

---

**PROBLEMS OF CIVIL CONTROL ON THE ACTIVITIES OF SPECIAL SERVICES IN  
THE REPUBLIC OF BULGARIA**

---

**Stanislava Dimitrova Milachkova**

University of Library Science and Information Technologies - Sofia, Republic of Bulgaria

[stanislavamilachkova@abv.bg](mailto:stanislavamilachkova@abv.bg)

**Abstract:** The civil control over the special services in the Republic of Bulgaria is an essential key factor in the process of democratization of society. It contributes to the realization of government. It increases the level of informed participation of the population in this government. The changes that have taken place in recent years in Europe have a direct impact on the overall security of the Member States of the European Union. These changes require a new reading of reality, such as the creation and implementation of reforms in all systems of society. The security system plays a key role in these changes. The changes to be imposed in the Republic of Bulgaria are imperative because the lack or insufficient political will over the past 28 years has contributed to the inefficiency of civilian control. The establishment and restructuring of institutions in the security system are processes that have as their primary objective to guarantee the protection of citizens' lives and well-being, which is a top priority of each state. Effective management of security services is impossible without the direct involvement of society and civil society organizations in solving a problem, and their functions should be clearly regulated in a regulatory framework that would create a prerequisite for well-structured and clear-cut special services. The strategic aspects of the structural changes in the security system, in particular the creation of the new legal framework as a prerequisite for an adequate and timely response of the services to a particular crisis situation. Over the last few years, a number of legislative changes have been made to ensure greater transparency in the security sector and the imposition of civilian control. The Law on the Management and Functioning of the National Security Protection System provides for the Council of Ministers to set up a consultative mechanism for the participation of representatives of non-profit legal entities. Their statutory objectives are related to the protection of national security, in discussions or drafting of normative acts, reports and other documents. Thus, documentation for problems in the competence of the Security Council in compliance with the Access to Public Information Act and the Protection of Classified Information Act is prepared. Achieving civilian control over special services is one of the most important achievements of a democratic society. Ensuring a sufficient degree of transparency of their activities with legal norms and civil institutions, while not affecting the national security of the country, is a difficult but already achieved goal for democratic societies. The simplest distinction between the civilian leadership and control and operation of the security services is that the legitimately elected civilian authorities decide what to do special services, and the last to decide how to do so within the Constitution and laws.

**Keywords:** Republic of Bulgaria, civil control, non-governmental organizations, special services, security.

**ПРОБЛЕМИ НА ГРАЖДАНСКИЯ КОНТРОЛ ВЪРХУ ДЕЙНОСТТА НА  
СПЕЦИАЛНИТЕ СЛУЖБИ В РЕПУБЛИКА БЪЛГАРИЯ****Станислава Димитрова Милачкова**

Университет по библиотекознание и информационни технологии – София, Република България

[stanislavamilachkova@abv.bg](mailto:stanislavamilachkova@abv.bg)

**Резюме:** Гражданският контрол над специалните служби в Република България, е съществен ключов фактор в процеса на демократизиране на обществото. Той допринася за реализацията на държавното управление. Повишава равнището на информираното участие на населението в това управление. Настъпилите през последните години в Европа промени, рефлектират пряко върху цялостната сигурност на държавите членки на Европейския съюз. Тези промени налагат нов прочит на действителността, като създаването и прокарването на реформи във всички системи на обществото. Ключова роля в тези промени има системата на сигурността. Промените които трябва да се наложат в Република България са наложителни поради факта, че липсата или недостатъчната политическа воля през изминалите 28 години преход са допринесли за неефективността на гражданския контрол. Създаването и реструктурирането на институции в системата за сигурност са процеси, които имат за своя основна цел да гарантират защитата на живота и благосъстоянието на гражданите, което е основен приоритет на всяка държава. Ефективното управление на службите за

---

сигурност е невъзможно без прякото участие на обществото и гражданските организации при решаването на даден проблем, като функциите им трябва да бъдат ясно регламентирани в нормативна база, което да създаде предпоставка за добре структурирани и с ясни правомощия специални служби. Стратегическите аспекти на структурните промени в системата за сигурност, като по-конкретно създаването на новата правна рамка, като предпоставка за адекватна и навременна реакция на службите в конкретна кризисна ситуация. През последните няколко години бяха направени редица промени в законодателството, целящи да осигурят по-голяма прозрачност в сектора за сигурност и налагането на граждански контрол. Законът за управление и функциониране на системата за защита на националната сигурност предвижда Министерският съвет да създаде консултативен механизъм за участие на представители на юридически лица с нестопанска цел. Техните уставни цели са свързани със защитата на националната сигурност, в обсъждания или в изготвяне на проекти на нормативни актове, доклади и други документи. По този начин се изготвя документация за проблеми от компетентността на Съвета по сигурността при спазване на Закона за достъп до обществена информация и Закона за защита на класифицираната информация. Постигането на гражданския контрол върху специалните служби е едно от най-важните достижения на демократичното общество. Гарантирането със законови норми и граждански институции на достатъчна степен на прозрачност на дейността им, като в същото време не засяга националната сигурност на страната е трудна, но вече постигната цел за демократичните общества. Най-простото разграничение между гражданско ръководство и контрол, и дейността на службите за сигурност е, че легитимно избраните граждански власти решават какво да правят специалните служби, а последните сами решават как да го направят в рамките на конституцията и законите.

**Ключови думи:** Република България, граждански контрол, неправителствени организации, специални служби, сигурност.

## 1. INTRODUCTION

According to the Constitution of the Republic of Bulgaria, everyone has the right to seek, receive and disseminate information, and the realization of this right can't be directed against national security. The formulation and implementation of the new principles of operation and management of security systems and civil control over them over the past years is a complex and controversial process. For some security systems, successes are unconditional and visible. In the system of special services, a more or less successful management and management mechanism has been operating since the mid-1990s. Civilian control of the special services in all its forms is at a satisfactory level that meets modern democratic standards. The regulatory framework governing this matter - laws, concepts, doctrines, strategies - are accepted and periodically refreshed. The comparative analysis of the legal regulation of the activity, management and control over the special services in the various countries shows that there is no universal model of interaction between the special services and their control, which can be imposed as a matrix on any democratic society. Each country, in accordance with its democratic and state-based traditions, cultural and civilization features, has built up such a system.

## 2. PROBLEMS OF CIVIL CONTROL

The main problems of any democratic society are the management and control of special services and security systems<sup>332</sup>. Mechanisms for using the material and information capabilities of these structures. Besides the constitutional ones, there are also necessary legal answers to the question of who controls and manages the special services and the national security system, the amount of power available to the individual state bodies, and is it bound to other authorities with their competence. The authorities themselves need this clarity in order to be able to function efficiently and not be tools for political discourse. The problem of civilian control over special services can be read in a different way. Firstly, in the sense of civilian control, it is meant that the services tend to encapsulate, thus starting to work for themselves. In this way, they become self-sufficient and start to work for themselves. The second sense of civilian control over the services is the control by civil society, in the face of various non-governmental organizations and the people themselves in particular. The problem of our special services is not that they are too self-sufficient and self-sufficient, but that they are weak. This means that we must strengthen them, not limit them. In Bulgaria, processes are not advanced enough that people can in some way, through non-governmental organizations or in another public way, control the special services. People have difficulty controlling the political system itself, by definition democracy is control over the political system, and it can then draw conclusions on what people can do against the special service machine. There is another aspect that complicates things that are closely

---

<sup>332</sup> Principles of establishment and operation of special services. Features of Civil Control <https://microslushalka.eu> 25.02.2018r.

related to State Security and, in particular, to the shadow of State Security, which still lies on the Bulgarian Special Services. The fact is that there will be a balance in fully opening all the dossiers unconditionally, completely and definitively, and there will be a balance when the closure and destruction of the page closure dossiers is complete. These are the two possible equilibrium solutions, known as the Spanish and German versions. It should be noted that Bulgaria did not discuss these two options, but chose an average option between these two options. In this way, the Bulgarian government, with their decision, left a gap, which became a continuous source of hidden interactions under the table. The key issue is not civilian control over the services, but reformulation of party control over them, but then the question of civic control over political power arises. Each party, when it is a major part or represents power, begins to sack the people of the previous government and to appoint new ones, relying on their loyalty and essentially turning the services of a mediator between the state and crime into a mediator of interparliamentary and other political interactions<sup>333</sup>. This is the main problem. Services should be removed from one-party control. This will not limit the special services and will calm the people working in them. This will create opportunities and conditions for them to work as professionals in an environment without unnecessary tension, which is very important for the structure of special services as part of state security.

### 3. CONCLUSION

In conclusion, it can be argued that the process of establishing effective civil control over the special services has two main aspects. On the one hand, this is an extremely important tool - part of the security sector reform, and, on the other hand, this is the main objective of the state security policy. Therefore, the development of an effective civil control mechanism goes hand in hand with defining such fundamental issues as developing a concept for security sector reform and an action plan in this area. For this reason, the efforts and the will of every citizen of the Republic of Bulgaria should be directed to the continuation of the process and the achievement of concrete results. It is imperative to hold a meeting with the participation of all parliamentary political forces on which to come up with a joint declaration on the basic principles for reforming the special services and exercising real civilian control over them.

### LITERATURE USED

- [1] Principles of establishment and operation of special services. Features of Civil Control <https://microslushalka.eu> 25.02.2018r
- [2] Civil control over special services, legislative highlights a round table organized by the Committee on Internal Security and Public Order Center for Legal Initiatives <http://www.cli-bg.org> 25.02.2018r.

---

<sup>333</sup> [2] Civil control over special services, legislative highlights a round table organized by the Committee on Internal Security and Public Order Center for Legal Initiatives <http://www.cli-bg.org> 25.02.2018r.