

SCIENTIFIC REVIEW

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of a dissertation for the award of the educational and scientific degree "Doctor"

in the field of higher education 3. Social, economic and legal sciences

professional field 3.6 Law

doctoral program "Administrative Law and Administrative Procedure"

Author: Tsvetanka Stefanova Hugasyan

Topic: "Conflict of interests and anti-corruption in the state administration"

Scientific adviser: Assoc. Prof. Dr. Bogdan Dragnev Yordanov - Paisii Hilendarski University of Plovdiv

1. General description of the submitted materials

By Order № P33-948 / 15.03.2021 of the Rector of the University of Plovdiv "Paisii Hilendarski" I was appointed a member of the scientific jury to provide a procedure for the protection of dissertation on "Conflict of interest and anti-corruption in state administration "for acquiring the educational and scientific degree“ Doctor ”in: field of higher education 3. Social, economic and legal sciences, professional field, 3.6 Law, doctoral program“ Administrative Law and Administrative Process ”.

The author of the dissertation is Tsvetanka Stefanova Hugasyan - PhD student at the Department of Public Law with supervisor Assoc. Prof. Dr. Bogdan Dragnev Yordanov from Paisii Hilendarski University of Plovdiv.

The set of paper materials presented by Tsvetanka Stefanova Hugasyan is in accordance with Art. 36 (1) of the Regulations for development of the academic staff of the University of Plovdiv, includes the following documents:

- CV in European format;
- abstract;
- list of scientific publications on the topic of the dissertation;
- copies of scientific publications;
- reference for compliance with the specific requirements of the respective faculty (only for doctoral students enrolled until 04.05.2018).

The doctoral student has submitted three publications in peer-reviewed scientific journals.

2. Brief biographical data about the doctoral student

Tsvetanka Stefanova Hugasyan is a long-term employee in the state public administration. He currently works in the Ministry of Agriculture, Food and Forestry in the Regional Directorate of Agriculture in Pazardzhik. He has extensive experience in public administration in the field of land relations, agriculture and forestry. He is a member of commissions in Pazardzhik District for issuing decisions for restoration of agricultural lands of former owners.

She graduated the Faculty of Law of Plovdiv University "Paisii Hilendarski" with a master's program in Public Administration. She graduated the Faculty of Zooengineering of the Higher Institute of Zootechnics and Veterinary Medicine - Stara Zagora.

She has been successively trained in the areas of "Implementation of methodology for external / horizontal / control in the state administration" and "Legislation in the field of organic production and procedure for annual supervisory inspections of the controllers of organic production."

She speaks Russian, German, English and Armenian to varying degrees.

3. Relevance of the topic and expediency of the set goals and objectives

The author defines the relevance of the study as a consequence of modern trends in which the problems of corruption and conflict of interest in public administration cause a growing response among the Bulgarian public. This creates research needs in order to clarify and limit these issues, as well as to provide objective information for further action in the course of the reform of our administration. The entry into force in 2018 of the Anti-Corruption and Confiscation of Illegally Acquired Property Act and the doctoral student's many years of practical experience in the field of public administration have evoked her interest in applying the law and writing this paper.

In the research the doctoral student sets the following tasks:

- 1) To study the theoretical formulations and regulations in connection with the conflict of interests and corruption as phenomena in the state administration;
- 2) To monitor the levels of corruption in the Republic of Bulgaria by means of the indices for its measurement;
- 3) To formulate opportunities for counteraction and better disclosure of conflicts of interest and corrupt practices;
- 4) To study the new anti-corruption legislation and the ways of its application.

The presented scientific production shows that to a large extent these tasks have been fulfilled.

The motives for choosing a topic are dictated by the fact that corruption is one of the most debated problems facing all societies. With the acceleration of globalization and the expansion of the range of cooperation, this phenomenon is seen not only as an obstacle to the national development of individual countries, but also as a serious threat to international relations in all their diversity.

The author presents an analysis of international, European and national acts as an attempt to solve the increasingly serious problems related to the development of corruption and the spread of corrupt practices. According to her, the most effective approach is to consistently improve and approximate the anti-corruption legislation of the states, as a result of their accession to international legal acts in this field.

4. Research methodology

Tsvetanka Hugasyan uses a methodology for developing the dissertation through a set of research tools, including a review of specialized scientific literature in the field of conflict of interest and corruption in public administration - study of reports, articles and scientific publications in connection with the researched issues; analysis of normative documents regulating the disclosure of conflicts of interest and corrupt practices; tracking perspectives for formation and development of anti-corruption consciousness in the public circles aimed at intolerance and improvement of the anti-corruption legislation; systematization of data, analysis, synthesis, formulation of conclusions and summaries.

It is noteworthy that the paper focuses on the collection of large amounts of information, which has prevented the in-depth analysis, as well as the presentation of more own ideas, conclusions and proposals *de lege ferenda*. Most of the information is derived from various programs and strategies of state bodies and public organizations dealing with the issues under consideration. The information is taken from internet sources, which are presented in good faith in the applications of the dissertation.

To a lesser extent, attention is paid to the literature on the subject and especially to the general theoretical literature, which would help to understand in principle and solve some of the problems. From the literature indicated in the dissertation, only a part of the titles is analyzed in the texts themselves.

The research methodology is aimed rather at striving for a more complete information review of the problems posed in the topic of the dissertation. There is a certain imbalance between practical and theoretical conclusions, which can be explained by the practical bias characteristic of the doctoral student as an expert in public administration.

5. Characteristics and evaluation of the dissertation

The dissertation is well structured. The volume required for a study in this category is observed. The topic is dissertable in itself, although formulated in this way it is very broad and difficult to cover both theoretically and practically. A serious list of titles in the respective field, both by Bulgarian and foreign authors, has been sought and attached.

In the first chapter the author considers the conflict of interests and corruption as phenomena in the state administration. The concepts of conflict of interest and corruption, the scope and their characteristics are clarified in sequence.

Chapter Two presents monitoring of corruption in Bulgaria and measurement indices containing up-to-date data from surveys of public attitudes. Based on the survey, an analysis of the levels of corruption over the last 12 years has been conducted.

The third chapter covers opportunities for counteracting and better detecting conflicts of interest and corrupt practices, the need for further action, and the establishment of a common institutional framework for preventing, anti-corruption.

The last Chapter Four focuses on the new anti-corruption legislation, the role of the Commission for Combating Corruption and Confiscation of Illegally Acquired Property and the implementation of the Law on Prevention and Establishment of Conflict of Interest in the Fight against Corruption.

6. Contributions and significance of development for science and practice

One of the main contributing points of the dissertation is the practical analysis of the current development of the fight against corruption in Bulgaria. The presented monitoring results are useful for the practice, which highlight a number of problems in the Bulgarian society. As a result, the author draws a number of conclusions that would help future reform processes. For example, it is of interest to conclude that most corrupt transactions take place after employees try to demand informal pay or benefits. When government officials insist that citizens give them a bribe or gift or do them a favor, on average between 50% and 70% of them agree and become a party to a corrupt deal.

We will agree with the doctoral student that the notions of employee corruption and the overall corruption environment in the country explain some aspects of the problem of the ineffectiveness of the fight against corruption - the institutions that should be leading in this fight are those that are assessed as the most corrupted. In this respect, they face two challenges - to counter corruption through punitive measures and policies (to identify and prosecute it), while at the same time opposing the phenomenon among their own employees.

It is quite logical to conclude that there are gaps in the legislation in the part for confiscation of illegally acquired property, some of which are: insufficient clarity about the criteria for valuation of the property of the inspected persons and lack of explicitly defined requirement for transparency of the methodology. an assessment is made for discrepancies in the property of the inspected persons; too limited time for submission of additional data and documents by the inspected person within the administrative phase of the proceedings, which does not create an adequate opportunity to protect the rights of the inspected person; efficiency in the management of illegally acquired property; the regulation on civil confiscation to be in compliance with the Constitution of the Republic of Bulgaria, as well as with the mandatory requirements of EU law and the European Convention for the Protection of Human Rights and Fundamental Freedoms, introducing the necessary procedural means to guarantee the right to protection and protection of property rights.

It is also important to raise the issue of protecting those who would signal corruption, especially when it is large. According to the PhD student, the policy for the protection of whistleblowers should be based on several basic principles: the existence of special channels for reporting, accessible to both outsiders and employees; guarantees for protection of the personal data of the submitted signal, incl. by restricting access to this data and introducing specific, limited exceptions to this rule; guarantees for protection against harm to the person, such as disciplinary punishment, unequal treatment at work, mental and physical harassment, prosecution, etc .; a wide

range of compensation for damages, incl. tangible and intangible, special protection in the event of a lawsuit; the burden of proof should be on the person who exercised that treatment or caused the damage; effective sanctions and personal liability against persons who have caused damage to the signal; providing confidential mechanisms for legal advice and assistance to persons who do not have information about their rights and possible consequences; promoting intolerance of irregularities through measures to promote accessible reporting mechanisms and the right to a fair hearing; periodic evaluation of the effectiveness and improvement of the reporting mechanisms.

The conclusions of the author, made after analysis of both statistical data and after interpretation of the normative base, have an interesting direction. The lack of consistency, unified approach, vision and overall design in the strategic, legislative and institutional framework leads to an imbalance in the system for prevention, counteraction and fight against corruption in the Republic of Bulgaria. The result is a partial mixing, duplication or non-performance of functions, which is a prerequisite for blurring responsibilities between individual institutions. In this regard, the latest legislation in this area outlines as a priority measure the establishment of a single independent anti-corruption body, which combines the functions of verification of property, conflict of interest and analytical work in the field of anti-corruption, regulating inter-institutional relations and cooperation. vertically and horizontally.

The proposed new approach in the administrative reform, aimed at combating the phenomenon of corruption in the government - setting clear tasks and responsibilities of institutions specifically charged with functions to prevent and combat corruption, conflict of interest and violation of ethical rules for work in the state and municipal administration; establishment of a system for checking the integrity of the employees engaged in the bodies with anti-corruption powers; creating clear rules for interaction between the public and private sectors and civil society structures; creation of an effective and efficient mechanism for control, analysis and evaluation of the undertaken measures.

Other conclusions proposed by the author are also interesting. We conclude that a number of examples of conflicts of interest can be found, as well as incompatibility rules. Negative phenomena develop from biased decision-making to speculation in the performance of official duties. In many cases, the types of conflicts of interest do not lead to financial abuse or violation of the law, but constitute a violation of the ethical standards that determine the civil service, in particular their impartiality in treating citizens and the objectivity and transparency of their decisions.

The main contributing point is the extraction from practice of a number of examples of conflict of interest as a negative phenomenon. Conflicts of interest do not always lead to violations of the law, but to abuses of official privileges. An example of this is a civil servant who changes deadlines or certain requirements in administrative procedures. The threat to ethical standards in public life are the various forms of conflict of interest. The use of connections, in common cases, solves someone's problems at the expense of the rights of others. Party patronage is the other major obstacle to modernizing local administrations. The selection of staff is not subject to the beginning of the competition, including competence, professionalism and qualities of the candidates. All this is dictated by the lack of independence of the authorities to be a balancer for the executive branch and to strive to protect the public interest. According to the public opinion poll, the most serious forms of conflict of interest have always been public-private conflicts of interest in the state administration on different levels, which lead to financial abuse. The abuse of public power aims to protect certain economic interests. All this leads to income of a financial nature, both for the employee and for third parties, and to the detriment of society. In practice, the combination of certain positions in the administration and interests, in the private and in the public sector at the same time, can lead to negative results in the work and activity of the state administration. Evidence regarding the appetites for maximum use of the official position (representatives of the local government - mayors, municipal councilors), the territorial state structures, as well as the creation of priority professional classes (architects, doctors, engineers, etc.) influencing public life, are the Decisions of the Commission for Counteraction to Corruption and for Confiscation of Illegally Acquired Property, formed upon submitted signals.

The author paid special attention to the ethical norms and their unsuccessful regulation, as one of the ways to counteract corruption. The ethical behavior of public sector officials is regulated in 34 normative acts of the national legislation, and its specificity depends to a large extent on the organizational, institutional and legal characteristics of the respective structure. The main problems arising from the poor legal framework have been identified - there is a lack of a common concept and understanding of integrity, ethics and / or integrity; different terms are used: ethical norms, ethical standards, rules of ethical conduct; there are no legal definitions; there is no consistent and systematic approach in determining the framework for integrity in the public sector - there is a different scope and content of ethics regulation in the three authorities (legislative, executive and judicial); the existing framework for integrity, on the basis of which the norms of ethical conduct are set out, is fragmented and incomplete, often theoretical and abstract; insufficient information of the public about the due behavior of the employees in the state administration.

The following conclusions formulated in the dissertation are also interesting:

- in the first place, political will appears as a key element in setting the stage for building an anti-corruption environment. The lack of action or lack of effective measures leads to an increase in its levels;

- the introduction of anti-corruption education should be adopted in the national legislation, so that every Bulgarian citizen can have the necessary knowledge and form intolerance to corrupt actions;

- the creation of mechanisms to avoid conflicts of interest has been one of the priorities in EU law over the last decade. As a legal institution, the conflict of interests is reciprocated in Bulgarian law by EU law, in connection with the accession negotiations of the country as a regular member of the Union;

- ensuring effective coordination between anti-corruption institutions, their protection from political influence and the appointment of their managers through a transparent procedure based on qualities;

- application of clear criteria for integrity in the appointment of magistrates and attestation of magistrates through a transparent procedure;

- ensuring the random distribution of cases in the courts through a single effective system for the whole country;

- adoption of a code of ethics for MPs in the National Assembly and introduction of an effective supervisory mechanism;

- dissuasive penalties in the event of election fraud, including for high-ranking organizers, and the development of a comprehensive multidisciplinary strategy to focus on vulnerable populations;

- further extending the scope of mandatory ex ante control in public procurement, including technical specifications and exceptions to applicable law, by effectively using the ex-post powers of the State Financial Inspection Agency to carry out ex-post controls.

7. Evaluation of the dissertation publications

Along with the dissertation, Tsvetanka Hugasyan presents for review three separate publications, presented as reports at established scientific forums. The publications meet the legal requirements by being published in referenced collections and carry the necessary points for obtaining the educational and scientific degree "Doctor".

All three publications have been incorporated to varying degrees in the dissertation as a part of their contributions mentioned above in the review. Therefore, we will not dwell on them again,

but we will point out as a recommendation that the doctoral student in the future, in her participation in future scientific forums, to focus on other current topics of public administration.

8. Recommendations for future use of dissertation contributions and results

Some of the critical remarks and recommendations have been mentioned so far, but we summarize some of them:

- it would be useful for the doctoral student and the work to pay more attention to the general theoretical works in the field of public administration;

- the dissertation will be enriched if the author proposes a more in-depth theoretical analysis of the phenomena he presents for consideration;

- it is necessary to present to a greater extent the personal view of the author, as a result of which more specific proposals will be formulated for solving the considered problems.

CONCLUSION

The dissertation to some extent contains scientific-applied and applied results, which represent a contribution to science and meet the requirements of the Law for development of the academic staff in the Republic of Bulgaria, the Regulations for application of the Law for development of the academic staff in the Republic of Bulgaria and the respective Regulations PU "Paisii Hilendarski". The presented materials and dissertation results fully comply with the specific requirements of the Faculty of Law, adopted in connection with the Regulations of the University of Plovdiv for application of the Law for the development of the academic staff in the Republic of Bulgaria.

The dissertation shows that the doctoral student Tsvetanka Stefanova Hugasyan has theoretical knowledge and professional skills in the doctoral program "Administrative Law and Administrative Process" demonstrating qualities and skills for independent research.

No signs of plagiarism have been identified. The sources used are correctly cited and indicated in the literature.

Due to the above, I give my positive assessment of the research presented by the above-reviewed dissertation, abstract, results and contributions, and I offer the esteemed scientific jury to award the educational and scientific degree "Doctor" of Tsvetanka Stefanova Hugasyan in higher

education. education 3. Social, economic and legal sciences, professional field, 3.6 Law, doctoral program "Administrative Law and Administrative Process".

12.05. 2020 г.

Reviewer:
Assoc. Prof. Dr. Boyan T. Georgiev