

COMPARATIVE REVIEW OF THE LEGAL STATUS OF CADETS AND STUDENTS IN BULGARIAN HIGHER EDUCATION INSTITUTIONS

Yosif YOSIFOV, Nikolay ZHECHEV, Alexander KUMANOV

Faculty of Artillery, Air Defense and CIS National Military University „Vasil Levski“,
Bulgaria

DOI: 10.19062/2247-3173.2019.21.11

Abstract: *Education in the professional field “Military Science” is related to the protection of the national security of the state. The main functions of the modern state are governing, economical, protective and social, including educational. Ensuring the quality of education in the professional field “Military Science” is a simultaneous realization of the protective and educational functions.*

The fundamental legal framework of the principles of higher education in this professional field is regulated in the Constitution of the Republic of Bulgaria, in the Higher Education Act, in the Law of Defense and Armed Forces of the Republic of Bulgaria, as well as in various decrees, ordinances and instructions.

The foundations of the modern Bulgarian army were laid after the Liberation in 1878 simulateneously with the establishment of the military educational institutions in Bulgaria, when initially the Sofia Military School was located the same year. The first higher military school in Bulgaria - the Military Academy - was established in 1912.

Keywords: *Right of Education, Higher Education, Military Schools, Cadets*

The main functions of the modern state are governing, economical, protective and social, including educational. Ensuring the quality of education in the professional field “Military Science” is a simultaneous realization of the protective and educational functions.

The First Military Higher Education Schools were established in Russia (military engineering schools created in the XVIIIth century by Emperor Peter I) , France (Saint Cyr Military School, founded in 1802 by Napoleon Bonaparte), USA (West Point Military Academy, established on 4 July 1802), United Kingdom (The Royal Military Academy Sandhurst, established in 1947).

Military educational institutions in Bulgaria are created immediately after the Liberation in 1878, when the foundations of the modern Bulgarian army were laid. Initially the Sofia Military School (1878) was opened, and the first higher military school in Bulgaria - the Military Academy - was established in 1912.

The fundamental legal framework of the principles of higher education in this professional field “Military Science” is regulated by the Constitution of the Republic of Bulgaria, in the articles of the Higher Education Act, also in the Law of Defense and Armed Forces of the Republic of Bulgaria, as well as in various decrees, ordinances and instructions.

The Constitution of Republic of Bulgarian provides that the State is obliged to create conditions for the free development of science and education. (art. 23). The right of education is promulgated as fundamental civil right. Under terms established by the law, tuition at public higher schools is free of charge. (art. 53).

The Higher Education Act (HEA) categorizes higher education institutions as universities, research universities, specialized higher education institutions and independent colleges. (art. 17).

A university is a higher school which:

- provides training in a wide range of subjects in professional areas within at least three of the four major branches of science - humanities, natural sciences, social sciences and technical sciences;
- employs full-time faculty required to conduct no less than half of all lecturing and practical sessions under the academic curriculum in each major, whereas the habilitated faculty members deliver no less than seventy percent of all lecturing courses in each major;
- holds adequate facilities to ensure that practical training is also conducted in compliance with the state standard requirements;
- offers bachelor's, master's and doctor's degrees in the respective major branches of science;
- has ample scientific and artistic potential and through its activities contributes to the development of major branches of science and culture;
- provides the faculty, the students and the doctoral candidates with adequate conditions for printing of scientific works, textbooks, monographs, as well as for the achievement of typical creative accomplishments;
- owns a library and other means for information services to instruction and research;
- maintains international contacts both in the provision of academic instruction and in its creative activities;
- has an academic information centre for administrative services to students and doctoral candidates;
- has an intellectual property protection system which includes rules and a structure for the implementation of research results and other objects of intellectual property, as well as for training in the field of intellectual property rights protection.

A specialised higher school conducts scientific research or artistic and creative activities and offers courses of training in one of the major areas of science, arts, physical culture, and military science and meets the university description criteria. Its appellation shall signify the specific area in which it trains specialists.

Students, PhD students and postgraduates are trained in higher education institutions. Student is the one who is trained to acquire the Bachelor's and Master's degrees. (Article 66 of the HEA). Cadets are trained in specialized higher education institutions.

The main differences in the training of cadets and students are in three directions - admission, ensuring their training and the rights and obligations.

The admission of the cadets is done by selecting the candidates for the cadets. The admission of cadets is determined in accordance with Art. 142. Para 1 of the Law on Defense and Armed Forces of the Republic of Bulgaria. The terms and procedures for enlistment to military academies and higher military schools and professional colleges shall be determined with a regulation of the Minister of Defence.

Cadets trained to meet the needs of the Ministry of Defence enter into contracts for military service, and the term of such contracts includes the period of training thereof. For

the period of training at higher military schools the cadets have been prepared for doing military service as a profession and must be provided with:

- funds from the budget of the Ministry of Defence, to the extent not provided for otherwise by law:
 - scholarships for rank – under terms, procedure and in amounts specified in an act of the Minister of Defence;
 - food, clothes and gear supply – under terms, procedure and in amounts specified in an act of the Minister of Defence;
 - medical services;
 - compulsory insurance against death and disability as a result of accident during or in relation to the implementation of obligations connected to their training for doing military service as a profession;
 - accommodation at residences of higher military schools;
 - transport and accommodation when implementing tasks related to their training for doing military service, outside the permanent place of training, and when travelling for medical purposes;
- use of recreation and sports facilities of the Ministry – under the terms and procedure laid down by an act of the Minister of Defence;
- leave of 30 calendar days per school year under terms and procedures specified in the regulations on the organisation and operation of the higher military schools;
- opportunities for election to the collective management bodies at the higher military school.

Cadets are promoted in rank pursuant to Article 138, paragraph 3 with an order of the commander of the higher military school under terms and procedures specified in the regulation on its organisation and operation.

Graduating cadets for the needs of the Ministry of Defence are obliged to perform military service for a period of at least ten years.

The rights and obligations of the cadets are determined in the regulations on the organisation and operation of the military academies and the higher military schools and in the military service contract.

Cadets in the higher military schools shall be awarded the following ranks:

1. cadet;
2. cadet - junior sergeant (in the Navy - cadet - petty officer 2nd class);
3. cadet - sergeant (in the Navy - cadet - petty officer 1st class);
4. cadet - senior sergeant (in the Navy - cadet - chief petty officer);
5. cadet - sergeant-major (in the Navy - cadet - midshipman).

According to the art. 70 of HEA students are entitled to:

- select subjects (courses) under such terms as are set forth in the curriculum;
- receive qualified assistance and supervision in their academic and professional development;
- study more than one specialty (major) at a time or take additional courses under terms prescribed by the higher school;
- participate in the higher school's research activities whereas any rights of theirs arising out of the applicable laws on the protection of copyright, intellectual property rights and the neighbouring rights, as well as any remuneration payable to them shall be guaranteed;
- elect and be elected to the higher school's governing bodies;
- use students' hostels, canteens, health-care services, reduced fares for the mass and rapid transit and the intercity transportation and all the higher school's facilities for study,

research, sports and cultural activities, as well as other welfare benefits for normal life and studies under terms set by the state and the respective higher school;

- associate in academic, scientific, cultural and sports fellowships for protection and satisfaction of their interests, as well as to have membership in (of international organisations whose activities are not contradictory to the laws of the Republic of Bulgaria;

- transfer to another higher school, faculty, department, specialty, level or forms of study in accordance with the higher school's Rulebooks;

- discontinue their studies and resume them subsequently under terms and procedures laid down in the higher school's Rulebooks;

- have holidays of minimum thirty days inside of one academic year;

- receive scholarships (stipends);

- use credits for payment of (tuition) fees and /or for maintenance during the course of training.

Special incentives are provided for students who are orphans, persons with sensory disabilities and other disabled people with long-term disability or reduction of the ability to work by 70 percent or more or disabled war veterans, and victims or persons raised at orphanages until they become of age, or mothers of children below the age of six, or depending on direct clinical observation shall be entitled to special privileges and alleviations as set forth in the respective higher school's Rulebooks.

Training in the military field is related to the protection of the national security of the state. That is why the requirements for the cadets are higher than those for the students, while different conditions for their realization after the completion of the higher education are envisaged.

REFERENCES

[1] Dachev L., (2001) State Sciences. Sofia, "Svida"

[2] [https:// www.neaa.government.bg/](https://www.neaa.government.bg/)