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**"THE CONSTITUTION OF THE BULGARIAN ORTHODOX CHURCH-
BULGARIAN PATRIARCHY: PRACTICE, IMPLEMENTATION AND
COLLISIONS WITH OTHER SOURCES OF CHURCH LAW"**

**ABSTRACT OF THE DISSERTATION
for the award of the Doctor degree**

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The dissertation "The Statute of the BOC-BP: Practice, Application and Conflicts with Other Sources of Church Law" consists of 491 standard printed pages and contains: abbreviations, preface, introduction, five chapters¹, conclusion, appendices and bibliography (total 129 titles). A scientific apparatus consisting of 321 footnotes is attached to the dissertation.

¹ In order to avoid aggravating the text of the author's abstract, the citation of the normative texts and their references has been spared in its exposition. This is done in the text of the dissertation research, where many normative texts are cited to be commented on, analyzed, and to serve as arguments for the conclusions drawn.

I. GENERAL CHARACTERISTICS OF THE DISSERTATION WORK

1. Motives for choosing the topic and actuality

The study "The Statute of the BOC-BP: practice, application and collisions with other sources of the Church Law" comes as a natural development of my long-term work, which has passed from my church administrative ministry - into a research activity related to the application of our local Church law. It (ecclesiastical law) appears to be a natural intersection of my scientific interests, related to both theological and juridical sciences, but also a logical result of the experience and observations gathered during my direct and immediate participation in the organization of church life, combined with the comparison between practice and ecclesiastical doctrine.

In January 2024 will have completed years since the entry into force of the CBOC-BP. The time of its application is enough to "come to light" and to make sense of some of its shortcomings, as well as to clarify the need to update it, so that it, the Statute, does not deviate from the thousand-year-old church canonical tradition, but at the same time is synchronized with the requirements of the legislation in force in the country, meeting the modern public expectations. The implementation of such a task would not be crowned with a good result without a preliminary detailed and objective review of the statutory norms, a discussion of the legal technique used in their formulation, an analysis of the impact of the statutory provisions on the church administrative activity of the bodies of our local church, a study of sustainability and the uniformity of their application and search for the reasons for their failure and violation. Similar analysis is necessary in order to draw reasoned conclusions and substantiated proposals for updating our local church legislation. All this naturally forced my doctoral thesis to take this direction and to develop on the topic formulated in this way.

SBOC-BP is a regulation that governs the organization and management of the local Orthodox Church. In addition to the relations of the members of the BOC with each other, the Statute also regulates the relations of our local church with other subjects of law. The importance of the Statute, as well as the need for its knowledge and accurate application, on which the modern state of our local church largely depends, determines the need for its in-depth study, which is still lacking, despite the 15 years that have passed since the entry into force of the SBOC - BP.

2. Sources and historiography on the subject

The issues related to the structure and management of the Bulgarian Orthodox Church have given rise to debates and in-depth research by scientists dealing with ecclesiastical science, but also by researchers from other fields of theological, historical and legal sciences. The present study is based on the achievements and draws ideas and inspiration from the writings of mastitis scientists and researchers of the rank of protopresbyter Prof. Stefan Tsankov, from whose pen a number of monographs, studies and articles, dedicated to our local church structure and management, come out. Although not directly related to the active SBOC-BP, the works of the famous canonist, who studied our local ecclesiastical law under the effect of the Exarchian Statute, provide fundamental knowledge about individual canonical institutes and reveal the applicability of the main canonical principles. Among these works are "The Bulgarian Orthodox Church from the Liberation to the Present Time", "Is His Beatitude the Exarch the Head of the Bulgarian Church?", "Die Grundlagen der Verfassung der bulgarischen orthodoxen Kirche" and "Die Verwaltung der bulgarischen orthodoxen Kirche". From the pages of the mentioned writings, which are only a small part of the author's large-scale research output, information can be gleaned

about the development of our local ecclesiastical law, about the evolution in the understanding of individual ecclesiastical legal figures and canonical institutes, about the objective difficulties in the formation of church laws and their actual application. The theoretical constructions in the writings of protopresbyter Prof. Stefan Tsankov, as a result of skillfully combining the achievements of church legal doctrine with the analysis of historical reality, are supported by rich statistical material.

Protopresbyter Professor Radko Poptodorov's works are devoted to the general ecclesial organization and government as "The place and role of the laity in the structure and management of the church during the first three centuries" and "The Congregational beginning in the church". Specifically, his articles are related to the organization and management of the BOC "Diocese, structure and management" and "Clergy and laity in the structure and management of the Bulgarian Orthodox Church according to its Statute", the conclusions of which were reflected in the present work.

A continuation of the researchers who worked in the field of Bulgarian ecclesiastical science is Prof. Dilyan Nikolchev, who has a number of publications related to the problems of the organization and management of the BOC. As a contemporary of two of the statutes of the BOC, D. Nikolchev in his publications treats issues specifically related to the SBOC-BP, making an attempt at a modern reading of the classic ecclesiastical permits and understanding the ecclesiastical categories in the context of today's reality. Among his numerous publications may be mentioned "The head or presbyter is the Bulgarian Patriarch of our Orthodox Church", "On the statute of the Bulgarian Orthodox Church: the necessary reform", "On the terminological and linguistic traumas in the Bulgarian church and theological space: ecclesiological and canonical problems", "Once again pessimistic about the management of our local Orthodox Church", "The Upcoming Debate: The Statute of the Bulgarian Orthodox Church (Is a new edition and canonical reading of our current local written church law necessary)",

"On the fate of the Exarchial Statute after its adoption by the II Central Committee in 1922" and others.

Along with the mentioned researchers, the work of Hristo Tanchev": Exarchial Statute with the interpretations and regulations of St. Synod, the Ministries, the Supreme Court of Cassation and the relevant legislation", a work in which numerous documents on the issues regulated in the EU are collected and systematically arranged.

The lawyer Maria Kyosova, who is the author of the studies "Civil Legal Status of the Bulgarian Orthodox Church" and "Legal Subjectivity of the Bulgarian Orthodox Church - Bulgarian Patriarchate", also works on the issue of the legal status of the BOC.

The main sources used in the exposition and used to compare the various normative authorizations are the Exarchial Statute, adopted on May 14, 1871, in accordance with all its editions and changes made in 1883, 1895/7, 1920 and 1937; The Statute of the Bulgarian Orthodox Church, entered into force on January 3, 1951, and promulgated only at the Third Church-People's Council May 8-10, 1953, and the Statute of the Bulgarian Orthodox Church - Bulgarian Patriarchate, adopted by the Sixth Church-People's Council and entered into force on January 9, 2009.

The use of a considerable number of legal sources and court decisions relating to issues addressed in the research is understandable.

Sources from the periodical church and secular press were also used, as well as Internet resources from the official page of the BOC-BP, through which official decisions of St. Synod to compensate for the lack of opportunity to work with the synodal archive.

3. Object and subject of the study

The *object* of the dissertation is the organization and management of the BOC. The *subject* of the study is the Statute of the Bulgarian Orthodox Church - Bulgarian Patriarchate as a source of our local ecclesiastical law. In the dissertation work, as is evident from its title, an emphasis is placed on the practice and application of the statutory provisions, as well as the conflicts caused by the need for their compliance with the requirements of general ecclesiastical law and their synchronization with state legislation.

4. Aims, tasks and methods of the research

The dissertation is aimed at a legal and theological study of the SBOC-BP. The leading theme in the dissertation is the real possibility that our church status² as an internal regulation of a corporate association, as defined and perceived by legal doctrine, but also as the main source of local church law, as defined by the Statute itself, can effectively regulate public relations in the field of the structure and management of the BOC. This determines the purpose of the study - to present the SBOC-BP as a regulation, the exact and uniform application of which will make it a guarantor for the lawful management of our local church. Thus, the stated goal determines the tasks of the research - on the one hand, interpretation of the legal norms included in the content of the SBOC-BP as a normative act, their comparison with the norms of other sources of church law (the canonical corpus, other church legislation and state legislation, regulating public relations in the field of religious matters) and reflecting the existing contradictions; on the second hand - summarizing the practice and monitoring the application of the statutory provisions in the church-administrative life of the BOC, their amendment through temporary church regulations (synodal regulations) and analysis of the identified conflicts; and from the third party - to make a reasoned

² Throughout the study, the term "statute" is used in the sense of a regulation and is used as a synonym for a statute, and the term "status" is used in the sense of a state, a legal position.

and substantiated proposal for the relevant normative changes, changes that would ensure the unification of practice, synchronization with the norms of other sources of church law and the preparation of the relevant regulations and rules laid down as requirements in the SBOC itself - BP.

The analysis of the normative texts is done by applying the legal (legal-dogmatic) and sociological-axiological methods, as well as a comparison (comparative method) of the norms of various sources of church law and summarizing the practice of the Bulgarian church administration, including the modest court practice. Added to this is the practice of the Bulgarian state court in cases relating to ecclesiastical problems.

5. Chronological framework of the study

The time since the adoption of the SBOC-BP and its entry into force on 01.09.2009 presupposes the fixing of the chronological limits of the dissertation within the scope of this regulation (2009 - until today). However, this framework is expanded by the need to examine the provisions of the already repealed local ecclesiastical laws and to compare the provisions of the three statutes according to which the structure and management of the BOC was organized after its restoration (1871 - 2023).

6. Dissertation research structure

The total volume of the dissertation is 491 pages.

The study, enabling a detailed analysis of the issues related to the rules for the organization and management of the BOC-BP, objectified in its Statute, requires that the presentation could be structured in the following sequence:

A table of contents placed at the beginning of the composition, revealing its general structure and giving the reader an opportunity to orient by himself.

Abbreviations, the use of which is used in the text to avoid burdening the exposition with the frequent use of complex verbal constructions

Preface, which images reflections introduces the reader to the topic of the study, as well as expresses gratitude to all those who provided assistance in carrying out the work

An introduction presents the work itself with an outline of its scientific scope; Here, the research problem is presented and its significance is indicated

The presentation is presented in *five chapters*, each containing several sections. Each of the five chapters in the main body of the essay ends with a "*Summaries and Conclusions*" section.

In the first chapter, entitled "*The Statute of the BOC-BP as a source of law*", five sections (after a brief introduction and general notes) will examine the main positions and characteristics of the SBOC-BP, as well as its structure and content. In this chapter, the statutory requirements related to the educational qualifications of the persons including in the bodies of church authority will be presented.

In the five sections of the second chapter "*Central bodies of church authority in the BOC*" space will be devoted to the basic principles of church law and their reflection in our church statute. Compliance of these principles with the specific statutory provisions will be followed in the presentation of the central bodies of church, in relation to their constitution, composition and powers. The work also analyzes the ecclesiastical norms related to the Church Council, the Patriarchal Institute, St. Synod and the Supreme Church Council.

The third chapter, entitled "*Local bodies of ecclesiastical power in the BOC*", contains four sections, in which the issues of the ministry of the diocesan metropolitan in the BOC, the composition and competence of the Diocesan Council and the legal status and functions of the church board will be considered.

The need for control for compliance with the rules and the lawful functioning of the organizational system also necessitates the study of the regulatory framework related to the ecclesiastical court, to which the five sections

of the fourth chapter "*The ecclesiastical court - regulation, activity and challenges*" are dedicated. Here the need for ecclesiastical justice will be emphasized, questions about the composition and department of ecclesiastical courts will be considered; the rules for ecclesiastical proceedings will be indicated, as well as for the realization of disciplinary and property responsibility according to the SBOC-BP.

Of particular practical importance is the marking of the ascertained inaccuracies, gaps and contradictions of the statutory norms, church administrative acts and actions of the bodies and members of the BOC, inconsistent with canonical principles and violating general church law. These questions find no place in the fifth chapter named "*Incompletenesses in the SBOC-BP and collisions with other sources of Church law*".

In the fifth of the sections of this final chapter of the dissertation some conflicts and lacunae in our local ecclesiastical legislation are examined. Special emphasis is placed on the absence of marriage and family law as an institution of ecclesiastical law. Attention is also drawn to the unfulfilled obligations for the preparation of a register for the properties of the BOC and regulations for the methodology of deductions from the sale of church candles, in connection with which specific proposals will be made.

The dissertation ends with a Conclusion, in which the main conclusions reached by the research are presented in a summarized form, the results are highlighted and the contribution points of the work are specified.

Before presenting the prepared bibliography, at the end of the dissertation, three Appendices are included, representing a table with the requirements of all current and canceled church regulations related to the educational qualification, a Project for the Regulations for the activities of the Diocesan Council and a Project for the Register of church properties.

7. *Dissertation interdisciplinarity*

As a research related to the organization and management of the BOC, i.e. with the manifestation of ecclesiastical law at the local (local) level, the present work corresponds, draws from the achievements and draws parallels between the general ecclesiastical law, the general theory and philosophy of law, the separate branches of state law in the Republic of Bulgaria and judicial practice. In this sense, the research deals with the category and terminological apparatus of the general theory of law and has points of contact with sociology and statistics.

8. Direction of the dissertation research

The results of the research with its conclusions and the made proposals are aimed at the bodies of the church authority, which are involved in the implementation of the statutory provisions, as well as at the students of theology and at all readers interested in the structure and management of our local Orthodox Church.

II. BRIEF PRESENTATION OF THE RESEARCH

Chapter One: Statute of the Bulgarian Orthodox Church-Bulgarian Patriarchate as a source of law

The first chapter of the work is introductory. It gives the reader a brief introduction to the history of the Bulgarian church legislation. The place of the current SBOC-BP in the system of law is determined, its characteristics as a legal source are specified, and its structure and content are presented. Following the general conditions reflected in the regulation itself, its bodies and their functionality are generally marked.

1.1. Introductory general notes on SBOC-BP and its place in the legal system

This section recalls the history of the statutes of the Bulgarian Church and their editing. It argues the need for the SBOC-BP as a local source of ecclesiastical law, despite the existence of general ecclesiastical law, applicable by the entire Church. Its interaction with state legislation is indicated. The framework and limits of its action in time, space and in relation to persons are outlined and its place in the legal system is fixed.

1.2. Structure and content of SBPC-BP

Like any normative document, the SBOC-BP has a structure that is observed when presenting the legal norms. This section examines a range of issues related to the structure and content of the SBOC-BP. The review was made by comparing the constructions of the three statutes - ES, SBOC and SBOC-BP, which were in effect in our local church, where the common points were traced and the existing differences were noted. This comparative study shows the continuity in the legislative regulation of the canonical institutes. In connection with the noted differences and in view of the non-exhaustive regulatory framework, this part examines the Synod of Bishops, as a body new to our ecclesiastical legal tradition.

1.3. Basic provisions and characteristics of UBPC-BP

In accordance with the structure and content of the SBOC-BP, this section is dedicated to the first part of the statute, which examines the main provisions, as well as the characteristics of the regulation as a source of ecclesiastical law. The properties of the Church are mentioned, which are derived from the symbol of Creed, which found a place in the Statute and their reflection in our local ecclesiastical law. The sources of ecclesiastical law, which determine the organization and management of the BOC, are reflected and the position of the Statute in relation to them is clarified. The bodies of ecclesiastical authority are listed with a description of their main characteristics and main functions. The practice of applying the canonical principles enshrined in the statutory provisions has been set out and some of its inconsistencies with the accepted rules have been found.

1.4. Statutory provisions related to educational qualifications

One of the conditions for the participation of persons in the bodies of ecclesiastical authority, our ecclesiastical regulation links with the educational qualification. The last one, in addition to being a statutory requirement, is also a prerequisite for the competence of the staff of church bodies, and hence for their effectiveness. The importance of the educational qualification made it necessary in this section to systematically present and examine in detail the statutory norms found in various places in the regulation, setting the educational qualification as a condition for the participation of the members of the BOC in its bodies.

1.5. Summaries and conclusions

The last section of the first chapter ends with summaries and conclusions that have become necessary as a result of the reasoning presented in the previous sections. This practice has an aim at making the exposition clear and facilitating the reader's orientation in the text, is repeated in all chapters of the study. SBOC-BP as a private source of church law, together with the general sources of church law, is the basis for the organization of church life in our local church, but at the same time it has its place in the general system of law, giving rise to its legal

effect, not only for the members of the BOC, but also for the other subjects of the law, the state authorities and the Bulgarian court.

The inaccuracies found during the analysis of the statutory texts are not so much related to weaknesses of the ecclesiastical concept and normative formulations, but mainly to the application of the statutory provisions. This necessitates the conclusion that special attention should be paid to the uniform, accurate and strict application of the normative texts, because the effectiveness of each normative regulation depends not only on the precise formulation of the requirements, but above all on their exact compliance and correct application.

Second chapter: Central bodies of ecclesiastical authority in the BOC

The second part of the essay is an analysis of the statutory norms defining the rules related to the main bodies of church authority. The territorial scope of their jurisdiction was used as a criterion for the classification of these authorities, i.e. whether it extends over the entire diocese of the BOC or only a certain part of it. The rules related to the composition of the bodies, the manner of their constitution, their powers, as well as the deviations from the established rules were reviewed and commented on.

2.1. Basic principles of church law and their reflection in the SBOC-BP

Given the fact that the SBOC-BP may contain rules that regulate the organization and management of our local church, which must not contradict the general church law, this section sets out the main canonical principles - congregation, hierarchy and longevity, as well as the principles of election, representativeness and division of power functions. The need for a joint and balanced application of these principles is emphasized, in which none of them is realized at the expense of the other principles. The application of these principles in our church constitution is analyzed and some deviations from them in practice are mentioned.

2.2. Church council

This section, dedicated to the most widely representative body of the BOC - the Church Council, in addition to the statutory regulations, briefly examines the history and dynamics of the changes and development of its composition and competence. The importance of this body of ecclesiastical authority, having exclusive powers in carrying out the legislative function of our local church, is emphasized. The statutory regulation related to the Church Council has been analyzed as a prerequisite for the normal and lawful functionality of this body. The practice of applying this regulation has also been traced, which in its systematic violation has led to the transformation of the Church Council into a "nominal body", which in recent years has been completely ignored as a factor in the organizational life of the BOC.

2.3. The Patriarchal Institute according to Bulgarian church law

In this section, the status of the Bulgarian Patriarch as head of our local church is presented. After a brief historical reference related to the figure of the supreme bishop in the Church, the provisions of the Statute related to the position of the Patriarch, his representative functions and administrative powers are presented and analyzed. The statutory norms governing the election of the Patriarch have been examined and analyzed - the prerequisites for holding an election, the qualities that the candidate must possess and the complex procedure by which it is elected. In this connection, the difficulties arising from the implementation of the multi-level procedure for the election of the Bulgarian patriarch are mentioned, which are illustrated with specific examples from our recent church history. Proposals have been made related to the elimination of these problematic moments in the application of our ecclesiastical regulation.

2.4. Holy Synod and Supreme Church Council

Appointed by the SBOC-BP as the governing body exercising the supreme judicial and administrative authority in the BOC, St. Synod is also discussed in the other parts of the study. However, being the most significant body of the central authority in the BOC, St. Synod is the subject of analysis in this section,

specifically dedicated to it, where the statutory rules related to its composition and enormous amount of powers are set forth and analyzed. The powers of St. Synod, except in the special section of the Statute, are listed in the entire content of the latter. Along with these legally defined powers St. The Synod also carries out other activities that are not in accordance to the statutory provisions, but through them this body *de facto* also performs the legislative power. The rules for conducting synodal meetings are also commented on.

In this section also reflects the legal status of the Supreme Church Council, which the current church legislation has reduced to the status of an ordinary advisory body placed in complete dependence on St. Synod – constitution, competence and control.

2.5. Summaries and conclusions

At the end of this chapter there is also a section where the summaries related to the previous sections are presented.

With few exceptions, in the normative texts contained in the SBOC-BP, there is no deviation from the main canonical principles, which are taken into account both in the procedures for the constitution of church government bodies and in the distribution of their powers. However, the analysis of the practice reveals a number of inconsistencies, through which the situation in St. Synod, as the central body of church power, should concentrate all the functions of church power – administrative, judicial and even legislative.

Chapter Three: Local bodies of church authority in the BOC

Following the criteria for the classification of the bodies of ecclesiastical authority in the BOC adopted in the study, its third chapter examines those bodies whose jurisdiction is connected with certain territories of the diocese of the BOC, where they exercise their powers.

3.1. The service of the metropolitan in the BOC - between the requirements of the holy canons, statutory provisions and modern practice

The teaching of the Church on the highest degree of the sacred hierarchy and the general ecclesiastical understanding of this institute precede the consideration of the statutory provisions related to the diocesan metropolitan, which is set forth in this section. A thorough analysis of the legal norms determining the status of the bishop in the BOC notes a deviation from the canonical tradition that this ministry is not associated with a specific diocese. The comparison of the norms enshrined in the three statutes according to which the Bulgarian Church has organized its structure and governance reveals some differences in the position of the bishop, which outline the imposition of exceptions as established rules. Church-administrative practice, which is examined in detail in this part by following the relevant Synodal regulations (normative acts) and synodal decisions (individual administrative acts) shows a deviation from the principle of perpetuity, which, in addition to being canonically established, was also proclaimed in the Statute itself. Here, the powers of the diocesan metropolitan, contained not only in the SBOC-BP section of the same name, but in the entire content of the statute, are examined in detail. The limitations of these serious powers related to the disposal of church property by the sacred rules and statutory norms are mentioned.

3.2. Diocesan Council - composition and competence

Speaking of the right of the diocesan metropolitan to dispose of church property, one naturally comes to the body with which church law associates this authority. The Diocesan Council as a collective body of local church authority is discussed in the second section of the third chapter of the study. Here, in addition to the brief history of this institute, the rules determining its composition, constitution and competence are set forth. The provisions of the three regulations of our local ecclesiastical law have been compared and the powers of the body in question have been compared with those of the diocesan metropolitan as the sole body of the local ecclesiastical authority. In this part of the study, a reasoned

answer is given to the question of the status of the Diocesan Council - is it a governing or only an advisory body?

3.3. The church board - legal status and functions

The church board is the lowest collective body in the BOC structure. At the same time, this organ is the most widespread. However, the importance of the church board is determined not only by this circumstance. It is the body of ecclesiastical authority that stands closest to the Orthodox implementation in places. It is the body in which the largest numbers of ordinary Orthodox Christians have the opportunity to participate, realizing their active and passive electoral rights. The church board is able to determine the personnel composition of the higher bodies of church power by sending its representatives to the election meetings provided by the SBOC-BP. All this conditions the interest and detailed consideration of the statutory rules related to the legal status and functions of the church board, with its composition and powers, discussed here. Along with these questions, in this section, the general rules for membership in the Church, which affect the possibility of participation in governing bodies, as well as the general rules for the status of these bodies, are analyzed.

3.4. Summaries and conclusions

A logical conclusion to the third chapter of the study is provided by the section containing the conclusions imposed by what was stated in the previous sections.

In the analysis of the local bodies of ecclesiastical power, in addition to the imbalance in the application of the two main principles - the hierarchical and the conciliar, the deviation from the principle of separation of powers is also evident, which, although not explicitly proclaimed, is stated in the general conditions of the SBOC-BP. A review of the church administrative practice of the BOC shows a serious deviation from the otherwise normatively sanctioned principle of life.

The research leads to the important conclusion that the local collegial bodies of church power - the diocesan council and the church board are administrative, albeit with limited competence, and not only advisory bodies.

Fourth chapter The Ecclesiastical Court - regulation, activity challenges

In this chapter of the work, the ecclesiastical court is considered. The institutional manifestation of ecclesiastical justice is presented as a factor contributing to guaranteeing ecclesiastical discipline and order and as a mechanism for restoring broken ecclesiastical order.

4.1. Need for ecclesiastical justice

The normal course of processes in society presupposes that everyone realizes his rights and fulfills his obligations arising from his participation in public relations. Human history reveals the tendency of community members to ignore and transgress the rules. This requires the realization of special functions of justice and administration of justice, through which the violated right can be reliably protected, illegal behavior can be properly sanctioned and, ultimately, order in society can be restored and guaranteed. These weaknesses do not escape the church community, whose human substratum does not always comply with the established rules. All this argues for the need for ecclesiastical justice, which, following the founded task of the church, like all other functions of ecclesiastical authority, is imbued with love for man and is a manifestation of concern for his correction and assistance in his salvation.

4.2. Bulgarian ecclesiastical court

Every function of ecclesiastical authority must be legally regulated. This is particularly important for the judicial function of the church authority, in connection with which the SBOC-BP contains rules related to determining the subjects of the judicial authority, their composition, the various judicial instances,

jurisdiction, department and jurisdiction. These very rules are laid out in the second section of the fourth chapter. The legal sources according to which the Bulgarian ecclesiastical courts, as applicable law, perform their functions have been examined. A place has been allocated for the analysis of the Rules for the judicial proceedings of the ecclesiastical courts of the BOC. In connection with the means of appealing the decreed court acts, the possibility of an appeal to the Ecumenical Patriarch is presented.

4.3. Ecclesiastical proceedings

In the second chapter of Part Two of the SBOC-BP, within three sections, the rules regarding the three types of cases - ecclesiastical criminal cases, cases on church-property disputes and church administrative cases subordinate to the ecclesiastical courts are set forth. These rules are presented and thoroughly analyzed in this section of the study. The acts that the Statute declares to be ecclesiastical offenses are listed, as well as the punishments that the ecclesiastical court can impose within the ecclesiastical criminal proceedings. A comparison was made with the criminal proceedings implemented by the state. The issues related to the circle of complainants and witnesses in ecclesiastical court cases have been clarified. In the course of the exhibition, the problems in applying the norms related to the church court and the tangible inefficiency, bordering on a complete lack of church justice, were traced.

4.4. Disciplinary and property liability

This section examines the rules for engaging in disciplinary and property liability according to the provisions of the SBOC-BP, in which they are already separated from the rules related to the ecclesiastical court. In order to illustrate the analysis made of the regulations, specific examples are given, showing the understanding of the church authorities for the application of these rules, and the inconsistency of the practice with the normative requirements has been established.

4.5. Summaries and conclusions

The observations on the current practice show that there is an absence of good knowledge of the substantive and procedural legal norms relating to the legal responsibility in the church and its realization through the judicial activity of the church court. The neglect of the ecclesiastical judicial institute, the misunderstanding of the principles of the ecclesiastical court, the mixing of the competences of the various bodies related to the judicial function of the Church, the formalization of some of the ecclesiastical judicial cases and the abuse of law are only some of the marks that outline the current appearance and state of the ecclesiastical court.

In this sense, it is worth making efforts to improve ecclesiastical justice. This can be achieved by admitting to the judicial process persons with good ecclesiastical training. A similar idea was adopted and successfully formulated in the Project for the Exarchic Statute, adopted by the Second Church-People's Council, which never came into effect. Such permission will be allowed, without neglecting and underestimating the special role and centrality of the bishop and the episcopal council, that it is possible and permissible to attract specialists with good expertise in the field of ecclesiastical law to the ecclesiastical court to assist the ecclesiastical court in the shaping, rendering and implementation of judgments, which should not be an occasion for seduction, but with their objective and precise argumentation guarantee their execution.

Chapter Five: Inadequacies in the SBOC-BP and conflicts with other sources of church law

The last chapter is dedicated to listing the deficiencies in our church regulation, as well as the established contradictions with other sources of church law. These problem areas were also mentioned in the course of the research itself, but here an emphasis is placed on them, where the commented ones are only mentioned, and those that were not analyzed are analyzed in more detail.

5.1. Collisions and voids

When examining the Statute of the Bulgarian Orthodox Church - Bulgarian Patriarchate, there are quite a few conflicts with other sources of church law. There are also enough internal contradictions where some statutory provisions either do not correspond with others or give completely opposite permissions. Many gaps in our church legislation are also identified, which should be filled. In this section, in addition to listing the problematic items in the Statute, as mechanisms for their removal and overcoming, concrete ideas are proposed that can be used in future legislative revisions of our local church law.

5.2. Matrimonial law

The need to adopt rules related to marriage, which find a place in the SBOC-BP, has been repeatedly emphasized by the church rightists. Given the importance of the institution of marriage, its sacramental nature, the age-old traditions associated with it and the existence of a considerable number of canonical rules, it seems imperative that they be clothed in a normative form and be objectified through the provisions of the Statute. The existence of secular jurisdiction cannot be cited as a reason for the absence of clearly formulated and normatively established rules recreating the permissions of the canonical marriage norms in accordance with modern realities. The consideration of matrimonial and family law issues in this section is motivated by an awareness of their importance, especially against the background of the deinstitutionalization of the institution of marriage in the contemporary secularized world.

5.3. Unified synodal register for properties

Church property, understood not only as a material good, but also as dedicated to God, is a subject to special protection by church law. This imposes a specific regime related to the management and disposal of properties owned by the Church. SBOC-BP, with its regulations, has introduced rules that completely exclude actions for disposal of church properties, leading to their expropriation. In the complex of measures related to the protection of church immovable

properties, the Bulgarian church statute has introduced a requirement for the preparation and adoption of a Unified Synodal Register of church properties. It is this round of questions that is subjected to review and analysis in the third section of the fifth chapter of the study. Along with the exposition, which acquaints the reader with the special status of church properties and the manner of their management, in the form of a draft Rulebook for the Unified Synodal Register of Real Estate - church property and for the order of their management, a specific proposal has been made for such, accompanied by the necessary comments and explanations, as well as by a sample property register to be maintained by each local branch of the BOC.

5.4. For the church candle

As a natural continuation of the issues related to the material well-being of our local Orthodox Church, this section examines the rules governing the sale of church candles. Our ecclesiastical legislation in this area has been analyzed. The rules regulated in the Statute, their changes adopted by Synodal Regulations are recalled. The requirement for preparation and adoption of Methodology for the method of deductions from the sale of church candles is mentioned. The practice of applying the statutory provisions is summarized and the existing inconsistencies with the legal framework are noted.

5.5. Summaries and conclusions

What is stated in the four sections of the fifth chapter shows the existence of weaknesses that can be overcome in the operation of the provisions of the Statute itself. However, this presupposes the analysis of these weaknesses and the will to correct them when applying the provisions determining the periodic convening of the Church Council in regular sessions. Its implementation depends on the vision and will of the supreme governing body of the BOC - St. Synod. From the vision of the need to promptly update our local church legislation and from the will to share the responsibility and care for the leadership of the Bulgarian Orthodox Church, in realizing the principle of synodality, which

requires the hierarchy together with the Orthodox implementation to carry out the organization and management of our church.

CONCLUSION

The conclusion reached by leading scholars working in the field of Church law is that it not only does not contradict the essence of the Church, but even logically and historically derives from the concept of the Church. Applying the maxim *ubi societas ibi ius*, we can confidently say that where there is a Church, there always has been and will be a right. The Church is self-contained and independent in its existence. Its meaning cannot be determined by the circumstances of time and space, from which the necessity for the existence of ecclesiastical law derives. Examining (in general) the topic of church law, we must categorically emphasize that it is not just some legal branch or part of human law, having as its author the state as the legislator, but is completely independent and autonomous, based on *ius divinum* and realized as *ius humanum in iure divino*. The autonomy and independence of ecclesiastical law must be understood as originality and independence from state law, but not as disregarding and ignoring the latter one.

The content of the SBOC-BP shows this regulation as an attempt to systematize rules related to the structure and management of our local Orthodox Church as an indivisible part of the One, Holy, Congregational and Apostolic Church, but at the same time as a legal entity entering into legal relations with the others subjects of the law on the territory of the Republic of Bulgaria and in the places where its jurisdiction extends. The status of the Bulgarian Orthodox Church, whose ecclesiastical status is the considered regulation, determines the special situation of the SBOC-BP, which has the difficult task of arranging the organization of church life in the BOC in a full accordance with the canonical principles, combining it with the requirements of the current state law. In addition, the Statute must ensure the organization and management of the BOC in a way

that meets public expectations, in order to be recognized by all addressees of the legal norms included in its content. This particular situation, which is imposed by the characteristics of the BOC as an autocephalous local church, having independent jurisdiction within the borders of its diocese, determines the specific qualities of the SBOC-BP. The autonomy of our local ecclesiastical legislation, the basis of which is indisputable, is determined in several directions. In the first place, it must comply with the permissions of the common ecclesiastical law. The contradiction of the statutory provisions with the Holy Scriptures, the Holy Tradition and the church canons would lead to the dropping of our local Orthodox church from the unity of the Church, turning it into an ordinary association, which, although permissible and recognized by state law, is no longer a Church. On the other hand, the non-compliance of the organizational rules of the BOC with the requirements of the state legislation does not detract from its ecclesiasticity in the ecclesiological sense, but hinders its legitimation as a legal entity, places it outside the Law and makes its participation in the legal turnover difficult to the point of impossibility. Finally, despite the full conformity of the statutory provisions with canonical principles and legal requirements, if they are not accepted and recognized by their addressees, if the latter refuse to comply with them and apply them, due to their non-compliance with contemporary conditions and public attitudes, they would be ineffective. The consequences of such a development would be negligible if the starting point of our reasoning was the *maxim dura lex, sed lex*, i.e. if the Church adopted its rules for its own sake and enforced them. However, the general and ultimate task of the Church of Christ is the salvation of man. In this sense, the starting point of its legislative activity is the understanding that "the Sabbath was made for man, not man for the Sabbath" (Mk 2:27), as well as from the apostolic insight that "the letter kills, but the spirit gives life" (II Cor. 3:6). This understanding is reflected in one of the ways of applying church legal norms - economy, i.e. lenient application of church rules. However, this possibility positively does not deny, but on the contrary, confirms the need for the

existence of rules and requires the application of established norms. The words of the Lord Jesus Christ, Who says: "Do not think that I have come to destroy the law or the prophets: I have not come to destroy, but to fulfill. For verily I say unto you: till heaven and earth pass away, not one iota or one tittle shall by any means pass from the law, Until all be fulfilled." (Mat. 5:17-20) are the most definitive theological grounds for the necessity from the application of ecclesiastical laws.

The above corresponds to the goal set before the present study to present the SBOC-BP as a regulation, the exact and uniform application of which makes it a guarantor for the lawful management of our local church.

In fulfillment of the tasks arising from the purpose of the research, through the canonical-legal, sociological-axiological and ecclesiological method, the following results were achieved:

- ✓ An ecclesiastical interpretation of the norms included in the content of the SBOC-BP as a normative act, their comparison with the norms of other sources of ecclesiastical law (the canonical corpus, other ecclesiastical legislation and state legislation regulating public relations in the field of religious matters) and existing contradictions are reflected;
- ✓ The practice is summarized and the application of the statutory provisions in the church-administrative life of the BOC, their amendment through temporary church regulations (synodal regulations) is followed;
- ✓ The observed conflicts were analyzed and proposals were made for their elimination, in order to achieve unification of the practice and synchronization with the norms of other sources of church law. It is proposed to prepare the relevant regulations and rules, laid down as requirements in the SBOC-BP itself, which have not yet been adopted by St. Synod.

Based on the conclusions reached during the research, the understanding of the SBOC-BP as a statute regulating the structure and management of our local church, the structure of its bodies, the interrelationships between the bodies of

church authority, the relations between the members of the Church, church offenses such as violation of the legal order and ecclesiastical sanctions such as the restoration of proper order, the procedure for imposing these sanctions, as well as all other issues regulated in the Statute, related to the organization of church life in our country.

The conclusion about the necessity of the Statute and the awareness of its importance, which necessitated the detailed study of the statutory norms, showed that the traditions that our native church has in the formulation of rules since the time of the establishment of the Bulgarian Exarchy and the adoption of the Exarchy Statute, give good results. Adopting part of the permissions of the previous statutes and adapting permanently established ecclesiastical legal figures and institutes to modern conditions and realities, the current SBOC-BP, with few exceptions, conforms its provisions to the main canonical principles through which the church organization and management is carried out. However, no matter how good a law is, its main purpose is to regulate social relations not only in theory - through abstract rules of conduct, but above all in practice through their exact, uniform and universal application. Even the best written law makes its existence meaningless if it remains only "on the books", if no one exercises effective control over its observance and application, and even more so, if even those who have adopted it and to whom in the most higher degree are assigned the functions of its implementation, ignore the statutory provisions, violate the statutory rules and, with their management decisions, derogate from its norms. With the non-fulfillment of the rules, the constant ignoring, bypassing and even direct violation of the SBOC-BP, both by ordinary laymen and ordinary priests, but also by the native hierarchs, the impression of a lack of legality remains in the church public, which disturbs the conscience of the Christian living with the authentic ecclesiastical consciousness, commanding that in the Church "everything should be done with decency and order" (I Cor. 14:40).

From the whole study, the conclusion is forced that only the organs of power, based on the law and obeying the law, subordinating their activity to its requirements, are true organs of the church power, which have the ability to direct the affairs of the Church. Only from the standpoint of their legal behavior can they demand from the other subjects of ecclesiastical law to refrain from violating it and to sanction any illegal behavior. Without this premise, a shadow is cast over the entire system of ecclesiastical law and it turns out to be unable to fulfill its purpose - to be a regulator members relations of the of the Church among themselves and the relations of the Church with other legal entities located outside its borders.

The need of a full and effective implementation of the individual bodies powers of church authority seems indisputable. The mixing of the competences of the various bodies powers and the erasure of the boundaries between the separate functions of the church power - legislative, administrative and judicial, is not only undesirable, but also inadmissible, because it appears to be a violation of the provisions of the SBOC-BP and disrespect for its authority. In this sense, both the "grabbing" of foreign authorities and the ignoring of other forms of church authority have an equally destructive effect on legal consciousness. To illustrate such a phenomenon, the experiments of St. Synod to adopt legislative decisions instead of the Church Council, while at the same time completely abandoning its judicial function. This is the reason why there is currently some ambiguity and legal uncertainty in the BOC, because on the one hand St. Synod is a supreme governing body that must implement and not change the provisions of the SBOC-BP, and on the other hand it is a subject of the supreme judicial power, called to restore lawful order and punish offenders, not to circumvent and violate the church statute.

We have to agree that our current ecclesiastical constitution is not perfect. During his thorough review and analysis, a number of inaccuracies, contradictions and incompleteness are noticed. However, this is not a reason for the Statute not

to be applied and respected. This is an occasion for it to be changed and corrected in the prescribed manner by the competent authority, because no one has the right, arguing with his subjective assessment of the imperfection of the Statute, to exercise powers and carry out activities contrary to the statutory provisions adopted by a legitimate body and entered into force in the prescribed order. The way to change the Statute, as well as to supplement it, is established by law. The body that alone can lawfully do this is also regulated by statute. Any other action related to non-observance, violation and disrespect of the SBOC-BP is an attack on the legal order in the Church, including attempts by Synodal decrees to change the permissions and rules established by the current Statute. The Statute itself categorically and unequivocally grants legislative power in our local church to the Church Council (Article 8). It gave the supreme administrative and judicial power to St. Synod (Art. 9), not depriving this highest body of participation in church legislation, including it in the composition of the Church Council and giving it the legal opportunity to exercise a "bishop's veto" on matters "of doctrinal (dogmatic), canonical and liturgical character" (Art. 28). Emphasizing the administrative authority of St. Synod, the legislator has provided that it can "adopt rules and regulations for the internal order and discipline in the Church" (Art. 58, item 13). Moreover, the Statute allows St. Synod to "adopt synodal ordinances for the organization and management of the Church in urgent cases and submit them for consideration in the first Church Council convened after their issuance" (Article 58, item 12). A key point for the correct understanding of this authority is the clarification - "in urgent cases". The standard competence of St. Synod as the central and highest body of church executive power is provided for according to Art. 58, item 13, and the authority under Art. 58, item 12 has an extraordinary character. Through it, a deviation from the principle of separation of powers, proclaimed in the Basic Provisions of the SBOC-BP, is permitted only under conditions of urgency. In this sense, we must assume that urgency implies the occurrence of cases not foreseen and not regulated in the Statute, within a four-

year period, i.e. between two regular meetings of the Church Council. This urgency also implies the impossibility of convening an extraordinary meeting of the Church Council to exercise its legislative powers and adopt a decision to amend and supplement the Statute for the organization and management of the BOC. We should not refer to the hypothesis of urgency when the Church Council does not function at the normatively established periodicity. The delay in the holding of meetings, if not a complete failure of due conduct, is at least a willful and culpable delay thereof, in which it is at least improper to speak of urgency, for no one should derive rights from his own unlawful conduct. The in-depth and objective analysis of the adopted and currently effective Synodal Regulations establishes that, for the most part, they do not regulate issues of the structure and management of the BOC of an urgent nature. The finding that none of them was submitted for consideration in a Church Council, due to the lack of one, is also obvious. In the end, the conclusion is forced that the legal opportunity that SBOC-BP gives to St. Synod, as an extraordinary method, has been turned into a sustainable practice, which by distorting the meaning of the law, its circumvention is realized.

Therefore, we can confidently assert that with the active cooperation of all members of the church organism, with their participation not only in the liturgy, but also in organizational church life, with the awareness of the hierarchical structure and the congregational nature of the Church, each, according to his place and function, consistent with canonical principles, is able to contribute to the normal and proper functioning of the bodies of our local church. It is sufficient for each member of the Church, regardless of his position in its composition and structure, to actively fulfill his duties in order to be able to legitimately exercise his rights. Only then, everyone, conforming their actions to the norms, would have arguments to demand the application of church rules and statutory regulations, and through their personal example, they would be able to impress upon the church hierarchy the necessity and imperative of exact and uniform application.

Only then will the SBOC-BP fulfill its mission to be the guarantor of the lawful governance of our local Orthodox Church. Only then will our local Orthodox Church have the moral right, supported by church legal regulations, to realize its high appointment, being a "pillar and support of the truth", to be a moral pillar and corrective of society, pointing it to the right path of ascent to God.

The above lines, although in content they come close to another genre - the homiletic, express my deep inner conviction, experienced, realized and tested during the years of my ministry in the BOC, which I cannot help but share, "because from an overflowing heart the mouth speaks" (Matt 12:34). It is a function of long-term observations on the organization and management of the BOC, both in my role as a priest and in the performance of various ecclesiastical-administrative positions in our local church. I remain hopeful that with this research I am contributing to the refinement of the SBOC-BP. I will be truly satisfied if the conclusions of this work serve as an occasion for discussion and submission of a proposal to supplement and amend our organizational statute, based on which the Church Council can exercise its legislative powers.

III. SCIENTIFIC CONTRIBUTIONS

1. The present study represents the first attempt in Bulgarian ecclesiastical science for a comprehensive analysis of the SBOC-BP as a source of local ecclesiastical law.

2. A comparison was made between the provisions of the already revoked statutes and those of the current one, with which the development of the canonical institutes reflected in the organizational statute of the BOC was traced.

3. A part of the practice of the state courts related to issues regulated in the Statute is cited, which indicates the Bulgarian court's understanding of the meaning of the statutory provisions as applicable law, their validity and recognition.

4. Despite the lack of research related to the specific regulation, as well as the objective difficulties caused by the impossibility of working with the archive of St. Synod, a comprehensive and in-depth reading of the local ecclesiastical law was made, based on the SBOC-BP itself, but in accordance with the current Synodal regulations and the decisions of St. Synod, reflecting the organization and management of the BOC.

5. The well-known church administrative practice in the BOC was analyzed - as a field of application of the Statute, and its inconsistencies with the normative requirements were noted.

6. Drafts have been proposed for some of the regulations, which, despite the texts of the Transitional and Final Regulations of the SBOC-BP, have not yet been prepared and adopted.

IV. PUBLICATIONS ON THE TOPIC OF THE DISSERTATION:

1. "Synodal regulations: legal characteristics, functions and application", published in the journal "Theological Thought", booklet 2/2017, University Publishing House "St. Kliment Ohridski", ISSN 1310-7909

2. "Military priesthood: necessity and normative prerequisites for its realization", published in the Collection of Articles "Testimony, Ministry and Worship of the Church", University Publishing House "St. Kliment Ohridski", 2021, ISBN 978-954-07-5158-0

3. "Property of the BOC - between church and civil law", published in Collection of Scientific Readings on the topic "Law and Religion", University Publishing House "St. Kliment Ohridski", 2021, ISBN 978-954-07-5133-7

4. "Marriage in Bulgaria - a subject of legislative regulation and canonical regulations", published in the journal "Theological Thought", vol. 2/2021, University Publishing House "St. Kliment Ohridski", ISSN 1310-7909