

Opinion

From Yanaki Stoilov prof. PhD at the Law Faculty of Sofia University “St. Kl. Ohridski”, Member of the Scientific Jury - Order No. RD 09-221 / 17.03.2020 of the Director of the IPS - BAS

Of the dissertation of Ani Dimitrova Dimitrova, PhD student of self-study in the section "Social Theories, Strategies, and Forecasts" of the IPS - BAS on the subject "Presidential Institution of the Republic of Bulgaria 1992-2017 (Problems and Prospects)" for obtaining the educational and scientific degree "PhD" in the scientific specialty 2.3. Philosophy (Philosophy of Politics)

The dissertation consists of an introduction, five chapters, a conclusion, and a bibliography (367 pages). This volume includes a report on contributions as well as interviews with the Presidents of the Republic of Bulgaria during the study period.

The work covers numerous issues, including the historical development of the Head of State Institution in the various forms of government of the modern state; the changes it undergoes within the Third Bulgarian State; the role and place of the Head of State in the system of separation of state power; the powers and activities of the President in the state and public sphere; the perspectives of the Presidential Institution in Bulgaria and others. More than 240 scientific sources from Bulgarian and foreign authors have been used, which show that the author is familiar with the main developments that are directly or indirectly related to the topic. The author combined several research approaches subordinated to the desire of creating a political philosophy of the institution of the President in the state government and the public organization of the Republic of Bulgaria. It is worth noting that the PhD student, without being her specialty, is well-versed in the legal issues and generally presents the legal matter, which is necessarily part of the study.

The presentation is logically well structured, the standings are well presented in general, the language is clear and accurate. It is the merit of the PhD student that she makes a panorama of the development of the Head of State Institution in the new and recent history of Bulgaria and especially of the President of the Republic. In this aspect, the work might be useful for those who study or develop the history and the activities of the Head of State and, above all, the Presidential Institution.

The abstract reflects the structure and content of the dissertation. The author has made two scientific publications on the topic of the study.

I won't discuss here one or other assessment of the actions of the presidents, firstly, because this could not be done within one opinion, and secondly, because I would enter that way from the theory of politics into the "operational" policy, which is often reduced to the activity of any analyzer.

The author's main thesis was presented at the beginning of the study and then confirmed on the basis of the analysis made: there are sufficient powers provided in the texts of the Constitution at the present stage of the functioning of the Presidential Institution, and it depends to a great extent on the personality of the holder. I share this view, for which a number of arguments, both of a normative and factual nature, could be found. A. Dimitrova rightly points out that the Institution of the President is sole and the presidency is the administration that supports its activities. This fact makes a strong imprint on the way in which the various persons on this position express themselves.

In terms of the powers vested in the President he has a unifying, balancing, and mediating role. Therefore, it is more accurate to speak not of presidential power, as in presidential governments but of the interaction of the president with other branches of power - legislative, executive, and judicial. The powers of the President are well grouped as autonomous and those he or she exercises jointly with other institutions. On this basis, the study explained which presidential decrees need a countersignature (signatures of members of the government). The study paid an attention to the constitutional framework for the appointment and implementation of an exploratory mandate to form a government that outlines the President's actions in this important political process, as well as the caretaker governments appointed by the President.

In summary I would add that if we take into account the direct election of the President and compare the intensity of the powers of the Presidential Institution in the Republic of Bulgaria with that of other parliamentary systems of government mainly in Europe, it stands somewhere in the middle of such scale, even slightly beyond towards the significant role it plays in the state and public life.

The study, in addition to its considerable volume and detailed description of the powers and activities of the Presidential Institution, is characterized by several scientific contributions. I confirm most of those cited by the author, namely:

- a comprehensive presentation of the philosophy of the Institution of President as Head of State in Bulgarian state political tradition based on general concepts of the philosophy of power;

- a comparative analysis of the powers of the Head of State in other countries is presented with the powers of the President of the Republic of Bulgaria;

- there is an overall historical overview of the development has of Head of State Institution from the establishment of the Third Bulgarian State to this day (this is partially covered by the first contribution);

- a parallel has been drawn between the President's constitutionally mandated powers and his actual activity;

- the balancing role of the President in political life and that of the institutions of the legislative, executive, and judicial branches is outlined.

A success of A. Dimitrova are the interviews she conducted with the Presidents whose term of office has been already ended. They contain both interesting information that further illuminates the activities of current presidents and answers that allow them to compare their views on certain issues. Some of the interviews might not have been as interesting, but they would have been more useful if they had been made using the method of a scientific survey with the same questions central to the research.

Several questions can be asked and critical remarks may be made to the thesis, especially when it has such a broad subject matter and scope, in view of the precision and depth of the conclusions:

- I have no explanation why in Chapter I instead of setting up a section for republics with a president in parliamentary government, where countries such as Germany, Italy, Austria, etc. would belonged, they are included in section 2, referring to countries with a presidential and semi-presidential republic;

- in several places I find statements that I consider unnecessary and unfounded: "the president is the supreme defender of the rights of every Bulgarian citizen to enjoy national and universal human values" (p. 124); "the presidential institution is a guarantee of individual freedom and the collective rights of citizens" (p. 141). What are these collective rights?! The president has neither the functions of a judicial authority to provide protection nor the Ombudsman to assist in the implementation of citizens' rights, except in strictly defined cases (pardon, forgiveness of

uncollectible state claims). After using the cliché of "political class" (p. 147), the question arises: is it enough that the president is a vector of neutral power so that he does not become part of it?;

- the President's addresses to the National Assembly may be important, but it does not give them the quality of legal acts because they do not directly cause legal consequences (rights and obligations). They are just an example of the exercise of the advisory power as I call it, noted by the PhD student at p. 284. The Constitutional Court, though exercising constitutional justice, is not part of the judiciary;

- the attempt to increase labor contributions has led to a single-handed proposal to codify legal matter for the president in a separate law. Such a law is hardly needed. Moreover, it would raise a problem of compatibility with the Constitution, because these are matters that are within the competence of the constituent power and not the legislature. The current law concerning the rights of persons holding the office of President, however, remained beyond the author's view.

The Constitution defines that the President embodies the unity of the nation. However, he is a real participant in the political process and in some cases manifests its biases and, as practice shows, may deviate from its unifying role. Particularly interesting are cases where the government, respectively the parliamentary majority and the president belong to different political families or express different views on key issues of government and development of the country. This is a complex problem and its solution is not limited to the declarative statement of the Constitution.

Considering the perspectives of the Presidential Institution we need to raise another important conceptual and practical question. I have already noted my agreement with the PhD student that the powers of the Presidential Institution in the Republic of Bulgaria outline the figure of an active president in a parliamentary government that has the power to influence other authorities and society. But to claim that this model fits best the Bulgarian state political tradition (p. 146) is unconvincing without an explanation and special arguments. This tradition is authoritarian rather than democratic. Therefore, there is a strong support in the 7th Grand National Assembly for establishing a parliamentary government with a president who has not only representative functions and not a presidential form of government, as suggested by influential external advisers (American). The History shows that after the democratic impulses and changes that Bulgaria has been experiencing over the last decades, usually the accumulation of serious problems leads to regression of democracy. This raises the question of whether new authoritarian hobbies of different influential groups will find an expression of the desire for either

prime ministerial or presidential power. These are questions that a profound and critical political theory and philosophy are expected to answer.

A lot more accurate revision of the thesis could avoid two or three almost literal repetitions (about the duration of the promulgation of laws after the veto, about the resignature of decrees).

The work is an independent result of the author's research activity. I have not found plagiarism.

I am not in a relationship that would put me in a conflict of interest with the author.

***In conclusion:* The dissertation of Ani Dimitrova Dimitrova on the topic "Presidential Institution of the Republic of Bulgaria 1992-2017 (Problems and Perspectives)" meets the requirements of the Law of Academic Staff Development in the Republic of Bulgaria and the by-laws for its implementation of achieving the educational and scientific degree "PhD". I express my positive opinion and propose that the members of the Scientific jury vote for Ani Dimitrova Dimitrova to receive the scientific and educational degree "PhD" in the scientific specialty 2.3. Philosophy (Philosophy of Politics).**

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