

## REFERENDUM, INSTITUTIONS, ELITE

SONYA ILIEVA

PROFESSOR, DSC  
KONSTANTIN PRES LAVSKY – UNIVERSITY OF SHUMEN  
CHIEF EDITOR OF ONLINE JOURNAL SOCIOBRAINS

BULGARIA

SONYAILIEVAA@GMAIL.COM

**ABSTRACT:** RESTORE CONFIDENCE TO THE ESTABLISHED AFTER 1989 DEMOCRACY IN BULGARIA CAN BE DONE BY PUTTING INTO PRACTICE, PROMOTING IMPORTANT PUBLIC POLICY DECISIONS THROUGH REFERENDUMS AS A DEMOCRATIC FORM OF GOVERNANCE, MAXIMIZE NATIONAL CONSENSUS. TO HOLD A NATIONAL REFERENDUM ON OCTOBER 25, 2015 - A SECOND NATIONAL CONSULTATIVE REFERENDUM ON BULGARIA, DEMONSTRATED THE DESIRE OF THE BULGARIAN PEOPLE TO CLAIM THEIR RIGHTS OF SOVEREIGN POWER. IN THE COUNTRY - OVER 70% OF CITIZENS VOTED "FOR" ELECTRONIC VOTING, A RESULT IN ITSELF IS A CLEAR INDICATOR OF THE POLITICAL INSTITUTIONS AND THE RULING ELITE THAT TIME IS MORE OFTEN LISTEN TO HIS MASTER POWER - THE PEOPLE. IT IS HOWEVER THE REFERENDUM DIFFERENTIATION FROM OTHER SIMILAR CONCEPTS: REFERENDUM, DISCUSSION ELECTION, PLEBISCITE. IT IS ALSO NECESSARY TO DEFINE THE ROLE OF INSTITUTIONS AND THE POLITICAL ELITE IN THE COUNTRY FOR PROVEZHDA NE A NATIONAL REFERENDUM, WHICH WAS MADE BRIEFLY IN THIS ARTICLE.

**KEY WORDS:** TOTALITARIANISM, DEMOCRACY, DIRECT DEMOCRACY, PLEBISCITES DISCUSSION ELECTION, PLEBISCITE, REFERENDUM, A NATIONAL REFERENDUM, LOCAL REFERENDUM, CONSTITUTIONAL REFERENDUM, LEGISLATIVE REFERENDUM DEFINITIVE REFERENDUM, CONSULTATIVE REFERENDUM MONOREFERENDUM, POLIREFERENDUM, INSTITUTIONS, ELITE, POWER MANAGEMENT

The establishment of democracy in Bulgaria after 1989 failed to respond adequately to the aspirations of the people for quick and meaningful reforms, which led to loss of confidence in state institutions and the ruling elite, and hence a decline in approval to democracy itself as a political system. Restoring credibility can be done by putting into practice, promoting important public policy decisions through referendums as a democratic form of governance, maximize national consensus.

To hold a national referendum on October 25, 2015 - a second national consultative referendum on Bulgaria, demonstrated the desire of the Bulgarian people to claim their rights of sovereign power in the country – over 70% of citizens voted "for" electronic voting, a result in itself is a clear indicator of the political institutions and the ruling elite that time is more often listen to his master power - the people. But during the preparation of the referendum it became clear that there are non-negligible proportion of people who do not know the referendum as a democratic procedure or misread it like. The purpose of this article is to clarify the picture about the various forms of consultation with the people and the correlation between them, the political elite and institutions.

**The referendum is intrinsically inherent in the democratic process. he underlying factor in its functioning and development. His profound knowledge and realization is supportive role in establishing democratic traditions. Qualitative characteristics are due to a number of objective and subjective conditions.**

In everyday language of the people in most cases do not distinguish between the referendum and other forms of direct democracy. And these concepts are too different from each other:

Some difficulties exist in distinguishing referendum referendums. As already mentioned above, the term "query" is manifested in various forms. The relationship between the concept of "consultation" and the term "referendum" is a generic relation to the species concept as the referendum is a form of plebiscite. There Referendum including a referendum [2].

Discussion and referendum also frequently identified. The referendum is accompanied by a preliminary discussion, but not every discussion ends with a referendum. The discussion should two varieties: nationwide (National) - in which people express their opinion on a bill that must be passed by the parliament or by referendum or to solve a specific issue of state policy; public - discussion of a draft legislative act, whereby the public face of specialists, scientists, public figures and others. express their concerns and views on the proposed project. In both cases only express opinions, to make proposals for additions and amendments discussed draft legislation [7].

Sometimes elections are attributed to direct people's rule. Elections are means more systematic use of the referendum and occupy a large place in our past and present reality and therefore have greater social significance. By selecting people determine their political representatives on his behalf and in his interest exercise of State authority. This means that elections are created by the authorities exercising representative people's rule. But it is not a form of direct people's rule.

Also referendum and plebiscite are not equivalent concepts. The similarity between them comes down to the fact that their subject is the same - a political able-bodied citizens of national significance because of the scale or administrative-territorial unit or place. They are alike in the way of formation of expression. Vote directly for one or another decision going in both forms, but the people through a plebiscite authorize a natural or legal person on its behalf to perform an act or change this. In the referendum people directly and explicitly address this issue alone.

By plebiscite to decide very often international issues relating to separation and independent existence of the nation, to amend the state affiliation of separate territories and others. Plebiscite is predominantly used on a specific issue related to the implementation of state sovereignty and issues associated with it. Maybe it meant the author of the following distinction: "... the referendum is an institute of the constitutional law and the plebiscite is an institute of international law"

According to some authors plebiscite differs from the referendum on two features: 1. plebiscite produced on issues of state sovereignty, connected with alienation of part of the territory or the loss of state sovereignty; 2. plebiscite in most cases can not be provided prior to the constitution [1]. It is not preceded by popular initiative or popular discussion. Excluded is the ability to amend the proposal for a vote at the request of voters. In the referendum the draft normative act can be discussed in advance and can be made appropriate additions.

Some authors have markedly negative attitude towards the plebiscite. According to French constitutionalist Pierre pact referendum procedure may become something undemocratic if degenerate into plebiscites. Plebiscite sometimes used to enable the relevant authority as president, to overcome the resistance of the other competent authority, such as parliament and direct message to the electorate to be mandated to resolve an issue to which Parliament has a negative attitude.

The distinction of the plebiscite referendum, elections, discussions and more. forms of direct democracy has important theoretical and practical significance. Knowing the nature and the differences between these concepts most often leads to mixing their features and pleading for a referendum when it comes to discussing, for example. Or conversely - a particular issue

that has nationwide importance and can not be solved immediately through a referendum to put a long, long and fruitless discussion. An example of this is several years delay the new coat of arms of the Republic of Bulgaria.

Important for the theory and practice of the referendum is the justification of its forms. The study of different theoretical sources and practice these forms of referendum that can be distinguished according to the criteria: territorial range; accepted acts; given way to vote; number of questions.

*According territorial scope the referendum is:*

- **nationwide or called national.** Refers to a matter of national importance and its solution involved all voters, all the electoral body. Because of countrywide significance, the decision to hold a national referendum can accept only the National Assembly.
- **Local - it is characterized by two features:** the first is that it refers to solving the issue of local importance; second - that a local referendum be carried out in a limited territorial scale (municipality, settlement, part of settlement). Thus, the Constitution of the Republic of Bulgaria in Article 136, paragraph 1 expressly provides that citizens participate in municipal government by referendum. Through a local referendum deciding the creation of Municipality and Municipal Council draft, which provides for the sale of municipal land beyond regulation, is also subject to local referendum. [6]

*Съобразно приеманите актове референдумът е:*

- **Constitutional**, which is subject to the adoption, amendment of the Basic Law and can only be of national significance because. For example, this was in our referendum on the adoption of the Constitution of the People's Republic of Bulgaria by 1971 were adopted and some new constitutions in the former Eastern block. It is approved and the Swiss Constitution by way of referendum on it continuously seized and supplements. The current Constitution of the Republic of Bulgaria from 1991 was not sanctioned by the sovereign of the people - the people, it is a pure product of the people's representation, and therefore could not play the role of the social contract. Who are these experts in the Grand National Assembly that our "served" the current Constitution? According to the National Statistical Institute [NSI, 1998] in the Grand National Assembly along with 369 MPs with a university education were people with secondary education - 16, average - 2, below average - 3 (!) And not shown - 3 (!!).
- **Legislative** – its subject is the adoption of the ordinary, current laws. Basically, this matter is provided for regulating the parliaments, but their decision the act can be adopted through a referendum. In each case there must be reasonable grounds for such a decision. This type of referendum is always of national significance because. Case in point is the Constitution of the RSFSR, 1978, Article 104, paragraph 1 [4] which decreed that the laws of the RSFSR shall be adopted by the High Council or by popular vote (referendum), produced by the decision of the Supreme Soviet of the RSFSR. Similar provisions were contained in the so-called constitutions. Soviet republics making up the then USSR.

*Съобразно начина на дадения вот:*

- **Definitive** It is the referendum in which the qualified political entities with direct legal effect decide an issue by voting "for" or "against" a proposal. This is the 1905 referendum for separation of Norway from Sweden. This is also held in 1946 in

Bulgaria referendum abolishing the monarchy and establish a republican form of government. [5].

- **Consultative** while the definitive electoral body shall decide the question, the consultative referendum then another effect another meaning. It is only a consultation electoral body on a matter which should be resolved by a competent authority: Parliament, President, Government. The meaning of this consultation is to discuss the upcoming democratic order to solve an issue of broad public environments and to determine their position on this issue. Advisory referendum is not a formal consultation, as the body which has to take the decision is obliged to discuss the proposals and expressed concerns. Indeed, for him there is no legal obligation to adopt these proposals, the more that can be different, even contradictory. However, he must choose the most rational of them and use them. In the consultative referendum decision is taken not by the people (political able-bodied citizens) and by the competent authority - the National Assembly. [5]

In the scientific literature similarly classified referenda. But for practical reasons, in our opinion, they can be classified in the next sign [5]:

***According to the number of questions:***

- **Mono Referendum** – when deciding a matter relating to the exercise of state power, the adoption of a legal act and others. All listed here are monoreferendumi referendums. This was called in Bulgaria. Nuclear referendum of 2013 in which citizens vote "Yes" or "No" in response to the following question: Do you develop nuclear energy in Bulgaria by building a new nuclear power plant? This is the first referendum in the newest Bulgarian history after the fall of communism in 1989. It was initiated by a petition organized by the Bulgarian Socialist Party, which collected the signatures of 770 000 Bulgarians on 500 000 signatures necessary for the realization of national consultation.
- **Polly referendum** – when put to the vote before the electoral body more than one question. For example, in Poland in 1946. through a referendum where the electoral body decided three main issues related to the state and social structure of the country: 1. "for" or "against" ednopalatnata structure of the Sejm; 2, "For" or "against" land reform and the nationalization of industry; 3. "for" or "against" the new western borders of Poland. Also in Poland in February 1996 was successfully held a referendum in which citizens had to answer "yes" or "no" to six questions. He was unsuccessful because there appeared to be about 30% of voters.

It can not be excluded that in practice will not appear necessity of more issues to solve with voting in a referendum.

Since 1989, which marked the beginning of the transition from totalitarianism to democracy, prerequisites and conditions for holding national referendums in Bulgaria have, but the state institutions and political elite are experiencing barriers to operationalize the mechanism of the popular vote as crucial for our nation questions and state institutions in the country are a major factor behind national referendum. Should analyze whether enough act in a democratic spirit and they enjoy you with the approval of the people those institutions.

State institutions put into practice these principles of modern democracy: freedom of personality; popular sovereignty; separation of powers; the rule of law. If not meaningful in their activities these principles it ceases to be democratic and to meet those needs of citizens why they were constructed as a result of a democratic election process. Political life in

Bulgaria after 1989 showed that this democratic procedure was periodically used and still had not met the hopes of the citizens and society as a whole for fast and reliable transition to a better social welfare, something more: devalue faith Bulgarian people in the effectiveness of elections as a democratic procedure. Indicative in this respect is a graphite central Sofia street that could easily be assigned to Bulgarian political folklore "If the elections led to something good they would disable them!" [5].

So, having exhausted public confidence in representative democracy, logically, it is to turn hope to direct democracy where their vote does not sink somewhere in the general political projection. Therefore, the question of provazhdane referendums could be smoothing through the prism of mistrust of the citizens in the existing political institutions. Voters, whether its powers through the right management aloud state institutions now increasingly raise questions in the public domain and through the mass media for the reconstruction and reform of the public administration in the direction of a more effective social control. Amid all this public life in Bulgaria, at all levels, has become the arena of meaningless fights that delving resolution gap between people instead of mobilizing them to strive for unity and joint efforts for a quick exit from the transitional post-totalitarian period.

Wrong is the impression that the more concentrated power in himself the state institutions, the more stable and inviolable becomes their own power. The essence of democracy is precisely this: to be a self-regulating system of governance, which involves the entire society. This means that everyone, regardless of the place it occupies in the social hierarchy is responsible for the proper functioning of the state system and its institutions. Devoid of valuation and absolute power was nothing to do with democracy and that the referendum represented her such corrective.

Why referendum is associated with rating institutions. Because of the background of the existing distrust in political institutions, in the late twentieth century, our country must solve a number of important issues related to the further social development. They are of historical importance to the nation which requires citizens to act on them by referendum. Distrust in political institutions and taken them through decisions tumbling confidence in the legitimacy of the transition. On all major issues of transformation may hold a referendum to represent, figuratively speaking, "cornerstones" tracing a path towards a more civilized, democratic world. By way of transformation, however, occurs in our country one of the unpleasant sides of the Bulgarian model of transition - striving to expand the scope and functions of the powers of the institutions of power, which certainly leads to repel people from them. Referendums are a political tool for the management of state power of the people, the supreme sovereign of power and thus to limit the wrong actions of the institutions in favor of the proper functioning of the state mechanism as a whole [5].

The direction of interest these reflections present perception of Radklif- Brown [10] that the units of the social system are human individuals present in certain respects, which are different in nature. Individual human beings as actors in social life are the simplest basic components of the social structure. In this capacity, as defined by social relations, human individuals are individuals and social structure consists in engaging personalities in their attitude towards each other. Relations that constitute a particular social structure associated with expectations of personality to do according to certain rules and patterns of behavior, which are designated by the term "institution".

Not every person and it does not always act according to the expectations set by the institutions. This means that institutions have the expectations of other people sometimes. They may be covered, which is ideal for social development. If it comes to some minor

expectations, which can be registered by opinion polls and correct perspective then drilling are sufficient for the institution to draw conclusions. But when it comes to general, fundamental political principles, such as the accession of Bulgaria to the European Union, for example, then the majority must have its say in a referendum.

Last but not least is the question: why the current ruling elite away from the most important referendums, which relate to the leasing of state sovereignty to supranational institutions - the European Union and NATO? Does this elite, chosen only a third of the Bulgarian people that have the right to decide on matters of great importance for Bulgaria and the remaining two-thirds will support it? Yet to decide constitutional amendments on the sale of land to foreigners and the creation of parties on ethnic basis, which will also have to decide in a referendum, although the EU insists that this be resolved in the short term. What will the behavior of the ruling elite?

Answer as if seen through the behavior of our political elite: he was afraid of a referendum. Afraid because the results of the national referendum on the issues raised can show how minority, our political elite was torn in their idea of democracy have given it majority. That humanitarian aid backed by air strikes, mean bombs, war, suffering, not democracy. That democracy means for our people peace and peaceful coexistence, and no verbal obfuscation could affect the Bulgarian common sense.

The results of national referenda on various strategic issues for Bulgaria can destroy the power of a large part of our political elite thanks to power being comfortably prepared, thinking to Venchan grave for her.

Made here to justify the referendum allows to be taken following important summaries:

1. The referendum occupies an important place in government as one of the main forms of democracy. Qualitative characteristics define the constitutional and statutory legal systems of democratic countries whose socio-political practice is realized.
2. Through the referendum will of the people shall be constituted in a common will to solve important issues of public policy or the adoption of regulations.
3. Will of the people expressed through an act approved by way of referendum does not need further government sanction - it becomes general binding. Should any such act to be amended again by referendum, regardless of the procedure becomes more complicated.
4. The referendum but a means to achieve consensus and corrective regarding certain political decisions of governing institutions.
5. This allowance is appropriate in terms of registered high distrust institutions when undertaking actions or decisions contrary to public expectations, usurping more power resources allocated to them.

In the very essence of the democratic process is implicit consensus as an important condition for its flow. This requires functioning institutions, behavior and aspirations of the elite have given them a majority are in full harmony. Otherwise democracy will be a cart pulled by an eagle, cancer and pike in the famous fable of Krylov. The referendum as an emanation of democracy is this factor which can unite efforts in one direction.

It is not excluded referendums to cause conflicts, but so are the risks of each policy, including the one led by the representation of experts. The important thing is the energy of these conflicts to be action-oriented, assertive constitutional order in the country.

In the course of establishing democracy in Bulgaria there are grounds of the need to be held referendums at national and regional level. To solve the important issues of local significance within the local government have conducted a number of referendums that

actually promote both forms of democracy - direct and representative, in the general political picture.

The author of this article stands resolutely for direct democracy. It provides additional, hitherto untapped opportunities that will surely enrich the democratic model in Bulgaria.

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