – development and perspectives.*** Jubilee Science conference of Burgas Free University – June 2016.

The first part of the report has a reviewing nature. The second part points out a few factual relationships: the factual spousal cohabitation, surrogate maternity, legal separation, which are “expecting” legal attachment. In her report, the author defends the thesis that these expectations lead to a number of questions of legal and moral nature, which should be critically and multilaterally discussed and analysed before their legal attachment can begin.

3. The Black Sea Coast Development Act – guarantee for sustainable development of the region. Science Conference of Burgas Free University, June 2018.

After performing analysis of the law and of the practice of its application, the author reaches the conclusion that it contains a multitude of "flexible" terms, which allow the respective administrative authorities to apply the legal norms at their discretion. The latter also applies with respect to the control activities regarding public relations, regulated by the law.

The report supports the conclusion that the geographic features define the necessity for increased international cooperation between the interested countries in the area of legal regulation with regards to matters, concerning the Black Sea.

4. ***About the right to inherit by substitution due to unworthiness.*** International Science Conference in memory of Dr Kristian Takov, Sofia University "Sv. Kliment Ohridski", June 2018.

The report focuses on the question of when does the right to inherit (RI) for the substitute heir arise in the particular hypothesis of substitution due to unworthiness to inherit – Article 10, Paragraphs 1 and 4 of IA. The analysis is based on the scientific discussion about the moment the right to inherit arises altogether, and about the particular legal circumstance of the unworthy and about the specifics regarding proving the unworthiness. On the grounds of these general circumstances the conclusion is drawn that since the unworthiness is always evinced at the moment of revealing the inheritance, regardless of when it had been established in due course, then the right to inherit of the unworthy fails at that same moment. That is why, there is a new right to inherit for the substitute heir, arising at the moment the inheritance is revealed.

5. ***Acquiring vacant inheritance by the state and municipalities according to Article 11 of IA.*** Legal Collection, 2019.

The article presents the problems, arising from the rule, established in 1999 in Article 11 of IA, allocating a vacant inheritance between the state and the municipalities. A number of weaknesses and omissions of the current regulation are analysed. To summarise the research, the teleologic interpretation of the regulations of Article 11 of IA and the practice of its application, the author has reached the conclusion that one of the possible normative solutions of

the given problems would be to define the state as the sole rightful heir to the vacant inheritance. Even though this suggestion brings us back to the regulation before 1999, the author finds that it would entirely satisfy the interests of the only interested private-legal subjects – the creditors of the inheritance and it would be more efficient from the point of view of international private law.

6. ***Surrogate maternity – some ethics and ethics-legal matters.*** Studia Iuris Magazine – electronic publication of the Law Faculty of the Plovdiv University "Paisiy Hilendarski", Issue 2, 2020.

The article looks at the moral and legal dimensions of the discussion matter of the normative attachment of the surrogate maternity. A number of arguments are given of an ethics-legal nature, which should be taken into account in the discussion regarding the legal regulations of the public relations, connected to the substitute (surrogate) maternity. It points out the necessity of more research on the matter of whether in cases of surrogate maternity it can be accepted unequivocally that "the best interests" of the child are considered.

The article conclusion focuses on the necessity of considering the regulations of chapter two of the Normative Acts Law, according to which, when creating normative acts, the effect of these acts should be considered, which aims to limit rash and thoughtless changes in legislation.

7. ***Will the selected property-spousal schedule be suspended in case of a subsequent judicial disability placed on one of the spouses. / Supporting the negative response.*** Published in the collective issue of "Marriage and spousal relations. Discussion book on family law." University Publishing "Paisiy Hilendarski", Plovdiv, 2022

In this article, the author supports the negative response of the question, basing this on a multitude of specific arguments from the normative regulations and the principles of our family law. It is explicitly shown that accepting the opposite side of suspending the selected property schedule should be connected to the respective legislative changes: so that there are grounds for and order of registering the changed property schedule in the Marriage Entry after one of the spouses has been placed under judicial disability. Such a registration is mandatory according to the currently active Family code since 2009.

8. ***Legal characteristics of the inheritance right.*** Collection of Scientific Research celebrating the 80-year jubilee of Prof. Dr Tsanka Tsankova. University Publishing “Sv. Kliement Ohridsky”, Sofia, 2022.

The article is dedicated to the legal characteristics of the inheritance right as a subjective right, which until now has not been fully researched, despite its high practical significance and it being repeatedly cited within the doctrine of its characteristics. The author criticises basic legal characteristics of the subjective right. She supports the thesis that the same should be looked at as a simple subjective right, and not as a complex one. Special attention is given to the seemingly clear matter of the property nature of the inheritance right. According to the author, this right is not in itself a property right and may not be used as a guarantee to creditors. At the same time, the right does not conform with the theoretical formulation, which would put it together with the personal subjective rights. On the other hand, the inheritance right is exercised with the view of the personal judgement of its owner, due to which it is not acceptable that it is exercised by the creditors of the heir on the grounds of Article 134 of the Liabilities and Contracts Act.

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Prepared by
Chief Assistant Professor Dr Anna Svobodenova Cholakova