SUMMARY OF THE DISSERTATION

Title:

Control of Legality and Correctness over the Acts and Actions of Administrative Bodies (Prosecutorial Supervision, Public Control, and the Ombudsman's Control)

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Professional Field: 3.6. Law

Scientific Specialty: Administrative Law and Administrative Process

1. Scientific Context of the Research

The control exercised over the acts and activities of administrative bodies constitutes a primary pillar of the rule of law and an indispensable guarantee for the protection of fundamental human rights and freedoms. While traditional Bulgarian administrative law doctrine has predominantly focused on hierarchical internal administrative review and direct judicial review by administrative courts, contemporary governance demands an integrated perspective on external extrajudicial and quasi-judicial control mechanisms.

The topicality of the dissertation is predetermined by three interrelated developments:

1. Dynamic constitutional and legislative revisions in the Republic of Bulgaria concerning the non-penal competencies of the Prosecutor’s Office and the institutional boundaries of supervisory review;
2. The expanding role of independent human rights mechanisms—specifically the Ombudsman—which operate beyond the rigid boundaries of strict formal legality to encompass proportionality, fairness, and the right to good administration;
3. Growing societal demand for transparency, reflected in modern statutory instruments governing access to public information, mandatory public consultations, and state and municipal liability for damages.

2. Object, Subject, Research Goal, and Methodology

- **Object of Research:** Administrative acts (individual, general, and secondary normative acts), factual actions, and omissions of executive bodies and public service providers subject to scrutiny for legality and correctness.
- **Subject of Research:** The comprehensive substantive and procedural legal framework governing the status, competence, and legal instruments of the Prosecutor’s Office of the Republic of Bulgaria, the National Ombudsman (and local mediators), and citizens and legal entities as subjects of public control.

- **Central Research Goal:** To conduct an in-depth administrative and legal analysis of external extrajudicial mechanisms supervising executive actions, and to construct a viable doctrinal and procedural model optimizing their functional synergy.
- **Methodological Framework:** The dissertation employs the legal-dogmatic method as the principal approach, complemented by the historical, comparative-legal (contrasting Bulgarian institutions with systems in France, Germany, Austria, and Romania), and logical-deductive methods.

3. Core Hypothesis and Doctrinal Claims

The research rests upon the central hypothesis that effective rights protection and the rule of law cannot be achieved exclusively through internal hierarchical review and judicial proceedings. Judicial review entails inherent procedural formalisms: rigid standing requirements based on direct legal interest, financial and time costs, and an exclusive limitation to legality grounds under Art. 146 of the Administrative Procedure Code (APC), which inherently leaves administrative discretion (correctness/expediency) outside court scrutiny.

Consequently, external extrajudicial mechanisms—prosecutorial supervision, the Ombudsman, and public control—constitute a complementary, indispensable system of accountability. They compensate for the limitations of formal litigation without infringing upon the constitutional separation of powers.

4. Summary of the Structure and Substantive Findings

- **Chapter One: Theoretical and Legal Foundations of Control over Administration**

Delineates the concepts of administrative control, supervision, and judicial review. It rigorously separates the review of *legality* (*légalité* / *Rechtmäßigkeit*), which assesses compliance with objective law, from the review of *correctness/expediency* (*opportunité* / *Zweckmäßigkeit*), which assesses discretionary policy choices. It establishes a comprehensive taxonomy of internal (hierarchical, technical) and external (specialized, judicial, extrajudicial) control, underscoring the evolution of administrative justice from 1878 to 2026.

- **Chapter Two: Prosecutorial Supervision as a Form of External Legality Control**

Examines the constitutional and procedural status of the Bulgarian Prosecutor's Office under Art. 127, items 5 and 6 of the Constitution of the Republic of Bulgaria (CRB) and Art. 16 and 147 of the APC. It analyses forms of intervention, focusing on prosecutorial protests against secondary statutory acts (not bound by statutory deadlines) and participation in administrative litigation. Crucially, the chapter evaluates modern jurisprudential controversies (including Constitutional Court Decisions No. 3/2023 and No. 13/2024), critically addressing risks of prosecutorial overreach into executive discretion, institutional passivity in sensitive environmental sectors, and the necessity of narrow specialization via dedicated administrative departments under Art. 136, para. 3 of the Judiciary Act.

- **Chapter Three: The Ombudsman's Control over Administration**

Explores the administrative and legal nature of the Ombudsman under Art. 91a and Art. 150, para. 4 of the Constitution and the Ombudsman Act. Characterized as a control-oriented, non-jurisdictional institution using "soft law" instruments (recommendations, opinions, mediation, and legislative proposals), the Ombudsman acts as an independent guardian of good administration. Special attention is given to the Ombudsman's direct standing to seize the Constitutional Court, external audit functions under whistleblowing legislation (transposing Directive (EU) 2019/1937), local municipal mediators, and comparative European parallels (France, Austria, Romania).

- **Chapter Four: Legal Mechanisms for Public Control and Civic Participation in Administrative Proceedings**

Analyzes institutionalized citizen oversight through the Access to Public Information Act (APIA), the petition and proposal mechanism under Chapter VIII of the APC, and mandatory public consultations under Art. 18a of the Statutory Instruments Act. It systematically frames state and municipal liability under the State and Municipalities Liability for Damages Act (SMLDA) as an indirect, ex-post civil mechanism enforcing lawful administrative conduct.

- **Chapter Five: Administrative Control and Civil Society: Institutional Dimensions and *De Lege Ferenda* Proposals**

Synthesizes the interactions between the three supervisory forms, addressing overlap and administrative delegitimization. The author formulates concrete *de lege ferenda* proposals, including explicit statutory prohibitions preventing prosecutors from protesting acts adopted under administrative discretion, clarifying ambiguous concepts of "vital state or public interest", enhancing the institutional autonomy of local public mediators, and establishing unified coordination platforms between civil oversight groups and institutional ombudsmen.

5. Main Scientific and Applied Contributions

1. **Holistic Doctrinal Conceptualization:** First comprehensive research in contemporary Bulgarian administrative doctrine integrating prosecutorial supervision, ombudsman review, and civic control into a unified, tripartite external supervisory model.
2. **Clear Doctrinal Demarcation:** Distinctly delineates the procedural limits between legality and expediency/correctness, proving that extrajudicial bodies bridge the functional deficits of judicial review.
3. **Critical Constitutional Analysis:** Incorporates and interprets the latest Bulgarian constitutional jurisprudence (up to 2026) regarding the limits of prosecutorial power and judicial reform.
4. **Actionable Legislative Proposals:** Delivers well-reasoned *de lege ferenda* recommendations to refine the Administrative Procedure Code, the Judiciary Act, and the Ombudsman Act to prevent overlaps and strengthen civic legal safeguards.