

## ПРАКТИКА НА ПРИЛАГАНЕ НА ПРИНЦИПА НА СПРАВЕДЛИВОСТТА ЗА ОБОСНОВАВАНЕ НА ПРЕЗИДЕНТСКОТО ВЕТО В РЕПУБЛИКА БЪЛГАРИЯ

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**Резюме:** *в статията се прави анализ на указите на президента на Република България, с които той упражнява правото си на вето, като се изследва позоваването на принципите и идеите за справедливост, както и формите на справедливост, които се открояват в тези укази.*

**Ключови думи:** *право, правосъдие, конституция, правна система, съдебна практика.*

## THE PRACTICE OF APPLYING THE PRINCIPLE OF JUSTICE IN PRESIDENTIAL VETOES IN THE REPUBLIC OF BULGARIA

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**Abstract:** *this article analyzes the decrees of the President of the Republic of Bulgaria by which the presidential veto is exercised, focusing on the invocation of principles and ideas of justice, as well as on the forms of justice identified in these decrees.*

**Keywords:** *law, justice, constitution, legal system, law of equity, ex aequo et bono.*

Justice as one of the key values of the state is proclaimed in the preamble to the Constitution of Bulgaria, adopted in 1991. This concept has been discussed since ancient times by both philosophers and legal theorists, who have examined the forms of implementation of this principle in state policy and in the adoption of various state decisions. Ancient Greek

philosophers viewed justice as a perfect virtue<sup>1</sup>, which is the basis of state policy aimed at fulfilling the distributive and equalising function of the state in society<sup>2</sup>. The Roman philosopher Ulpian noted the importance of the principle of justice as a criterion for a correct legal decision aimed at not causing harm to anyone and providing the full range of rights and obligations that a citizen deserves<sup>3</sup>. Cicero also supported him in this matter, considering justice to be the measure of the effectiveness of state policy<sup>4</sup>. In the Middle Ages, the opinion took hold that without direct reference to the ideals of justice, society would descend into anarchy and impunity, leading to the collapse of the state<sup>5</sup>. In modern legal and philosophical sciences, justice is seen as the basis of society and the state, ensuring their systematic and continuous functioning<sup>6</sup>. This article analyses references to the principle and ideas of justice in the decisions (decrees) of one of the key subjects of state power in the Republic of Bulgaria - the President of Bulgaria.

Despite the significant limitations on the powers of the head of state provided for in the parliamentary form of government characteristic of the Republic of Bulgaria, the president nevertheless possesses certain levers of influence over the process of legislative decision-making. In particular, in accordance with Article 101 of the Constitution, the president may return a law to the National Assembly for reconsideration with a reasoned justification, and the National Assembly cannot refuse the president the very act of reconsideration<sup>7</sup>. The motives guiding heads of state may vary, since formally they are not restricted by any specific provisions of the Constitution; however, it is presumed that the president's actions will primarily be directed toward ensuring the implementation of those principles that are guaranteed to the citizens of Bulgaria through the Constitution of the Republic of Bulgaria. At the same time, the president is not a representative of the judicial, executive, or legislative

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<sup>1</sup> Aristotle. *Nicomachean Ethics*. Book V (1130a–1138a). Electronic resource. URL: <https://lib.ru/POEEAST/ARISTOTEL/nikomah.txt> (accessed: 15.02.2026).

<sup>2</sup> Plato. *The Republic*. Book IV (427d–434c). Electronic resource. URL: <https://archive.org/details/PlatoRepubliclarson> (accessed: 15.02.2026).

<sup>3</sup> *Corpus Juris Civilis*. Electronic resource. URL: <https://law.gwu.libguides.com/romanlaw/corpusjuriscivilis> (accessed: 15.02.2026).

<sup>4</sup> Cicero. *Cicero and Natural Law. The Review of Politics*. Electronic resource. URL: <https://www.jstor.org/stable/24769084> (accessed: 15.02.2026).

<sup>5</sup> Augustine of Hippo. *The City of God (De civitate Dei)*. Electronic resource. URL: [https://azbyka.ru/otechnik/Avrelij\\_Avgustin/o-grade-bozhem/](https://azbyka.ru/otechnik/Avrelij_Avgustin/o-grade-bozhem/) (accessed: 10.02.2026).

<sup>6</sup> Rawls, J. *Justice as Fairness: Political Not Metaphysical*. *Philosophy & Public Affairs*. 1985. Vol. 14. No. 3. pp. 223–251. Electronic resource. URL: [https://johnjthrasher.com/wp-content/uploads/2013/11/Rawls\\_1985\\_Justice\\_as\\_fairness\\_political\\_not\\_metaphysical.pdf](https://johnjthrasher.com/wp-content/uploads/2013/11/Rawls_1985_Justice_as_fairness_political_not_metaphysical.pdf) (accessed 10.02.2026).

<sup>7</sup> *Constitution of the Republic of Bulgaria*. Electronic resource. URL: <https://www.parliament.bg/bg/const> (accessed: 15.02.2026)

branches of power, thus occupying a position “aside” from them. Consequently, the president acts as a representative of a “neutral power,” representing the interests of the public to a greater extent than particular party representatives within the legislative branch<sup>8</sup>.

In a number of instances, within the reasoning sections of decisions returning laws to the National Assembly for reconsideration, the president has emphasized that the initial version of a law, in one form or another, violates the principle of justice. This article primarily analyzes the forms of justice invoked by the presidents of the Republic of Bulgaria, as well as specific cases in which these forms of justice were potentially violated if the original version of the bill subject to the presidential veto had been adopted.

On December 8, 2017, the President of the Republic of Bulgaria issued Decree No. 250 on returning for reconsideration the Law on the Budget of the National Health Insurance System for 2018, adopted by the National Assembly on November 29, 2017<sup>9</sup>. In this decree, the president appeals to social justice—one of the forms of the principle of justice which, according to the president’s assertion, is directly enshrined in the Constitution. The president points out that paragraph 6 of the transitional and final provisions of the law raises concerns, as it presupposes that the national health insurance system will not reimburse medicinal products with an international nonproprietary name, that is, the newest medicinal products to which access is necessary for certain categories of citizens. According to the president, such a decision cannot be dictated exclusively by financial (fiscal) considerations, since it affects the fundamental right to health insurance, which is guaranteed both by the Constitution and by international instruments such as the Convention on Human Rights and Biomedicine and the International Covenant on Economic, Social and Cultural Rights. The decision of the legislative authority to limit the possibility of financing treatment with innovative medicinal products, in the president’s view, constitutes a violation of the fundamental rights of citizens and contradicts the principle of social justice, as it undermines a fundamental component of the social character of the state—ensuring equal and comprehensive access of citizens to the healthcare system. Thus, the president, as the guarantor of the Constitution, indirectly invokes the principle of justice that underlies state policy, appealing to one of its principal forms—social justice.

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<sup>8</sup> Siderova, E. *The President as a Neutral Power*. Sofia: Albatros, 2012. pp. 78–93.

<sup>9</sup> Decree No. 250 on Returning for Reconsideration the Law on the Budget of the National Health Insurance System for 2018. Electronic resource. URL: <https://www.president.bg/cat47/1056/veto-na-chast-ot-zakona-zabydjeta-na-zdravfosiguritelnata-kasa.html> (accessed: 15.02.2026).

On December 29 of the same year, the president issued Decree No. 274 on returning for reconsideration the Law on Counteracting Corruption and the Identification of Illegally Acquired Property, adopted by the National Assembly on December 20, 2017<sup>10</sup>. Once again, the president refers to the principle of social justice, noting deficiencies in the bill with regard to the regulation of issues concerning the assessment of market value and the management of seized property. According to the president, the interdepartmental council responsible for the management of seized property, due to the collegial nature of its institutional structure, is unlikely to be able to ensure the prompt adoption of decisions regarding property management necessary for maintaining its commercial value. As a result of such actions and the subsequent decline in the value of the property (particularly in relation to confiscated commercial enterprises), damage would be inflicted upon the national economy, which violates the principle of social justice, since the property would not be effectively used in the public interest or for social purposes. It is also separately noted that social justice had potentially been violated earlier, when, in connection with amendments to the Law on Public Finances in 2017, the rule was abolished according to which no less than 30 percent of the value of confiscated property was to be used for social purposes. Thus, this constitutes the second reference to the principle of social justice presented in this review of legal practice.

In 2018, Decree No. 201 was issued on returning for reconsideration the Law on Amendments and Supplements to the Administrative Procedure Code, adopted on July 25, 2018<sup>11</sup>. At the very beginning of the reasoning section of this decree, the president emphasizes that the implementation of the principle of justice is primarily placed at risk within the framework of relations between natural and legal persons and public authorities. This once again underscores the importance of the institution of the presidency as a representative of a “neutral power,” situated outside the framework of the classical branches of government (legislative, executive, and judicial).

According to the text of the decree, the president disagrees with the amendments to paragraph 2 of Article 217 of the Administrative Procedure Code, which concern closed

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<sup>10</sup> Decree No. 274 on Returning for Reconsideration the Law on Counteracting Corruption and the Confiscation of Illegally Acquired Property, adopted by the National Assembly on December 20, 2017. Electronic resource. URL: <https://www.president.bg/cat47/1062/President-Veto-Antikorupcionen-Zakon.html> (accessed: 15.02.2026).

<sup>11</sup> Decree No. 201 on Returning for Reconsideration the Law on Amendments and Supplements to the Administrative Procedure Code, adopted on July 25, 2018. Electronic resource. URL: <https://www.president.bg/cat47/1131/President-veto-zakon-administrativnoprocesualen-kodeks.html> (accessed: 15.02.2026).

hearings in cassation proceedings. In the opinion of the head of state, one of the meanings of the principle of the publicity of court hearings is the guarantee of a fair process, while the constitutionally provided possibility of holding closed hearings must be applied proportionally, only when necessary in connection with the protection of other constitutional principles and values. Thus, the president draws the attention of legislators to the principle of fair justice—the foundation of the judicial system of a democratic state.

In the same year, 2018, Decree No. 230 was issued on returning for reconsideration the Law on Amendments to the Law on State Property, adopted on October 10, 2018<sup>12</sup>. In this decree, the president resorts to a rather unconventional form of justice—namely, the justice of the privatization process, that is, the transfer of property from the category of state (public) ownership to the category of private ownership. The head of state draws attention to the fact that the National Assembly proposes to abolish the prohibition on the contribution of immovable property owned by commercial companies with more than 50 percent state participation in their capital, or of their separated parts, into other commercial companies.

In essence, according to the president, this would create the possibility for the concealed privatization of property that de facto belongs to state-significant companies, without the direct authorization of the Council of Ministers. This potentially harms the public interest, a concern that becomes even more acute given that the share of non-privatized property in the Republic of Bulgaria is already very limited at the time of the adoption of this law, as a consequence of the privatization measures carried out over the past decades. Thus, according to the presidential decree, the legislative process governing the conversion of public property into private property must also be regulated by the principle of justice.

Within the framework of the review of legal practice for 2018, it is also necessary to draw attention to Decree No. 259 on returning for reconsideration the Law on Amendments and Supplements to the Law on Corporate Income Taxation, adopted on November 7, 2018<sup>13</sup>. Once again, the president refers to the principle of social justice, though in this case in the context of the tax burden. The head of state notes that the introduction of an environmental

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<sup>12</sup> Decree No. 230 on Returning for Reconsideration the Law on Amendments to the Law on State Property, adopted on October 10, 2018. Electronic resource. URL: <https://www.president.bg/cat47/1148/President-veto-zakon-darjavna-sobstvenost.html> (accessed: 15.02.2026).

<sup>13</sup> Decree No. 259 on Returning for Reconsideration the Law on Amendments and Supplements to the Law on Corporate Income Taxation, adopted on November 7, 2018. Electronic resource. URL: <https://www.president.bg/cat47/1156/President-veto-zakon-korporativno-podohodno-oblagane.html> (accessed: 15.02.2026).

component into the motor vehicle tax violates this principle, since in its current legislative form at that time it does not take into account either the frequency of use of vehicles, the presence of devices intended to reduce harmful emissions, or the type of fuel used. In practice, it considers exclusively the property component, that is, the mere fact that a potential taxpayer owns a vehicle that does not comply with environmental standards.

In the reasoning section of the decree, the president further emphasizes that the possession of such a vehicle is, as a rule, primarily associated with a high degree of social stratification and the low income levels of society. Consequently, such a version of the bill would primarily have a negative impact on populations with low and middle incomes, as well as on small and medium-sized businesses. This would disrupt the balance between ensuring state revenue and maintaining social justice, thereby provoking an increase in social tension.

Two years later, in 2020, Decree No. 199 was issued on returning for reconsideration the Law on Amendments and Supplements to the Electoral Code, adopted on September 17, 2020<sup>14</sup>. In this decree, the principle of justice is expressed in the form of legal justice aimed at ensuring the electoral rights of citizens. According to the bill, it was proposed to legislatively establish the transfer of the rights for the computerized processing of voting data and the issuance of the election results bulletin to the commercial company “Informatsionno Obsluzhvane” AD. The National Assembly justified this decision by stating that during the preceding ten years the above-mentioned company had been the only legal entity fully meeting the standards required for carrying out such activities.

According to the reasoning section of the decree, the application of the principle *intuitu personae* in this case violates the principle of the rule of law, which in turn does not correspond to the requirement of legal justice, a cornerstone of a democratic state. Thus, the head of state draws the attention of legislators to the importance of the principle of justice in the regulation of the electoral process, particularly when it concerns ensuring the prevention of abuses of a monopolistic position and unfair competition.

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<sup>14</sup> Decree No. 199 on Returning for Reconsideration the Law on Amendments and Supplements to the Electoral Code, adopted on September 17, 2020. Electronic resource. URL: <https://www.president.bg/cat47/1343/ukaz-199-za-vrushtane-za-novo-obsyjdane-zakona-za-izbornia-kodeks.html> (accessed: 15.02.2026).

In 2022, Decree No. 287 was issued on returning for reconsideration the Law on Amendments and Supplements to the Electoral Code, adopted on December 2, 2022<sup>15</sup>. In the reasoning section of this decree, it is noted that there exists a clear boundary between ensuring the right to freedom of choice and the obligation of the legislator to formulate imperative norms regulating the procedure for citizens' voting. According to the head of state, the method of voting (whether by paper ballot or by machine) does not constitute a part of the freedom of choice, since the method of voting must be governed by an imperative legal norm.

If legislation does not provide a specific criterion regulating the voting procedure, preconditions arise for the violation of the secrecy of the vote. In particular, when one method of voting significantly prevails over another at a given polling station, statistical methods may emerge that allow the determination of the voting result of a specific voter. The provision of a single and uniform method of voting, in the opinion of the president, constitutes an objective criterion of justice that would ensure equal access of citizens to the procedure of expressing their will, guarantee the observance of the fundamental constitutional principles (direct and secret voting), and comply with the requirements of justice.

Thus, in this decree the principle of justice is applied with regard to one of the criteria of the legality of the electoral process—namely, the method of voting, whether by paper ballot or by an automated device (machine).

The guarantee of the observance of the principle of justice has also been reflected in energy legislation. In 2023, Decree No. 192 was issued on returning for reconsideration the Law on Amendments to the Energy Act, adopted on October 5, 2023<sup>16</sup>. Despite the positive dynamics in the regulation of the energy sector and the alignment of national legislation with the norms of the European Union, the president notes the absence of a comprehensive impact assessment of the reform, since at the time of the law's adoption the necessary models and forecasts regarding price increases were not presented, despite the fact that the introduced provisions directly affect the welfare of citizens and the stability of the energy system.

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<sup>15</sup> Decree No. 287 on Returning for Reconsideration the Law on Amendments and Supplements to the Electoral Code, adopted on December 2, 2022. Electronic resource. URL: <https://www.president.bg/cat47/1569/ukaz-287-za-vrashtane-v-ns-na-zid-na-ik.html> (accessed: 15.02.2026).

<sup>16</sup> Decree No. 192 on Returning for Reconsideration the Law on Amendments to the Energy Act, adopted on October 5, 2023. Electronic resource. URL: <https://www.president.bg/cat47/1661/ukaz-92-zakon-za-energetikata.html> (accessed: 15.02.2026).

The law provides for the gradual liberalization of the electricity market for household consumers by 2026, including the introduction of a transitional market model starting in July 2024, based on a compensation mechanism that will remain in force until the end of 2025. It is envisaged that these compensations will cease at the moment of the full liberalization of the retail market. However, a significant gap remains between the prices of the regulated and the free segments of the market, as well as a high degree of uncertainty associated with geopolitical factors, global energy demand, and macroeconomic policy. Under such conditions, the alignment of regulated prices with market prices within a limited period (18 months) may lead to a substantial increase in tariffs for household consumers at the beginning of 2026.

The situation is further aggravated by the absence of additional financing for the “Security of the Electricity System” fund, which is intended to compensate for the difference between the actual price charged by the energy supplier and the amount of contributions paid by citizens, by the insufficient elaboration of the criteria for determining an “energy-poor household,” and by the inadequate consideration of the low income levels of a significant part of the population of Bulgaria. Thus, in the opinion of the president, one of the key principles of state policy—social justice—is violated. This form of the principle of justice, as may be inferred from the legislative examples discussed above, constitutes a fairly frequent and recurring basis for the president’s exercise of the right of veto.

The most recent instance, at the time of the preparation of this academic study, in which the president invoked the principle of justice as a justification for the exercise of the veto power is Decree No. 214 on returning for reconsideration the Law on Amendments and Supplements to the Law on Defense and the Armed Forces of the Republic of Bulgaria, adopted on October 30, 2025<sup>17</sup>. The president notes that the principal problematic aspect of this bill is the increase in the maximum retirement age for military personnel of certain ranks, namely the granting of the right to postpone retirement upon reaching a certain length of military service.

Although for some branches of the armed forces this change may potentially play a beneficial role (the head of state refers to sailors, who currently have one of the lowest maximum service ages in the armed forces of the Republic of Bulgaria), for other branches and ranks this amendment is considered unjust and likely to have a negative impact on the overall

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<sup>17</sup> Decree No. 214 on Returning for Reconsideration the Law on Amendments and Supplements to the Law on Defense and the Armed Forces of the Republic of Bulgaria, adopted on October 30, 2025. Electronic resource. URL: <https://www.president.bg/cat47/1867/ukaz-214-ot-11-11-2025.html> (accessed: 15.02.2026).

morale among military personnel. In particular, the head of state states that the bill excessively increases the maximum service age for military personnel holding the rank of “general” or “admiral,” regardless of whether such personnel hold any academic position. As a consequence, the opportunities for career advancement for lower-ranking military personnel are proportionally reduced due to the decrease in the number of vacant positions. According to the head of state, this violates the principle of justice, as it demotivates a significant portion of military personnel as well as individuals who might potentially consider pursuing a professional military career.

Thus, on the basis of the above analysis of the decrees of the President of the Republic of Bulgaria, it can be concluded that they indeed contain references to the principles and ideas of justice. In the majority of cases, justice takes the form of social justice, that is, certain moral and ethical principles aimed at ensuring equal access of citizens to the benefits provided by the state, as well as guaranteeing the full implementation of other principles enshrined in the Constitution of the Republic of Bulgaria. Although references to the ideas and principles of justice are not present in every presidential decree aimed at exercising the veto power within the meaning of Article 101 of the Constitution, this principle nevertheless constitutes a significant and influential factor in the decision to return a bill to the National Assembly for reconsideration.

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