



DISCIPLINARY RESPONSIBILITY IN THE MINISTRY OF INTERIOR

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Abstract

Disciplinary responsibility is very important in the Ministry of Internal Affairs. It is very important because every employee is responsible for his work. Managers are also responsible for their subordinates. In the Ministry of Internal Affairs, responsibility is personal. This study examined the types of disciplinary responsibility and its bearing. Conclusions are drawn as to the main types of disciplinary violations. The manner of conducting disciplinary proceedings is indicated. Study highlighted that the disciplinary proceedings are a system of legally established sequential actions to collect evidence to establish a disciplinary violation committed by an employee brought to disciplinary responsibility, as well as to impose a disciplinary penalty in the event of a proven violation.

Keywords: discipline, disciplinary practice, leadership, disciplinary punishment

INTRODUCTION

The word "discipline" has a single and generally understandable meaning in the Bulgarian language. That is, it is about rules, about order, in this case about norms, introducing certain mandatory requirements for civil servants, determining the manner of performing official duties. It is necessary, secondly, that the employee, i.e. the subject of responsibility, behave in accordance with the requirements of these norms or rules. On this basis, we can say that any deviation in the behavior of an employee from the normatively defined requirements is a violation of discipline, which should also lead to disciplinary liability. We are talking about illegal, unlawful behavior. Behavior, deed, can be expressed both in action, i.e. active behavior in a direction that the norms, rules do not allow, or prohibit, or require another type of behavior, not as implemented, as well as in inaction - when the norms, rules require mandatory action.

The "Discipline and Disciplinary Practice" Department at the "Human Resources" Directorate - Ministry of Interior analyzes and controls the state of discipline and the implementation of disciplinary practice in the structures of the Ministry of Interior and carries out methodological guidance and control of disciplinary proceedings in cases of serious disciplinary violations, for the purpose of:

- The department's employees participate in complex, thematic and control inspections of the state of discipline and disciplinary practice in the main structures of the Ministry of Interior;
- Analyzes received materials with data on violations of official discipline and prepares opinions with motivated proposals to the Minister of Interior;
- Participates in the conduct of disciplinary proceedings for serious violations of official discipline in the structures of the Ministry of Interior;
- Conducts inspections and prepares opinions to the management of the Ministry of Interior and the Director of the Human Resources Directorate - Ministry of Interior upon signals, upon requests from the judicial authorities and upon complaints of employees against imposed disciplinary sanctions;
- Prepares an annual report - analysis on the state of discipline and the implementation of disciplinary practice in the structures of the Ministry of Interior;
- Provides information to the mass media on the state of discipline and disciplinary practice through the Press Center and Public Relations Directorate;
- Prepares and completes materials related to administrative and judicial appeals of orders imposing disciplinary sanctions;

The disciplinary responsibility /DO/ of civil servants from the Ministry of the Interior is the responsibility they bear for committed violations of official discipline. Disciplinary responsibility is sought regardless of the fact that the actions of the employees may be grounds for seeking other types of responsibility.

Disciplinary offenses are:

1. non-fulfillment of the provisions of the Ministry of Internal Affairs and the by-laws issued on its basis, the orders and orders of the Minister of Internal Affairs, the deputy ministers and the chief secretary of the Ministry of Internal Affairs and the direct managers;
2. non-fulfilment of official duties;
3. non-observance of official powers;
4. non-compliance with the rules of the Code of Ethics for the conduct of civil servants in the Ministry of Internal Affairs.

Types of disciplinary sanctions:

1. scolding;
2. written warning;
3. censure;
4. prohibition of promotion for a period of one to three years;
5. demotion in office for a period of up to one year;
6. Dismissal.

For the same disciplinary offense, only one disciplinary penalty may be imposed. Grounds for imposing a disciplinary penalty of "dismissal" are the disciplinary violations specified in Art. 203, para. 1 of the Ministry of Internal Affairs, which are established through disciplinary proceedings initiated by order of the Minister of Internal Affairs or the heads of the structures under Art. 37 of the Ministry of Internal Affairs and Communications, and for other types of punishment - violations specified by Art. 198 to Art. 202 of the Ministry of Interior. Competent authorities to impose disciplinary sanctions.

Penalties are imposed by orders of:

1. the Minister of Internal Affairs - for all penalties under Art. 197 of the Ministry of Interior for civil servants in senior management, senior management, management, senior expert, expert and executive positions and trainees for entering executive positions, without the penalty of dismissal for the chief secretary of the Ministry of the Interior;
2. the chief secretary of the Ministry of Internal Affairs - for the penalties under Art. 197, para. 1. items 1-3 of the Ministry of Interior for all civil servants;
3. the heads of the structures under Art. 37 of the Ministry of Internal Affairs - for all penalties under Art. 197 of the Ministry of Interior for employees of junior executive positions, for interns for entry into junior executive positions, and for employees of senior management, senior management, management, senior expert, expert and executive positions - the penalties under Art. 197, para. 1. items 1-3 of the ZMVR;
4. employees of senior management, senior management, management positions - for the penalties under Art. 197, para. 1, items 1 - 3 of the ZMVR.

Procedure for imposing disciplinary sanctions

The imposition of punishments according to the sequence determined by law is a procedure ending with an act - an order for the imposition of disciplinary punishment, provided for in Art. 197, para. 1 of the Ministry of Interior.

Violation of official discipline is established by the body competent to impose the disciplinary penalty. To assist in proving the violation, the disciplinary authority may order an inspection. The disciplinary violation is considered open when the authority competent to impose the disciplinary penalty has established the violation committed and the identity of the perpetrator. The disciplinary violation is established when the materials from the disciplinary proceedings are received by the competent disciplinary authority. The disciplinary authority is obliged to listen to the civil servant or accept his written explanations before imposing the disciplinary punishment, except when for reasons dependent on the civil servant he cannot be heard or give written explanations.

The civil servant, against whom disciplinary proceedings are conducted, may participate in the proceedings independently or be assisted in his defense by an employee of the Ministry of the Interior named by him.

When determining the type and amount of disciplinary punishments, the severity of the violation and its consequences, the circumstances in which it was committed, the form of guilt and the overall behavior of the civil servant during the service are taken into account.

All ways and means permitted by law may be used to reveal the objective truth. The punishing authority is obliged to collect and evaluate all the evidence, including the evidence collected during audits or other inspections, as well as the evidence indicated by the civil servant.

The absence of any of the alternatively given conditions - the hearing or the giving of written explanations renders the order of disciplinary punishment illegal and on that ground alone it is quashed without considering the merits.

Form of the act of imposing a disciplinary penalty

Disciplinary punishments are imposed by a written order, to which the law imposes mandatory requirements regarding its content - the order specifies the perpetrator, the place, time and circumstances in which the violation was committed, the provisions that were violated, the evidence on the basis of which it was established, the legal basis and the penalty that is imposed, the term of the penalty, before which body and in what period the order can be appealed.

The order for disciplinary punishment is served against a signature, noting the date of service. The employee's refusal to sign the order is certified by the signatures of two employees of the Ministry of the Interior. If it is impossible to deliver the order personally to the civil servant, Art. 210, para. 4 - 6 of the ZMVR.

Time limits for imposing the disciplinary penalty

For an effective educational and preventive impact, the punishing authority is obliged to realize the disciplinary responsibility of the employee in the shortest possible time. The penalty cannot be imposed if 2 months have passed since the discovery or 1 year since the disciplinary offense was committed.

For a serious violation of official discipline (Article 203, Paragraph 1, Items 1 - 14 of the Ministry of Internal Affairs) the disciplinary punishment is imposed no later than two months from the discovery of the violation and no later than two years from its execution. The time limits do not run when the civil servant is on statutory leave or has been imposed a remand measure of "detention" or "house arrest".

In case of disciplinary proceedings under Art. 207, para. 1 of the Ministry of Internal Affairs (for serious violations of official discipline), the legal relationship of civil servants cannot be terminated in the cases under Art. 226, para. 1, items 2, 4, 13, 14 and 15 of the ZMVR.

When a disciplinary penalty of "dismissal" has been imposed, the employment relationship of civil servants may be terminated during leave.

When a disciplinary punishment of "dismissal" is imposed on an employee awarded with a badge of honor, with an honorary distinction of the Ministry of the Interior or with a firearm, the award is revoked by order of the Minister of Internal Affairs.

Termination of disciplinary proceedings

Disciplinary proceedings are not instituted, and those instituted are terminated when:

1. the act is not a disciplinary violation;
2. insufficient evidence of a disciplinary violation has been collected;
3. the terms under Art. 195, para. 1 and 2 of the Ministry of Interior;
4. for the same act, a disciplinary penalty has already been imposed on the same civil servant or disciplinary proceedings have been initiated;
5. the official legal relationship of the civil servant has been terminated;
6. the civil servant has died.

Challenging an imposed disciplinary penalty

Within 14 days from the delivery of the order for imposed disciplinary punishment, it can be contested administratively before the immediately superior administrative body. Disciplinary punishment is subject to judicial challenge within the time limit and in accordance with the Administrative Procedure Code. Objection does not stop execution.

No petitions or collective appeals may be filed against orders of disciplinary sanctions imposed. In the case of an appeal against a disciplinary order, the amendment or reversal may not lead to the imposition of a more severe penalty. While serving the disciplinary punishment, the civil servant may be awarded with the awards and honors provided for in the Ministry of Interior.

Premature cancellation of disciplinary punishment

The disciplinary authority may prematurely cancel the order by which it imposed a disciplinary penalty if it has achieved its goals and at least half of its term has expired.

Temporary suspension from office

A civil servant from the Ministry of the Interior may be temporarily removed from office with a written order of the relevant head:

1. when disciplinary proceedings have been initiated against him under Art. 207 and his official position would make it difficult to reveal the objective truth; in this case, the removal is carried out by the body that initiated the disciplinary proceedings;
2. when he appears in a condition that does not allow him to perform his official duties; in this case, the suspension is carried out by the immediate or higher supervisor and continues until the employee regains his fitness to perform his official duties;
3. when access to classified information is taken away or denied, if the position requires such - in this case, the removal is carried out by the appointing authority of the position.
4. When bringing a civil servant as a defendant for a crime committed by him in his capacity as an official within the meaning of Art. 93, item 1, letter "a" of the Criminal Code and disciplinary proceedings have been initiated, the relevant authority under Art. 158 and 159 of the Ministry of Internal Affairs temporarily removed him from office.

Upon removal from office, the need to confiscate the service card, personal badge and service weapon is considered. The civil servant does not receive salary for the time during which he was suspended.

In the cases and pursuant to Art. 214, para. 4 and 215, para. 4 of the Ministry of Internal Affairs, the civil servant is paid remuneration for the period of suspension.

Disciplinary responsibility of civil servants under Art. 142, para. 1, item 2 of the Law on the Ministry of Internal Affairs (MIA).

The status of civil servants under Art. 142, para. 1, item 2 of the Ministry of Internal Affairs is governed by the Civil Servant Act (Civil Servant Act). In this regard, the procedure for

realizing the disciplinary responsibility of these employees is also regulated in the Labor Code and more specifically in Chapter Five, Section II, from Art. 89 to Art. 100 of the same Act.

The disciplinary responsibility of civil servants under Art. 142, para. 1, item 2 of the Ministry of Interior, is the responsibility they bear for committed violations of official discipline. It is carried, regardless of the fact that the actions of the civil servant may be grounds for seeking from him another type of responsibility (Art. 89, Para. 4 ZDSI).

A civil servant who has culpably violated his official duties shall be punished with the penalties provided for in the VAT Law (Article 89, Paragraph 1 of the VAT Law).

The types of disciplinary violations under VAT

1. non-fulfilment of official duties;
2. delay in the performance of official duties;
3. non-observance of the circle of official powers;
4. violation of obligations towards citizens under Art. 20 of the ZDSI, which provisions impose an obligation on public officials to rule on citizens' requests without delay, to satisfy accurately and promptly those of them that are lawful, and to assist in the recognition of their rights and legitimate interests, as well as not to show rudeness, rudeness and disrespect when serving them;
5. failure to comply with the rules of the Code of Conduct for State Administration Employees;
6. a disciplinary violation is also committed by a manager who did not pay attention to a citizen's complaint about a violation under Art. 89, para. 2 of the VAT Act, committed against them by his subordinates.

The disciplinary penalties that can be imposed are defined in Art. 90, para. 1 of VAT, namely:

1. remark;
2. censure;
3. postponing promotion by one year;
4. demotion to a lower rank for a period of 6 months to 1 year;
5. Dismissal.

Only one disciplinary penalty can be imposed for the same disciplinary offense (Art. 90, Para. 2 ZDSI).

Authorities competent to impose disciplinary sanctions:

The disciplinary punishments of civil servants in the Ministry of Internal Affairs, who hold a position within the meaning of the Tax Act, are imposed by the appointing authority, with the

exception of the cases under Art. 6, para. 2 and para. 3 of this law, namely: when the appointing authority assigns its powers or separate powers in the official legal relationship to the administrative secretary of the Ministry of Internal Affairs, as such powers, with the exception of the imposition of disciplinary punishment under Art. 90, para. 1, item 5 of the ZDSI - "dismissal" can also be assigned to the heads of territorial units or territorial divisions.

The procedure for imposing disciplinary sanctions is established in the Labor Code and includes a series of actions that the appointing authority is obliged to follow. It ends with the issuance of an administrative act - an order to impose disciplinary punishment. Disciplinary punishment is imposed upon committing certain, exhaustively listed in the law, violations that are established by the body competent to impose the disciplinary punishment.

Parties to disciplinary proceedings

Parties to the proceedings for the realization of disciplinary responsibility of civil servants who have culpably violated their official duties and hold a position under the VAT Act in the Ministry of Internal Affairs are: the disciplinary authority (the appointing authority, and in the presence of appropriate authorization and the administrative secretary of the Ministry of Internal Affairs and/ or the head of a territorial unit or division), the civil servant and, in certain cases, the disciplinary board.

Determination of disciplinary punishment

When determining the type and amount of disciplinary punishment, the following are taken into account:

1. the severity of the violation and its consequences for the civil service or for the citizens;
2. the form of the civil servant's fault;
3. the circumstances under which the violation was committed;
4. the overall official behavior of the civil servant.

Obligations of the disciplinary authority before imposing the disciplinary penalty

The disciplinary authority is obliged, before imposing the disciplinary penalty, to listen to the civil servant and give him a deadline for written explanations, to collect and evaluate the evidence indicated by him. When the disciplinary sanctioning body has not heard the civil servant or has not accepted and discussed his written explanations, the court cancels the disciplinary sanction without considering the merits of the dispute. This does not apply when the civil servant's explanations were not heard due to his fault and were not given within the time limit set by the disciplinary authority.

In order to comply with the legally established procedure for realizing the disciplinary responsibility of civil servants under VAT, both prerequisites must be cumulatively present (the civil servant must be heard by the disciplinary authority and be given the opportunity within a certain period to present and written explanations). This is a mandatory condition for issuing a lawful administrative act - an order to impose a disciplinary penalty.

Time limits for imposing disciplinary sanctions

Disciplinary sanctions are imposed no later than two months after the discovery of the violation and no later than one year after its commission. These terms do not run when the civil servant is on statutory leave.

In the case of a disciplinary violation, which is also a crime or an administrative violation related to his service, and is established by a judgment that has entered into force or a criminal decree, the specified terms begin to run from the entry into force of the sentence or the criminal decree (Art. 94, Paragraph 2 of the VAT Act).

Disciplinary Council

The norms of the ZDSI set a requirement for a disciplinary board to be established in every administration, consisting of three to seven regular and two reserve members who are civil servants, and at least one of the regular members of the disciplinary board must have a legal education, except in cases where there is no civil servant with such education in the administration.

The Disciplinary Council is appointed by the appointing authority for a period of three years. The appointment order defines the chairman and the deputy chairman, as well as the rules of the council's work.

The members of the disciplinary council are irreplaceable for the duration of their mandate, unless they are dismissed from the council at their request, are subject to disciplinary punishment or their employment is terminated.

The Disciplinary Council examines disciplinary cases composed of all regular members of the Council. In the absence of a regular member, as well as in cases where a disciplinary case has been initiated against him, the appointing authority determines which of the reserve members should replace him (Article 95, Paragraph 1 of the Labor Code).

Procedure before the Disciplinary Board

The law places an imperative requirement on the disciplinary authority in certain cases, namely: according to the provision of Art. 96, para. 1 of the ZDSI, before imposing a disciplinary

penalty under Art. 90, para. 1, item 4 - "demotion to a lower rank for a period of 6 months to 1 year" and according to item 5 - "dismissal" from the ZDSI, the disciplinary authority should take the opinion of the disciplinary council, which in these cases initiates a disciplinary case at his behest.

The disciplinary council clarifies the facts and circumstances of the committed violation, as well as listens, if necessary, to the explanations of the civil servant and discusses the evidence presented by him. (Civil Servant Law)

The Disciplinary Council adopts decisions by a two-thirds majority. The decision of the disciplinary board contains an opinion on the existence of grounds for disciplinary liability, as well as on the type and amount of the disciplinary punishment corresponding to the offense committed.

Within 7 days from the adoption of the decision, the disciplinary board submits it together with the case file to the disciplinary authority.

Form of the act of imposing disciplinary punishment

Disciplinary punishments are imposed by a reasoned written order of the disciplinary punishing body, to which the law imposes mandatory requirements regarding its content. The order states: the three names and the position of the disciplinary punishing body, the date of issuance, the three names and the position of the civil servant punished, description of the offense committed by him, the date and place where it was committed, the circumstances under which it was committed, as well as the evidence that confirms it, the official duties that were culpably violated, the type and amount of the punishment, as well as the legal basis for its imposition. A copy of the order imposing a disciplinary penalty shall be delivered against the civil servant's signature, noting the date of delivery. If the order cannot be delivered personally to the civil servant, the disciplinary authority shall send it by registered letter with return receipt. The order to impose the disciplinary punishment is subject to execution from the day of its delivery to the civil servant or from the day of its receipt, when it is sent by registered letter with return receipt, and the appeal does not stop its execution.

The imposition of disciplinary punishment under Art. 90, para. 1, item 5 of the ZDSI - "dismissal" and termination of the employment relationship on the basis of Art. 107, para. 1, item 3 of the VAT Act, is carried out with one order. (Civil Servant Law)

Abolition of disciplinary sanctions

Disciplinary punishments, with the exception of the disciplinary punishment under Art. 90, paragraph 1, item 5 - "dismissal", are deleted after one year from their imposition, and this is

done ex officio by making a corresponding entry in the official file and in the official book of the civil servant (Article 98 of the ZDSI) .

Premature cancellation of disciplinary punishment

Disciplinary sanctions, with the exception of dismissal, may be removed by the appointing authority even before the expiration of one year from their imposition, if the civil servant has not committed any other violations of his official duties within a period of six months. This is done on the basis of a reasoned written order, which is delivered to the civil servant and is attached to his official file (Article 99 of the ZDSI).

Challenging an imposed disciplinary penalty

Disputes regarding the imposition of disciplinary liability are subject to the jurisdiction of the administrative courts or the Supreme Administrative Court in accordance with the Administrative Procedure Code, depending on the authority that issued the relevant act (Article 124, Paragraph 1 of the ZDSI).

Temporary suspension from service

The civil servant may be suspended from work by the appointing authority

- according to the Criminal Procedure Code;
- when a disciplinary case has been initiated against him;
- when he appears in a condition that does not allow him to perform his official duties (in this case, the suspension can be carried out by the immediate supervisor and continues until the employee regains his fitness to perform his official duties).

The civil servant does not receive salary for the time during which he was suspended. The civil servant who has been illegally dismissed from work has the right to compensation under the conditions and in accordance with the Law on the Liability of the State and Municipalities for Damages (Article 100 of the Tax Act).¹

Problem 1: "Identified difficulties in the implementation of the Ministry of Internal Affairs and Communications in relation to disciplinary responsibility"

1.1. "Complex procedure for seeking disciplinary responsibility and imposing disciplinary penalties on civil servants in the Ministry of Internal Affairs in accordance with Chapter Eight

¹ <https://mvr.bg/dhr/>

"Disciplinary Responsibility" of Part Three "Public Service" of the Law on the Ministry of Internal Affairs (MIA)"

The procedure for seeking disciplinary responsibility and imposing disciplinary penalties on civil servants in the Ministry of Internal Affairs in accordance with Chapter Eight of the Ministry of Internal Affairs is formal and detailed in the relevant norms:

- In Art. 194, para. 2 of the Ministry of Internal Affairs states what the disciplinary violations are, and in Art. 198 - 203 of the Ministry of Internal Affairs, the specific composition of the disciplinary violations for which the listed in Art. 197 of the Ministry of Interior, disciplinary sanctions.
- Disciplinary proceedings are conducted for the imposition of all penalties under Art. 197 of the Ministry of Interior - both for the lightest "reprimand" and for the most severe "dismissal".
- Disciplinary proceedings end within 4 months of its initiation, and in disciplinary proceedings representing factual and legal complexity, this period can be extended up to 2 months.
- In order to conduct disciplinary proceedings, the disciplinary punishing authority may appoint a disciplinary investigative authority.
- In order to protect the rights and interests of the civil servant against whom disciplinary proceedings are being conducted, it is provided that he can participate in the proceedings independently or be assisted in his defense by an employee of the Ministry of the Interior or a lawyer named by him.

The procedure described in this way is complex, time-consuming, and in some cases creates difficulties for the disciplinary punishing or disciplinary investigating authorities.

During the analysis of the implementation of chapter eight of the Ministry of Internal Affairs, the following difficulties were found in the conduct of disciplinary proceedings:

This is a lengthy and multi-step procedure for establishing a disciplinary violation, gathering evidence, involving the civil servant and the persons assisting him in the proceedings against him and imposing the disciplinary penalty. There is a need to ease this order and shorten the time for conducting disciplinary proceedings in order to achieve what is essential for general prevention - the timely detection and punishability of the offense.

1.2. "Long deadlines for the completion of disciplinary proceedings".

In Art. 205, para. 6 of the Ministry of Interior, the term in which the disciplinary proceedings must be completed is determined - up to 4 months from its initiation, and in disciplinary proceedings representing factual and legal complexity, this term can be extended up to 2 months. This period is long and does not allow to fully achieve a real effect of the imposed disciplinary punishment, as this was carried out closest to the time of the violation.

In Art. 195 of the Ministry of Interior, it is stated that the disciplinary punishment is imposed no later than 2 months from the discovery of the violation. Also, in Art. 196, para. 1 of the Ministry of Internal Affairs clarifies that the disciplinary violation is considered open when the competent disciplinary authority has established the violation and the identity of the perpetrator, and in para. 2 of the same article clarifies that a disciplinary violation is considered established when the materials from the disciplinary proceedings are received by the competent disciplinary authority. The provision of Art. 196 of the Ministry of Internal Affairs makes it difficult for the disciplinary authorities to determine when the obligation to pronounce within the two-month period under Art. 195 of the Ministry of Interior.

1.3. "Ineffective disciplinary punishments, acts committed by civil servants in the Ministry of Internal Affairs that damage the good name of the ministry, but are not defined as disciplinary violations"

The provision of Art. 194, para. 2 of the Ministry of Interior defines what are the disciplinary violations. Also, in Art. 198 - 203 of the Ministry of Internal Affairs for each of the penalties under Art. 197, para. 1 of the Ministry of Internal Affairs ("reprimand", "written warning", "reprimand", "prohibition of promotion for a period of one to three years", "dismissal warning" and "dismissal") exhaustively indicated for which disciplinary violations impose. This norm creates a difficulty for the disciplinary punishing and disciplinary investigating authorities and requires twice to determine what a disciplinary violation is, although only a specifically defined composition is sufficient for this, as described in Art. 198 - 203 of the Ministry of Interior.

In Art. 199, para. 1, item 1, art. 200, para. 1, item 1 and art. 201, para. 1, item 1 of the Ministry of Internal Affairs provides that a disciplinary penalty of "written warning", "reprimand" or "prohibition of promotion for a period of one to three years" is imposed if the civil servant commits another offense during the period of already imposed punishment. In practice, this approach to determining the hypotheses in which disciplinary punishment is imposed is not effective enough, and so on. "suspended" disciplinary punishment. The latter depends entirely on whether the originally imposed disciplinary penalty will not be overturned in a judicial challenge. Often encountered in judicial practice are the cases in which the court annuls the punishment under Item 1 of Art. 199 - 201, para. 1 of the Ministry of Internal Affairs, since the order for the first disciplinary punishment imposed is appealed, it is canceled by an effective court act, which in turn represents the absence of a procedural prerequisite for imposing the penalties under item 1 of the cited provisions.

On the basis of Art. 202 of the Ministry of Interior, the disciplinary penalty "warning for dismissal" is imposed for violations under Art. 200 or Art. 201 of the same law, as a result of which significant property damage was caused to the Ministry of the Interior. In § 1, item 29 of

the Additional Provisions of the Ministry of Interior, a legal definition of "significant property damage" is given, namely, whose BGN equivalent is equal to 14 or more minimum wages at the time of the act. Practice shows that this punishment is not often applied, is not effective and does not lead to the achievement of the law's purpose.

The review of violations under Art. 203 of the Ministry of Interior, for which the most severe penalty "dismissal" is imposed, requires their alignment with disciplinary practice by introducing new compositions of disciplinary violations.

Pursuant to interpretative decree No. 3/07.06.2007 by etc. No. 4/2007 of the Supreme Administrative Court, an act can affect different social relations if the same human behavior is regulated by both legal and moral norms. Therefore, it is possible that the established act committed by a civil servant in the Ministry of Internal Affairs represents a violation of the law, failure to fulfill official duties, and at the same time, from the point of view of morality, it is reprehensible. Determining the damage to the prestige of the service is the moral negative assessment given by the punishing authority. The type of punishment depends on the severity of the committed, the assessment by the punishing authority and the occurrence of other circumstances specified in the legal norm. An element of the factual composition for damage to prestige is not the act itself as a violation of the established public order, including moral norms, but the negative moral assessment given by the punishing authority to the act as "incompatible with morality". And this is because moral norms of behavior are not concretized, written norms. Due to the extended scope of disciplinary responsibility of civil servants in the Ministry of Internal Affairs, it does not matter whether the act also constitutes a crime or an administrative violation. For the purposes of disciplinary liability, it is sufficient that the act violates the established public order in the state and the behavior is judged to be incompatible with morality. There is a lack of composition of disciplinary punishment "committing a disciplinary violation under Art. 199 - 201, led to damage to the prestige of the service". In case of non-fulfillment of official duties and statutory duties, the prestige of the Ministry of Internal Affairs and the police services is damaged, as a result of which there may be an extremely strong negative response in society and create negative sentiments directed against all police officers and the institution as a whole.

After an analysis of the disciplinary practice in the Ministry of the Interior, it was found that there are numerous cases of violations committed by civil servants who use the information funds of the Ministry of the Interior without official necessity and/or not according to the procedure established by the Ministry of the Interior. According to Art. 3, para. 1, item 6 of the Ministry of Internal Affairs, protection of information and the sources for its acquisition is a basic principle in the activity of the Ministry of Internal Affairs. One of the main activities of the Ministry

of Interior is the information activity under Part One, Chapter Two, Section VI of the Ministry of Interior. Unregulated access to the information funds of the Ministry of the Interior, the use of information from them for personal purposes or its provision to third parties outside of the order established by the Ministry of the Interior constitutes a violation of official discipline. At the present time, the disciplinary punishment of "dismissal" has been imposed on civil servants for such acts, but on other grounds by the Ministry of Interior - for example, abuse of power or use of the official position for personal benefit or for the benefit of third parties; abuse of power or trust. Bringing the illegal actions of civil servants to disciplinary violations under Art. 203, para. 1, item 7 or 8 of the Ministry of Internal Affairs create difficulties for the disciplinary investigating and disciplinary punishing authorities. There is no provision regarding the composition of a violation when civil servants who use the information funds of the Ministry of the Interior without official necessity and/or not according to the procedure established by the Ministry of the Interior

1.4. "Admissibility of Proceedings on Anonymous Whistleblowers." Representation in disciplinary proceedings.'

In Art. 205, para. 2 of the Ministry of Interior provides for the possibility of carrying out a disciplinary check based on anonymous reports as part of the administrative proceedings for imposing a disciplinary penalty. There is no act in the legal framework that allows consideration or initiation of proceedings based on anonymous reports.

In Art. 205, para. 3 of the Ministry of Internal Affairs, it is possible for the civil servant, against whom disciplinary proceedings are being conducted, to participate in the proceedings independently or to be assisted in his defense by an employee of the Ministry of Internal Affairs or a lawyer named by him. The participation of a lawyer in proceedings to establish violations for which penalties are imposed, such as "reprimand", "written warning" and others, is not always mandatory. The consequences of the imposition of such penalties affect the official position of the employee to a small extent.

According to Art. 247, para. 2 of the Ministry of Internal Affairs, the official legal relations of civil servants who hold a managerial elective position in the organizations of the Ministry of Internal Affairs, may be terminated on the basis of Art. 226, para. 1, item 8 of the Ministry of Interior (imposition of disciplinary punishment "dismissal") only with the prior consent of the governing body of the relevant trade union organization. The lack of agreement by the governing body of the relevant trade union prevents the imposition of a disciplinary penalty of "dismissal".

Problem 2: "Lack of legal regulation regarding the way to determine the structure and activity of centers for specialization and professional training and for combat training and sports at the Academy of the Ministry of Internal Affairs"

Centers for specialization and professional training and for combat training and sports operate at the Academy of the Ministry of Internal Affairs. There is no provision in the Ministry of Internal Affairs and Communications regarding the way to determine their structure and activity, and their leaders lack the basis to issue orders in connection with the performance of their functions.

The identified problems cannot be solved within the framework of the existing legislation by changing the organization of work and/or by introducing new technological possibilities. No follow-up assessment of the impact of the MIA has been carried out.

2. Objectives:

On problem 1 "Identified difficulties in the implementation of the LMI in relation to disciplinary liability"

Objective 1. Overcoming difficulties in the implementation of the LMI in relation to the proceedings for seeking disciplinary liability and imposing disciplinary punishment on civil servants in the Ministry of Interior.

1.1. "A complex procedure for seeking disciplinary liability and imposing disciplinary punishments on civil servants in the Ministry of Interior under Chapter Eight "Disciplinary Liability" of Part Three "Civil Service" of the Law on the Ministry of Interior (LMI)"

It is necessary to establish two separate administrative proceedings. For the imposition of the penalties: "reprimand", "written warning", "reprimand" and "prohibition on promotion for a period of one to three years" under Art. 197, para. 1 of the LMI for disciplinary violations committed under Art. 199 - 201 of the Law on the Interior, the disciplinary investigation will be carried out in a more relaxed manner in the form of a "disciplinary inspection", which will achieve speed and procedural economy. Only for the most severe punishment under Art. 197, para. 1, item 6 of the Law on the Interior, "dismissal", the procedure should be formal, in which case the "disciplinary proceedings" will be initiated in the presence of data on a committed disciplinary violation under Art. 203 of the Law on the Interior.

1.2. "Long terms for the completion of disciplinary proceedings".

The terms specified in Art. 205, para. 6 of the Law on the Interior need to be reduced, as for the disciplinary inspection to be completed within 2 months of its initiation, and for the disciplinary proceedings to be completed within 2 months of their initiation, and for disciplinary proceedings representing factual or legal complexity, this term may be extended by up to 2 months. In this way, the disciplinary proceedings and the disciplinary inspection will be completed within a reasonable time. Prevention will be achieved with regard to civil servants who have committed a violation of official discipline.

It is necessary in Art. 196 of the Ministry of Interior to determine only the moment of discovery of the disciplinary violation, namely - when the body competent to impose the disciplinary penalty has become acquainted with the materials from the disciplinary inspection or the disciplinary proceedings. This is imperative due to the current contradictory case law, which further complicates the disciplinary sanctioning bodies to determine when the obligation to pronounce arises for them within the two-month period under Art. 195 of the Ministry of Interior.

"Ineffective disciplinary punishments, acts committed by civil servants in the Ministry of Internal Affairs that damage the good name of the ministry, but are not defined as disciplinary violations"

In order to ease the application of Chapter Eight of the Ministry of Internal Affairs, para. 2 of Art. 194 of the Ministry of Internal Affairs to be deleted.

Disciplinary violations under Art. 199, para. 1, item 1, Art. 200, para. 1, item 1 and Art. 201, para. 1, item 1 of the Ministry of Internal Affairs, due to its ineffectiveness, it is necessary to cancel it.

It is necessary that the penalty "dismissal warning" be dropped and the norm of Art. 202 of the Ministry of Internal Affairs to be repealed.

To seek disciplinary responsibility from civil servants who have committed disciplinary violations, and in order to increase their responsibility for the protection of state property, in view of the gravity of the violations committed, their public danger and considering the financial expression of the legal definition of "significant property damage", is required in Art. 203, para. 1 of the Ministry of Internal Affairs to provide for a new composition of a disciplinary offense - "committing a disciplinary offense under Art. 199 - 201, as a result of which significant property damage was caused to the Ministry of Interior". A "dismissal" penalty will be imposed for this violation.

In connection with the established disciplinary practice, it is necessary in Art. 203, para. 1 of the Ministry of Internal Affairs to create a new composition of disciplinary offense - "committing a disciplinary offense under Art. 199 - 201, led to damage to the prestige of the service".

In response to the numerous cases of violations committed by civil servants who use the information funds of the Ministry of the Interior without official necessity and/or not according to the procedure established by the Ministry of the Interior, it is necessary in Art. 203, para. 1 of the Ministry of Internal Affairs to create a new set of disciplinary violations - "using the information funds of the Ministry of Internal Affairs and/or providing information from them to state bodies, organizations, legal entities or individuals, without the presence of official necessity and/or outside the established in the Ministry of Internal Affairs row'.

4. "Admissibility of Proceedings on Anonymous Whistleblowers." Representation in disciplinary proceedings.'

The provision in art. 205, para. 2, sentence two of the Ministry of Internal Affairs, the possibility of carrying out a disciplinary check based on anonymous reports as part of the administrative proceedings for the imposition of a disciplinary penalty must be abolished.

In Art. 205, para. 3 of the Ministry of Internal Affairs, it is possible for the civil servant, against whom disciplinary proceedings are being conducted, to participate in the proceedings independently or to be assisted in his defense by an employee of the Ministry of Internal Affairs or a lawyer named by him. It is expedient that the involvement of a lawyer in assisting the employee in his defense should be concentrated only on the imposition of a penalty of "dismissal".

The lack of consent under Art. 247, para. 2 of the MIA by the governing body of the relevant trade union organization for termination of the employment relationship of a civil servant on the basis of Art. 226, para. 1, item 8 of the Ministry of Internal Affairs and the imposition of a disciplinary penalty "dismissal" can be overcome by creating an opportunity for the civil servant to be imposed not the most severe penalty, but another. In this regard, it is necessary in Art. 201, para. 1 of the Ministry of Internal Affairs to create a new disciplinary offense - "prohibition of promotion for a period of one to three years", when an employee who holds a leading elective position in a trade union organization has committed a violation under Art. 203, para. 1 and the governing body of the relevant trade union organization under Art. 247, para. 2 did not give prior consent to the imposition of disciplinary punishment "dismissal".

Problem 2: "Lack of legal regulation regarding the way to determine the structure and activity of centers for specialization and professional training and for combat training and sports at the Academy of the Ministry of Internal Affairs"

The aim is to overcome the lack of regulation regarding the way to determine the structure and activity of centers for specialization and professional training and for combat training and sports at the Academy of the Ministry of Internal Affairs. The provision of Art. 48 of the Ministry of Internal Affairs to be supplemented by creating a legal basis for this to be done in accordance with the procedure determined by the Minister of Internal Affairs. A basis will be created for the heads of the centers to issue orders in connection with the performance of their functions.

The identified problems cannot be solved within the framework of the existing legislation by changing the organization of work and/or by introducing new technological possibilities.

Option 1. "No Action":

Description:

- The procedure for seeking disciplinary responsibility and imposing disciplinary punishment on civil servants in the Ministry of Internal Affairs will not be eased and two separate administrative proceedings will not be distinguished - "disciplinary inspection" to establish the disciplinary violations under Art. 199 - 201 of the Ministry of Interior and "disciplinary proceedings" to establish the disciplinary violations under Art. 203 of the Ministry of Interior.
- The terms in which the disciplinary proceedings must be completed will not be reduced and the entire procedure will remain stretched over time.(ZMVR)
- The existence of the ineffective penalties under Art. 199, para. 1, item 1, art. 200, para. 1, item 1 and art. 201, para. 1, item 1 of the Ministry of Foreign Affairs "written warning", "reprimand" or "prohibition of promotion for a period of one to three years", imposed if the civil servant commits another violation during the period of the already imposed punishment, which may result to numerous legal challenges.
- The punishment "dismissal warning" under Art. 202 of the MIA, which is applied in few cases.
- The currently existing public relations, related to the information funds of the Ministry of the Interior, with punishments of the civil servants who occupy a leading elective position in the trade union organizations in the Ministry of Interior, with violations under Art. 199 - 201 of the Ministry of Interior, which led to damage to the prestige of the service, with violations under Art. 199 - 201 of the Ministry of Internal Affairs, as a result of which significant property damage was caused to the Ministry of Internal Affairs, will not be clothed in a legal form, by creating new composition of disciplinary violations in Art. 201, para. 1 and Art. 203, para. 1 of the Ministry of Interior.(INSTRUCTION No. 8121z-877 OF JULY 6, 2021 ON DISCIPLINE AND DISCIPLINARY PRACTICE IN THE MINISTRY OF INTERNAL AFFAIRS)
- The possibility of the participation of a lawyer as a supporter of a civil servant who has committed a disciplinary offense in the disciplinary proceedings will not be eased.

Positive (economic/social/environmental) impacts: Cannot have a positive economic, social or environmental impact on the Ministry of Internal Affairs, civil servants in the Ministry of Internal Affairs, the Supreme Administrative Court, administrative courts, lawyers.

Negative (economic/social/environmental) impacts: It cannot have a negative economic, social or environmental impact on the Ministry of Internal Affairs, civil servants in the Ministry of Internal Affairs, the Supreme Administrative Court, administrative courts, lawyers.

Specific impacts: It does not have specific impacts on the Supreme Administrative Court, administrative courts, lawyers. For the Ministry of Internal Affairs and civil servants in the

Ministry of Internal Affairs, the lack of change will have a negative, indiscipline and disrespectful effect.

Impacts on SMEs: No impact on SMEs.

Administrative burden: No administrative burden is foreseen for the Ministry of the Interior, civil servants in the Ministry of the Interior, the Supreme Administrative Court, the administrative courts, lawyers.

Option 2. "Adoption of normative amendments in the Ministry of Internal Affairs and Communications":

Description:

- The procedure for seeking disciplinary responsibility and imposing disciplinary punishment on civil servants in the Ministry of Internal Affairs will be eased and two separate administrative proceedings will be distinguished - "disciplinary inspection" to establish the disciplinary violations under Art. 199 - 201 of the Ministry of Interior and "disciplinary proceedings" to establish the disciplinary violations under Art. 203 of the Ministry of Interior.
- The time periods in which the disciplinary proceedings must be completed will be reduced and the entire procedure will be completed within a reasonable time with predictability and justified legal expectations.(ZMVR)
- The ineffective penalties under Art. 199, para. 1, item 1, Art. 200, para. 1, item 1 and Art. 201, para. 1, item 1 of the Ministry of Interior "written warning", "reprimand" or "prohibition of promotion for a period of one to three years", imposed if the civil servant commits another offense during the period of the already imposed punishment, and the possibility of multiple court cases will be overcome disputes.
- The existence of the penalty "warning of dismissal" under Art. 202 of the Ministry of Interior, which is required for violations under Art. 200 or 201 of the Ministry of Interior, as a result of which significant property damage was caused to the Ministry of Interior.
- The currently existing public relations, related to the information funds of the Ministry of the Interior, with punishments of the civil servants who occupy a leading elective position in the trade union organizations in the Ministry of Interior, with violations under Art. 199 - 201 of the Ministry of Interior, which led to damage to the prestige of the service, with violations under Art. 199 - 201 of the Ministry of Internal Affairs, as a result of which significant property damage was caused to the Ministry of Internal Affairs, will be given a legal form and new categories of disciplinary violations will be created in Art. 201, para. 1 and Art. 203, para. 1 of the Ministry of Interior.[ZMVR]

- The possibility of a lawyer participating as a supporter of a civil servant who has committed a disciplinary offense in the disciplinary proceedings will be eased.

Positive (economic/social/environmental) impacts: Cannot have a positive economic, social or environmental impact on the Ministry of Internal Affairs, civil servants in the Ministry of Internal Affairs, the Supreme Administrative Court, administrative courts, lawyers.

Negative (Economic/Social/Environmental) Impacts: May not have a negative economic, social or environmental impact on the Supreme Administrative Court, Administrative Courts, Lawyers. The proposed change will have a positive, disciplining and respectful effect on the Ministry of the Interior and civil servants in the Ministry of the Interior.

Specific impacts: The Supreme Administrative Court, administrative courts, lawyers do not have specific impacts. For the Ministry of the Interior and civil servants in the Ministry of the Interior, the change will have a positive, disciplinary and respectful effect.

Impacts on SMEs: No impact on SMEs.

Administrative burden: Not foreseen. The regulatory changes will not result in establishing new or amending existing regulatory regimes.

Regarding problem 2 "Lack of legal regulation regarding the way to determine the structure and activity of centers for specialization and professional training and for combat training and sports at the Academy of the Ministry of Internal Affairs

Option 1 "No Action":

Description:

In the Ministry of Internal Affairs, there will continue to be no order regarding the way to determine the structure and activity of centers for specialization and professional training and for combat training and sports at the Academy of the Ministry of Internal Affairs. There will be no basis for the heads of the centers to issue orders in connection with the performance of their functions.

Positive (economic/social/environmental) impacts: Cannot have a positive economic, social or environmental impact on the Academy of the Ministry of Internal Affairs and its centers.

Negative (economic/social/environmental) impacts: It cannot have a negative economic, social or environmental impact on the Academy of the Ministry of Internal Affairs and its centers.

Specific Impacts: Will have a negative impact on the Academy of the Ministry of Internal Affairs as a whole. The introduction of an order to determine the structure and activity of centers for specialization and professional training and for combat training and related sports is prevented. The organization of work in centers for specialization and professional training and for combat training and sports at the Academy of the Ministry of Internal Affairs will not be improved.

Impacts on SMEs: No impact on SMEs.

Administrative burden: No administrative burden is foreseen for the Academy of the Ministry of Internal Affairs, respectively centers for specialization and professional training and for combat training and sports for it. [Civil Servant Law]

Option 2 "Adoption of an addendum to the Ministry of Internal Affairs and Communications":

Description:

Centers for specialization and professional training and for combat training and sports operate at the Academy of the Ministry of Internal Affairs. In order to regulate the way of determining their structure and activity, Art. 48 of the Ministry of Interior, by creating a legal basis for this to be done in accordance with the procedure determined by the Minister of Internal Affairs, as well as for the heads of the centers, a basis will be created to issue orders in connection with the performance of their functions. [Civil Servant Law]

Positive (economic/social/environmental) impacts: Cannot have a positive economic, social or environmental impact on the Academy of the Ministry of Internal Affairs, respectively centers for specialization and professional training and for combat training and sports

Negative (economic/social/environmental) impacts: It cannot have a negative economic, social or environmental impact on the Academy of the Ministry of Internal Affairs, respectively centers for specialization and professional training and for combat training and sports related to it.

Specific impacts: Will have a positive impact on the MIA Academy as a whole. The organization of work in centers for specialization and professional training and for combat training and sports at the Academy of the Ministry of Internal Affairs will be improved.

Impacts on SMEs: No impact on SMEs.

Administrative burden: Not foreseen. The regulatory changes will not result in establishing new or amending existing regulatory regimes.

Potential risks of implementing the recommended option (including on individual issues):

No potential risks are envisaged from the implementation of the recommended option under Problem 1, since the regulatory changes lead only to the easing of the procedure for seeking disciplinary responsibility and imposing disciplinary punishment on civil servants in the Ministry of Internal Affairs, to the timely detection and punishability of the offense and to the elimination of ineffective regulations.

No potential risks are anticipated from the implementation of the recommended option under Problem 2. The addition of Art. 48 of the Ministry of Interior, creating a legal basis for the regulation of an order for determining the structure and activity of the centers for specialization and professional training and for combat training and sports, as well as the creation of a legal

basis for their heads to issue orders in connection with the performance of functions them, will improve the activity of the Academy of the Ministry of Internal Affairs as a whole.

CONCLUSION

This study examined the types of disciplinary responsibility and its bearing. The study concluded that the disciplinary proceedings are a system of legally established sequential actions to collect evidence to establish a disciplinary violation committed by an employee brought to disciplinary responsibility, as well as to impose a disciplinary penalty in the event of a proven violation.

REFERENCES

Civil Servant Law, Bulgaria

Instruction No. 8121z-877 of July 6, 2021 on Discipline and Disciplinary Practice in the Ministry of Internal Affairs, Bulgaria

ZMVR - Ministry of Interior Law, Bulgaria

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