

*The Comparative Roles of Judiciary in a Market
Economy During Periods of Economic Transition:
The Bulgarian Experience*

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The following report is a brief presentation of the legal developments in Bulgaria during the period of 1990-1996, related to the transition to a market economy from the point of view of the main topic of the Conference and also of Panel One - the role of the Judiciary. Since the length of the paper does not afford a more thorough examination of the relevant legal events that have or still have not occurred in the covered area, only the basic elements of the legal aspects of the period of transition will be outlined.

The presentation chooses an approach which reverses the title and attempts to define the parameters and the content of the term "transition to a market economy," first, and then seeks to determine the role of the judiciary in that process.

I. A Definition Of The Transition: A Legal And Institutional Framework

Bulgaria, among other countries, has already successfully accomplished the transition from one-party rule to pluralistic democracy. The rapid introduction of an adequate legal and institutional framework which is a priority for the establishment and proper functioning of a market economy has proved however to be an uneasy task

The transition from a planned to a market economy implies a radical reform at the economic level which needs to be expressed at the legal form of an entirely new body of legal rules.

1. The Fundamental Elements Of The Legal Framework That Are Being And To A Great Extent Have Been Introduced Include:

a) The recognition and protection of the various forms of ownership. This covers a rejection of the previous ideological notion of State ownership, transformation of ownership in a way that makes its private form the principal form and ensuring that the various forms have the same level of protection.

