

## REVIEW

by

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**Regarding:** doctoral dissertation submitted for the award of the educational and scientific degree “doctor of law” in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, scientific specialty “Constitutional Law”

**Doctoral candidate:** Vasil Georgiev Iliev, full-time doctoral student at the Department of Public Law Sciences, Faculty of Law, Paisii Hilendarski University of Plovdiv, with scientific supervisor Assoc. Prof. Dr. Hristo Paunov

**Dissertation title:** “Fundamental obligations of citizens in the bulgarian constitutions”

### **1. General presentation of the procedure**

Pursuant to Order No. RD-22-2395 of 26 November 2025 issued by the Rector of the University of Plovdiv, I have been appointed as a member of the Scientific Jury for conducting a competition for the acquisition of the educational and scientific degree Doctor in the field of higher education “3. Social, Economic and Legal Sciences”, professional field 3.6 Law, scientific specialty “Constitutional Law”, with candidate Vasil Georgiev Iliev.

The set of materials submitted by the doctoral candidate for participation in the procedure complies with the requirements of the Act on the Development of Academic Staff in the Republic of Bulgaria (ADASRB), the Regulations for its Implementation, and the internal regulations of the University of Plovdiv. The Faculty of Law of the University of Plovdiv has an accredited doctoral programme in “Constitutional Law”. The procedure up to the public defence of the dissertation has been lawfully conducted before the Departmental Council, and the necessary documents have been submitted to the Scientific Jury for the public defence. In accordance with the national minimum requirements for the educational and scientific degree “doctor” in scientific field 3. Social, Economic and Legal Sciences, professional field 3.6 Law, scientific specialty “Constitutional Law”, the doctoral candidate has submitted publications, as well as a declaration of originality and authenticity pursuant to Art. 27, par. 2 of the Regulations for the Implementation of the ADASRB.

The scientometric requirements related to the doctoral procedure have been fulfilled, with 30 points accumulated from the three independent articles submitted for the defence, namely:

1. **Iliev, V.** The Fundamental Obligations of Citizens in the Constitution of the People’s Republic of Bulgaria of 1971: Commentary and Legal Analysis.” In: Revolutions and Evolutions. Proceedings of the Scientific Forum “Revolutions and Evolutions,” 5–7 March 2024. Plovdiv: Paisii Hilendarski University of Plovdiv, 2024. ISBN 978-619-7768-28-2.

2. **Iliev, V.** The Fundamental Obligations of Citizens in the Constitution of the People's Republic of Bulgaria of 1947: Commentary and Legal Analysis." *Studia Iuris*, No. 1, 2024, p. 104. (online), available at: <https://studiaiuris.com/journal/studia-iuris-брой-1-за-2024-г/ISSN-2367-5314>.

3. **Iliev, V.** Regarding the state's obligation to ensure the fundamental right of free movement, In: *Challenges to Legal Regulation in Bulgaria. Proceedings of the Scientific Forum "Challenges to Legal Regulation in Bulgaria,"* 31 October 2023, UNWE. Sofia: University of National and World Economy, 2023. ISBN 978-619-232-848-1

## **2. Brief biographical information about doctoral candidate Vasil Georgiev Iliev**

I am not personally acquainted with the doctoral candidate. He obtained his legal education at Paisii Hilendarski University of Plovdiv (2017–2022). He was a member of the Faculty Student Council and of the University Student Council.

Following completion of his higher education, he has worked as a legal professional (trainee lawyer, legal adviser in a commercial company, in-house counsel).

## **3. Information about the dissertation**

### **3.1. Dissertation topic**

The topic of the constitutional obligations of citizens is invariably relevant, regardless of the analytical perspective adopted. This is so because the legal institution of citizens' obligations forms part of the framework of "fundamental rights, freedoms and obligations" and constitutes an element of the constitutional status of the individual<sup>1</sup>.

Within public-law scholarship, a substantial contribution to addressing the issues of constitutional status and the obligations of citizens has been made by Prof. Stefan Kirov, Prof. Stefan Balamezov, Prof. Velko Valkov, Prof. Stefan Stoychev, Prof. Rosen Tashev, Prof. Evgeni Tanchev, Prof. Emilia Drumeva, Prof. Georgi Bliznashki, Prof. Boyka Cherneva and others. The most significant contribution in Bulgarian legal literature concerning the study of the issue of fundamental obligations of citizens belongs to Prof. Velko Valkov. His research work "The fundamental obligations of citizens in the People's Republic of Bulgaria" is devoted precisely to the fundamental obligations of citizens established in the Constitution of the People's Republic of Bulgaria of 1971<sup>2</sup>.

The prehistory of human obligations may be traced back to the obligations embedded in the Ten Commandments. The perfect human being, created by God, did not require laws. Later, commandments were given through Moses in response to the need arising from the formation of a society of fallible individuals who had experienced evil and, for their own good, had to establish rules for their coexistence within a society<sup>3</sup>. With the exception of the fifth

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Obligations of Citizens in the People's Republic of Bulgaria. Sofia: BAS Publishing House, 1987, 158 pp.

commandment, which concerns moral and ethical values rather than actions (“Honour thy father and thy mother”), in the remaining nine instances, which refer to specific conduct, the Lord emphasises prohibitions only: the person is free to do anything not listed therein. The legal doctrine that everything which is not prohibited is permitted lies at the foundation both of the first law (“Do not eat” the apple from the tree) and of this Mosaic legislation. To be a servant of God and obedient to Him thus proves to be nothing more than adherence to the principle embedded in that legislation.

The fundamental legal obligations of the individual and the citizen constitute rules of conduct deriving from objective law, guaranteed by legal sanction, with legal liability provided for in the event of their non-performance. The principles underlying the constitutional framework of obligations (some of which are not expressly proclaimed) include equality of citizens (persons) before the law (Art. 6, par. 1)); the rule that the framework of fundamental obligations may be amended only by statute; and the provision that religious and other beliefs shall not serve as grounds for refusing to perform obligations established by the Constitution and the laws (Art. 58, par. 2).

Unlike the fundamental rights of the human person, the fundamental obligations in the Bulgarian Constitution are considerably fewer in number, and their classifications are likewise limited. Legal obligations may be differentiated according to the interests they serve. A distinction may be drawn between obligations that serve the preservation of society, the maintenance of its essence, or the assurance of its development, and obligations that serve interests in the private sphere (personal, family, corporate, financial, etc.).

According to their holders, obligations may be general (applicable to all) or special (applicable to specific legal subjects). General obligations are directed towards the State, fellow citizens, or public officials. Special obligations are those related either to the social position of citizens or to persons connected with their profession.

The topic has significant practical relevance, as it addresses questions arising in practice concerning the exercise of fundamental rights and their functional relationship with fundamental constitutional obligations, the legal framework of citizens’ obligations within legal relations in a democratic society, and the sensitive issue of the “state–citizen” relationship.

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1. “Thou shalt have no other gods before Me” (Exodus 20:3);

2. “Thou shalt not make unto thee any graven image [...] thou shalt not bow down thyself to them, nor serve them”

3. “Thou shalt not take the name of the Lord thy God in vain” (Exodus 20:7);

4. “The seventh day is the sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, [...] nor thy stranger that is within thy gates” (Exodus 20:10);

5. “Honour thy father and thy mother” (Exodus 20:12);

6. “Thou shalt not kill” (Exodus 20:13);

7. “Thou shalt not commit adultery” (Exodus 20:14);

8. “Thou shalt not steal” (Exodus 20:15);

9. “Thou shalt not bear false witness” (Exodus 20:16);

10. “Thou shalt not covet thy neighbour's house, thou shalt not covet thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's” (Exodus 20:17).

In this regard, the requirements of Art. 27, par. 2 of the Regulations for the Implementation of the ADASRB have been observed.

### **3.2. Characteristics and assessment of the main parts of the dissertation and its contributions**

The dissertation comprises 241 pages and includes a title page, a list of abbreviations, a table of contents, an introduction, three chapters, a conclusion, and a bibliography. The substantive part of the dissertation is structured into three chapters, each divided into sections (paragraphs) and subsections (sub-paragraphs). The work follows a classical structure, with each component of the topic addressed in a separate chapter – theory (presentation of the nature and specific features of the fundamental obligations of citizens), history (the second chapter is devoted to the fundamental obligations of citizens in the Tarnovo Constitution and in the socialist constitutions of the People’s Republic of Bulgaria), and positive law (fundamental obligations of citizens in the Constitution of the Republic of Bulgaria of 1991).

**The first chapter** is devoted to the nature of the fundamental obligations of citizens. It is divided into five main sections, each further systematized through subsections. **The first section** addresses the legal-historical aspects of legal obligations. The analysis is structured into several subsections that consecutively examine the development of legal obligations, namely: in Ancient Greece (moral and ethical aspects); in Ancient Rome (a clearer concept of legally binding obligations, reflected in the Law of the Twelve Tables and in the doctrine of Roman jurists); in the late Roman Empire and the Middle Ages (Christian doctrine and positive law, the Magna Carta Libertatum, the “Agrarian Law” and the “Law for Judging the People,” applied in the medieval Bulgarian state); and during the Renaissance (the development of legal obligations as part of natural law theories and the social contract doctrine).

The author emphasizes the importance of the idea of the rule of law and the supremacy of law, which place emphasis on the obligations of both the people and the monarch. Gradually, the concept of fundamental legal obligations takes shape and finds constitutional expression at the end of the eighteenth and the beginning of the nineteenth century in the first written constitutions. **The second section** examines the emergence and development of the fundamental obligations of citizens in the first written constitutions in Europe (the Constitution of Poland of 1791; the Constitution of France of 1791, considered in connection with the preceding Declaration of the Rights of Man and of the Citizen of 1789 and the subsequent Declaration of the Rights and Duties of Man and of the Citizen of 1795; the Constitution of Bavaria of 1808; and the Constitution of Spain of 1812).

**The third section** is devoted to the terminological distinction between the concept of a “fundamental obligation” and other related legal terms. The subsections analyse (“juridical obligation”, “legal obligation”, “legal duty”, “subjective obligation”, as well as the content of the concept of “fundamental obligation” in comparison with other definitions. The characteristics of the term “fundamental obligation of the citizen” are also examined across the different constitutional periods – the Tarnovo Constitution, the Constitutions of the People’s

Republic of Bulgaria of 1947 and 1971, and the Constitution of the Republic of Bulgaria of 1991.

**The fourth section** addresses the theories concerning the origin of the fundamental obligations of citizens and their classification according to various criteria. On the basis of the features identified, an attempt is made to formulate a definition of the “fundamental obligations of citizens.”

**In the fifth section**, the doctoral candidate examines the legal guarantees for the fulfilment of the fundamental obligations of citizens. All legal obligations must be fulfilled, as their non-fulfilment affects both individual and collective interests. Fundamental obligations, as a rule, serve the interests of society as a whole, which makes their voluntary compliance particularly important. The State establishes a normative framework that not only details the mechanisms for their observance but also introduces measures ensuring their unconditional fulfilment. Stable social discipline constitutes a prerequisite in this regard, while, where necessary, means of legal coercion may also be applied. The fulfilment of fundamental obligations may require either active or passive conduct. The payment of taxes and fees, as well as the defence of the homeland, require specific actions on the part of citizens. Other obligations, such as respect for human life, require abstention from certain forms of conduct. Such obligations are fulfilled continuously and simultaneously by numerous subjects, which underlines their comprehensive and universal character.

**The second chapter** is devoted to the fundamental obligations of subjects and citizens in the Tarnovo Constitution and in the Constitutions of the People’s Republic of Bulgaria. **The first section** examines the Tarnovo Constitution of 1879. The historical and political context of its adoption is presented. The study also reflects the debates within the Constituent Assembly concerning the fundamental obligations. The specific fundamental obligations provided for in the Tarnovo Constitution are analysed individually: the prohibition on evading the performance of the laws in force on religious grounds (Art. 41); the prohibition on the sale of human beings (Art. 61); the obligation to comply with municipal and police laws (Art. 62); the obligation to pay taxes and levies (Art. 69); additional public burdens (Art. 69); compulsory military service (Art. 71); and compulsory primary education (Art. 78).

During the 1940s of the XX century, Bulgaria underwent radical socio-political transformations. The ideas for the adoption of a new constitution for Bulgaria began to take shape and to be advanced more than a decade prior to the adoption of the Constitution of the People’s Republic of Bulgaria in 1947. The movement toward constitutional change was influenced by a number of factors, the principal one being the realignment of political forces within the country. Certain proposals for restructuring the fundamental obligations in Stefan Balamezov’s draft constitution are examined, and the section concludes, in a separate subsection, with a transition to the Constitution of 1947.

**The second section** is devoted to the Constitution of the People’s Republic of Bulgaria of 1947. The historical and political context of its adoption is examined in detail. The process of drafting the new constitution was led by the National Committee of the Fatherland Front, while the final draft was directly influenced by Soviet constitutionalism. These processes

resulted in the adoption of the Constitution of the People's Republic of Bulgaria of 1947. The fundamental obligations of citizens therein are analysed in detail: labour as a duty and honour of citizens (Art. 73, par. 3, sentence 1); the obligation to perform socially useful labour (Art. 73, par. 3, sentence 2); compulsory primary education (Art. 79, par. 3); the obligation to defend the homeland (Art. 90, par. 1); compulsory military service (Art. 91); the obligation of citizens to observe the Constitution and the laws (Art. 92); the obligation to protect public property (Art. 93); the obligation to support the economic, cultural, and defence strength of the State (Art. 93); and tax obligations (Art. 94).

**The third section** analyses the Constitution of the People's Republic of Bulgaria of 1971. The necessity of adopting a new constitution, which did not stem from a revolution or a change in the form of government, is correctly presented. The historical and political context of its adoption is directly linked to the leading role of the Bulgarian Communist Party. The content of the fundamental obligations of citizens is expanded, while most provisions retain their original meaning. The amendments are predominantly political in nature and clearly reinforce the leading role of the Party and the ideological conception of the State and society as socialist. The analysis covers the obligation to protect nature and natural resources (Art. 31); the obligation to safeguard cultural monuments (Art. 31); the obligation to implement scientific and technological achievements (Art. 33, par. 2); the obligation to raise and educate children (Art. 38, par. 3, sentence 2); compulsory primary education (Art. 45, par. 4); the obligation of citizens abroad to perform their obligations (Art. 57); the obligation of citizens to comply faithfully with the Constitution and the laws (Art. 58); the prohibition on refusing to perform obligations on religious grounds (Art. 53, par. 5); the obligation to perform socially useful labour (Art. 59, par. 1); the performance of labour obligations (Art. 59, par. 2); the obligation to protect and increase socialist property (Art. 60); strengthening the political, economic, and defence power of the State (Art. 60); the obligation to defend the homeland (Art. 61, par. 1); compulsory military service (Art. 62); the preservation and strengthening of peace (Art. 63, par. 1); and tax obligations (Art. 64).

**The third chapter** is devoted to the fundamental obligations of citizens in the Constitution of the Republic of Bulgaria of 1991. It is structured into four main sections. **The first section** examines the historical and political context in which the Constitution of the Republic of Bulgaria was adopted, as well as the necessity for a new constitution for Bulgaria. **The second section** is devoted to the constitutional drafts and the debates within the Seventh Grand National Assembly. It contains an analysis of the nineteen constitutional drafts and of the included fundamental obligations of citizens therein (the drafts of Dr. Ran and Dr. Utt, Andrey Yakimov, Nikolay Pavlov, Maxim Genov, Constitutional Club "311", Academician Yaroslav Radev, Vladimir Radev, Krastyo Krastev, the Bulgarian Social Democratic Party, Velko Valkov, the Bulgarian Agrarian National Union and the Bulgarian Agrarian National Union "Nikola Petkov", the Bulgarian Socialist Party, Aleksandar Aleksandrov, Tsony Danev, the Radical Democratic Party, the collective composed of Zhivko Milanov, Kino Lazarov, Stefan Stoychev, Evgeni Tanchev, Lyuben Kulishev, Snezhana Nacheva, Emilia Drumeva and Krasen Stoychev, Aleksii Popov, as well as the PRAKTIS group). The author also presents the debates concerning the fundamental obligations of citizens within the Seventh Grand National Assembly.

**The third section** presents in a systematic manner the fundamental obligations of citizens established in the 1991 Constitution. The study covers the obligation to study and use the Bulgarian language (Art. 36, par. 1), the obligation to raise and educate children (Art. 47, par. 1), compulsory education (Art. 53, sentence 2), the obligation to protect the environment (Art. 55), the obligation to comply with the Constitution and the laws (Art. 58, par. 1), the obligation to defend the homeland (Art. 59, par. 1), tax obligations (Art. 60, par. 1), and the obligation of citizens to assist the State (Art. 61). Attention in the study is also paid to Art. 58, sentence 2 of the Constitution, according to which religious and other beliefs shall not constitute grounds for refusing to fulfil obligations established by the Constitution and the laws. A comparative legal analysis with the constitutions of Germany, France, Russia and Spain has been carried out. As a result of the analysis, it becomes apparent that the Constitution of the Republic of Bulgaria of 1991 provides a relatively systematized framework of fundamental obligations, combining the tradition of the previous national constitutions with the necessary democratic developments.

**The fourth section** sets out the author's position concerning the fundamental obligations of citizens in the Constitution of the Republic of Bulgaria of 1991. On this basis, the proposal for improving the normative framework in the conclusion has been developed. The analysis of the constitutional drafts and the debates within the Seventh Grand National Assembly shows that the legislator sought to achieve a conscious balance between individual freedoms and the fundamental obligations of citizens.

**The fifth section** is devoted to international human rights instruments and to their contribution to the development of the fundamental obligations of citizens. Within the universal system for the protection of human rights, the primary emphasis is placed on the guarantee of rights, but Art. 29 of the Universal Declaration of Human Rights (1948) states that "everyone has obligations to the community." The preambles to the International Covenant on Civil and Political Rights<sup>4</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>5</sup> outline the relationship between rights and obligations, indicating that the individual has obligations towards other persons and towards society. The Convention on the Rights of the Child<sup>6</sup> explicitly affirms the principle that parents bear primary responsibility for the upbringing and development of the child.

The European Convention on Human Rights permits compulsory military service (Art. 4, par. 3(b)) and obligations in cases of emergency or disaster (Art. 4, par. 3(c)), and Arts. 59 and 61 of the Constitution of the Republic of Bulgaria fully correspond to these provisions. Pursuant to Protocol No. 1 to the Convention, the right to property shall not be regarded as infringed when the State imposes taxes and fees – a direct connection with Art. 60 of the Constitution.

Article 51 of the Charter of the United Nations recognises the right of individual and collective self-defence of States, which presupposes the loyalty and the duty of citizens with

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m of speech with "special obligations and responsibilities," which may justify legal restrictions for the protection

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respect to national defence. This is reflected in the fundamental obligation to defend the homeland under Art. 59, par. 1 of the 1991 Constitution.

### **3.3. Scientific Contributions**

In the dissertation submitted for public defence, it is first established that the constitutional framework lacks a fundamental obligation of citizens to protect and preserve cultural heritage. According to the doctoral candidate, this constitutes a gap that is difficult to explain. The comparative legal analysis demonstrates that numerous states<sup>7</sup> devote a specific provision in their constitutions to the protection of cultural heritage and/or cultural monuments by citizens<sup>8</sup>.

The author's position is that the incorporation of an explicit fundamental obligation of citizens to preserve cultural heritage into the Constitution would strengthen the protection under Art. 54, par. 1 and would establish a more sustainable link between the individual right of access to cultural values and the collective obligation for their preservation.

Secondly, contemporary Bulgarian legal literature lacks an independent and comprehensive study devoted to the comparative and historical analysis of fundamental obligations in Bulgaria. The dissertation examines the process of drafting constitutional acts and the discussions concerning fundamental obligations in the exercise of constituent power in the Bulgarian context.

The specific contributions of the research may be conditionally summarised into two subgroups, namely:

1) a proposal for amendment of the constitutional framework concerning fundamental obligations. An amendment to Art. 54, par. 1 of the Constitution is proposed: "Everyone shall have the right to benefit from national and universal cultural values and to develop their own culture in accordance with their ethnic identity, which shall be recognised and guaranteed by law. The preservation of cultural heritage shall be an obligation of everyone." According to the doctoral candidate, the inclusion of such an obligation would combine the individual right of access to cultural values with the public responsibility for their preservation.

2) a historical review of the constitutional framework of fundamental obligations from both a comparative legal and a national perspective.

### **3.4. Scholarly Apparatus**

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A comparison between the concept of "cultural monument" under the repealed Law on Cultural Monuments and Museums (LCMM) and the concepts of "cultural value" and "cultural heritage" under the current Cultural Heritage of "significance," the CHA introduces a broader concept that includes intangible manifestations – customs,



The dissertation is written in sound legal language. The scholarly apparatus has been used correctly. The three chapters of the work are comparable in volume and relatively balanced, which contributes to a coherent and comprehensive presentation of the research.

The bibliography comprises 75 titles, including 60 Bulgarian sources and 15 foreign sources.

It is noteworthy that the doctoral candidate refers to all authors included in 479 footnotes. These contain references to actually used and examined works. The sources are cited correctly in accordance with established academic standards.

### **3.5. Abstract**

The doctoral candidate has submitted an abstract of 32 pages. It fully complies with the requirements for the presentation of the dissertation, accurately and faithfully reflecting its content and principal contributions.

### **4. Assessment of the publications**

The doctoral candidate has submitted three publications related to the topic of the dissertation in peer-reviewed and indexed periodicals. The publications address specific aspects of the topic and further develop the theses advanced in the dissertation.

### **5. Recommendations for the future use of the dissertation contributions and results**

**5.1.** In accordance with the requirements of the Academic Staff Development Act, the dissertation of Vasil Iliev presents scientific results constituting an original contribution to scholarship, demonstrating in-depth theoretical knowledge in the respective field and the ability to conduct independent scientific research.

**5.2.** Certain recommendations may always be made both with regard to the individual theses advanced by the doctoral candidate and concerning the internal structure and the delineation of the paragraphs and subparagraphs of the work.

My principal criticism, which I formulate as a recommendation to the doctoral candidate, concerns the need for a more assertive formulation of proposals for improving legislation.

The topic is highly promising, and I consider that the doctoral candidate possesses sufficient knowledge and capacity to continue his further academic work in some of the examined aspects. In the event of a future publication of the dissertation, which I would recommend, the doctoral candidate could undoubtedly formulate more far-reaching proposals concerning future legal regulation.

**5.3.** In connection with the forthcoming public defence, I have two questions for the doctoral candidate. The first concerns the scope of the research – whether he would deepen it and in which direction. The second question relates to possible changes in terminology concerning the subjects of obligations and their precision – citizens or persons / everyone under Art. 59.

## CONCLUSION

The dissertation of Vasil Iliev entitled “Fundamental Obligations of Citizens in the Bulgarian Constitutions” contains scientific results that constitute an original contribution to scholarship and comply with the requirements of the Academic Staff Development Act in the Republic of Bulgaria and the Regulations for the Implementation of this Act. The submitted materials and the results of the dissertation meet the applicable statutory requirements. The dissertation demonstrates that the doctoral candidate possesses in-depth theoretical knowledge and professional competence in Constitutional Law and Comparative Constitutional Law, in the theory and history of law and of fundamental rights, as well as the qualities and skills necessary to conduct independent scientific research with original and significant scholarly contributions.

For the reasons set out above, I confidently give my positive evaluation of the dissertation “Fundamental Obligations of Citizens in the Bulgarian Constitutions” submitted in the defence procedure, recommend to the esteemed Scientific Jury, and shall vote in favour of the doctoral candidate Vasil Iliev being awarded the educational and scientific degree of Doctor in the field of higher education: 3. Social, Economic and Legal Sciences, professional field 3.6 Law, scientific specialty “Constitutional Law”.

26 January 2026

Sofia

/Nataliya Kiselova/