



PLOVDIV UNIVERSITY “PAISII HILENDARSKI”

FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW SCIENCES

Plovdiv, Tsar Asen St. No. 24, <https://uni-plovdiv.bg/>

VASIL GEORGIEV ILIEV

**FUNDAMENTAL OBLIGATIONS OF CITIZENS
IN THE BULGARIAN CONSTITUTIONS**

A U T H O R ’ S A B S T R A C T

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”

Scientific supervisor: Assoc. Prof. Dr. Hristo Paunov

Plovdiv

2025

The doctoral candidate is enrolled in the full-time doctoral programme “Constitutional Law” within Professional Field 3.6. “Law”, Area of Higher Education 3. Social, Economic and Legal Sciences, by Order No. RD-21-263/10.02.2023 of the Rector of Plovdiv University “Paisii Hilendarski”, effective as of 01.03.2023. The doctoral supervisor is Assoc. Prof. Dr. Hristo Paunov. The topic of the dissertation is “Fundamental Obligations of Citizens in the Bulgarian Constitutions”. By Order No. RD-22-1992/20.10.2025 of the Rector of Plovdiv University “Paisii Hilendarski”, the doctoral candidate was discharged with the right to defend, and by an additional Rector’s Order from 2025, a date was set for holding the public defence of the dissertation and the following composition of the scientific jury was approved:

Internal members

1. Prof. Dr. Emilia Aleksandrova Drumeva

2. Assoc. Prof. Dr. Radoslava Dimitrova Yankulova

Alternate member: Assoc. Prof. Dr. Konstantin Vasilev Pehlivanov

External members

1. Assoc. Prof. Dr. Natalia Vasileva Kiselova

2. Assoc. Prof. Dr. Neli Georgieva Radeva

3. Assoc. Prof. Dr. Hristo Atanasov Ormandzhiev

Alternate member: Prof. Dr. Nina Stefanova Chilova

Public viva of the dissertation will take place on 10 March 2026 (the tenth of March, two thousand and twenty-six) at 11:00 a.m. The materials relating to the defence are available for inspection at the office of Plovdiv University “Paisii Hilendarski”, Plovdiv, Tsar Asen I St. No. 24.

CONTENTS

I. GENERAL CHARACTERISTICS OF THE DISSERTATION.....	
1. Relevance of the research.....	
2. State of the legal literature on the topic.....	
3. Subject and research tasks.....	
4. Aims and methodology of the research.....	
5. Structure of the dissertation.....	
II. CONTENT OF THE DISSERTATION.....	
1. Introduction	
2. Chapter I: The nature of the fundamental obligations of citizens.....	
3. Chapter II: Fundamental obligations of citizens in the Tarnovo Constitution and in the Constitutions of the People’s Republic of Bulgaria of 1947 and 1971.....	
4. Chapter III: Fundamental obligations of citizens in the Constitution of the Republic of Bulgaria of 1991.....	
5. Conclusion.....	
III. PUBLICATIONS RELATED TO THE DISSERTATION.....	
1. Fundamental obligations of citizens in the 1971 Constitution of the People’s Republic of Bulgaria: Commentary and legal analysis.....	
2. Fundamental obligations of citizens in the 1947 Constitution of the People’s Republic of Bulgaria: Commentary and legal analysis.....	
3. Regarding the state's obligation to ensure the fundamental right of free movement.....	

I. GENERAL CHARACTERISTICS OF THE DISSERTATION

1. Relevance of the research

In contemporary constitutional law doctrine, scholars increasingly emphasise the development of academic works centred around human rights in their various forms—“rights-freedoms”, “citizens’ rights”, “fundamental rights”, and others. The most significant contribution in Bulgarian legal literature concerning the study and enrichment of the subject of fundamental obligations of citizens belongs to Prof. Velko Valkanov. The object of his scholarly monograph *Fundamental Obligations of Citizens in the People’s Republic of Bulgaria* is precisely the fundamental obligations of citizens as provided in the 1971 Constitution of the People’s Republic of Bulgaria. He also examines the primary interests of society that determine its existence, nature, and development, and which are realised through the fundamental obligations of citizens. Prof. Valkanov was the first to formulate a definition of “fundamental obligations of citizens”, highlighting their characteristic features.

The work of Prof. Valkanov stands out with enduring value, as it remains foundational for the construction and refinement of the theory concerning fundamental obligations of citizens. Since its publication in 1987, no comprehensive and in-depth study dedicated to this matter has appeared. The relevance of the present dissertation follows from the fact that a monograph offering a thorough analysis of the fundamental obligations of citizens in the Bulgarian constitutions is still absent. The present research seeks to address precisely this gap.

2. State of the legal literature on the topic

Over the years, in addition to the monograph by Prof. Valkanov, the fundamental obligations of citizens—albeit not extensively—have been addressed by a number of authors whose contributions support the overall foundation of this study. Many of these authors have written textbooks on state and constitutional law, which include sections on the fundamental obligations of citizens. Chronologically, during the period of the Tarnovo Constitution, the subject of fundamental obligations is briefly considered in the textbooks of Prof. Stefan Kirov and Prof. Stefan Balamezov. In 1920, Prof. Stefan Kirov devoted space to the fundamental obligations in his „A Short Course in

Bulgarian Constitutional Law.“¹ Later, in 1946, Prof. Stefan Balamezov also examined the fundamental obligations of citizens in his work „Constitutional Law. Part 3: Citizens – Rights, Freedoms, Duties, Guarantees.“²

During the two Constitutions of the People’s Republic of Bulgaria, numerous scholarly works were published, including the aforementioned monograph by Prof. Valkanov. In 1948, immediately after the adoption of the 1947 Constitution, Prof. Mihail Genovski published the state and constitutional law textbook „The Dimitrov Constitution“³, which also conducts a comparative analysis of fundamental obligations in other constitutions of the period. A few years later, in 1952, Yanko Yanev and Vatyо Tsonev published „Fundamental Rights and Obligations of Citizens of the People’s Republic of Bulgaria.“⁴ Later, Prof. Boris Spasov and Prof. Angel Angelov also dedicated attention to fundamental obligations in their textbook „State Law of the People’s Republic of Bulgaria“, reissued and expanded over the years.⁵ This literature, in its relevant parts, addresses the fundamental obligations under the 1947 Constitution.

During the period of the 1971 Constitution, the fundamental obligations also form part of the research of various authors. Prof. Boris Spasov and Georgi Zhelev published State Law of the People’s Republic of Bulgaria, likewise reissued and expanded.⁶ Additionally, in 1973, Prof. Boris Spasov and Prof. Snezhana Nacheva published a VII-grade textbook „The Constitution of the People’s Republic of Bulgaria“, where brief attention is given to the fundamental obligations of citizens.⁷

After the adoption of the 1991 Constitution, the topic of fundamental obligations continued to occupy a place in the academic literature. Prof. Emilia Drumeva consistently analyses the subject in various editions of her „Constitutional Law“ textbook.⁸ The fundamental obligations of citizens are

¹ Киров, С. Кратък курс по Българско конституционно право. София: Печатница на Акционерно дружество „Радикал“, 1920, 128-134

² Баламезов, С. Конституционно право. Част 3: Граждани – права, свободи, длъжности, гаранции. София: Университетска печатница, 1946, 89-94

³ Геновски, М., Димитровската конституция. С: Държавно предприятие – печатница „България“, 1948г., 351-358

⁴ Янков, Я., В. Цонев. Основни права и задължения на гражданите на Народна република България. София: Издателство на БКП, 1952.

⁵ Ангелов, А., Спасов, Б. Държавно право на Народна република България. София: Наука и изкуство, 1968, 507-515

⁶ Спасов, Б., Г. Желев. Държавно право на Народна република България. София: СУ „Св. Климент Охридски“, 1979.

⁷ Спасов, Б., Снежана, Н. Конституция на Народна Република България – Учебно помагало за VII клас. София: ДИ Народна Просвета, 1973. 19-20

⁸ Вж. Друмева, Е. Конституционно право. Четвърто, преработено и допълнено издание. София: Сиела, 2013. ISBN 978-954-28-1372-9; Друмева, Е. Конституционно право. Пето, допълнено и преработено издание. София: Сиела, 2018, 800-804, ISBN: 978-954-28-2526-5.; Друмева, Е. Конституционно право. Шесто, допълнено и преработено издание. София: Сиела, 2025, 791-796, ISBN 978-954-28-5017-5.

also addressed by Prof. Stefan Stoychev in „Constitutional Law of the Republic of Bulgaria – Part One.“⁹. Prof. Georgi Bliznashki contributes with his work „The Constitutional Status of Bulgarian Citizens.“¹⁰. In her monograph „Legal Obligations“, Prof. Boyka Cherneva examines fundamental and derivative legal obligations. Assoc. Prof. Natalia Kiselova dedicates several pages to fundamental obligations in her contribution to the collective work „Protection of Fundamental Rights. Lecture Course.“¹¹. In the context of environmental law and the fundamental obligation to protect the environment under Art. 55, sentence 2 of the Constitution, the article by Prof. Georgi Penchev „Revisiting the Environmental-Law Status of Bulgarian Citizens“ is particularly notable.¹². In her article „Children’s Rights and Their Place in the Bulgarian Constitutional Model“¹³, Assoc. Prof. Radoslava Yankulova briefly discusses the fundamental obligation of parents to raise and educate their children under Art. 47, para. 1 of the Constitution.

The above enumeration is not exhaustive. Besides the listed literature, other scholarly works have been used in the course of this research; all are cited in footnotes and included in the bibliography.

3. Subject and research tasks

The subject of the research may broadly be divided into three main parts:

1. The first part concerns the nature of the fundamental obligations of citizens. It includes an examination of the legal-historical aspects of the emergence of legal obligations and an analysis of fundamental obligations in some of the first written constitutions in Europe—the Constitution of Poland (1791), the Constitution of France (1791), including the Declaration of the Rights of Man and of the Citizen (1789) and the Declaration of the Rights and Duties of Man and of the Citizen (1795), the Constitution of Bavaria (1808), and the Constitution of Spain (1812). This part also contains the terminological distinction between “fundamental obligation” and related legal terms (“legal

⁹ Стойчев, С. Конституционно право на Република България – Част първа. С. Сиела. 1998г. с. 205. ISBN 954-649-104-7

¹⁰ Близнашки, Г. Конституционен статус на българските граждани. София: УИ „Св. Климент Охридски“, 2020. 63-67, ISBN 978-954-07-4978-5.

¹¹ Митрева, П., А. Хаджийска, Ж. Драганов, Б. Чернева, Н. Киселова. Защита на основните права. Курс лекции. София: Сиела, 2023. 106-111, ISBN 978-954-28-4520-1.

¹² Пенчев, Г. „Отново за екологоправния статус на българските граждани“. Предизвикай правото [онлайн], достъпна на: <https://www.challengingthelaw.com/ekologia/otnovo-za-ekologopravnia-status/> (последно посетен на 23.07.2025 г.)

¹³ Янкулова, Р. Правата на децата и мястото им в българския конституционен модел. Предизвикай правото! (онлайн), 19 февруари 2017. Достъпна на: <https://www.challengingthelaw.com/semeyno-i-nasledstveno-pravo/prava-na-deteto-konstitucionen-model/> (последно посетен на 15.07.2025).

obligation”, “juridical obligation”, “legal duty”, “subjective obligation”), analysing the meaning of “fundamental obligation of the citizen” in different historical periods of Bulgarian constitutionalism. It further addresses certain theories on the emergence of fundamental obligations, provides a classification, and identifies the legal guarantees for their fulfilment.

2. The second part is dedicated to the fundamental obligations of citizens in the Tarnovo Constitution of 1879 and in the Constitutions of the People’s Republic of Bulgaria of 1947 and 1971, as follows:

- In the Tarnovo Constitution of 1879 the following are examined:
 - the prohibition on evading the application of the laws in force on grounds of religious convictions (Art. 41); the prohibition on the sale of human beings (Art. 61); the obligation to comply with public order and police laws (Art. 62); the obligation to pay taxes and dues (Art. 69); additional compulsory services (Art. 69); compulsory military service (Art. 71); compulsory primary education (Art. 78). The proposals for restructuring the fundamental obligations in the draft constitution of Stefan Balamezov are also examined.
- In the Constitution of the People’s Republic of Bulgaria of 1947 the following are examined:
 - labour as a duty and honour for citizens (Art. 73, para. 3, sent. 1); the obligation to perform socially useful labour (Art. 73, para. 3, sent. 2); compulsory basic education (Art. 79, para. 3); the obligation to defend the homeland (Art. 90, para. 1); compulsory military service (Art. 91); the obligation of citizens to observe the Constitution and the laws (Art. 92); the obligation to protect national property (Art. 93); the obligation to support the economic, cultural and defence capacity of the state (Art. 93); tax obligations (Art. 94).
- In the Constitution of the People’s Republic of Bulgaria of 1971 the following are examined:
 - the obligation to protect nature and natural resources (Art. 31); the obligation to protect cultural monuments (Art. 31); the obligation to apply the achievements of science and technology (Art. 33, para. 2); the obligation to raise and educate children (Art. 38, para. 3, sent. 2); compulsory basic education (Art. 45, para. 4); the obligations of citizens abroad (Art. 57); the obligation of citizens to observe and faithfully implement the Constitution and the laws of the country (Art. 58); the prohibition on refusing obligations on grounds of religious convictions (Art. 53, para.

5); the obligation to perform socially useful labour (Art. 59, para. 1); the fulfilment of labour obligations (Art. 59, para. 2); the obligation to protect and increase socialist property (Art. 60); strengthening the political, economic and defence capacity of the state (Art. 60); the obligation to defend the homeland (Art. 61, para. 1); compulsory military service (Art. 62); preserving and strengthening peace (Art. 63, para. 1); tax obligations (Art. 64).

3. The third part concerns the Constitution of the Republic of Bulgaria of 1991. Attention is given to the constitutional drafts and the debates in the Seventh Grand National Assembly, with an analysis of the following fundamental obligations:

- the obligation to learn and use the Bulgarian language (Art. 36, para. 1); the obligation to raise and educate children (Art. 47, para. 1); compulsory education (Art. 53, para. 2); the obligation to protect the environment (Art. 55); the obligation to observe the Constitution and the laws (Art. 58, para. 1); the prohibition on refusing obligations due to religious or other convictions (Art. 58, para. 2); the obligation to defend the homeland (Art. 59, para. 1); tax obligations (Art. 60, para. 1); the obligation of citizens to assist the state (Art. 61).

The subject also includes certain aspects of the contribution of international human rights instruments to the development of the fundamental obligations of citizens, insofar as they contain provisions which in meaning and content correspond to the constitutionally established obligations.

Further delimitation of the scientific research is made in the structure and content below. Fundamental obligations formulated as prohibitions are included within the scope. Fundamental obligations of citizens that are derivative of fundamental rights fall outside the scope of the research.

Research tasks:

- To trace the development of legal obligations from Antiquity to the emergence of the first written European constitutions in the late 18th and early 19th centuries.

- To analyse the fundamental obligations in the Constitution of Poland of May 1791, the Constitution of France of September 1791, including the 1789 Declaration of the Rights of Man and of the Citizen and the 1795 Declaration of the Rights and Duties of Man and of the Citizen, as well as in the Constitution of Bavaria of 1808 and the Constitution of Spain of 1812.

- To make a terminological distinction between the concept of “fundamental obligation” and related legal terms – “legal obligation”, “legal duty”, “subjective obligation”.

- To provide a definition of “fundamental obligations of citizens”.
- To analyse the fundamental obligations of citizens under the Tarnovo Constitution of 1879, taking into account the debates in the Constituent Assembly, and for certain obligations to provide comparative analysis with provisions from other constitutions.
- To examine the regulation of fundamental obligations in the Constitutions of the People’s Republic of Bulgaria of 1947 and 1971, including their ideological basis and their connection with ordinary legislation, while also conducting comparative analysis with foreign constitutions of the same period for selected obligations.
- To examine the proposals for fundamental obligations in the constitutional drafts of Bulgaria from 1990–1991, as well as the debates in the Seventh Grand National Assembly related to the fundamental obligations of citizens.
- To analyse the fundamental obligations of citizens in the Constitution of the Republic of Bulgaria of 1991, conducting comparative constitutional analysis with the constitutions of other European states, and identifying relevant case-law of both the Constitutional Court and the ordinary courts of the Republic of Bulgaria.
- To present an authorial position and reasoned proposals for the development of the constitutional regulation concerning fundamental obligations.
- To examine aspects of the contribution of international human rights instruments to the development of the fundamental obligations of citizens.

4. Aims and methodology of the research

Aims:

By addressing the above tasks, the dissertation seeks to construct a more complete conceptual framework for the fundamental obligations of citizens in the Bulgarian constitutions and to highlight their role and importance for the stability of the constitutional order.

Methods

- Historical method – to trace the evolution and understanding of obligations from Antiquity to their emergence in the first written constitutions in Europe.
- Comparative legal method – to analyse the regulation of fundamental obligations in the Bulgarian constitutions in comparison with foreign constitutions.
- Applicable interpretative methods are also employed.

5. Structure of the dissertation

The dissertation complies with the requirements of Art. 27 of the Implementing Regulations of the Act on the Development of Academic Staff in the Republic of Bulgaria. The dissertation comprises a total of 241 pages, including the table of contents and the list of references. A total of 479 footnotes are included.

Structurally, the research consists of: Introduction; Main Exposition; Conclusion; List of References (Bibliography). The exposition is divided into three chapters, each chapter is further divided into separate points indicating the research directions. In addition, each point is further structured into subpoints for specificity and clarity. The fundamental obligations are structurally organised by letters as follows:

- *In the Tarnovo Constitution (1879) – from A to Zh, with a separate letter Z for the fundamental obligations in Stefan Balamezov's draft.*
- *In the Constitution of the PRB (1947) – from A to Z.*
- *In the Constitution of the PRB (1971) – from A to O.*
- *In the Constitution of the Republic of Bulgaria (1991) – from A to I.*

The alphabetical order provides an additional systematising element, ensuring coherence and clarity in the examination of the individual fundamental obligations, while creating internal logical connections between the parts of the exposition. Cross-references are used to avoid unnecessary repetition.

The list of references includes 75 titles – 60 Bulgarian and 15 foreign. The three chapters have comparable volume and relative balance, contributing to a coherent and comprehensive presentation of the research.

II. CONTENT OF THE DISSERTATION

The structure of the dissertation comprises an introduction, three chapters, a conclusion and a bibliography, with each part following a logical sequence within the research.

INTRODUCTION

The introduction is divided into several parts:

- **Relevance and significance of the research** – it is noted that there is no modern, comprehensive and in-depth study dedicated to the fundamental obligations of citizens, and the relevance of the topic arises from the need to fill this gap. The contribution of Prof. Velko Valkanov and his 1987 monograph, which remains foundational in the field of fundamental obligations of citizens, is emphasised.

- **State of the legal literature on the topic** – attention is given to authors such as Stefan Kirov, Stefan Balamezov, Mihail Genovski, Yanko Yanev, Vaty Tsonev, Boris Spasov, Angel Angelov, Georgi Zhelev, Snezhana Nacheva and others, who in different periods discuss fundamental obligations in their works. More recent contributions include those of Emilia Drumeva, Stefan Stoychev, Georgi Bliznashki, Boyka Cherneva, Natalia Kiselova, Georgi Penchev, Radoslava Yankulova and others. It is explicitly stated that the literature used is broader and is cited in the footnotes.

- Subject and tasks of the research – the subject is divided into three main parts:

1. The nature of fundamental obligations, their historical-legal roots, and the terminological distinctions from related legal concepts. Analysis of fundamental obligations in some of the earliest written constitutions in Europe. Theories of their emergence, classifications according to various criteria, and the legal guarantees for their fulfilment.
2. The regulation of fundamental obligations in the Tarnovo Constitution of 1879 and in the Constitutions of the PRB of 1947 and 1971. For each constitution, the historical and political context of its adoption is traced, as it has influenced the formation of the fundamental obligations of citizens.
3. A systematised review of the fundamental obligations of citizens in the nineteen draft constitutions of Bulgaria submitted by various authors to the Seventh Grand National Assembly. Examination of the debates in the Seventh Grand National Assembly concerning the provisions related to the fundamental obligations of citizens. Analysis of the fundamental obligations in the Constitution of the Republic of Bulgaria of 1991. The subject also includes certain aspects concerning the contribution of international human rights instruments to the development of fundamental obligations of citizens.

The research tasks are outlined in detail in the introduction of the dissertation, but in summary they cover: tracing the development of legal obligations from Antiquity to the emergence of the first

written constitutions; analysing the fundamental obligations in some of the early written European constitutions of the late 18th and early 19th centuries; terminological distinctions and formulation of a definition of “fundamental obligations of citizens”; examining the regulation of fundamental obligations in the Tarnovo Constitution, the Constitutions of the PRB of 1947 and 1971, and the Constitution of 1991; reviewing proposals for fundamental obligations in the draft constitutions of 1990–1991; analysing the debates in the Seventh Grand National Assembly concerning the provisions on fundamental obligations; conducting comparative research with other European constitutions; and examining certain aspects of the contribution of international human rights instruments to the development of fundamental obligations of citizens.

- **Aims and methodology of the research** – the aim is to build a more complete concept of the fundamental obligations of citizens and their role in the stability of the constitutional order. The methods used are indicated.

- **Structure and content of the research** – it includes an introduction, three chapters, a conclusion and a bibliography. Each chapter is thoroughly systematised into points and subpoints.

CHAPTER I: THE NATURE OF THE FUNDAMENTAL OBLIGATIONS OF CITIZENS

The first chapter is divided into five main points, each of which is further structured into subpoints.

1. The first point is dedicated to the legal-historical aspects of legal obligations. The analysis is structured into several subpoints, which consecutively examine the development of legal obligations as follows:

- 1.1. In Ancient Greece, obligations were understood mainly through the philosophical-ethical lens of justice, morality and the societal consciousness of duty. They were not systematised as an independent legal category, but were derived from values such as virtue and justice. In the early stages there was no distinction between moral and legal obligations, as law and morality developed in parallel. The term *nomos*, used by poets after Homer, carried different meanings and reflected an emerging understanding of law as a social measure of behaviour. In the works of Hesiod and the lyric poets, one finds early notions of justice—Hesiod (8th century BC) complains of the evil of “crooked judgments”. The most widespread later word for law,

nomos,¹⁴ indeed appears in these poets but has varying meanings.¹⁵ Duty was perceived as “that which is necessary for the community” and “that which is prescribed by political laws and social custom”. In this context, obligations are part of the effort to achieve justice and order through some form of laws and agreements, which certainly did not correspond to the modern structure, systematisation and content of legal norms. Although they laid the foundations of key concepts such as justice, duty and law, the Greek thinkers did not reach a formalised legal order in the modern sense.

1.2. In Ancient Rome, a clearer concept of legally binding obligations emerged, reflected in the Law of the Twelve Tables and in the writings of Roman jurists. Obligations were no longer seen solely as moral or philosophical categories, but became normatively formulated and legally enforceable rules. The Twelve Tables contained obligations in both private and public law—from the requirement for defendants to appear in court to prohibitions against acts threatening community security. Roman thinkers, especially Cicero, under the influence of Greek philosophy and Stoicism, presented law as an imperative ensuring public order and forming the basis of freedom. Thus, the idea was established that the state is unthinkable without law, and law—without obligations.

1.3. In the late Roman Empire and the Middle Ages, Christian doctrine and positive law gradually altered conceptions of legal binding force and the supremacy of law, including through the Magna Carta Libertatum. Certain legal obligations appear in the normative acts applied in Bulgarian lands during the Middle Ages, such as the Agrarian Law (*Zemedelski zakon*) and the Law for Judging the People (*Zakon za sadene na ludete*).

1.4. The development of legal obligations during the Renaissance is reflected through natural-law doctrines and social-contract theory (Grotius, Suárez, Locke, Wolff). The section concludes by outlining the transition to the emergence of the first written European constitutions. The importance of the ideas of the rule of law and the supremacy of law is emphasised, placing obligations on both the people and the monarch. Gradually, the concept of fundamental legal obligations takes shape and finds constitutional expression at the end of the 18th and the beginning of the 19th century.

¹⁴ Централна и обединяваща черта от корена на глагола „пето”, което означава определям или разпределям. Идеята е за отмерване или разпределение, варираща по контекст от музикален такт до определяне на пасища и включваща нещо като идеята за решение, прието за подходящо разпределение. (Кели, Дж. Кратка история на западната теория на правото. Прев. Юрий Михайлов. София: Рива, 1998, с.18, ISBN 954-8001-21-7).

¹⁵ Пак там, с.21.

2. The second point examines the emergence and development of fundamental obligations of citizens in the first written constitutions in Europe. It begins with a general overview of the emergence of written constitutions as a reflection of social-contract theory. The need to formulate fundamental obligations as a guarantee of peace, security and stability of the state order is identified. Within this framework, the analysis is developed into four subpoints dedicated to the content of fundamental obligations in:
 - 2.1.1. The Constitution of Poland (1791) introduces a constitutional monarchy and the principle of separation of powers, while integrating citizens through obligations related to acceptance of municipal law, tax duties and others. These obligations reflect the process of legal integration and submission to the law, but the reforms were interrupted by external intervention and the subsequent partitions of Poland.
 - 2.1.2. The Constitution of France (1791), examined in connection with the preceding Declaration of the Rights of Man and of the Citizen (1789) and the subsequent Declaration of the Rights and Duties of Man and of the Citizen (1795), shows an evolution from the absence of explicit regulation of citizens' fundamental obligations to their clear systematisation. In the 1795 Declaration, specific obligations are formulated: to know and fulfil one's duties, to obey the laws, to defend society, to uphold property, and to serve the homeland.
 - 2.1.3. The Constitution of Bavaria (1808) contains obligations mainly concerning the payment of taxes and the observance of the constitution and the laws. Unique for its time is the provision prohibiting emigration and service in a foreign army without the monarch's permission, under the threat of loss of civil rights.
 - 2.1.4. The Constitution of Spain of 1812 ("La Pepa")¹⁶ affirms national sovereignty and the separation of powers, while also introducing a system of fundamental obligations of Spaniards. Among them stand out loyalty to the nation, compliance with the Constitution and the laws, the payment of taxes, and military service. In the context of the vast territories of the Spanish monarchy, these obligations acquire particular significance, emphasising the collective responsibility for maintaining the public good and state stability.

¹⁶ Испанската конституция от 1812 г. е наречена „La Pepa“, защото е обнародвана на 19 март 1812 г., когато е празникът на Свети Йосиф (Сан Хосе) в католическия календар. Тъй като „Пепе“ е често срещан испански прякор за Хосе, хората наричат конституцията „Ла Пепе“ (женската форма на Пепе) <https://www.madridmetropolitan.com/la-pepa-spains-first-constitution/> (последно посетен на 02.02.2025г.)

3. The third point is dedicated to the terminological distinction between the concept of “fundamental obligation” and other related legal terms. The subpoints examine “legal obligation”, “juridical obligation”, “legal duty”, “subjective obligation”, as well as the content of the concept “fundamental obligation” in comparison with the other definitions. The characteristics of the term “fundamental obligation of the citizen” are also analysed across the different constitutional periods—the Tarnovo Constitution, the Constitutions of the PRB of 1947 and 1971, and the Constitution of the Republic of Bulgaria of 1991.

4. The fourth point is dedicated to the theories concerning the emergence of the fundamental obligations of citizens and their classification according to various criteria. On the basis of the characteristics identified in relation to the fundamental features of the fundamental obligations of citizens, an attempt is made to formulate a definition of “fundamental obligations of citizens”. In general terms, the analysis in this point may be outlined as follows:

4.1.1. The exposition begins with the theory of primary interest, presented by Velko Valkanov.

According to him, fundamental obligations arise by virtue of the legal norm but possess a specific characteristic—they directly satisfy the primary interests of society. These interests are systematised into three main groups: the interest in the existence of society, the interest in the formation of its essence, and the interest in its development. Depending on the historical and legal context, certain obligations may correspond to more than one primary interest, but one of them always has leading significance.

4.1.2. Next, the theory of fundamental obligations as a continuation of natural obligations, developed by Boyka Cherneva, is presented. According to this theory, an obligation is fundamental only if it reflects a natural obligation in its essence, while the remaining obligations are derivative. These claims, however, are difficult to accept. In a modern rule-of-law state, it is difficult to accept the view that certain fundamental obligations, which are so essential for the existence, essence and development of society, may be classified as derivative. The term “derivative” denotes something that arises as a result, consequence or outcome of a given action, event, condition or phenomenon. It is typically used with the prepositions “of”, “from”, or with a possessive pronoun, in order to emphasise the causal link.¹⁷ In the context of legal obligations, this means that their emergence is a direct consequence of the existence of

¹⁷ Речник на българския език – Институт за български език при БАН дава следното определение за „производен“: „Възникващ като резултат, следствие или последица от нещо.“ [онлайн]. Достъпно на: (<https://ibl.bas.bg/rbe/lang/bg> <https://ibl.bas.bg/rbe/lang/bg/производен/>) (последно посетен на 09.03.2025 г.).

another obligation. It is particularly problematic when certain fundamental obligations are categorised as derivative without clear criteria justifying such a conclusion.

4.1.3. As a result of the characteristics identified for fundamental obligations in the dissertation, the following definition of “fundamental obligations of citizens” is formulated:

“Fundamental obligations of citizens are those constitutionally established legal 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 also possess a moral dimension, as their fulfilment is guaranteed not only by legal norms but also by social values and morality. Together with fundamental rights, fundamental obligations form the legal status of citizens, creating conditions for the effective exercise of their rights and for strengthening public order. The fulfilment of fundamental obligations is guaranteed through legal sanctions introduced by the state.”

4.2. Following the definition, the analysis proceeds to a classification of the fundamental obligations of citizens according to various criteria, which does not claim exhaustiveness but aims to provide a basis for the development of future research.

4.2.1. First, the fundamental obligations of citizens are divided into pecuniary and non-pecuniary.

Non-pecuniary obligations require strictly personal participation and are often linked to the defence of the homeland or military service. Pecuniary obligations, in turn, concern the material interests of society, the classic example being the obligation to pay taxes.

4.2.2. In addition, the category of duty-based fundamental obligations is outlined, in which a moral responsibility appears alongside the legal aspect.

4.2.3. Finally, the distinction between public and personal fundamental obligations is presented.

Public obligations relate to citizens’ participation in the organisation of the state, whereas personal obligations belong to the individual citizen as a member contributing resources either for personal benefit or for the existence of the state.

5. The fifth point 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 serve the interests of society as a whole, and therefore their voluntary fulfilment is particularly important. The state creates a normative framework that not only details the mechanisms for compliance but also introduces measures guaranteeing their unconditional implementation. Stable public discipline is a prerequisite for

this, and where necessary, legal coercion is applied. The fulfilment of fundamental obligations may require active or passive conduct. The payment of taxes and fees, as well as the defence of the homeland, require concrete actions by citizens. Other obligations, such as respect for human life, require abstention from certain conduct. Such obligations are performed continuously and by many subjects simultaneously, underscoring their universal character.

5.1. Voluntary fulfilment of fundamental obligations is encouraged through moral and material incentives. Moral incentives are expressed in public recognition and the awarding of state distinctions pursuant to the Law on Orders and Medals of the Republic of Bulgaria. Material incentives include tax reliefs provided in special laws such as the Personal Income Tax Act and the Corporate Income Tax Act, which create additional motivation for compliance with financial obligations.

5.2. When voluntary fulfilment is not achieved, legal coercion is employed. Legal sanctions complete the legal character of obligations, emphasising society's intolerance toward their non-fulfilment. A telling example is the case of compulsory voting, where the absence of sanctions deprives it of real substance. Ordinary legislation contains provisions specifying sanctions for non-fulfilment of fundamental obligations, particularly those concerning the payment of taxes and fees. Non-fulfilment may lead to various forms of liability—administrative, administrative-penal or criminal—depending on the nature of the violation.

CHAPTER II: FUNDAMENTAL OBLIGATIONS OF CITIZENS IN THE TARNOVO CONSTITUTION AND IN THE CONSTITUTIONS OF THE PEOPLE'S REPUBLIC OF BULGARIA OF 1947 AND 1971

Chapter Two is devoted to the fundamental obligations of citizens in the Tarnovo Constitution and in the Constitutions of the People's Republic of Bulgaria. It is divided into three main sections, each containing subpoints for greater clarity.

1. The first section examines the Tarnovo Constitution of 1879, with the analysis divided into several points, as follows:

1.1. The historical and political context of the adoption of the Tarnovo Constitution is presented. The role of the Provisional Russian Administration, the work of Sergey Lukiyarov in drafting the project, and the revisions made in Russia are examined.

1.2. The exposition analyses the specific fundamental obligations established in the Tarnovo Constitution. Each obligation is marked with a separate letter—from “A” to “Zh”—and covers: the prohibition on evading compliance with the laws in force on the grounds of religious convictions (Art. 41); the prohibition on the sale of human beings (Art. 61); the obligation to comply with town-planning and police laws (Art. 62); the obligation to pay *dazhdiya* and *berii* (Art. 69); additional duties (*povinnosti*) (Art. 69); compulsory military service (Art. 71); and compulsory primary education (Art. 78). A separate letter “Z” discusses some of the proposals for restructuring the fundamental obligations in Professor Stefan Balamezov's draft for a new constitution, followed by a subpoint that transitions to the 1947 Constitution. The discussions of the Constituent Assembly related to fundamental obligations are also reflected.

1.3. During the 1940s, Bulgaria underwent radical socio-political transformation. Ideas for drafting a new constitution began forming more than a decade before the Constitution of the People's Republic of Bulgaria was adopted in 1947. The movement toward constitutional change was influenced by several factors, the main one being the shift in political forces in the country.

2. The second section is devoted to the Constitution of the People's Republic of Bulgaria of 1947. The structure is consistent, and the analysis is again divided into several points:

2.1. The first subpoint elaborates in detail the historical and political context of the Constitution's adoption. The process of drafting a new constitution was led by the National Committee of the Fatherland Front, and the final project was directly influenced by Soviet

constitutionalism. These processes led to the creation of the Constitution of the People's Republic of Bulgaria of 1947.

2.2. The fundamental obligations of citizens in the 1947 Constitution are examined in detail, each designated with a separate letter—from “A” to “Z”—including: labour as a duty and honour of citizens (Art. 73, para. 3, sent. 1); the obligation to perform socially useful labour (Art. 73, para. 3, sent. 2); compulsory elementary education (Art. 79, para. 3); the obligation to defend the Fatherland (Art. 90, para. 1); compulsory military service (Art. 91); the obligation of citizens to observe the Constitution and the laws (Art. 92); the obligation to preserve the people's property (Art. 93); the obligation to support the economic, cultural and defence capacity of the state (Art. 93); and tax obligations (Art. 94).

2.3. This subpoint addresses the transition from the 1947 Constitution to the Constitution of the People's Republic of Bulgaria of 1971.

3. The third section analyses the Constitution of the People's Republic of Bulgaria of 1971, again structured in several points:

3.1. The need for adopting a new constitution did not arise from revolution or a change in the form of state governance. The historical and political context of the adoption of the 1971 Constitution is directly linked to the leading role of the Bulgarian Communist Party. The substance of the fundamental obligations of citizens was merely expanded, as most provisions retained their original meaning. The changes were predominantly political in nature but clearly reinforced the leading role of the Bulgarian Communist Party and the ideological perception of society as socialist.

3.2. Similarly to the previous constitutions, the analysis of the fundamental obligations of citizens in the 1971 Constitution is presented in an analogous manner. They are designated with separate letters—from “A” to “O”—and include: the obligation to preserve nature and natural resources (Art. 31); the obligation to protect cultural monuments (Art. 31); the obligation to introduce the achievements of science and technology (Art. 33, para. 2); the obligation to raise and educate children (Art. 38, para. 3, sent. 2); compulsory basic education (Art. 45, para. 4); the obligation of citizens abroad to fulfil their obligations (Art. 57); the obligation of citizens strictly and conscientiously to observe and execute the Constitution and the laws of the country (Art. 58); the prohibition on refusing to fulfil obligations on the grounds of religious convictions (Art. 53, para. 5); the obligation to perform socially useful labour (Art. 59, para. 1); the fulfilment of labour duties (Art. 59, para. 2); the obligation to preserve and increase socialist property (Art. 60); the strengthening of political, economic and defence capacity (Art. 60); the obligation to defend the Fatherland (Art. 61,

para. 1); compulsory military service (Art. 62); the preservation and strengthening of peace (Art. 63, para. 1); and tax obligations (Art. 64). The section concludes with a transition to the Constitution of the Republic of Bulgaria of 1991.

3.3. This subpoint addresses the transition from the 1971 Constitution to the current Constitution of the Republic of Bulgaria of 1991. This transition resulted from profound political and economic changes in the country. The new Constitution aimed to consolidate democratic principles and overcome the ideological frameworks of the previous constitutional model.

Comparative-Law Analysis in Chapter II

For some of the fundamental obligations examined in Chapter Two, a comparative-law analysis is conducted with provisions of other European constitutions from the relevant period.

CHAPTER III: FUNDAMENTAL OBLIGATIONS OF CITIZENS IN THE CONSTITUTION OF THE REPUBLIC OF BULGARIA OF 1991

Chapter Three is devoted to the fundamental obligations of citizens in the Constitution of the Republic of Bulgaria of 1991. It is structured into four main points, each of which is elaborated through subpoints for greater clarity and systematic presentation.

1. The first point 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.

2. The second point is dedicated to the constitutional drafts and the debates within the Seventh Grand National Assembly. It contains two subpoints, each further divided into additional subpoints, as follows:

2.1. The first subpoint, “2.1. The Constitutional Drafts and the Fundamental Obligations of Citizens”, analyses the formulated fundamental obligations in the nineteen constitutional drafts. They are presented systematically in subpoints 2.1.1 to 2.1.19, covering the drafts of Dr. Ran and Dr. Ът, Andrey Yakimov, Nikolay Pavlov, Maksim Genov, the “311” Constitutional Club, Acad. Yaroslav Radev, Vladimir Radev, Krastyo Krastev, the Bulgarian Social Democratic Party, Velko Valkanov, the Bulgarian Agrarian National Union (BZNS) and the Agrarian Union “Nikola Petkov”, the Bulgarian Socialist Party, Aleksandar Aleksandrov, Tsontyo Danev, the Radical Democratic Party, the collective of Zhivko Milanov, Kiro Lazarov, Stefan Stoychev, Evgeni Tanchev, Lyuben Kulishev, Snezhana

Nacheva, Emilia Drumeva and Krasen Stoychev, Aleksi Popov, as well as the PRAKTIS group.

2.2. The second subpoint, “2.2. The Fundamental Obligations of Citizens in the Debates of the Seventh Grand National Assembly”, focuses on the debates concerning the fundamental obligations of citizens during the work of the Seventh Grand National Assembly. The proposals regarding each fundamental obligation are presented in separate points—from 2.2.1 to 2.2.7. Some of the proposals remained within the scope of the debates and did not reach the final version of the Constitution. These include various proposals concerning the structure of the provisions regulating the fundamental obligations of citizens, such as: the duty to contribute to the material and spiritual progress of society; the duty of children to care for their parents; the protection of the environment; matters relating to religious convictions; the defence of the Fatherland and military service; the payment of taxes and fees; and the obligation to provide assistance in cases of disaster.

3. The third point presents a systematic overview of the fundamental obligations of citizens as regulated in the 1991 Constitution. Each obligation is designated with a separate letter—from “A” to “I”. The analysis covers: the obligation to study and use the Bulgarian language (Art. 36, para. 1); the obligation to raise and educate children (Art. 47, para. 1); compulsory education (Art. 53, sent. 2); the obligation to protect the environment (Art. 55); the obligation to observe the Constitution and the laws (Art. 58, para. 1); the obligation to defend the Fatherland (Art. 59, para. 1); tax obligations (Art. 60, para. 1); the obligation of citizens to render assistance to the State (Art. 61). Attention is also given to Art. 58, sent. 2 of the Constitution, according to which religious and other convictions do not constitute grounds for refusing to fulfil the obligations established by the Constitution and the laws. A comparative analysis is conducted with the constitutions of Germany, France, Russia and Spain. The analysis reveals that the Constitution of the Republic of Bulgaria of 1991 provides a relatively complete and systematic regulation of fundamental obligations, combining the tradition of previous constitutions with the necessary democratic amendments.

4. The fourth point 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 is developed in the conclusion. The analysis of the constitutional drafts and the debates in the Seventh Grand National Assembly shows that the legislator sought a conscious balance between individual freedoms and the fundamental obligations of citizens. To a

significant extent, this balance has been achieved, but certain proposals from the constitutional drafts remained neglected.

More specifically, the absence of a fundamental obligation of citizens to protect and preserve cultural heritage constitutes a gap that is difficult to justify. Comparative analysis shows that numerous states dedicate a special constitutional provision to the protection of cultural heritage and/or cultural monuments by citizens. For example, Art. 44, para. 3 of the Constitution of the Russian Federation stipulates that everyone is obliged to preserve historical and cultural heritage and to protect monuments of history and culture. A similar provision exists in Art. 54 of the Constitution of Belarus, Art. 73 of the Constitution of Slovenia, Art. 44, para. 2 of the Constitution of Slovakia, as well as Art. 66 of the Constitution of Ukraine.

A comparison between the concept of “monument of culture” under the repealed Law on Monuments of Culture and Museums (LMCM) and the concepts of “cultural value” and “cultural heritage” under the current Cultural Heritage Act (CHA) reveals a significant evolution. While the LMCM emphasised material and individualised objects of “significance”, the CHA introduces a broader concept that includes intangible elements—customs, traditions, music, knowledge, folklore, and others.

Data from the 2019 audit of the National Audit Office and the condition of sites such as the House of Ivan Geshov, the Tobacco Warehouses in Plovdiv, the Royal Stables and others clearly demonstrate that society does not perceive an active responsibility for the preservation of cultural heritage. In the context of growing cultural tourism and increasing public interest in historical destinations, such an obligation would carry not only cultural and historical, but also economic significance.

The author’s position is that incorporating an explicit fundamental obligation of citizens to preserve cultural heritage into the Constitution would strengthen the protection of Art. 54, para. 1 of the Constitution and create a more robust link between the individual right of access to cultural values and the collective obligation to preserve them.

5. The fifth point is devoted to international human rights instruments and 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 duties to the community”.

The preambles of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) outline the link between rights and obligations, noting that the individual has duties to others and to society. Art. 19, para. 3 ICCPR explicitly links freedom of expression to “special duties and responsibilities”, which may justify legal restrictions in defence of national security, public order and morality. Under Art. 13, para. 2 (a) ICESCR, States Parties must ensure that primary education is compulsory, free of charge and accessible to all. Under Art. 14, any State that has not secured compulsory and free primary education at the time of accession undertakes, within two years, to develop and adopt a detailed plan for its progressive introduction. The plan must ensure the realisation of compulsory and free primary education for all within a reasonable number of years. In Bulgarian constitutions, primary education has consistently been regulated as compulsory and free of charge even before Bulgaria became a party to the Covenant (see letter “B”, point 2.2 and letter “D”, point 3.2 of Chapter II).

The Convention on the Rights of the Child (CRC) explicitly affirms the principle that parents bear the primary responsibility for the upbringing and development of the child. Art. 18, para. 1 CRC requires States Parties to use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child.

The European Convention on Human Rights (ECHR) permits compulsory military service (Art. 4, para. 3 (b)) and obligations in cases of emergency or disaster (Art. 4, para. 3 (c)), and Arts. 59 and 61 of the Constitution of the Republic of Bulgaria fully correspond to these provisions. According to Protocol No. 1 to the ECHR, the right to property is not violated when the State imposes taxes or contributions—creating a direct link to Art. 60 of the Constitution.

The UN Charter, in Art. 51, recognises the right of States to individual and collective self-defence, which presupposes citizens’ loyalty and duty to national defence. This is reflected in the fundamental obligation to defend the Fatherland under Art. 59, para. 1 of the Constitution.

CONCLUSION

The analysis carried out confirms the thesis that fundamental obligations are an integral element of the constitutional order and the legal status of citizens. Through them, a balance is achieved between fundamental rights and the responsibility of citizens towards society, ensuring the stability of public order. The conclusion briefly summarises the main findings made in the study of the matter related to the fundamental obligations of citizens in the Bulgarian constitutions, and it also

presents a proposal for improving the normative framework, based on the arguments set out in Section 4 of Chapter III. The conclusion is structured in two separate points in order to achieve better systematisation. The first point presents the principal findings of the individual chapters, and the second point contains the proposal for improving the normative regulation. The following pages provide a comparatively concise outline of the conclusion.

1. Main Findings

1. Findings from Chapter I: The Nature of the Fundamental Obligations of Citizens

In the period of Ancient Greece, the concept of a “legal obligation” cannot be understood in the sense in which it is employed in contemporary legal doctrine. It is not an autonomous legal category but is viewed through the prism of philosophy and categories such as justice, morality, virtue, etc. (see Section 1.1 of Chapter I). Gradually this changes, and the first acts of legal significance appear, including the Twelve Tables (see Section 1.2 of Chapter I). The Christianisation of Europe reshapes the understanding of the role of the state and the law. Under the influence of Christian doctrine, the state is perceived as necessary to contain human sinfulness, while laws become a means of protecting the innocent and punishing the guilty. Over time, the supremacy of the law and the idea that the ruler is also subject to it become established, and certain obligations imposed on the ruler become institutionalised in law. A vivid expression of this development is the Magna Carta Libertatum (1215). The significance of the Magna Carta for the development of legal obligations is also addressed (see Section 1.3.1 of Chapter I). In the Bulgarian lands, various normative acts governed social relations after the Christianisation, such as the Agricultural Law and the Law for Judging the People, which introduced concrete legal obligations (see Section 1.3.2 of Chapter I).

The first European constitutions contain few explicit provisions on the fundamental obligations of citizens, yet they outline a core. The Polish Constitution of 1791 integrates urban residents through obligations to accept and observe municipal law, with a formalised procedure and fiscal duties (see Section 2.1.1 of Chapter I). In the Declaration of the Rights of Man and of the Citizen (1789) and the French Constitution of 1791, fundamental obligations are derived primarily from fundamental rights. In French constitutionalism, the fundamental obligations of citizens are most closely associated with the Declaration of the Rights and Duties of Man and of the Citizen (1795) and the Constitution of the same year (see Section 2.1.2 of Chapter I). The Bavarian Constitution of 1808 contains various obligations related to observance of the constitution and laws, taxation, and restrictions on emigration and foreign military service as guarantees of loyalty (see

Section 2.1.3 of Chapter I). The Spanish Constitution of 1812 formulates a wide range of fundamental obligations of “Spaniards”: loyalty to the constitution and established authorities, tax obligations, military service, etc. (see Section 2.1.4 of Chapter I).

Section 3 of Chapter I offers terminological distinctions between the concepts of “legal obligation”, “legal duty”, “subjective obligation” and “fundamental obligation”. The general conclusion is that a legal obligation represents an institutionalised measure of required conduct (see Section 3.1.1 of Chapter I); “legal duty” often designates legally binding obligations with a moral dimension (e.g., defence of the homeland) or monetary debts in specific contexts (see Section 3.1.2 of Chapter I); a “subjective obligation” is a legal obligation belonging to the construction of a civil-law relationship and differs from public-law obligations imposed by the state (see Section 3.1.3 of Chapter I). Against this background, a “fundamental obligation” is a constitutionally established legal obligation of primary importance for the state and society, addressed to the state, the citizens of the respective state, or a broader circle of subjects — citizens of other states and legal persons (see Section 3.2 of Chapter I).

Section 4 examines theories on the emergence of the fundamental obligations of citizens. From them it may be inferred that fundamental obligations exist in order to satisfy the primary interests of society — its existence, its essential constitution, and its development. A natural obligation need not underpin the establishment of a fundamental obligation. Fundamental obligations are not arbitrarily introduced; they arise from social necessity and the primary interests of society. Based on the characteristics outlined in the study, a definition of the fundamental obligations of citizens is formulated (see Section 4.1.3 of Chapter I).

A typology of fundamental obligations is also provided, contributing to a better understanding of their nature. They may be patrimonial (e.g., tax obligations) or non-patrimonial (e.g., military service, learning the Bulgarian language). There also exists a category of “duty-based obligations” that combine legal and moral elements, with the clearest examples being obligations related to the defence of the homeland and military service. In addition, obligations may be classified as public — connected to citizens’ participation in the organisation and functioning of the state — and personal — relating to labour, property and education (see Section 4.2 of Chapter I).

Fundamental obligations serve the interests of society as a whole, and their non-fulfilment constitutes a state that society cannot tolerate. Fulfilment may require active or passive conduct. The state provides moral and material incentives to encourage voluntary compliance: moral incentives take the form of public recognition and state honours, while material incentives include tax reliefs and

other statutory mechanisms. Where voluntary compliance is not achieved, the state ensures the fulfilment of fundamental obligations through legal coercion (see Section 5 of Chapter I).

2. Findings from Chapter II: Fundamental Obligations in the Tarnovo Constitution of 1879 and the Constitutions of the People's Republic of Bulgaria of 1947 and 1971

In the Tarnovo Constitution, the fundamental obligations of citizens are relatively few in number (see Section 1.2, items “A”–“Z”). Religious convictions cannot serve as grounds for “avoiding” the implementation of laws in force and obligatory for everyone, and religion is placed within the boundaries of the legal order; no privileges or restrictions based on religious affiliation are permitted (Art. 41 TC). The sale of human beings is prohibited, and “every slave... becomes free as soon as he steps onto Bulgarian territory” (Art. 61 TC). The urban development laws and police laws are equally binding on all persons residing in the Principality (Art. 62 TC), without a separate provision expressly obliging compliance with the Constitution and laws in general, though this follows implicitly from various texts throughout the Constitution. Every subject is obliged to pay the levies and state dues prescribed by law and to bear the burdens (Art. 69 TC), the establishment of which is carried out solely by the National Assembly. The burdens under Art. 69 TC are further specified as billet duty, road duty and labour duty in separate statutes. Military service is compulsory for every Bulgarian subject, and renunciation of subjecthood is conditional on having performed military service and fulfilled the “other duties toward the State” (Art. 71 TC; Art. 56 TC). Primary education is “free and compulsory for all subjects”, and subsequent statutory regulation elaborates this constitutional provision (Art. 78 TC). In Stefan Balamezov’s draft for a new constitution, “citizens” are equal before the law in both rights and obligations, and any restriction must be provided for by statute (Art. 117). Compulsory voting is envisaged (Art. 118), as well as an obligation for Bulgarian citizens to provide their children with at least compulsory education (Art. 120), among others.

The Constitution of the People’s Republic of Bulgaria of 1947 creates for the first time an independent chapter entitled “Fundamental Rights and Obligations of Citizens”, following the model of the 1936 Constitution of the USSR (see Section 2.2, items “A”–“Z”). Labour is declared a “duty and a matter of honour”, and every able-bodied person is obliged to perform socially useful labour (Art. 73, para. 3, sentences 1–2). Primary education is compulsory and free, and minorities are granted instruction in their mother tongue while required to study Bulgarian (Art. 79, paras. 3 and 2). The defence of the Fatherland is proclaimed a supreme duty and honour; treason is “the gravest

crime” (Art. 90). Military service is compulsory (Art. 91). Citizens are explicitly required to observe the Constitution and to implement the laws accurately and conscientiously (Art. 92). They must also protect the common national property and, through all their actions, strengthen the economic, cultural and defensive capacity and the well-being of the people (Art. 93). Tax obligations are allocated according to “economic capacity” and may be established only by statute (Art. 94). In both socialist constitutions, certain fundamental obligations bear a distinctly ideological character.

The Constitution of the People’s Republic of Bulgaria of 1971 preserves the core of the fundamental obligations of citizens and expands it (see Section 3.2, items “A”–“O”). For the first time, it introduces an obligation to protect and preserve nature, natural resources, waters, air, soil, as well as cultural monuments (Art. 31). The implementation of advances in science and technology is an obligation of state bodies, organisations and citizens (Art. 33, para. 2). Parents are obliged to care for the upbringing and “communist education” of their children (Art. 38, para. 3, sentence 2). Primary education is compulsory, and persons of non-Bulgarian origin must study Bulgarian and have the right to study their own language (Art. 45, paras. 4 and 7). For Bulgarians abroad, protection is provided alongside an explicit reminder of their obligations to the State (Art. 57). The obligation to observe the Constitution and laws accurately and conscientiously is again present, although formulated with different wording (Art. 58). Religion cannot be invoked as grounds for refusing to perform obligations (Art. 53, para. 5). The obligation to perform socially useful labour, as the basis of socialist society, applies to every able-bodied citizen, and the fulfilment of labour duties is a matter of honour (Art. 59, paras. 1–2). The term “common national property” is replaced with “socialist property”, which citizens are obliged to protect and increase as the inviolable foundation of the socialist system, while strengthening political, economic and defensive capacity and contributing to cultural development and the well-being of the people (Art. 60). Defence of the Fatherland remains a “supreme duty and honour” (Art. 61), and military service is compulsory (Art. 62). A novelty is the fundamental obligation of every citizen “to contribute to the preservation and strengthening of peace” and the prohibition of incitement and propaganda for war (Art. 63, paras. 1–2). Tax obligations are determined by statute in accordance with income and property (Art. 64).

In summary, the three constitutions demonstrate continuity regarding the fundamental obligations of citizens — compulsory education (TC Art. 78; PRB 1947 Art. 79, para. 3; PRB 1971 Art. 45, para. 4), tax obligations (TC Art. 69; PRB 1947 Art. 94; PRB 1971 Art. 64), military service and defence of the Fatherland (TC Art. 71; PRB 1947 Arts. 90–91; PRB 1971 Arts. 61–62), among others. The difference is that the 1947 and 1971 constitutions ascribe a strongly ideological character

to certain fundamental obligations. Across the three Bulgarian constitutions, a stable core of fundamental obligations has been formed, which retains its significance in the drafting of the Constitution of the Republic of Bulgaria of 1991, though the provisions have since been de-ideologised.

3. Findings from Chapter III: Fundamental Obligations in the Constitution of the Republic of Bulgaria of 1991

The analysis of the constitutional drafts from 1990–1991 in Section 2.1 of Chapter III demonstrates consistency and a clear pursuit of stability in the constitutional order. In drafting Chapter Two, “Fundamental Rights and Obligations of Citizens”, the subcommittee chaired by MP Velko Valkanov adopted the principle of “continuity and renewal”. Provisions from the earlier constitutions deemed “enduring” were preserved, while new norms were also incorporated. The review of the 19 constitutional drafts identified a minimum set of fundamental obligations that were subsequently affirmed in the Constitution in force: the compulsory study and use of the Bulgarian language (Art. 36, para. 1), compulsory school education (Art. 53, para. 2), the obligation of parents to raise and educate their children (Art. 47, para. 1), the obligation to observe the Constitution and the laws and to respect the rights of others (Art. 58, para. 1), the obligation to defend the Fatherland (Art. 59, para. 1), the obligation to pay taxes and fees (Art. 60, para. 1), the obligation to protect the environment (Art. 55, sentence 2), and the obligation to provide assistance in cases of disaster (Art. 61). Certain proposals that appeared in the drafts were not adopted — such as obligations to honour state symbols or obligations of adult children toward their parents. Some proposals had a distinctly ideological basis, influenced by the previous two constitutions of the People’s Republic of Bulgaria of 1947 and 1971.

The debates within the Seventh Grand National Assembly had a significant impact on the final content of the provisions related to the fundamental obligations of citizens. The initially envisaged fundamental obligation in Art. 16 — formulated as a “duty” of citizens to contribute to the “material and spiritual progress of society” — was rejected due to its vague content and its incompatibility with the spirit of a democratic constitution (see Section 2.2.1 of Chapter III). A similar fate befell the proposal to introduce a fundamental obligation for children to care for their parents in illness and old age, which was not approved (see Section 2.2.2 of Chapter III). In contrast, Art. 55 of the Constitution explicitly incorporated the obligation of citizens to protect the environment, after the initial draft contained only a right to a healthy and favourable environment (see

Section 2.2.3 of Chapter III). Furthermore, Art. 58, para. 2, stating that religious and other convictions cannot serve as grounds for refusing to perform obligations, was retained despite proposals for its removal (see Section 2.2.4 of Chapter III). Substantial debates also surrounded Art. 59: the defence of the Fatherland was affirmed as a duty and honour of every citizen, while para. 2 regulated military obligations and alternative service until the 2007 constitutional amendment (see Section 2.2.5 of Chapter III). By contrast, Art. 60, para. 1, concerning the obligation to pay taxes and fees, was adopted in its initial form without amendments (see Section 2.2.6 of Chapter III). Finally, Art. 61, concerning assistance in cases of disaster, underwent only a refinement — the phrase “public disasters” was removed and replaced by “other disasters” to avoid ambiguity (see Section 2.2.7 of Chapter III).

The analysis in Section 5 of selected provisions of international human rights instruments showed that certain norms are substantively aligned with the fundamental obligations of citizens under the 1991 Constitution. The International Covenant on Economic, Social and Cultural Rights explicitly provides in Art. 13, para. 2 (a) that primary education must be compulsory, free and accessible to all, and Art. 14 imposes an obligation on States to prepare a plan for its implementation — a requirement corresponding to the consistent constitutional regulation in Bulgaria. The Convention on the Rights of the Child reinforces this logic, as Art. 18, paras. 1–2 state that parents bear the primary responsibility for the upbringing and development of the child, and the State must assist them in fulfilling these obligations, similar to Art. 47 of the Constitution. The European Convention on Human Rights, in Art. 4, para. 3 (b), excludes compulsory military service from the notion of forced or compulsory labour and recognises it as a lawful obligation, while item (c) permits obligations in extraordinary situations or disasters, akin to Art. 61 of the Constitution.

The author's position in Section 4 highlights the need for an explicit fundamental obligation of citizens to protect the cultural heritage. The analysis reveals substantial deficiencies in the preservation of cultural heritage, which serves not only as a bearer of historical memory and national identity but also as a factor in sustainable economic development through cultural tourism. Introducing an explicit fundamental obligation for its protection would ensure a higher level of preservation of architectural and historical values. In this way, the link between the individual right of access to cultural assets and the collective obligation to preserve them would be strengthened.

2. De lege ferenda

- **Need for expanding the constitutional framework:** The Constitution of the Republic of Bulgaria of 1991 regulates the core set of fundamental obligations of citizens, yet certain interests of society are so significant that additional guarantees should be introduced to ensure their protection and fulfilment.

- **Proposal:**

An amendment to Art. 54, para. 1 of the Constitution is proposed:
“Everyone shall have the right to benefit from national and universal cultural values, as well as to develop their own culture in accordance with their ethnic affiliation, which shall be recognised and guaranteed by law. The preservation of cultural heritage shall be an obligation of every person.”

 - **Arguments:** Cultural heritage is a bearer of historical memory and national identity; its preservation is a prerequisite for sustainable development, including through cultural tourism.

- **Benefits:**

The inclusion of such an obligation would combine the individual right of access to cultural assets with the societal responsibility for their preservation.

- **Constitutional logic:**

Art. 23 of the Constitution already establishes the obligation of the State to protect cultural heritage. By supplementing it with a fundamental obligation of citizens, a dual guarantee is created.

- **Comparative perspective:**

Countries such as Russia, Belarus, Slovenia, Slovakia and Ukraine explicitly introduce similar fundamental obligations for citizens. Bulgaria may align itself with this line of constitutional development.

- **Procedural aspect:**

Constitutional amendment is difficult due to the rigorous procedure, which itself underscores the significance of any de lege ferenda proposal.

III. PUBLICATIONS RELATED TO THE DISSERTATION

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](https://studiaiuris.com/journal/studia-iuris-брой-1-за-2024-г/ISSN%202367-5314).

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.