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## **Changes in the Constitutional Matter Affecting the Structure of the Judiciary During the Regime of 19 May 1934<sup>1</sup>**

### **ABSTRACT**

The article “Changes in the constitutional matter affecting the structure of the judiciary during the regime of 19 May 1934” covers the changes in Bulgaria when on 19 May 1934, after a successful coup, the political circle ‘Zveno’ and the Military Union came to power. The coup was carried out in drastic violation of the constitution. A number of reforms had been undertaken in the country, some of which affected the constitutional structure. Particularly serious were those in the field of Bulgarian judicial organisation. The coup was carried out without the participation of the tsar, but was legitimized by him. The participants in the May 19 coup considered it necessary to change the procedure for the installation of the National Assembly. The constitutional powers of the Grand National Assembly were taken away by the government. The electoral right and the right of association guaranteed by the Tarnovo Constitution were violated. Amendments were also made to the administrative-territorial division of the country, which were implemented by ignoring the Constitution, where the names of the territorial units are explicitly mentioned. All these changes, euphemistically called “renewal”, affected the judicial system as well. The government of Kimon Georgiev, on the basis of Article 47 of the Tarnovo Constitution, issued on 24 November 1934 the Decree-Law on the Structure of the Courts. Interestingly, the structure of the 1926 law was adopted. Most of its text

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was reproduced, and the additions made concern primarily the internal structuring of some chapters and the introduction of new paragraphs. It was a major reform of the Bulgarian judicial system.

**Key words:** Tarnovo Constitution, Decree-Law on the Structure of the Courts, judicial reform, court, prosecutor

On 19 May 1934, after a successful coup, the political circle ‘Zveno’ and the Military Union came to power. The coup was carried out in drastic violation of the constitution. Completely against the constitutional order, the democratically elected government of the People’s Bloc was overthrown. A government was formed headed by Kimon Georgiev, a well-known representative of the Military Union, which presented itself as a ‘non-partisan government’. Although it included representatives of some parties, it did not include prominent political figures. Nor was the support of the traditional political parties sought, as they did not fit into the desired model of government. All this influenced the development of the political regime in the country, while fitting in with the authoritarian or totalitarian tendencies in Europe on the eve of the Second World War.<sup>2</sup>

What distinguishes this regime from the so-called *Regime of plenipotentiaries* from 1881–1883 is that the Bulgarian Prince Alexander Battenberg openly suspended the constitution, whereas on 19 May 1934 this was done tacitly. Defenders of the regime claim that the basic law was not suspended, but in practice it was not respected. Thus, Bulgaria was governed without a constitution. Proof of this are the words of Alexander Tsankov, according to whom from 19 May 1934 until 1938 ‘the constitution existed only pro forma’.<sup>3</sup>

The coup was carried out without the participation of the tsar, but was legitimized by him. By royal decree, Tsar Boris III dissolved the XXIII Ordinary National Assembly, thus ending parliamentarism in the country. In violation of the constitution, the 1934 decree of the Council of Ministers approving an ordinance seizing the legislative powers of the National Assembly was approved by decree. It stipulates: ‘all decrees of the Council of Ministers issued on and after 19 May 1934 shall have the force of law and shall repeal the statutory provisions that contradict them. Orders issued at the same time by ministers

<sup>2</sup> D. Tokushev, *Istoriya na novobalgarskata darzhava i pravo (1878–1944)*, Sofia 2008, p. 343–344; M. Manolova, *Istoriya na darzhavata i pravoto. Treta balgarska darzhava 1878–1944 g.*, Sofia 2001, p. 223; E. Yochev, *Naredba-zakon za ustraoystvo na sadilishtata ot 1934 g.*, “Nauchni trudove na Rusenskiya universitet” 2010, vol. 49, ser. 7, p. 31.

<sup>3</sup> E. Yochev, *Sayuz/sdruzhenie na balgarskite sadii po vremeto na devetnadesetomayskoto pravitelstvo*, “Yuridicheski svyat” 2017, p. 1–16.

for the appointment of posts or for spatial, administrative and financial matters shall be binding and may not be disobeyed on the pretext that they do not comply with the law or are contrary to it.<sup>4</sup> Thus, in Bulgaria, in the years from 1934 to 1938, the Council of Ministers issued Decree-Laws which had the binding force of law, basing themselves on Article 47 of the Constitution<sup>5</sup>, despite the absence of external or internal danger to the State and the impossibility of convening an Ordinary National Assembly.

The participants in the May 19 coup considered it necessary to change the procedure for the installation of the National Assembly as regulated in Article 86. According to them, the number of members of the National Assembly should be 120. This violated Article 86 of the Tarnovo Constitution, which provided that one deputy should be elected per twenty thousand people. Of these, 3/4 should be representatives of the professions<sup>6</sup> and elected by regional councils, and the remaining 1/4 – representing the political element in the parliament – would be determined by the Council of Ministers.

Articles 136 and 137 of the Constitution were violated, according to which the tsar could dissolve the National Assembly and call elections for a new one. The new elections had to be held no later than within two months and the new National Assembly must begin work no later than four months after the dissolution of the old National Assembly. Elections for the XXIV Ordinary National Assembly were not held until March 1938.

According to the Decree-Law for the election of deputies for the XXIV Ordinary National Assembly, the number of deputies was 160. The country was divided into 160 constituencies, with the requirement of a minimum of 20,000 voters per constituency.<sup>7</sup> A constitutional amendment was needed to reduce the

4 Darzhaven vestnik, br. 42/1934.

5 Article 47 of the Constitution: If the State is threatened by any external or internal danger, and the National Assembly cannot be convened, it is only in such a case that the Prince (after 1911: “the Tsar” – N.R.), at the request of the Council of Ministers and under the common responsibility of the Ministers, may issue decrees and make orders which have the binding force as law. Such extraordinary decrees and orders shall be submitted for approval to the first National Assembly convened thereafter. [чл. 47 Търновска конституция: „Ако би държавата да се заплашва от някоя външна или вътрешна опасност, а Народното Събрание не би могло да се свика, то само в такъв случай Князът, по представление на Министерския Съвет и под обща отговорност на Министрите, може да издава наредби и да прави разпореждания, които имат задължителна сила като закон. Такива извънредни наредби и разпореждания се представят за одобрение на първото, свикано след това, Народно Събрание].

6 This innovation was made in line with the trends in Europe. For example, according to Mussolini, fascism was a new political system that wanted to soothe the spirits embittered by class hatred, to build, to renew, to purify... Through the corporate system, power in the state was concentrated in the corporations - unions of workers, employers and their fascist unions in a given industry. The nation is placed above individuals and classes. The middle class is defined as the ‘brain’ of the nation – In: *Notes on Modern History 1918–1945*, Sofia 1992.

7 Darzhaven vestnik, br. 234/1937.

number of deputies. This could only be done by convening a Grand National Assembly. In doing so, the people in power were again trampling on clear constitutional provisions. The representation of professionals was excluded. A candidate could be nominated in only one constituency. As far as the right to electioneering was concerned, it was granted only to the deputy candidates.<sup>8</sup>

Although the Decree-Law on the election of members of parliament for the XXIV Ordinary National Assembly gave women the right to vote for the first time in Bulgaria, many other provisions were anti-democratic. The principles of democracy and parliamentarism as stipulated in the Tarnovo Constitution were being trampled upon. In Bulgaria the multi-party political system was also liquidated through the issuance of the Decree-Law on the dissolution of political party organisations<sup>9</sup>; Decree-Law on the liquidation of the properties of dissolved political party organizations<sup>10</sup>, and Decree-Law on confiscation in favour of the state of the properties of illegal organizations.<sup>11</sup> The policy pursued was in line with that of authoritarian regimes during that period in Europe. Thus, in Bulgaria, non-partisan power appeared to be party-destructive.

The state and the executive were given primary place. The economy was also supposed to be controlled by the state by limiting 'market and speculative capital'. The state was relied upon to bring social peace. All of this was presented as a return to the traditions of the Bulgarian National Revival, disrupted by the Tarnovo Constitution with its inclusion of principles imported from outside, alien to the Bulgarians.<sup>12</sup>

In order to assist the state authority, the creation of a special organization, a Directorate of Renewal [Дирекция на обновата], was established. It was directly subordinate to the Prime Minister. It had broad power: to organise public life, to politically process the public, and to propagandise. The Renewal should not only guide public life but also elaborate on the political ideology of the regime. Its main activity was printed and oral propaganda, censorship of the press, theatres, cinemas, etc. It was expected to organize the population on a manufacturing basis and to create its youth 'in a spirit of selfless service to the state and the nation'.<sup>13</sup>

The Directorate had several main tasks. First and foremost: to direct the spiritual life of the country towards unity and renewal in the service of the nation

<sup>8</sup> D. Tokushev, *Istoriya na novobalgarskata darzhava i pravo (1878–1944)*, Sofia 2008, p. 346–347.

<sup>9</sup> Darzhaven vestnik, br. 58/1934.

<sup>10</sup> Darzhaven vestnik, br.210/1934.

<sup>11</sup> Darzhaven vestnik, br. 92/1934.

<sup>12</sup> B. Georgiev, *Burzhooznite i drebnoburzhooznite partii v Balgariya 1934–1939*, Sofia 1971, p. 70–71; I. Dimitrov, *Balgarskata demokratichna obshtestvenost, fashizam i vojnata 1934–1939*, Sofia 1976, p. 39–41.

<sup>13</sup> Darzhaven vestnik, br.161/1934; D. Tokushev, *Istoriya na novobalgarskata darzhava i pravo (1878–1944)*, Sofia 2008, p. 349; *Istoriya na Balgariya (1919–1944)*, vol. IX, Sofia 2012, p. 298–299.

and the state, and for this purpose it had to make the affairs of the government clear to the press so that it might properly inform the public of the decisions of the state authority. Next, it should work to uplift the prestige of the nation. Its last task was to help organize the citizenry into an ideologically unified national group. That was intended to be achieved by penetrating with its organs into all circles and creating a new spirit in the sport and other organizations along with appropriate agitation and propaganda.<sup>14</sup>

Freedom of professional association was abolished and trade unions were placed under the control of the government. For this purpose, the Council of Ministers adopted the Decree-Law on Professional Associations of Civil Servants<sup>15</sup> and the Decree-Law on Professional Organisations.<sup>16</sup> In this way, corporate trade unions were established and incorporated into the state system. The principles provided in the Tarnovo Constitution were thus once again being violated.

The constitutional powers of the Grand National Assembly were taken away by the government. The process of centralisation of executive power began by reducing the number and changing the names of the ministries without respecting the decrees of the Constitution. According to Article 161, the number of ministries in Bulgaria was precisely defined<sup>17</sup>. Changes in the number or names of ministries could only be made by the Grand National Assembly. However, a royal decree ordered the merger of the Ministry of Public Buildings, Roads, and Social Welfare with the Ministry of Railways, Roads, and Telegraphs into a new Ministry of Communications. The Ministry of Trade, Industry and Labour was also merged with the Ministry of Agriculture and State Estates into the Ministry of Economy. All these actions had the effect of strengthening the power of the Prime Minister and violated clear constitutional texts.

In order to strengthen political control over the administration, a Decree-Law on Urban Municipalities<sup>18</sup> and a Decree-Law on Rural Municipalities<sup>19</sup> were also adopted. With these changes, local authorities were no longer elected but appointed by the executive. Once again, fundamental democratic principles were trampled on.

The electoral right and the right of association guaranteed by the Tarnovo Constitution had been violated. Censorship was also imposed. This was

<sup>14</sup> D. Tokushev, *Istoriya na novobalgarskata darzhava i pravo (1878–1944)*, Sofia 2008, p. 349; M. Manolova, *Istoriya na darzhavata i pravoto. Treta balgarska darzhava 1878–1944 g.*, Sofia 2001, p. 225; M. Krasteva, *Direktsiyata za obshtestvenata obnova na natsionalnata propaganda prez pogleda na karikaturista Rayko Alek siev (1934–1943 g.)*, „Kulturno-istoricheskoto nasledstvo: opazvane, predstavayane, digitalizatsiya” 2019, vol. 5, broj 1, p. 74-75.

<sup>15</sup> Darzhaven vestnik, br. 96/1934.

<sup>16</sup> Darzhaven vestnik, br. 134/1934.

<sup>17</sup> There are 10 ministries after the amendments to the Tarnovo Constitution in 1911.

<sup>18</sup> Darzhaven vestnik, br. 114/1934.

<sup>19</sup> Darzhaven vestnik, br. 100/1934.

done through the Decree-Law on the Press,<sup>20</sup> the Decree-Law on Temporary Supervision of the Press,<sup>21</sup> and the Decree-Law on the Dissolution of Political Party Organizations,<sup>22</sup> etc. Despite the fact that the Basic Law was not officially repealed, nor had its operation been officially suspended, the rights and freedoms of citizens proclaimed in it had been grossly violated.

Amendments were also made to the administrative-territorial division of the country, which were implemented by ignoring the Constitution, where the names of the territorial units were explicitly mentioned. The existing 16 districts were transformed into 7 regions (Decree No. 179 of 23 May<sup>23</sup>).

The introduced centralisation struck a serious shock to local self-government. Mayors were now appointed rather than elected, and subordinate to the district and regional administration. An electoral census was also introduced, and a prerequisite for holding the office of mayor was that persons have a university degree in civil or military education for cities and a high school diploma or non-commissioned officer rank for villages.<sup>24</sup> Village mayors had enormous power, with numerous police functions. For a time, they also served as district judges.

The fate of the elected municipal council until then is also interesting. From the end of August to September 1934, a process related to the reduction of rural municipalities began. Their number was reduced – from 2552 to about 800. At the same time, settlements that did not have Bulgarian names were renamed. Each rural municipality had to have at least 5,000 inhabitants, and urban municipalities with a population under 5,000 are governed under the Rural Municipalities Decree-Law. The municipal councils established after 1 September 1934 included only officials and representatives of cooperatives. With the administrative reform, the municipal council became an advisory body to the mayor.<sup>25</sup>

<sup>20</sup> Darzhaven vestnik, br. 58/1934.

<sup>21</sup> Darzhaven vestnik, br. 83/1938.

<sup>22</sup> Darzhaven vestnik, br. 58/1934.

<sup>23</sup> Darzhaven vestnik, br. 42 ot 25/1934.

<sup>24</sup> Naredba-zakon za razturyane na gradskite I selski obshtini.

<sup>25</sup> *Istoriya na Balgariya (1919–1944)*, vol. IX, S., 2012, p. 297; *Al. Hristov-Formirane na Balgariya kato socialna darzhava – ot grizha za bednite kam darzhavnata socialna politika (30-te godini na XX vek)*, „GSU na Fakultetat po pedagogika” 2020, S., p. 108.



All these changes, euphemistically called “renewal”, affected the judicial system as well. The government of Kimon Georgiev, on the basis of Article 47 of the Tarnovo Constitution, issued on 24 November 1934 the Decree-Law on the Structure of the Courts.<sup>26</sup> Interestingly, the structure of the 1926 law was adopted. Most of its text was reproduced, and the additions made concerned primarily the internal structuring of some chapters and the introduction of new paragraphs. It was a major reform of the Bulgarian judicial system, the aim of which was to make the administration of justice faster, more accessible, and cheaper.<sup>27</sup> The legal bases of the government’s judicial reform, in addition to the Decree-Law on the Structure of the Courts, were the Decree-Laws on administrative justice, on municipal courts, and those amending and supplementing civil and statutory court proceedings. The reform was also the result of changes that had taken place in the administrative-territorial division of the country, namely that districts were being abolished. Regional courts were transformed and they followed the new administrative division and the new name of the administrative territorial units. The courts of appeal and the Supreme Court of Cassation were retained. The establishment of municipal courts in each municipality was previewed to be provided for by a special law that was never introduced.

According to Article 2 of the Decree-Law on the Structure of the Courts, the circuit court was a single court, while the regional, the courts of appeal, and the Supreme Court of Cassation were collective courts. The offices and seats of the circuit courts coincided with those of the district administration. There was only one circuit judge in a settlement. In case of necessity, the Minister of Justice appointed deputy circuit judges.

Regional courts consisted of a chairman, vice-chairmen and members. Initially, it was envisaged that the judicial district of the regional courts would coincide territorially with the administrative regions. However, Article 3(2) of the Decree-Law on the Structure of the Courts was soon amended, creating 15 regional courts: Sofia, Pazardzhik, Plovdiv, Stara Zagora, Haskovo, Yambol, Burgas, Varna, Shumen, Ruse, Tarnovo, Pleven, Vratsa, Vidin and Kyustendil. With subsequent amendments of the Decree-Law on the Structure of the Courts, the number was increased and, in 1943, 37 regional courts were established. The motives of the draft bill stated that it made the seating of all courts more correct and permanent. This also applied to the district courts, whose seats until 1943 were determined by the Budget Law. This decision also

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<sup>26</sup> Darzhaven vestnik, br. 182/1934.

<sup>27</sup> Priturka kam “Darzhaven vestnik”, br. 6p. 38, 19/1934.



excluded the possibility of exercising any influence over them. This was achieved by a special table defining the seats of all the courts.<sup>28</sup>

As provided for in the Decree-Law on the Structure of the Courts, each court of appeal had a chairman, vice-chairmen and members. It further maintained the existing three courts of appeal by defining their judicial districts as follows: the Sofia Court of Appeal included the districts of the Sofia, Kyustendil, Gorna-Djumaya, Vratsa and Vidin regional courts; the Ruse Court of Appeal included the districts of the Pleven, Tarnovo, Ruse, Shumen and Varna regional courts; and the Plovdiv Court of Appeal included the districts of the Pazardzhik, Plovdiv, Stara Zagora, Haskovo, Yambol and Burgas regional courts.<sup>29</sup>

No changes were made to the organisation and the powers of the Supreme Court of Cassation.

What was new in the Decree-Law on the Structure of the Courts of year 1934 and missing in the previous laws was the establishment of prosecutorial supervision of the circuit courts. According to Article 43, it was independent from the judiciary. It had the power to hear criminal cases for offences punishable by up to 3 years in prison. In addition, the district prosecutor was relied upon to ensure that the rights of citizens were respected through his preparation and acts. The introduction of prosecutors who would participate in criminal proceedings in the district courts was considered optimistically. It was considered to put an 'end to police arbitrariness in our country'.<sup>30</sup>

The district prosecutor should not only indict, but also be impartial. When convinced of the defendant's innocence, the prosecutor could no longer maintain the indictment, but state his understanding in the court of his own conscience.

Article 43 of the Decree-Law on the Structure of the Courts from 6 November 1934 reproduces the texts of the 1926 law, with minor changes, and provides that there shall be one chief prosecutor and divisional prosecutors at the Supreme Court of Cassation. Prosecutors and deputy prosecutors would act alongside them in the district, regional and appeal courts. The prosecutor's office at the district courts was subordinate to that at the regional courts, which was then subordinate to the courts of appeal. The prosecutors of the courts of appeal, as well as those of the divisions of the Supreme Court of Cassation, acted under the authority of the General Prosecutor. All prosecutors reported directly to the Minister of Justice. It is noteworthy that here, too, the prosecutors at times were not subordinate to the General Prosecutor at the Supreme Court of Cassation. During the period under review there was no centralisation of the prosecution, typical of the modern Bulgarian state.

<sup>28</sup> Stenografiski dnevnici, XXV ONS, IV RS, 19.03.1943, p. 1062.

<sup>29</sup> D. Tokushev, *Sadebnata vlast v Balgariya (ot drevnostta do nashi dni)*, Sofia 2003, pp. 194-195.

<sup>30</sup> Ibidem.



Article 300 of the Criminal Proceedings Act provided that for offences triable by the district courts and punishable by up to one year's imprisonment, no preliminary inquiry was needed unless the public prosecutor considered it necessary to hold one, or separate inquiries were also required. For offences punishable by not more than five years' strict imprisonment, the inquiry may, on the prosecutor's proposal, be confined to an examination of the accused or to separate investigative acts.<sup>31</sup> The district attorney had the right of discretion.

The prosecutor had a creative function in addition to the executive and protective ones. The creative function consisted in providing numerous opportunities for the peaceful and calm development of the lives of the Bulgarians. The personality of the prosecutor was also given serious consideration. 'He must be a good psychologist, an excellent pedagogue, with a comprehensively developed social sense of proportion in his every act. Polite, courteous, considerate, he must not offend or tear anyone'.<sup>32</sup>

Along with all of the above, the introduction of the institution of the district attorney largely eliminated administrative arbitrariness. Through him, the judiciary could at any time exercise supervision over the administrative authorities.<sup>33</sup>

The following year Article 43 was amended, and no longer specifically provided for the appointment of prosecutors to the district courts.<sup>34</sup> District judges acted without the involvement of prosecutorial supervision. The activity of the prosecutors here was limited to making a motion to initiate a criminal case and to appealing against the sentence of the district judge. This might be done on their own initiative or by police notification.

The repeal was a kind of restoration of the situation before the adoption of the Decree-Law on the Structure of the Courts. Offences which were the subject of the cases dealt with by the district judge were of a lesser degree of public danger. The change was probably made in order to make the proceedings themselves cheaper and quicker. What is undeniable, however, was the state's deprivation of a unit that represented the impartiality of the law.

The Decree-Law on the Structure of the Courts regulated the institution of 'judicial candidates' in a manner similar to the Courts Structure Act of 1926. The changes were minor. Only persons graduated in law could be candidates for the judicial office. Again, they were appointed by the Minister of Justice in the district courts. What is different in the Decree-Law on the Structure of the Courts is that candidates for judicial office had the status of a civil servant. Their internship lasted two years.

<sup>31</sup> Darzhaven vestnik, 6p. 182/1934.

<sup>32</sup> E. Dimitrov *Prokurorskiyat nadzor i lichnostta na prokur ora*, „Sadiyski vestnik” 1935, br. 2., p. 37.

<sup>33</sup> L. Marinov, *Okoliyskite prokurori*, „Sadiyski vestnik” 1935, br. 8, p. 149.

<sup>34</sup> Darzhaven vestnik, 6p.183/1935.

Those candidates who had served for one year received a certificate issued by the chairman and the prosecutor of the district court, proving that they had acquired 'sufficient experience and practical training'. Only then did they begin to receive a salary. If, within one and a half years of the start of their internship, candidates for judicial office did not obtain that certificate, they were dismissed. The Minister of Justice may extend this period by six months on the basis of illness of the applicant or other good reason. Candidates who obtained the certificate and had served for at least two years were admitted to the theoretical and practical examination. The latter was conducted by a committee appointed by the Minister of Justice, consisting of judges of the Supreme Administrative Court, the Supreme Court of Cassation, professors of the Faculty of Law of Sofia University and senior officials of the Ministry of Justice.<sup>35</sup>

The appointment of judges, prosecutors, and inspectors in the Ministry of Justice was again made by royal decree, while bailiffs, notaries, additional member-judges, and deputy prosecutors, including other officials in the courts, were appointed by the Minister of Justice or 'by the proper person in charge according to the procedure specified in this law' (Article 7 of the Decree-Law on the Structure of the Courts).

The Decree-Law on the Structure of the Courts retained the general requirements provided in the repealed laws which a person had to meet in order to be appointed to a judicial office, namely: to be a Bulgarian citizen; to have reached the age of majority; not to be deprived of rights; not to be under trial and investigation or convicted of a common offence, even if he had been released from punishment by the expiration of time-barring periods, pardon or amnesty, or had been rehabilitated; not to be or have been under guardianship due to wastefulness. The innovations made by the Courts Structure Act of 1926, were also retained, namely under Article 87 of the Decree-Law on the Structure of the Courts – for a person to be eligible for service in the Judicial Department, he could not be under or have been under guardianship due to wastefulness; he could not be suffering from contagious disease or epilepsy, and he could not have any physical defect which would interfere with his service.

Special conditions for appointment to a judicial or prosecutorial position were also regulated in the Decree-Law on the Structure of the Courts. Here, too, minor changes were made, mostly related to the appointment of district and regional judges. For example, a person who had served at least 2 years as an additional member or additional deputy prosecutor in a regional court was appointed as a member or deputy district judge.

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<sup>35</sup> Darzhaven vestnik, br. 174/1934.

For a district judge, the person must have served one year as an associate district judge, and for a member or associate regional judge, the person must have served 1 year as a district judge.

As regards the post of judicial investigator, it was necessary to have served 2 years as a member or deputy prosecutor of a regional court. In the same Article 93 of the Decree-Law on the Structure of the Courts it was also said that for the position the vice-chairman of a regional court the person should have served 3 years as a member or deputy prosecutor of a regional court or 1 year as a judicial investigator. The same conditions had to be met for an inspector of notaries; in addition, 1 year of their service was required to have been working as a judge in a district court where notarial work was done.

According to Article 94, for the position of president of a district court, or a member in a court of appeal, it was required that the person had served 3 years as an investigating judge or 2 years as a vice-chairman of a regional court, or 1 year as a prosecutor in a regional court.

Two years of experience as a regional court presiding judge, member, or deputy prosecuting attorney at an appellate court was required for the position of appellate court vice-chairman or court inspector.

Two years as a vice-chairman of a court of appeals or 4 years as a member or deputy prosecutor of a court of appeals had to be served for a person to become a member of the Supreme Court of Cassation.

A person who had served at least one year as a district judge was appointed as a deputy prosecutor in a regional court. A person who had served at least one year as a regional court vice-chairman, or two years as an investigating judge, or four years as a member or deputy prosecutor of a regional court would be appointed as a prosecutor of a regional court. To be a deputy prosecutor in a court of appeals, a person must have served three years as a trial judge, or two years as a regional court deputy, or one year as a regional court prosecutor; For a prosecutor of a division in the same court or a prosecutor in the Court of Appeals, two years as a vice-chairman of the Court of Appeals or 4 years as a member or deputy prosecutor in the Court of Appeals was required and for a chief prosecutor of the Supreme Court of Cassation – three years as a member of the Supreme Court of Cassation, a prosecutor of a division of the same court, or a prosecutor of a Court of Appeal.

Prosecutors at the Sofia Regional Court were equal in rank and salary to the chairman of the Regional Court and to the vice-chairman of the Court of Appeal; the prosecutor – to the deputy prosecutor at the Court of Appeal; members and deputy prosecutors of the regional court – to the vice-chairman of a provincial regional court, etc. (Article 95 of the Decree-Law on the Structure of the Courts).

A new element introduced by the Decree-Law on the Structure of the Courts was that persons from among the teaching staff of the Law Faculty of Sofia

University could also be appointed to the position of judge or prosecutor. It was necessary, in the case of professors, to have reached the age of 40 – up to and including a member of the Supreme Court of Cassation. In the case of adjunct professors, they had to have reached the age of 35 – up to a member or deputy prosecutor at the Court of Appeals incl. regular associate professors, if they had reached the age of 30 – up to a vice-chairman or prosecutor at the Regional Court incl.

There was no obstacle to the appointment of lawyers to judicial or prosecutorial posts. They had to have a law degree, have passed the theoretical-practical examination, and have been lawyers for as long as would be necessary to have practised the profession: e. g. for a deputy prosecutor at a district court – five years. The appointment also took into account the lawyer's professional activity, academic work, and conduct in society. If they applied for a higher office, they needed to have as many years of service as they needed to have if they were judges or prosecutors. This was a new provision. It was missing in the previous laws.

In the Decree-Law on the Structure of the Courts, the possibility was created for judicial staff to perform other duties. 'In exceptional cases, persons from the judicial department could be appointed to other offices with their consent. In such a case, they could retain the positions they had held until then only with the permission of the Minister of Justice, but without being able to perform the functions related to them. In determining the seniority of such judges, the time spent in other offices was to be fully taken into account'.<sup>36</sup> The legislature specified that the duration of this appointment or secondment should not exceed two years.

The sixth system for the appointment of judges and prosecutors, which was the last until the changes in 1944, was promulgated by the Decree-Law on the Structure of the Courts of November 12, 1934, and its amendments of August 16, 1935. It provided that each year in the second half of September the chairmen of the regional courts, together with the vice-chairmen and the prosecutors, should represent those judges and prosecutors of the area of their courts who were being honoured as deputy district judge, district judge, member and deputy prosecutor of the Regional Court. The chairmen, attorneys, and vice-chairmen of the appellate courts should submit persons for judge investigator, vice-chairman, and prosecutor to the regional court, regional court chairman, member, and deputy prosecutor of the appellate court. The first chairman of the Supreme Court of Cassation, together with the chairmen of the division and the attorney general, would nominate persons to be vice-chairman and

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<sup>36</sup> Darzhaven vestnik, br. 182/1934.

prosecutor of the Court of Appeal, member of the Supreme Court of Cassation and prosecutor of a division in the same court. The lists would include persons meeting the requirement for the office for which they were nominated by 1 January of the following year. It provided that the number of persons honoured may not exceed one third of the number of judges and prosecutors in the area of the court making the submissions. The compiled lists were sent to the Supreme Court of Cassation, which may correct and complete them on appeal by those concerned or on its own initiative. Tables are then drawn up of the honoured persons according to their ability, practical and theoretical legal training. The number of persons may not exceed half the number of available places for the post for which the table is drawn up. The number of tables must correspond to the posts.

Individuals were placed in them according to their abilities and preparation. The Minister of Justice could, at any time, require further nominations to be made when those made had been exhausted. Candidates who had the qualifications for the post could also be added in supplementary tables on the day of the submissions.

In addition, each year a special committee<sup>37</sup> had the power to present judges and prosecutors who showed exceptional merit in their work as judges and prosecutors or in their scholarly work, but who did not possess the requisite statutory qualifications for promotion. It was also the task of the committee to determine the place of the persons nominated by it in the general tables for the appointment of judges and prosecutors.

The Minister of Justice should appoint one of the first three persons presented in the table for the relevant post to each vacancy. A person not listed in the table could not be appointed as a judge or prosecutor. Exceptions could be made for the first chairman, the chairmen of divisions, the general attorney, the chairmen of the Courts of Appeal and the inspector general. They were appointed as follows: the first chairman of the Supreme Court of Cassation by the presentation of the Council of Ministers on the basis of a report from the Minister of Justice, and the others by a presentation of the Minister of Justice.<sup>38</sup>

At the discretion of the Minister of Justice, investigating judges and regional judges could be promoted to a higher position if the Minister considered that it would be to the benefit of the service.

<sup>37</sup> The Commission consisted of the first chairman of the Supreme Court of Cassation, the Inspector General of the Judiciary, three chairmen of a division of the Supreme Court of Cassation elected by the general assembly of that court, two full professors from the law faculty at the university – one in criminal law and one in civil law or commercial law or civil litigation, elected by the Faculty Council, and one lawyer, a member of the Higher Bar Council, elected by the same Council.

<sup>38</sup> Darzhaven vestnik, br. 182/1934.

## It appears that this system was a successful combination of the other systems of earlier periods

The Minister of Justice made a proposal by report to the Bulgarian tsar to dismiss judges, prosecutors or deputy prosecutors. The reasons for this decision were stated. Removal (dismissal) may be of the person's own volition, because the person had been transferred to another post, because he was engaged in work incompatible with his office, or because he was not performing his duties at all. The Minister of Justice also insisted on the removal of these officials from the list of judicial officers. The reports sent to the prince/tsar were exhaustive. Some of them specify the day from which the salaries of new appointees were to be computed, as well as a request for non-payment of salaries to those prosecutors and deputies who did not perform their duties. The Minister also made proposals for the transfer of a prosecutor from one district court to another, or of a prosecutor from the Court of Appeal to a division of the Supreme Court of Cassation. The report specified the persons who held the post until the time of the change, as well as the new appointees.<sup>39</sup> All of this particularly highlights the management functions of the Ministry of Justice and, more specifically, the Minister of Justice. The latter was the de facto chief prosecutor in the country, since the chief prosecutor of the Supreme Court of Cassation was also subordinate to him.<sup>40</sup> These are powers that he had had since the adoption of the first Law on the Structure of the Courts in 1880 and had been retained in subsequent legislation.

It is typical of the post-Ottoman period up to 1947 that prosecutors' posts were one step below those of the judges of the court to which they were appointed. This ratio remained until 1948, when the separation of the prosecutor's office from the Ministry of Justice took place.

For the first time in this country, the Decree-Law on the Structure of the Courts provided for the irreplaceability of prosecutors in addition to judges. Prosecutors were **replaceable** until the adoption of the Decree-Law. This was a principle adopted throughout Europe. The issue of the irreplaceability of prosecutors had been discussed and debated many times. The need for it arose from the fact that prosecutors, as organs of an active judiciary and as initiators of the activities of the court of law, should be much better protected by irreplaceability than any other judicial person.<sup>41</sup> It would guarantee the true interests of justice of Bulgarian citizens and the rule of law in the Bulgarian

<sup>39</sup> Central State Archives, f. 242 k, op. 2, a. e. 365, l. 19, 25, 27.

<sup>40</sup> K. Bozukova, *Prokuraturata*, „Balgariya XX v., ABV KOOP” 2000, p. 211.

<sup>41</sup> D.G. Bacharov, *Za nesmenyaemostta na prokurorite*, „Sadiyski vestnik 1919, br. 2, p. 5.

state.<sup>42</sup> Without the irreplaceability of prosecutors there could be no true, good and independent justice.<sup>43</sup>

The irreplaceability of prosecutors was defined as a necessary guarantee for the existence of civil liberties.<sup>44</sup>

Thus, in Bulgaria, the irreplaceability of prosecutors at the Supreme Court of Cassation was introduced by Article 137<sup>45</sup> of the 1934 Decree-Law on the Structure of the Courts. According to its provisions, the chief prosecutor and the prosecutors of the divisions of the Supreme Court of Cassation were irreplaceable. Subsequently, the amendments to the Decree-Law of 16 August 1935 extended irremovability to the prosecutors in the courts of appeal as well.

Following this amendment, there was a need to extend the irremovability to all prosecutors. The argument was also put forward that granting irremovability to regional prosecutors would guarantee the independence of the judiciary. It would also ensure the independence of the prosecutors who were in constant contact with living reality.<sup>46</sup>

After many years of discussion, irreplaceability was finally introduced for all prosecutors by the 1943 Decree-Law on the Structure of the Courts. This difficult task was achieved thanks to the then Minister of Justice Konstantin Partov.<sup>47</sup>

Another principle that was maintained was the one of replaceability as set out in Article 46 of the 1934 Decree-Law on the Structure of the Courts. It again provided for the possibility of the substitution of the prosecutor by his deputy, giving the senior prosecutor the right to personally assume or assign to subordinates the duties of the junior prosecutor. If necessary, the chief prosecutor of the Supreme Court of Cassation could assign the prosecutor or one of the deputy prosecutors of the regional Court of Appeal, and the prosecutor of the Court of Appeal could assign the prosecutor or one of the deputy prosecutors of the regional court, to perform the duties of a divisional prosecutor or deputy prosecutor of the proper court. In such cases, the Minister of Justice would be notified and, if the assignment extended over more than one sitting, the

<sup>42</sup> *Nesmenyaemostta na prokurorite tryabva da bade prokarana*, „Sadiyski vestnik” 1924, br. 14, p. 1.

<sup>43</sup> P.D. Tenishev, *Dayte nesmenyaemost na prokurorite*, „Sadiyski vestnik” 1924, br. 19, p. 1.

<sup>44</sup> A. Dragiev, *V zashtita na prokurorskata nezavisimost*, „Sadiyski vestnik” 1927, br. 13 и 14, p. 2.

<sup>45</sup> According to Article 137, persons who have served in judicial or prosecutorial office are irreplaceable for at least three years. The judges and prosecutors of the Supreme Court of Cassation, as well as persons equivalent to them, shall be irreplaceable until the age of 65, and all others until the age of 60.

<sup>46</sup> K. Partanov, *Nesmenyaema prokuratura i pri oblastnite sadilishta*, „Sadiyski vestnik” 1939, br. 10, p. 10-11; V.N., Mitankov, *Nesmenyaemostta na sadiite kato konstitucionen printsip*, „Pravna missal” 1936, kn. 9, p. 651.

<sup>47</sup> Darzhaven vestnik, br. 72/1943.



Minister's permission would be sought. The right of substitution also applied to protests against judgments and court orders.

One innovation that was made was the obligation for the prosecutors of the courts in order of subordination to submit to the Minister of Justice, in September of each year, a report on crime in their districts, on the movement of criminal cases, on sentences revoked and modified by higher courts, on the effectiveness of criminal repression, and on the measures taken to eliminate the causes of crime, to find those guilty and to punish them (Article 48 of the Decree-Law on the Structure of the Courts).

The provisions relating to the principle of the incompatibility of the office of judge or prosecutor with other activities were not amended by the Decree-Law on the Structure of the Courts.

The 1934 Decree-Law on the Structure of the Courts preserved the provisions of the 1926 Law on leave entitlements. Judicial officers could take leave during the year for not more than one month at a time or in instalments. The period of leave was reduced and in case of emergency, leave could be extended by one month but without pay for that time. In the event of sickness, they were entitled to leave in accordance with the terms and conditions laid down in the Civil Servants Act – up to three months or up to six months if they had served for more than three years (Article 75 of the Decree-Law on the Structure of the Courts).

Those dismissed on grounds of sickness were, after their recovery, reinstated in the service they had held before their dismissal or were appointed to another appropriate post, subject to the procedure laid down for appointment to the service. (Article 75 of the Decree-Law on the Structure of the Courts).

Leave of absence of not more than ten days at a time or in instalments could be granted to chairmen, vice-chairmen, investigating judges, district judges and their deputies – by the General Assembly of the court in which they served; prosecutors at district courts – by prosecutors at regional courts; prosecutors and their deputies at the regional court – by prosecutors at the courts of appeal; prosecutors and their deputies at the courts of appeal and prosecutors at the divisions of the Supreme Court of Cassation – by the chief prosecutor at the Supreme Court of Cassation.

The legislature specified that the leave authorised by the courts and prosecutors should be notified to the Supreme Court of Cassation. This leave was deducted from that to which persons were entitled under Article 70. Leave was granted by order of the Minister of Justice to the Attorney General of the Supreme Court of Cassation, to persons of the judicial department when it was for a longer period than 10 days, on the representation of the head of the institution to which they belonged, to district judges on the representation of the chairman of the regional court, who should also indicate in his representation who could replace him.

Judicial officers, when absent from duty without leave, lost their salary for the days of absence, regardless of any disciplinary penalty that might be imposed for doing so (Article 80 of the Decree-Law on the Structure of the Courts).

Judicial officials could be granted overseas leave for up to one year for research purposes. The time spent on such leave was regarded as time served (Article 81 of the Decree-Law on the Structure of the Courts).

On their return, they were obliged to serve at least eight years in the judicial office. If they were dismissed at their own request or disciplinarily before the expiry of that period, they had to repay double the salary and any allowances received during the overseas leave.

The Minister of Justice could, where he deemed it necessary, second judges and prosecutors in connection with the performance of their duties. It was not possible to second them outside their service without his authorisation. Where necessary, the Minister's permission had to be sought in advance.<sup>48</sup>

The same supervision of officials, disciplinary responsibility, and disciplinary procedure was maintained. The changes made were again minor. The general supervision of judicial officials rested with the Minister of Justice. On his instructions, inspectors of notaries and bailiffs were added to the judicial inspectors who exercised this supervision. The post of chief judicial inspector was abolished. A new provision was that the reports of the inspectors' audits were to be communicated to the higher courts in copy and read out in a general meeting of the latter. In contrast to the 1926 Act, audits of the Supreme Court of Cassation and of prosecutorial supervision thereunder were carried out by the Secretary-General of the Ministry or by one of the judges or prosecutors of the same court, rather than being carried out by the Chief Judicial Inspector of the chairman of a division or the Attorney-General of the Supreme Court of Cassation. Revisions were made by the auditing judges in the regional courts of the chairman of the court or of the chairman of the superior court as directed by the Minister of Justice.<sup>49</sup>

The Decree-Law on the Structure of the Courts of 12 November 1934 made certain changes in disciplinary penalties: note, reprimand with deprivation of salary from three to ten days, removal from the promotion table for up to three years, transfer to an equal post, and dismissal from service. Dismissal was allowed if the person had been absent from work without leave. What was new here is that reprimand as a punishment had been reinstated, and deletion from the tables for up to three years was a completely new punishment.

<sup>48</sup> Central State Archives, f. 242 κ, a. e. 2, op. 1554, l. 70.

<sup>49</sup> E. Yochev, *Naredba-zakon za ustraoystvo na sadilishtata ot 1934 g.*, „Nauchni trudove na Ruskenskiya universitet” 2010, t. 49, seriya 7, p. 32-33, <http://conf.uni-ruse.bg/bg/docs/cp10/7/7-6.pdf> (17.10.2021).

Judicial officers were liable to disciplinary action (1) for omissions due to inattention or ignorance of their duties; (2) for violation of rules and forms in the conduct of cases and in the execution of judgments; (3) for failure to comply with lawful orders; (4) for slowness; (5) when convicted of felonies; (6) for violation of the prescriptions provided in Art. 127-131 and 134 of the Decree-Law on the Structure of the Courts; (7) for persistent negligence, incapacity or unpreparedness in the performance of duty; (8) for absence from duty without leave; (9) for an act outside the office which was prejudicial to the dignity of the judge; (10) for failing to observe common decency in their official relations and (11) for gambling or failing to maintain the secrecy of the office.<sup>50</sup> Again, the texts of previous laws were repeated.

Disciplinary sanctions could only be imposed on prosecutors directly by the Minister of Justice, but only after the omission or disciplinary error had been pointed out and an explanation had been requested in advance from the accused person. As regards non-removable prosecutors, they were liable to disciplinary action in accordance with the procedure laid down in the Decree-Law on the Structure of the Courts and before the disciplinary councils.

The General Assembly of the Supreme Court of Cassation heard disciplinary cases against cassation judges, prosecutors of the Supreme Court of Cassation (since 12 November 1934), prosecutors of the courts of appeal (since 16 August 1935), and their equivalents.

There was one disciplinary board at each Regional Court and Court of Appeal and at the Supreme Court of Cassation. It heard disciplinary cases against notaries, bailiffs, candidates for judicial office, clerks and sub-clerks serving in the judicial offices, in the prosecutors' offices and the investigating judges' offices, and against the clerks of the district courts (Article 170 of the Decree-Law on the Structure of the Courts).

Disciplinary proceedings were instituted against judges, notaries and bailiffs under the supervisory procedure, by order of the court or on the proposal of the Minister of Justice, against non-removable prosecutors – by the Minister, and against other officials – by the chairman or the prosecutor.

The reason for disciplinary action against persons in the prosecutorial supervision was the existing practice in our country, whereby judges and prosecutors, in order to secure the interests of their careers, resorted to intercessions that were incompatible with the dignity of their office. Such actions undermined the prestige of the judiciary. In this regard, the Judiciary cautioned all judges and prosecutors to comply most strictly with the prescriptions of the law and not to resort to intercessions with persons for the purpose of settling

<sup>50</sup> Darzhaven vestnik, br. 174/1934.

matters concerning their official position. Such intercessions were grounds for disciplinary action.<sup>51</sup>

Disciplinary action was also available against judicial and prosecutorial staff who used the name of the Minister or other senior staff in the Ministry to achieve personal goals, as well as in cases of intercession. The Ministry obliged prosecutors and judges to report this to the proper venues in order to hold those responsible accountable. The aim was to prosecute such acts with impunity, not only because they are immoral and undignified, but they also constitute interference in the work of the judiciary.

The Disciplinary Council would request explanations from the accused person and collect the necessary references. It should then hear the case behind closed doors. The accused would have the right to appear in person or by counsel. Before giving its decision, the Disciplinary Board heard the prosecutor's report and then the accused's explanations. Disciplinary proceedings could be suspended if the examination of the case revealed circumstances which were subject to review by the criminal court. If there was insufficient evidence that the accused was guilty, but he had lost the confidence, respect, and authority required for his position before the public, the Disciplinary Board would order his transfer to an equivalent post.

Decisions of the Disciplinary Board were not subject to appeal. They were communicated to the Ministry of Justice, which ordered them to be implemented.

The same disciplinary penalties were imposed on replaceable prosecutors as on judges, but directly by the Minister of Justice.

Here again, it was provided that no disciplinary proceedings could be initiated if three years had elapsed since the act, omission or delay had been performed. If no other disciplinary action was taken against the convicted person within five years of service, the conviction was deleted.

In addition to disciplinary liability, judges and prosecutors were subject to equal criminal and civil liability. In the first case, judges and prosecutors were subject to the rules of the Law on the Structure of Courts. (art. 24, arts. 417-474), and the legislator retained these provisions in the Criminal Procedure Act. With regard to civil liability, prosecutors were subject to the rules of the Civil Procedure Act (arts. 1116-1123). These rules were also preserved in the Civil Procedure Act of 1934.

Judges and prosecutors were **civilly liable** for damages and losses caused in the performance of their duties in cases of: denial of justice, if any lawful request of a party was left without authorization, and for leaving without authorization

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<sup>51</sup> Central State Archives, f. 242 k, op. 2, a. e. 1552, l. 51.

two consecutive requests of a party containing a lawful request filed within one week of each other, or delay. In these cases, the injured party, in order to be able to bring an action for damages and losses, had to obtain permission from the competent court which would hear the case itself. Claims for damages and losses against prosecutors were subject to the jurisdiction of: the Supreme Court of Cassation, general assembly – against the prosecutors of the Supreme Court of Cassation and appellate courts; the appellate courts, general assembly – against other prosecutors. Appeals could be filed before the Supreme Court of Cassation against the decisions of the courts of appeal.

Claims for damages and losses caused by the improper or biased actions of judicial officers were to be brought in the appropriate regional courts after the affected party had obtained permission to do so from the appropriate Court of Appeals.

In addition to civil liability, judges and prosecutors were **criminally liable** under the general procedure. For offences committed in the performance of their duties, criminal prosecution against the prosecutors of the Supreme Court of Cassation and the Courts of Appeal were to be instituted by order of the Supreme Court of Cassation, Civil Division, and against other prosecutors, as well as against additional members and additional deputy prosecutors, by order of the relevant Court of Appeal, Civil Division. Against other officials, prosecution for such offences was instituted by order of the appropriate regional court, according to the Criminal Procedure Act. Court. The preliminary investigation was conducted by a member of the court having jurisdiction over the case. Criminal cases against the prosecutors at the Supreme Court of Cassation and the appellate courts were heard in a general assembly of the Supreme Court of Cassation, and against other prosecutors and additional deputy prosecutors by the proper Court of Appeal, in the first instance. The other officers for such offences were tried by the proper Circuit (Regional, according to the Criminal Procedure Act) Court.

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The regime imposed in Bulgaria after 19 May 1934 has been conceived in the historiography of different periods as military, fascist, or authoritarian. The propaganda activity of its ideologues impresses with phraseology and myth-making that are quite close to those of the Italian fascists. Even the coup is presented as a revolution. This dictatorship, however, lacks important features of other modern totalitarian regimes. One of them is that it was not anti-Semitic, nor was it extreme nationalist.

The coup that was carried out was unconstitutional, and the Tarnovo Constitution, though not officially abolished, was flagrantly violated. The powers of the Ordinary and Grand National Assemblies were seized. The

main place in the state was given to the Executive. Elections for the National Assembly were not held without any good reason, and citizens' rights, such as the right of association, freedom of the press, the right to vote, etc., were trampled on.

Nevertheless, a number of reforms were undertaken in the country, some of which affected the constitutional structure. Particularly serious was that in the field of Bulgarian judicial organisation, which was intended to ensure 'faster, more dignified and cheaper administration of justice'. Courts of appeal and the Supreme Court of Cassation were retained. In practice, however, the Decree-Law on the Structure of the Courts reproduced the main part of the texts of the 1926 Law on the Structure of Courts: the procedure for the appointment and dismissal of judges, prosecutors, and inspectors under the Ministry of Justice was also retained. The provisions relating to the principle of the incompatibility of judicial or prosecutorial service with other activities was not amended. The provisions on the right to leave, the supervision of officials, disciplinary liability and the procedure for disciplinary proceedings remained the same.

In contrast to previous laws, the Decree-Law on the Structure of the Courts established prosecutorial supervision of district courts, which were independent of the judiciary. For the first time in the country, the Decree-Law on the Structure of the Courts provided for the irremovability of prosecutors in addition to judges. The last sixth system for the appointment of judges and prosecutors was regulated in the Decree-Law on the Structure of the Courts and was maintained until the arrival of the communists in power in 1944 by a government headed by the same Prime minister – Kimon Georgiev. It was a successful combination of the other systems of the preceding periods. A new feature introduced by the Decree-Law on the Structure of the Courts was that persons from among the teaching staff of the Law Faculty of the University, as well as lawyers, could be appointed to the post of judge or prosecutor.

Some of the changes made, especially those related to prosecution, were welcomed by Bulgarian lawyers. Others, on the other hand, assumed that the structural and organizational changes destabilized the justice system – a result of the very rule in the country after 19 May 1934. Under this regime, the state and the executive were given paramount position. The economy was to be run by the state – monopolies were created, banks merged, a five-year plan for the development of agriculture developed. The state would establish social peace by introducing the corporate principle. Following the example of Italian fascism, they envisaged the creation of seven trade union organisations from which a small parliament was to be formed. This idea failed. They introduced centralisation in local government, a new administrative-territorial division. They also undertook a reform of the state apparatus. The personnel changes undertaken show that there was a large bureaucratic mass in the state. The police, on the other hand, were given greater authority.

However, there were contradictions among the ruling class after May 19, 1934, disagreements about the imposition of the new system. Tensions grew between the regime and the palace. Thus, on January 22, 1935, the government resigned. A new cabinet was formed, declaring that it would continue the policies of the previous government, but in many respects abandoning them in order to open up more space for the real power of the tsar. This brief period under the first government of the participants in the May 19 coup undoubtedly left its mark on Bulgarian legal history, and I think we can say that the new regulations imposed corresponded to the general tendency towards centralisation of power typical of Europe at the time.

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## SUMMARY

### Changes in the Constitutional Matter Affecting the Structure of the Judiciary During the Regime of 19 May 1934

The regime imposed in Bulgaria after 19 May 1934 has been conceived in the historiography of different periods as military, fascist or authoritarian. This dictatorship, however, lacked important features of other modern totalitarian regimes. The coup that was carried out was unconstitutional, and the Tarnovo Constitution, though not officially abolished, was flagrantly violated. Nevertheless, a number of reforms were undertaken in the country, some of which affected the constitutional structure. Particularly serious was that in the field of Bulgarian judicial organisation, which was intended to ensure ‘faster, more dignified and cheaper administration of justice.’ Courts of appeal and the Supreme Court of Cassation were retained. In practice, however, the Decree-Law on the Structure of the Courts reproduced the main part of the texts of the 1926 Law on the Structure of Courts. In contrast to previous laws, the Decree-Law on the Structure of the Courts established prosecutorial supervision of district courts, which were independent of the judiciary.

For the first time in the country, the Decree-Law on the Structure of the Courts provided for the irremovability of prosecutors in addition to judges. A new feature introduced by the Decree-Law on the Structure of the Courts was that persons from among the teaching staff of the Law Faculty of the University, as well as lawyers, could be appointed to the post of judge or prosecutor. However, there were contradictions among the ruling class after May 19, 1934, disagreements about the imposition of the new system. Tensions grew between the regime and the palace. Thus, on January 22, 1935, the government resigned. This brief period under the first government of the participants in the May 19 coup undoubtedly left its mark on Bulgarian legal history, and I think we can say that the new regulations imposed corresponded to the general tendency towards centralisation of power typical of Europe at the time.