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THE RIGHT OF CITIZENS TO LODGE COMPLAINTS, PROPOSALS AND PETITIONS WITH THE STATE AUTHORITIES (constitutional and law-sociological aspects)

SUMMARY

of the dissertation
for obtaining the educational and scientific degree „Doctor“ in law

Field of higher education: 3. Social, economic and legal sciences Professional field: 3.6 Law
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The dissertation is the first comprehensive scientific study of the institute of citizens' right to lodge complaints, proposals and petitions with the state authorities under art. 45 of the Constitution of the Republic of Bulgaria. The scope of the study includes: the origin and development of the right of petition and its relation to the emergence of constitutionalism; the legal nature and content of the right of petition; issues related to its exercise, the subjects and addressees of the right of petition; the functions and meaning of the right under Article 45 of the Constitution.

In addition to outlining the main characteristics and mechanisms of the right to petition, the dissertation aims to answer two main research questions:

- what is the need for the existence of the right to petition as a fundamental right of citizens enshrined in the Constitution;

- what is the potential, and what does it depend on, for the right to petition to meet the need that gives rise to its existence.

The normative, formal logical, comparative legal and legal-sociological methods were used to reach the answers to the research questions.

The full volume of the dissertation is 213 pages, including table of contents and list of references. The dissertation contains 252 references to Bulgarian and foreign sources. The dissertation has a classic structure. It consists of an introduction, the exposition of the dissertation thesis, conclusion and bibliography. In the exposition there are six chapters: (1) The emergence and development of the right of petition; (2) The content and scope of the right of petition; (3) The exercise of the right of complaints, suggestions and petitions. Subjects and Addressees; (4) Functions and meaning of the right of petition; (5) Relationship of the right of petition to other fundamental rights and institutions; (6) Law-sociological aspects of the right of petition.

The introduction outlines the up-to-date relevance, goals, tasks, object,

subject, methods and scope of the research.

In Chapter 1, an introductory clarification of the terms used in Art. 45 of the Constitution - complaints, suggestions and petitions - is made. The emergence of the right to petition as a written right is traced, as are its common law origins. The importance of the right of petition and its potential to influence governance decisions are highlighted. The ability of this right and freedom to unite citizens in their demands for justice and thus make their voices louder is quickly recognized by those in power. Thus, the development of the right to petition shows how it is being adapted to different models of governance.

The chapter also traces the development of the right to petition since the establishment of constitutionalism in Bulgaria. In reviewing its regulation, emphasis is placed on the functional dependence of this fundamental right on the political regime and the political process. The real possibility of the full realization of both the right of citizens to petition the state authorities and of all fundamental rights, regardless of their proclamation, is a mark of the principles of the respective political and economic systems.

Chapter 2 deals with the content and scope of the right of petition. Arguments are put forward for the place of the right to petition within the system of fundamental rights of citizens. It examines the legal nature of the right to petition as a subjective, political and procedural right. An attempt is made to distinguish in a meaningful way the different manifestations of the right under Art. 45 of the Constitution - complaints, suggestions and petitions. The position of principle on the necessity of introducing the individual constitutional complaint into the Bulgarian legal world is also outlined.

In Chapter 3 the main points of the implementation of the right to petition in the Bulgarian state are discussed. The issues of the range of subjects of this fundamental right as well as its main addressees are analysed. The provisions

concerning the competence of the various state bodies in relation to the examination of complaints, suggestions and petitions submitted to them as an exercise of the citizens' constitutional right under Art. 45 of the Constitution are outlined. The development of the legislative framework on the right to lodge complaints, suggestions and petitions is examined.

Chapter 4 examines the various functions of the right of petition, which further substantiate its fundamental importance among the system of constitutionally enshrined rights of citizens. The analysis of the functions presents a kind of idealised picture of the effects of the exercise of the right to petition. The aim of the chosen approach is to give an insight into the potential, the possible impact of the realisation of the constitutional right of citizens to lodge complaints, suggestions and petitions with the state authorities.

In Chapter 5, a comparative analysis of the right to petition is made, comparing it to other fundamental rights and freedoms - the right to opinion, freedom of speech, the right to peaceful assembly and demonstration, freedom of association. In turn, the right to petition is also examined in comparison with the citizens' initiatives regulated at the legislative level as a manifestation of the right under Art. 45 of the Constitution. Additionally, the role of petitions and individual complaints in the protection of human and citizens' rights at the international level is examined. Mechanisms for addressing international bodies - such as the United Nations - are examined. Particular attention is paid to the role of petitions in the observance and development of European law.

Chapter 6 uses the law-sociological approach and different research methods to analyze the interrelationships and factors that influence the potential impact of the right to petition. Empirical sociological research has been conducted to trace the experiences and attitudes of a target group, law students, towards different forms of civic activism and specifically towards complaints, suggestions and petitions.

Evidence from other relevant sociological studies that track the extent to which the right to petition is exercised is presented. The conclusion is drawn that none of the other forms of activism mentioned in the surveys has had a consistent growth, let alone to the extent that petitioning has.

Practical issues related to the work of the relevant Parliamentary Committee, which is responsible for dealing with citizens' complaints, suggestions and petitions, are examined. The way in which the committee works, its rules and practices, are a key mechanism for the realization of the right under Art. 45 of the Constitution. And the mechanisms, i.e. the conditions that the representative body of citizens creates to enable citizens to exercise their fundamental constitutional right, are a measure of the extent to which that body respects the supreme principles enshrined in the current Constitution of the Republic of Bulgaria.

In the conclusion, the scientific results of the research are summarized, and the proposals de lege ferenda are summarized.