

BULGARIAN LEGAL EDUCATION – HISTORY AND NOWADAYS

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Resumen: Este artículo está dedicado a la evolución histórica y situación actual del sistema de educación legal búlgaro. La atención se presta, por un lado, a la evolución histórica de la educación jurídica en Bulgaria después de su independencia del Imperio Otomano en 1878, y, por otra parte, al estado actual del sistema de la educación legal en el país.

Abstract: This article is dedicated to the historical development and current situation of the Bulgarian legal education system. The attention is paid, on the one hand, to the historical development of legal education in Bulgaria after its independence from the Ottoman empire in 1878, and, on the other, to current state of the system of legal education in the country.

Palabras claves: Enseñanza del Derecho, el desarrollo histórico, Bulgaria.

Key words: Legal Education, Historical development, Bulgaria.

Резюме: Статията е посветена на историческото развитие и текущото състояние на българската система на юридическо образование. Вниманието е насочено, от една страна, върху историческото развитие на юридическото образование в България след независимостта ѝ от Отоманската империя в 1878 г., а от друга страна, върху съвременното състояние на системата на юридическото образование в страната.

Ключови думи: Юридическо образование, Историческо развитие, България.

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1. Preface

The Bulgarian legal education has a 120 years history since the establishment of the first Faculty of Law in Sofia. This not so long period of time is closely linked with the changes, in some moments – dramatic, in historical development of Bulgaria as a country after its liberation in 1878.

2. Historical development of legal education in Bulgaria

After Russian – Turkish war during 1877 – 1878 Bulgaria gained its independence from Otoman Empire and started its free development as a country. In 1879 was promulgated its first Constitution and it became a kingdom. Ten years after the liberation, in 1888 was established first university in Bulgaria – University of Sofia “Saint Kliment Ohridski”. The necessity of training of specialists – lawyers for the state and local authorities and for the judicial system was obvious. That is why 4 years later, in 1892 was established first Faculty of Law in Bulgaria in the structure of above mentioned University of Sofia. First academic year (1892/1893) started with 22 students but till the end of that year their number increased up to 94. Step-by-step the Faculty of Law became one of the most prestigious faculties at this university¹. Up till the 1991 it was the only one faculty of law in Bulgaria. From historical point of view, it could be differentiated 4 periods of the development of legal education in Bulgaria. They will be considered briefly below.

2.1. First period: 1892 – 1918 – a first steps of legal education in the new-established Bulgarian state

As it is well known, the quality of legal education in every faculty depends on the level of its lecturers. For the first group of lecturers in the Faculty of Law at the University of Sofia must be mentioned two typical features. First, they were well educated in the faculties of law in famous universities in West Europe, also in the former Kingdom of Russia. Some of them even obtained a PhD degree in Law sciences in that universities. Second, they were patriots with burning desire to do their best for the development of the legal education in their fatherland using their legal knowledge, obtained abroad. Among this first group of lecturers could be mentioned, as follows:

- Prof. Angel Angelov (1881 - 1925) – lecturer in Civil Law and Roman Law, finished Faculty of Law at the University of Tubingen - Germany (1902) and obtained PhD degree in this university (1903);
- Prof. Peter Abrashev (1866 - 1930) - lecturer in Civil Procedure Law, finished Faculty of Law at the University of Geneva (1891), Minister of Justice (1911 - 1913);

¹ See Петканов, *100 години юридически факултет при Софийския университет “Свети Климент Охридски”*, в *Алманах на юридическия факултет при Софийския университет “Свети Климент Охридски” 1892 – 1992*, София, 1992, с. 6 (in translation: Petkanov, G., *100 years anniversary of the Faculty of Law at the University of Sofia “Saint Kliment Ohridski”*, in *Almanac of the Faculty of Law at the University of Sofia “Saint Kliment Ohridski” 1892 – 1992*, Sofia, 1992, p. 6).

- Prof. Peter Danchov (1857 - 1913) - lecturer in Roman Law, finished Faculty of Law at the University of Jena - Germany and obtained PhD degree in this university (1881), honourable doctor of the Geneva University (1909), Minister of Justice (1900 – 1901), Chairman of the Supreme Court of Appeal (1901 - 1913);
- Prof. Stefan Bobchev (1853 - 1940) – lecturer in History of Bulgarian and Slavonic Law and in Church Law, finished Faculty of Law at Moskow University (1880) and obtained PhD degree in this university, Minister of the National Education (1911 - 1912), as well as with diplomats activity in St. Petersburg - Russia (1912 - 1913), honourable member of the academies of sciences of Yugoslavia (1909), Czech Republic (1910), Poland (1925) and Slovakia (1933);
- Prof. Anton Kableshev (1856 - 1917) – lecturer in Civil Law and in Trade Law, finished Faculty of Law at St. Petersburg University, Dean of the Faculty of Law at Sofia University (1897 - 1898);
- Prof. Stefan Kirov (1861 - 1943) – lecturer in Administrative Law and in Constitutional Law, finished Faculty of Law at the University of Brussels (1897) and obtained PhD degree in this university, Dean of the Faculty of Law at Sofia University (1900 – 1901, 1911 – 1912 and 1925 - 1926);
- Prof. Todor Kulev (1878 - 1942) – lecturer in Penal Law and Penal Procedure Law, finished Faculty of Law at Strasbourg University (1904) and obtained PhD degree in this university, Dean of the Faculty of Law at Sofia University (1919 – 1920 and 1921 – 1922);
- Prof. Mihail Popviliev (1873 - 1928) – lecturer in International Public Law and in International Private Law, finished Faculty of Law at the University of Paris (1893), Dean of the Faculty of Law at Sofia University (1904 – 1905, 1907 – 1909, 1910 – 1911 and 1913 - 1914);
- Prof. Josef Fadenheht (1873 - 1953) – lecturer in Civil Law, finished Faculty of Law at the University of Leipzig - Germany (1897) and obtained PhD degree in this university, Dean of the Faculty of Law at Sofia University (1903 – 1904), Minister of Justice (1918)².

2.2. Second period: 1918 – 1945 – between the end of the First World War and the end of the Second World War – a stabilization and blossoming of legal education in Bulgaria

This period started with dramatic situation for the Bulgaria. After the First World War it was a “loosing country” and as a result – with destroyed national economy and loss of approximately 50 percents of territory with majority of Bulgarian population, as follows: the region around cities of Nish, Pirot and Zaichar (now – East part of Serbia) and also North and Middle Macedonia (now – Former Yugoslavian Republic of Macedonia) was given to the former Kingdom of Yugoslavia; the South Macedonia (so called “Aegean Macedonia”) and South-West Thrace (the region between cities of Kavala and Dedeagach (now – Alexandrupolis) were given to the former Kingdom of Greece (now – also in Greece); the region with geographical name “Dobrudja” was

² For more details see *Алманах на юридическия факултет при Софийския университет “Свети Климент Охридски” 1892 – 1992*, p. 13 – 302.

given to the former Kingdom of Romania (now – the bigger part, north and middle, of this region – in Romania); the part of East Thrace was given to Turkey³. Many Bulgarians from these geographical regions were forced to emigrate to the “free fatherland”⁴, but some of them started to study in the Faculty of Law in Sofia and after then became a very good lawyers. In spite of this complicated demographical and economic situation in Bulgaria after the end of the First World War, the Faculty of Law at the University of Sofia continued its existence and step-by-step started to create a new generations lawyers. In this faculty worked another generation lecturers – lawyers, who can be mentioned as “second generation lecturers – lawyers”. Some of them had a specialization in different branches of legal sciences, obtained in foreign universities, mainly in West Europe. They also with patriotic feelings have done their best for the development of legal education in former Kingdom of Bulgaria. It could be mentioned also the fact that after socialistic revolution in Russia (1917) some Russians came to Bulgaria as a political emigrants and among them there were professors in law. These Russian scientists became a lecturers in the Faculty of Law at Sofia University and integrated themselves very successfully in the Bulgarian legal educational system (for example I. Bazanov and P. Bogaevski who will be also mentioned below). Among the abovementioned new generation of lecturers – lawyers could be enumerated as follows:

- Prof. Ivan Bazanov (1867 - 1943) – lecturer in Roman Law, emigrant from Russia, finished Faculty of Law at Moscow University, as well as with legal specializations in Berlin, Heidelberg, Leipzig, Vienna and Paris (1897 - 1898);
- Prof. Stefan Balamezov (1883 - 1960) – lecturer in Constitutional Law with legal specialization in Paris, France, Dean of the Faculty of Law at the University of Sofia (1926 - 1927), as well as with diplomats activity in Paris, St. Petersburg and Prague (1906 - 1922);
- Prof. Peter Bogaevski (1866 - 1929) – lecturer in International Law and in History of International Relations, emigrant from Russia, finished Faculty of Law at Moscow University, as well as with legal specializations in Berlin, Munich, Heidelberg and Paris (1898 - 1901), obtained PhD in Harkov University – Ukraine (1914);
- Prof. Lyubomir Vladikin (1891 - 1948) – lecturer in Constitutional Law as well as with legal specializations in Vienna and Prague (1921 - 1924), obtained PhD degree in Vienna (1924), Dean of the Faculty of Law at the University of Sofia (1933 – 1934 and 1937 - 1938);
- Prof. Venelin Ganev (1880 - 1966) – lecturer in Theory of Law, in Trade Law and in Penal Law, finished Faculty of Law at Geneva University (1901), Dean of the Faculty of Law at the University of Sofia (1914 – 1915 and 1916 - 1918),

³ In spite of this territorial tragedy for the Bulgarian nation after the First World War, up till now Bulgaria has been a good example for the implementation of the international law principle of “Peaceful Settlement of the International Disputes”.

⁴ See Даскалов, Г., *Българите в Егейска Македония: Мит или реалност: Историко-демографско изследване (1900 – 1990 г.)*, София, 1996, с. 145, 148 – 150 (in translation: Daskalov, G., *The Bulgarians in Aegean Macedonia: A Myth or Reality: A Historic – Demographical Survey /1900 – 1990/*, Sofia, 1996, pp. 145, 148 – 150.); *Македония: Сборник от документи и материали*, София, 1978, с. 624 – 625, 631, 634 – 635, 651 – 652 (in translation: *Macedonia: A Medley of Documents and Materials*, Sofia, 1978, pp. 624 – 625, 631, 634 – 635, 651 – 652.).

- Minister of Justice (1919), as well as with diplomats activity in France (1920 - 1922);
- Prof. George Genov (1883 - 1967) – lecturer in International Public Law and in International Private Law, as well as with legal specializations in Paris and Rome (1913 - 1915), Dean of the Faculty of Law at the University of Sofia (1923 – 1925 and 1929 – 1930);
 - Prof. Lyuben Dikov (1895 - 1973) – lecturer in Civil Law, in Family Law and in Trade Law, as well as with legal specialization and obtaining of PhD in Gottingen – Germany (1920 - 1923), Dean of the Faculty of Law at the University of Sofia (1927 – 1928), Minister of Justice (1935);
 - Prof. Dimitar Silyanovski (1892 - 1971) – lecturer in Civil Procedure Law, as well as with legal specializations in Germany and Austria, Dean of the Faculty of Law at the University of Sofia (1932 – 1933 and 1936 – 1937);
 - Acad. Petko Stainov (1890 - 1972) – lecturer in Administrative Law and in Forest and Land Law, finished Faculty of Law in Paris University (1911) and obtained PhD degree in this university (1914), as well as with legal specialization in Leipzig (1911 - 1912), Minister of Railway Transport (1930 - 1931), as well as with diplomats activity in France (1934 - 1935), honourable doctor of the University of Warsaw (1966)⁵.

At the end of this historical period the legal education in Bulgaria was in a high European level⁶.

2.3. Third period: 1945 – 1990 – new direction during the socialistic development of the country

After the Second World War the political and economic situation in Bulgaria was dramatically changed. The country became a republic and in the scope of the influence of the former Soviet Union. It was established a socialistic political and economic system with more centralized management of the national economy and priority to public ownership to natural resources. In relation to it the number of students in the Faculty of Law at Sofia University was centrally determined by the Government and educational plans was deeply influenced by the Soviet Union's ones. In these circumstances some of the lecturers leaved the faculty.

In spite of these abovementioned changes in Bulgaria, during 60s of the last century the situation in the faculty was step-by-step normalized. It was related to the possibilities for some lecturers and assistants to have a legal specialization in foreign universities not only in East, but also in West Europe (Nancy, Turin, Strasbourg, The Hague, etc.). There are concluded a contracts for scientific co-operation with the faculties of law in Hamburg, Athens, Prague, Budapest, etc. Many young people started a post-graduate study in different branches of law and obtained a PhD degree. Further stabilization of the faculty was merit of so called “third generation lecturers” which gave their contribution for the improvement of the legal education in the country. The co-operation

⁵ For more details see *Алманах на юридическия факултет при Софийския университет “Свети Климент Охридски” 1892 – 1992*, p. 31 – 255.

⁶ See Петканов, Г., *Op. cit.*, p. 8.

with the foreign faculties of law from East and West Europe as well as with some scientific institutes was a very good basis for comparative law research and lectures' variety. Among this third generation lecturers in the Faculty of Law at Sofia University could be mentioned:

- Prof. Angel Angelov (1911 - 1979) – lecturer in Administrative Law and in Financial Law as well as with legal specialization in Paris, legal adviser to the Ministry of Foreign Affairs (1858 - 1972), Arbitrator in Standing Arbitrary Court - The Hague (1963 - 1975);
- Prof. Mihail Andreev (1911 - 1978) – lecturer in Roman Law and in History of the Bulgarian State and Law, member of the French Society of History of Law (1958), of the Italian Society of Romanists “Bartholi Saxoferrato” (1961) and of the Belgium Society of History of Law (1965);
- Acad. Lyuben Vasilev (1911 - 1971) – lecturer in Civil Law and in Trade Law as well as with legal specialization in Vienna (1934) and Dijon – France (1935), Chairman of the Legal Commission of the Parliament (1962);
- Prof. Alexander Kojuharov (1907 - 1974) – lecturer in Civil Law, Member of the Arbitration Commission to the International Trade Chamber – Paris;
- Prof. Vladimir Kutikov (1908 - 1980) – lecturer in International Private Law and in International Public Law, Arbitrator in the Standing Arbitrary Court – The Hague (1963 - 1974);
- Prof. Nisim Mevorah (1891 - 1968) – lecturer in Family Law, finished Faculty of Law at Geneva University (1914) and obtained PhD degree in this university (1915), Chairman of the Legal Working Group to the Government (1954 - 1956);
- Prof. Ivan Nenov (1912 - 1983) – lecturer in Penal Law, Deputy Chairman of the International Penal Law Association (1969);
- Prof. Lyubomir Radoilski (1908 - 1968) – lecturer in Labour Law, Dean of the Faculty of Law at the University of Sofia (1948 – 1952);
- Prof. Jivko Stalev (1912 - 2008) – lecturer in Civil Procedure Law, Doctor of Law Sciences (1963), Member of the International Comparative Law Academy (1974)⁷.

Up till the end of the abovementioned period, the Faculty of Law at Sofia University continued to be the only one faculty of law in the Republic of Bulgaria and also one of the best faculties at this university with a very good level of legal training.

2.4. Fourth period – after 1990: establishment of another faculties of law and beginning of the academic competition in the legal education

After 1990 in Bulgaria was carried out another big change of political and economic system influenced by the similar changes in the rest East European countries. It is related to the transition to a free market economy and democratization of the society. In 1991 was promulgated a new Constitution⁸ which gave a legal basis for the

⁷ For more details see *Алманах на юридическия факултет при Софийския университет “Свети Климент Охридски” 1892 – 1992*, p. 17 – 259.

⁸ See State Gazette of the Republic of Bulgaria (SG), No. 56 of 1991, as amended.

abovementioned changes and also for the future changes of the existing legislation. A few years after, the negotiations for the association and further accession of the Bulgaria in the European Union (EU) was started. This process finished in 1.01.2007 with regular membership of the Bulgaria in the EU. The Bulgarian legal educational system reacted to the abovementioned changes in the country in a two ways. First, there were established another faculties of law and in such a way was started the process of academic competition in legal education. Now in Bulgaria there are 9 faculties of law. Excepting the Faculty of Law at Sofia University, the rest 8 faculties of law are at, as follows: the University of National and World Economy – Sofia; the New Bulgarian University – Sofia (a private one); the South-West University – Blagoevgrad; the University of Plovdiv; the Free University – Bourgas (a private one); the Free University – Varna (a private one); the University of Veliko Tarnovo; and the University of Russe. Second, the Law of the EU was included as an obligatory subject in the curriculum of the abovementioned faculties.

3. Existing legislation on the legal education of the Republic of Bulgaria

The existing system of legal educational in Bulgaria is regulated by several regulations. They can be divided in three groups.

First group of regulations is dedicated to the status of the faculties of law as a part of the general system of high education in Bulgaria. It is regulated by the High Education Act (HEA), 1995⁹. According to art. 9, sec. 2, point 1 of this Act, the National Assembly (i.e. Bulgarian Parliament) is a competent body with decision for establishing a universities and only that sort of faculties in which is carried out training in so called “regulated professions”¹⁰. Another sort of faculties can be established by the Council of Ministers (art. 9, sec. 3, point 3 of HEA). The Council of Ministers (i.e. Government) is empowered to determine every year the number of students, which will be trained in a separate faculties, including faculties of law (art. 9, sec. 3, point 6 of HEA). Art. 26 of HEA regulates the functioning of the faculties (structure, taking a decisions, powers of competent bodies according to their structure).

Second group of regulations is dedicated to the special requirements for the obtaining of legal education and professional qualification “lawyer” in a separate faculties of law (for example - the right number of obligatory educative subjects, issuing of diplomas, duration of the education, the forms of exams). They are regulated in a secondary legislation and especially in the Ordinance of the Single State Requirements for Obtaining a High Education in Subject “Law” and Professional Qualification “Lawyer”, approved by Regulation No. 75 of 5.04.1996 of the Council of Ministers¹¹. According to art. 7, sec. 2 of this Ordinance, there are 19 obligatory educative subjects in every faculty of law. They are, as follows: History of the Bulgarian State and Law, General Theory of Law, Constitutional Law, Civil Law (General Part), Administrative Law and Administrative Procedure Law, Law of Estate, International Public Law, Financial Law,

⁹ SG, No. 112 of 1995, as amended.

¹⁰ Law is one of this kind of professions.

¹¹ SG, No. 31 of 1996, as amended.

Contractual Law, Penal Law, Family and Inheriting Law, International Private Law, Labour Law, Trade Law, Insurance Law, Civil Procedure Law, Penal Procedure Law, Tax Law and the Law of the EU. In educational programs must be included as a subjects by choice of students Roman Law, Intellectual Property Law, Criminal Law, Criminology, Bank Law, Implementation of Penalties Law and Legal Regime of State Office (Art. 9, sec. 1 of the Ordinance). In relation to the academic autonomy of the universities (per argumentum from the articles 19 and 20 of HEA), every faculty of law has the right to include in its educational program an additional educative subjects (obligatory or by choice of students), such as Environmental Law, Philosophy of Law, Sociology of Law, etc. In the abovementioned Ordinance lays down the idea of strong state control on the legal education because of its significance for the society. This situation is also typical for the rest of Member States of the EU¹². The period of training in the faculties of law is 5 years (Art. 6, sec. 1 of this Ordinance). The forms of training are regular and by correspondence (Art. 5, sec. 1 of the Ordinance).

The third group of regulations is dedicated to special requirements for legal practice by lawyers after the obtaining of the professional qualification “Lawyer” (i.e. after finishing of training in the faculty of law). They are regulated in Judicial Authority Act, 2007¹³. As we see there is a variety of levels of regulations concerning the legal education in Bulgaria¹⁴.

4. Conclusion

The legal education in Bulgaria plays an important role for the creation of well-trained lawyers as a staff for state and local authorities, as well as for the judicial system. Since 1.01.2007 Republic of Bulgaria is a regular member of the EU. That is why contemporary system of legal education of the country will give its contribution for the development and improvement of the Law of the EU. In spite of the difficulties related to the world wars and dramatic political and economic changes, the Bulgarian legal educational system gives a very good example for survival and effective functioning for better future of nowadays and future generations – lawyers as a part of the family of lawyers from Common European Home.

¹² See Средкова, К., *Условия за упражняване на юридическа професия в държавите от Европейския съюз*, в *Съвременно право*, София, 2000, № 4, с. 98 (in translation: Sredkova, K., *Conditions for practice of legal profession in member states of the European Union*, in *Contemporary Law*, Sofia, 2000, No. 4, p. 98.).

¹³ SG, No. 64 of 2007, as amended.

¹⁴ For more details on the Bulgarian legislation concerning the legal education, see Средкова, К., *Някои проблеми в правната уредба относно юридическото образование в България*, в *Съвременно право*, София, 1995, № 3, с. 85 – 96 (in translation: Sredkova, K., *Some problems in the regulation of the legal education in Bulgaria*, in *Contemporary Law*, Sofia, 1995, No. 3, p. 85 – 96.); Британски съвет, *Заключителен доклад по проекта “Подготовка за съдебна реформа: юридическо образование”*, в *Реформа в юридическото образование*, София, 2005, с. 13 – 56 (in translation: The British Council, *Final report on the project “Preparing of judicial reform: legal education”*, in: *Reform in legal education*, Sofia, 2005, p. 13 – 56.).