

REVIEW

by Prof. Emiliya Aleksandrova Drumeva, PhD

of a dissertation submitted for the award of the educational and scientific degree “**doctor**”

field of higher education: 3. Social, Economic and Legal Sciences

professional field: 3.6. Law

doctoral programme: Constitutional Law

Author: VASIL GEORGIEV ILIEV

Dissertation title: FUNDAMENTAL OBLIGATIONS OF CITIZENS IN THE BULGARIAN CONSTITUTIONS

Scientific supervisor: Assoc. Prof. Hristo Paunov, PhD, Paisii Hilendarski University of Plovdiv

By Order No. RD-22-2395 of 26 November 2025 of the Rector of Plovdiv University “Paisii Hilendarski” (PU),, I have been appointed as a member of the academic jury responsible for ensuring the procedure for the defence of a dissertation entitled “Fundamental Obligations of Citizens in the Bulgarian Constitutions” 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 programme Constitutional Law. The author of the dissertation is VASIL GEORGIEV ILIEV, a full-time doctoral candidate at the Department of PUBLIC LAW SCIENCES, Faculty of Law, with academic supervisor Assoc. Prof. Dr. Hristo Paunov, PU “Paisii Hilendarski”.

The set of materials submitted by the doctoral candidate in hard copy complies with Article 36 (1) of the Regulations for the development of the academic staff of PU.

1. Significance of the research problem from a scientific and applied research perspective. Relevance of the topic.

The dissertation of Vasil Iliev constitutes an independent, monographic legal-scholarly study of the fundamental obligations of citizens, with a focus on their regulation in the Bulgarian constitutions. The topic lies at the very core of constitutional law – the fundamental obligations of citizens, together with their fundamental rights and freedoms, belong as an inseparable component to the content of every constitution, because both conceptually and practically the entire organization of power in the constitutional state, with the separation of its functions among the legislative, executive, and judicial branches, is conceived and constructed

with the purpose of ensuring the observance of fundamental rights, but also the fulfilment of citizens' fundamental obligations. The legal-scholarly study of citizens' fundamental obligations concerns the very essence of constitutionalism – the comprehension and enshrinement of citizens' fundamental obligations in the constitution is of high significance for the individual person and for society as a whole; the examination of the problem contributes to greater understanding, clarity, conceptualization, improvement, and practical usefulness of the regulation and its application.

The relevance of the topic is indisputable; moreover, it is enduring. Its scholarly development is vitally necessary both for society and for the individual, as within the complex of citizens' fundamental rights and fundamental obligations a vital exchange of values takes place between the individual and society, without which there can be no development and prosperity. Specifically with regard to citizens' fundamental obligations as the correlative of their fundamental rights, their understanding and fulfilment satisfy essential needs of society; for this reason these obligations are *fundamental* and are therefore enshrined in the Constitution; their fulfilment serves the interest of society and, consequently, that of the individual. Thus, the topic examined in the present dissertation possesses *permanent relevance* as an inseparable component of the very essence of constitutionalism.

The relevance of the topic has further aspects – as a rule, it is not inherent in human nature to emphasize and proclaim obligations, including those recognized as fundamental. The rights and freedoms of citizens are proclaimed and solemnly declared, while obligations, recognized as fundamental and in principle correlative to rights, remain in their shadow. This observation is confirmed both historically and conceptually throughout the stages of constitutional development. As a rule, the regulation of citizens' fundamental obligations remains concise. Independent scholarly studies devoted to citizens' fundamental obligations are significantly fewer compared to those addressing fundamental rights and freedoms, including within the Bulgarian legal tradition. For this reason, the scholarly development of the problem of citizens' fundamental obligations proves necessary – it facilitates their understanding and reasoned fulfilment; it provides grounds and arguments and encourages the improvement of their regulation in the Constitution and in statutory law. The need for a legal-scholarly study of citizens' fundamental obligations is vitally justified in order to guarantee a stable order in society and the state.

The present legal study is also *timely*; moreover, it is *anticipated and necessary* for the awareness and encouragement of sustainability and balance in relations among individuals and in their relations with the state in the interest of order and justice.

The doctoral candidate Iliev undoubtedly demonstrates a thorough understanding of the problem. He approaches its examination on a broad basis and with scholarly integrity. I welcome the research interest, which is justified and substantiated by in-depth analysis and an ability for synthesis, resulting in the present dissertation.

2. Subject, objectives and tasks of the research

The centre and principal purpose of the undertaken legal research is the *understanding/concept of the essence of citizens' fundamental obligations, its consolidation and clarification*. A terminological distinction is drawn between the concept of a "fundamental obligation" and related legal terms ("juridical obligation", "legal obligation", "legal duty", "subjective obligation"), while the content of the term "citizen's fundamental obligation" is analysed across different historical periods from the emergence of ideas concerning their constitutional development. Theories regarding the origin of fundamental obligations are examined, a classification of types of fundamental obligations is undertaken, and the legal guarantees for their fulfilment are analysed.

The subject of the research is deliberately narrowed to the "constitutions of Bulgaria" across different stages of its development as a sovereign state. I welcome this narrowing, as it allows the research efforts to be directed in depth. Concentration within the narrowed scope of the subject renders the topic more suitable for a doctoral dissertation. The subject matter includes an analysis of the regulation of the fundamental obligations of citizens in the context of the drafting and application of the first Bulgarian Constitution, the Tarnovo Constitution, as well as in the subsequent two constitutions of the period of the totalitarian state, and in the Constitution of the Republic of Bulgaria adopted by the Seventh Grand National Assembly, including the parliamentary debates. The subject matter also encompasses aspects of the influence of international human rights instruments on the development of the fundamental obligations of citizens, insofar as they contain clauses that, in terms of meaning and content, correspond to constitutionally established obligations.

The objective set in the research (in summary) is to consolidate the understanding of citizens' fundamental obligations as embedded in the Bulgarian constitutions and evolving over time, by highlighting their role and significance for achieving a stable and just order within the state.

3. Research Methodology

Several research methods have been applied – above all the normative-analytical and formal-logical methods, aptly and analytically supplemented by the historical and comparative-

law methods. The selected research methodology facilitates the achievement of the stated objective. Interesting comparisons and parallels are drawn with the regulation of citizens' fundamental obligations in well-known European constitutional acts from the past (Poland 1791, France 1791 together with the Declarations of the Rights of Man and of the Citizen of 1789 and 1795, Bavaria 1808, Spain 1812), as well as from the present. The doctoral candidate combines the application of different methods and achieves the stated objective. Through the applied methodology, the dissertation provides an adequate answer to the research task concerning the juridical nature, place, and role of citizens' fundamental obligations in contemporary constitutionalism, with a clearly delineated horizon for the improvement of this significant legal institution (specific and well-founded *de lege ferenda* proposals).

4. The structure of the dissertation complies with the statutory requirements; it meaningfully organises the content of the work. The exposition is contained within 241 pages, including the table of contents and the list of cited literature. A total of 479 footnotes have been provided. The exposition follows the logic of the structure; it is arranged into an introduction, three chapters, a conclusion, and a bibliography. Particular note deserves the clear and logically reasoned arrangement of the material, carefully and systematically organized - evidence of a deliberate and thoughtful selection, developed in a coherent sequence that facilitates the reading and comprehension of the author's text.

5. Characteristics of the Dissertation

The first chapter is conceptually the most substantial and content-rich. It begins with a detailed exposition of the legal-historical aspects of juridical obligations in general. In Ancient Greece, obligations are perceived primarily through the philosophical-ethical prism of justice, morality, and the societal consciousness of duty. They are not systematised as an independent legal category but are derived through values such as virtue and justice. In the early stages, there is no distinction between moral and juridical obligations, as law and morality develop in tandem. In Ancient Rome, a clearer concept of legally binding obligations already takes shape, finding expression in the Law of the Twelve Tables and in the teachings of Roman jurists. Obligations are no longer perceived solely as moral or philosophical categories but are transformed into normatively formulated and legally applicable provisions. Roman thinkers, and above all Cicero, under the influence of Greek philosophy and Stoicism, articulate an understanding of law as an imperative that guarantees social order and serves as the foundation of freedom. Thus, the idea is established that the state is inconceivable without law, and law without obligations.

The development of ideas during the Middle Ages is traced - Christian doctrine and positive law gradually alter perceptions of legal binding force and the supremacy of law; this is followed by the development of juridical obligations during the Renaissance as part of natural-law doctrines and contractual theory (Grotius, Locke, Wolff), leading to the crystallisation of the idea of the rule-of-law state and the supremacy of law, which place emphasis on the obligations of both the people and the monarch. The analysis includes the gradual formation of the concept of fundamental juridical obligations as constitutional obligations, proclaimed at the end of the XVIII century and the beginning of the XIX century in the first written constitutions in Europe. These constitutions reflect the ideas of the social contract and the understanding that such ideas must be recognised and enshrined in the constitution as a guarantee of the stability of the state order. The retrospective historical review possesses high cognitive value; at the same time, it prepares the basis for reflections and conclusions concerning the gradually clarified concept of the juridical nature of citizens' fundamental obligations as constitutional obligations. Prior to this, the doctoral candidate deepens the analysis by focusing on theories regarding the emergence of citizens' fundamental obligations as a legal institution – the theory of primary interest (according to which citizens' fundamental obligations directly satisfy primary interests of society), and the theory of fundamental obligations as a continuation of natural obligations – thereby preparing the ground for the *definition of citizens' fundamental obligations* as an independent legal category: "Citizens' fundamental obligations are those constitutionally established juridical obligations that have fundamental significance for the functioning of the state and society. They represent the necessary minimum of conduct through which society ensures its existence, its essence, and its development. Fundamental obligations are normatively established, but they also possess a moral dimension, as their fulfilment is guaranteed not only by legal norms but also by social values and morality. Fundamental obligations, together with fundamental rights, form the legal status of citizens by creating conditions for the effective exercise of their rights and for the strengthening of social order. The fulfilment of fundamental obligations is guaranteed through legal sanctions introduced by the state." The definition proposed by the doctoral candidate systematically and coherently encompasses the principal lines of achievement in legal theory from the end of the XVIII century to the present concerning the essence and purpose of citizens' fundamental obligations. I would neither remove a single word from it nor add anything to it.

The first chapter also contains a classification of citizens' fundamental obligations according to various criteria, which has undeniable usefulness in law-making when creating new or amending existing legislative framework.

The chapter concludes with an examination of the legal guarantees for the fulfilment of citizens' fundamental obligations, with an emphasis on the need to comprehend and encourage their fulfilment, above all on a voluntary basis. Fundamental obligations satisfy the interests of society as a whole, and their non-fulfilment constitutes a state of affairs that society cannot accept. Fulfilment may be manifested in both active and passive conduct. Due attention is also given to legal coercion – juridical sanctions confer a complete character upon obligations by underscoring society's intolerance toward their non-fulfilment.

I consider that the analysis of the legal nature and role of citizens' fundamental obligations and of the concept embedded in the constitutions of Bulgaria possesses a scholarly and cognitive value, constituting a contribution to constitutional theory and practice. At the same time, it has practical usefulness and applied significance in legislation when substantiating and balancing newly adopted or amended legislative framework.

In the *second chapter*, the study largely represents an extensive and in-depth application of the principal conclusions drawn in the preceding chapter regarding the essence of citizens' fundamental obligations. It contains an exposition and scholarly analysis of facts and events from the historical development of Bulgaria across the different stages of its constitutional existence. This heightened attention to the context in which the constitutions were created and operated, as an approach in legal scholarly research, deserves a positive evaluation, as it provides a sound basis for well-founded and persuasive conclusions. The exposition is enriched with comparisons with other European constitutions from both the past and the present and possesses cognitive value.

The first "stop" in the study concerns citizens' fundamental obligations in Bulgaria's first constitution – the Tarnovo Constitution. Following a description of the context of its adoption, a detailed examination of the specific fundamental obligations ensues, with particular attention to the debates in the Constituent Assembly. Here, as with the other Bulgarian constitutions, the doctoral candidate applies a formal-technical approach by designating each obligation with a separate letter, which ensures clarity and transparency of the exposition.

Attention is also devoted to the period up to the XX century's 1940s and to the emergence of ideas for constitutional change, as well as for the adoption of a new constitution of Bulgaria even before the end of the Second World War, including the proposals of Prof. Stefan Balamezov for the restructuring of fundamental obligations.

In examining citizens' fundamental obligations in the constitutions of 1947 and 1971, the doctoral candidate applies the same approach as with the Tarnovo Constitution—attention to the historical and political context of their adoption and a detailed exposition of the specific

fundamental obligations enshrined therein, which in the study are designated by separate letters. Of particular interest is the analysis of the transition from the 1947 Constitution to the 1971 Constitution, given that this issue is rarely addressed in legal scholarly research. The dissertation emphasises that the necessity for adopting a new constitution did not stem from a revolution or a change in the form of government. The historical and political context of the adoption of the Constitution of the People's Republic of Bulgaria of 1971 is directly linked to the leading role of the Bulgarian Communist Party. The changes implemented are predominantly political in nature, yet they clearly consolidate the leading role of the communist party and the ideological perception of society as socialist. In logical harmony with the adopted structure and approach, an exposition and analysis follows concerning the transition to the creation of the Constitution of the Republic of Bulgaria of 1991.

In summary, the doctoral candidate concludes that the three constitutions of 1879, 1947, and 1971 demonstrate continuity with regard to citizens' fundamental obligations – such as compulsory education, tax obligations, military service and the defence of the homeland, among others - abstracting from the strong ideological character of the 1971 Constitution. A stable core of proclaimed fundamental obligations of citizens has thus been formed, which retains its significance also in the creation of the Constitution of the Republic of Bulgaria of 1991, albeit without the ideological character. This conclusion rests upon a detailed exposition of the individual obligations, and I find it to be well substantiated.

As expected, the emphasis of the research concerning individual citizens' fundamental obligations as constitutional obligations of the state is placed at the third "stop" – *Chapter Three*, focusing on the current constitution and its regulation. This intensified attention is justified in view of achieving the objective of the dissertation – to consolidate the concept of the essence of citizens' fundamental obligations and to improve the constitutional and statutory framework so as to enhance its applicability and usefulness in the contemporary constitutional state. Here as well, the principal approach is applied – first, the historical and political context of the adoption of the Constitution, including the question of "why a new constitution," rather than the existing one with amendments.

Attention is then devoted to each of the nineteen draft proposals for a new constitution submitted to the VII Grand National Assembly. The exposition, presented conscientiously and analytically, possesses cognitive value. Such value also characterises the description of the debates in the Commission for the Drafting of the Constitution and in the plenary hall of the Grand National Assembly concerning citizens' fundamental obligations – their content, scope, etc. The description has added value in view of the fact that a considerable number of the

proposals made at that time did not find reflection in the final version, and their presentation in the dissertation may serve as a source of ideas for supplementing the Constitution, but above all for refreshing and updating legislation, i.e. as a contribution with applied significance. This is followed by an analytical exposition of the specific fundamental obligations of citizens enshrined in the Constitution, designated for the purposes of the study by separate letters. The exposition is enriched by a comparative-law analysis of the constitutions of Germany, France, Russia, and Spain – an added cognitive value and a potential source for improving the existing constitutional framework (a contribution with applied significance).

It concludes with the finding that the constitutional regulation of citizens' fundamental obligations currently in force in Bulgaria (the sole amendment concerns compulsory military service) contains a relatively complete and systematised framework of fundamental obligations, combining the tradition of the previous constitutions with the necessary democratic changes. Furthermore, on the basis of the analysis of the constitutional draft proposals and the debates in the VII Grand National Assembly, the doctoral candidate concludes that the framers of the Constitution consciously sought a balance between individual freedoms and citizens' fundamental obligations, and that to a significant extent this balance has been achieved. I consider that this conclusion is not declarative, but rather represents a logical culmination and synthesis of the preceding exposition of facts, relevant events, findings, comparisons, analytical reasoning, and generalisations. I support it.

In Chapter Three, attention is also devoted to international legal instruments on human rights, whose creation and application contribute to the proclamation of citizens' fundamental obligations as constitutional obligations. A comparison is undertaken and, supported by examples, a correspondence is established between specific provisions of the Constitution of the Republic of Bulgaria and clauses of treaties to which Bulgaria is a party. The dissertation emphasises that within the universal system for the protection of human rights the principal focus is placed on the guarantee of rights; however, within the general framework of the Universal Declaration of Human Rights of 1948 it is stipulated (Article 29) that "everyone has obligations to the community."

At the end of Chapter Three, the *Aauthor's position* regarding citizens' fundamental obligations in the currently effective Constitution of Bulgaria is presented. In essence, it contains a finding of a constitutional lacuna which, according to the doctoral candidate, is difficult to explain – namely, that among the proclaimed fundamental obligations of citizens there is no obligation concerning the *protection and preservation of cultural heritage*, while examples of such a fundamental obligation are found in contemporary constitutions of

European states. The author's position is that this lacuna should be filled and that such a fundamental obligation should find its due place in the Constitution of the Republic of Bulgaria as an explicitly enshrined fundamental obligation of citizens; a specific *de lege ferenda* solution is proposed in the Conclusion of the dissertation.

At first glance, an impression of repetition may arise. However, this is only apparent. The author's position provides *the conceptual foundation of the proposal* - why it is well grounded and justified within the general framework of the essence and purpose of citizens' fundamental obligations. The analysis reveals significant problems in the preservation of cultural heritage, which is not only a bearer of historical memory and national identity but also a factor for sustainable economic development through cultural tourism. The doctoral candidate's thesis is that an explicit fundamental obligation of citizens for its protection would ensure a higher degree of preservation of architectural and historical values and would thereby strengthen the link between the right of access to cultural values and the obligation for their preservation. In the Conclusion of the dissertation, *the concept is given concrete form* in the proposed supplemented wording of Article 54, paragraph 1 of the Constitution: "Everyone has the right to enjoy national and universal cultural values and to develop their culture in accordance with their ethnic identity, which is recognised and guaranteed by law. *The preservation of cultural heritage is an obligation of everyone.*"

I find the approach of presenting the Author's position and its concretisation in a *de lege ferenda* proposal to be innovative and appropriate, as it focuses attention on the argument and the underlying motivation on the one hand, while the concretisation itself, in the form of a proposed new wording, constitutes a proposal open to further modelling on the other hand. This approach represents a contribution and deserves support.

In the CONCLUSION, a standard concluding part of a doctoral dissertation, the finding is made that fundamental obligations constitute an inseparable element of the established constitutional order and of the legal status of citizens; this finding is based on the entirety of the legal scholarly research. As a structural component, the Conclusion here contains two parts: *Fundamental Findings and De lege ferenda*.

The Fundamental Findings present a synthesised account of the content of the three individual chapters and the conclusions drawn therein.

The *De lege ferenda* section contains only one proposal – the aforementioned proposal for the explicit proclamation in the Constitution of a new fundamental obligation: *the protection of cultural heritage as a fundamental obligation of everyone*. A specific legislative technique is also proposed – the creation of a second sentence in paragraph 1 of Article 54, which regulates

the right to culture as a fundamental right. In Article 54, paragraph 1, the right to culture is regulated as a complex fundamental right “of everyone”; it is exercised as the right of everyone to enjoy national and universal cultural values, defined as a “passive” right to culture, and as the right of everyone to develop their culture in accordance with their ethnic identity, defined as an “active” right to culture. The addition consists of the new second sentence in paragraph 1 of Article 54: *“The protection of cultural heritage is an obligation of everyone.”* The legislative technique is similar to that used in the formulation of Article 55 concerning the obligation to protect the environment. In the dissertation, the de lege ferenda proposal is accompanied by rich argumentation.

My conviction regarding the necessity and usefulness of this proposal is thereby reinforced.

7. Contributions and significance of the research for scholarship and practice

Most of the contributions have already been identified in the preceding sections. Here, I will present the achievements of the dissertation that have a contributory character, grouped into two categories. The first group comprises contributions of a conceptual nature; the second group includes contributions of a formal and technical nature.

1. Conceptual:

- *The overall research approach* applied throughout the three chapters: first, clarification of the legal nature of the institution of the fundamental obligations of citizens (FO) as a correlate of their fundamental rights, an invariable and core component at the heart of constitutionalism; and *second*, projection of the findings regarding the legal nature of FO into the constitutions of Bulgaria, with the gradual formation of a concept of FO as constitutional obligations and their fulfilment as a necessity for society, and consequently for the individual.
- *A consistent methodology.* The analysis of FO in each Constitution of Bulgaria may be distinguished as an independent scholarly study. In all three constitutions, the research follows a uniform matrix: first, the historical and political context of the adoption of the constitution and the legal views and theories concerning FO prevailing at the time; then, an analytical exposition of each specific fundamental obligation, followed by an explanatory commentary on the transition to the subsequent constitution.
- *A contributory aspect is the attention devoted to views and legal theories concerning the nature and necessity of FO* in the process of adopting each of the constitutions of Bulgaria examined.

- *Clarification of the concept of FO and its distinction from other related terms.* The understanding is advanced that terminological precision is a necessary condition for achieving sound argumentation and well-founded conclusions.
- *Application of the historical and comparative-law approaches with regard to the emergence and development of ideas concerning FO and the necessity of their constitutional entrenchment.* Through knowledgeable application, the contemporary understanding of FO is enriched by insights into the roots and evolution of the institution, thereby paving the way for its further refinement. Undoubtedly, this constitutes a contribution of scholarly value.
- *The combination of the Author's position* (explaining why the Constitution should include a new fundamental obligation of citizens) with a *concrete de lege ferenda* proposal, assigned a systematic place and accompanied by a ready-made formulation; this combination of “concept and concreteness” represents a contribution to the field of legal scholarship.

2. *Formal and technical:*

- The Introduction contains a *Review of the legal literature on the FO of citizens.* It has been carried out conscientiously and responsibly and is of unquestionable usefulness.
- *A systematic, analytical, and accurate review of all draft constitutions of the Republic of Bulgaria submitted to the VII GNA.*
- *Systematic structure and clarity* in the examination of all fundamental obligations of citizens in each of the constitutions of Bulgaria analysed; the designation of each obligation by a letter facilitates the comprehension of the text.

8. Publications related to the dissertation

The publications address topics of significance for constitutional law theory and practice. They are written with scholarly integrity and demonstrate thorough knowledge of the subject under study. There is no co-authorship.

9. Abstract

The abstract has been prepared in accordance with the requirements of the applicable legal and regulatory framework and reflects the results achieved in the dissertation. It is written in a concise and well-structured manner. It has independent value as a synthesis of the main theses of the dissertation.

10. Recommendations for future use of the dissertation's contributions and results

I recommend that the dissertation be read and disseminated in order to promote greater knowledge, culture, awareness, and responsibility within society and in every individual and citizen (in the spirit of the French Declaration).

Undoubtedly, the dissertation demonstrates overall usefulness and practical relevance for the purposes of legislation, particularly in the substantiation and balancing of newly proposed or amended statutory frameworks. As regards the supplementation of the Constitution with the proposed *de lege ferenda* provision, I would recommend – more precisely, express the wish – that the doctoral candidate Iliev, as well as all those with a deep regard for Bulgarian constitutionalism, may be met with a favourable and sufficiently reasoned majority in the National Assembly, capable of implementing the constitutional amendment by introducing the fundamental obligation: “The protection of cultural heritage is an obligation for everyone.”

CONCLUSION

The dissertation *contains scientific, scientifically applied, and applied results that constitute an original contribution to legal scholarship* and **comply with all** the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria (LDASRB), the Regulations for the Implementation of the LDASRB, and the relevant Regulations of PU “Paisii Hilendarski”.

The dissertation demonstrates that the doctoral candidate, **Vasil Georgiev Iliev**, **possesses** profound theoretical knowledge and professional skills in the scientific field of constitutional law, and **displays** qualities and abilities for conducting independent scholarly research.

In view of the foregoing, I confidently give my *positive assessment* of the conducted research as presented in the dissertation reviewed above, the abstract, as well as the achieved results and contributions, and *I propose that the esteemed academic jury award the educational and scientific degree of “doctor”* to **Vasil Georgiev Iliev** in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, doctoral programme Constitutional Law.

19 January 2026

Reviewer:

(signature)

Emiliya Aleksandrova Drumeva

Professor of Constitutional Law

