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HIGHER EDUCATION DEVELOPMENT IN BULGARIA - PERIODISATION, PRINCIPLES AND TRENDS

Abstract: This report examines the legal framework of higher education in Bulgaria and aims to systematise both the historic and current founding principles of the legal arrangements of higher education institutions in Bulgaria. On the basis of this analysis observations and recommendations have been put forward for further improvement of the legal framework.

Key words: higher education, higher education institutions, administrative law.

Introduction

Higher education in Bulgaria has strong historic roots. The importance of higher education over the last three decades has only increased, which corresponds to overall trends in developed countries. On the one hand, this process is underpinned by Bulgarians' traditional attitudes of investing in education, on the other, there is the link with the socio-economic benefits of attaining higher education level. For some time now Bulgaria has been facing an unfavourable demographic crisis alongside a multitude of negative factors - an aging population, higher unemployment rates among young graduates etc. Given these challenges, the Bulgarian higher education system needs to invent new strategies for survival to respond to the difficult conditions of our times.

The object of enquiry is higher education legislation in Bulgaria. The **aim** of the report is to assign legislation into distinct periods of development, as well as to systematise and formulate the founding principles of the higher education legal framework in Bulgaria. On the basis of the research findings, a series of observations and recommendations are put forward.

This report follows previous work done by the author, in collaboration with others in the field of higher education management [4, pp.414-428; 5, pp. 275-290; 6, pp. 310-315].

Overview

The development of the Bulgarian higher education system broadly follows the main periods that the country goes through following its independence. It is important to study these periods in order to establish the links between the social relations at the time and their impact on higher education.

We can distinguish three main periods in the legislation development when it comes to higher education, and those match with the historic and socio-political development of the Bulgarian state. The first of these spans from the establishment of the independent Bulgarian state after Ottoman rule until 1944, the second - from 1944

to 1989, and finally from the democratic changes in 1989 till present day [8, pp. 217-229; 9, pp. 226-238].

During the first period we look at (pre-1944), there is no universally applicable legal framework when it comes to higher education. Common legal practice at the time is for each higher education institution to be established with a separate legislative act. The public education legislation, which applied to all educational levels, also included legislative acts specifically addressing higher education.

During 1944 to 1989 individual Higher Education laws are being introduced - 3 in total in 1947, 1948 and 1958. The first Higher Education Act dates from 1947 (State Gazette ed. 153/1947). For the first time higher education institutions and higher education as such are separated from other education levels.

A year after the democratic changes of 1989 parliament votes in the Academic Autonomy of Higher Education Institutions Act (State Gazette ed. 10/1990). It grants academic freedom to higher education institutions to set their educational processes and research activities, as well as other activities as they see fit. The Academic Freedom of Higher Education Institutions Law and the Higher Education Act of 1958 are both replaced in 1995 by the current Higher Education Act (SG ed 112/1995). It addresses the overall setup, functions, management and financing of higher education in Bulgaria, including the principle of academic autonomy.

Academic autonomy is a founding principle in higher schools governance, its essence being that the government recognizes the academic freedom, self-government and inviolability of higher schools (art.19, par.3 Higher Education Act) [1, pp. 613-626].

Following the democratic changes in 1989 the Academic Autonomy of Higher Education Institutions Act was passed (SG ed. 10/1990.). On the basis of the academic autonomy granted, higher education institutions independently establish their organizational structure, adopt a set of rules about their activity, announce competitions and select researchers and lecturers, as well as perform a number of other administrative and economic activities. [7, pp. 63-69]. The Academic Autonomy of Higher Education Institutions Act was only applied for five years, to be replaced by Higher Education Act (HEA – SG, ed.112/1995) that is still active today. Modern regulatory framework of the academic autonomy is laid out in Chapter 4 of HEA.

In order to better clarify the situation relating to the “map of higher schools” in Bulgaria, it is important to take into account the categories of universities within the groups of state-owned and private higher schools, and, consequently, explain the relationships between them.

According to the norm stipulated in art.12 HEA, higher education institutions are state-owned and private. The law grants equal opportunities and rights for opening a higher school, regardless of whether it is state-owned or private, on condition that legal requirements are met. What differentiates the two types of higher schools is their funding. State-owned higher schools function on the basis of state property, like land and buildings the government has provided and are funded through transfers from the national budget. Founders of private universities are entitled to rights over real estate and effects necessary for the educational and research activities, as well as a plan about the financial provision of the higher school (art. 13 and 14 HEA).

Following the democratic changes in 1989, a number of private universities were founded. After the Higher Education Act of 1995 came into effect, the National Assembly passed a resolution about the opening of many higher schools, all of them private ones. As a result, the system of higher education in Bulgaria today consists of 51 higher education institutions (37 state-owned and 14 private) [10]. Obviously, state-owned higher schools are a considerable part of the total number of higher education institutions in the country (over 2/3 of all higher schools are state-owned). The reason for their predominance should be sought in the fact, that it is through these universities that the government implements its policy in the field of higher education, and an essential constitutional right of the citizens – the right to education is granted, according to art.53 of the Constitution.

The development of higher education cannot be studied in depth, unless attention is paid to academic development. Bulgarian legislation also includes special regulations concerning academic advancement. In 2010 the Parliament passed a Law on the Development of Academic Staff in the Republic of Bulgaria (LDASRB – SG ed.38/2010), which enabled university to develop their own policies on staff advancement. The main objective behind the law was the introduction of flexible and rapid procedures for attaining academic degrees. On the one hand, this law was not unambiguously assessed by the academic community [3, pp. 43-46], and on the other, it failed to solve all the existing problems pertaining to the professional advancement of university lecturers.

With the latest amendments and additions to the LDASRB of 3 April 2018, there were introduced minimum national requirements for holding academic positions. On the one hand, adoption and application of uniform government requirements for academic development can be viewed as a positive step towards the improvement of the legislation regulating the sector. On the other, however, the latest amendments and additions in LDASRB are certainly questionable and have caused a great deal of unrest in the academic community [2, pp. 316-319].

Conclusion

In conclusion, following the performed periodization and analysis of the basic principles and aspects of the evolution of higher education in Bulgaria, findings can be summarized. Higher education in Bulgaria is firmly rooted in Bulgarian traditions, but in regulatory terms, its foundations are laid after the Liberation of the country from Ottoman rule, in particular, through certain laws on higher education institutions at the turn of the 20th century. When following the historic periods in the development of the country and the national regulatory framework, we can assume that this development unfolds directed by the fundamental law – the Constitution and its principles.

Recently we have observed a definite dynamism in the development of higher education and its opening for the influence of European norms in view of the membership of Bulgaria in the EU. Last, but not least, we should consider the impact of the processes of digitalization, themselves powerful drivers for today's updates in the legislative regulation.

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