

## **EDUCATIONAL NEEDS OF THE JUDICIAL ADMINISTRATION IN THE CONTEXT OF DIGITALIZATION**

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**Abstract.** The administration of the judiciary is an integral part of the structure of the state administration, but human resource management specifically in the judicial administration is still an understudied area. The scientific objective of this work is to examine the educational needs of judicial administration, in the introduction of digitalization processes in judicial administration and in human resources management. In order to achieve the formulated aim, specific scientific research approaches and methods are applied in the paper. In the theoretical-methodological plan, a systematic approach, a method of analysis and synthesis, an interdisciplinary approach, a descriptive method, etc. are used. Along with them in empirical plan the survey research, in-depth interviews, participation in discussions, content analysis of documents are used. The approaches applied in the overall research are those of induction and deduction. As a result of the complex analysis, conclusions and summaries are drawn, and solutions are proposed for improving the work of the administration of the judicial authorities.

*Keywords:* state administration; judicial administration; human resources; human resources management

### **1. Introduction**

In order to effectively carry out the judicial function of the judiciary, the professional activity of the judicial administration (JA) is necessary to support the work of the relevant bodies – court, prosecution and investigation. Employees who work in the administration of justice (AOJ) are called judicial officers (JO). The work of the judicial system would be impossible without the JA, whose main purpose is to document and give form to the will of the judicial authorities. The JA serves and supports the judiciary, and its role in the implementation of this specific manifestation of state power is very important (Dimitrova 2021a).

The reform of the judiciary is constantly in the focus of public attention. The professional activity of the JA is necessary for the effective performance of the functions of the judiciary as assigned to it by the Constitution and the Judiciary System Act (JSA). The reform of the judiciary cannot be limited to optimising the work of the courts, prosecutors and investigators; the development of the judiciary is also linked to improving the work of its administration (A). The need to improve professional training and to update the requirements for a number of positions in the JA has been recognised. (Nikolova 2021, p. 241).

The functioning of the judiciary and the AOJ, as well as access to justice, are expected to improve with the use of information and communication technologies. They should facilitate better cooperation both between individual judicial authorities and between them and other public/administrative authorities, bodies performing public functions or organisations providing public services (Dimitrova 2021 b).

The development of the judicial system is linked to the improvement of the JA, which is directly dependent on the criteria for the selection of judicial staff. Human resources (HR) are a key factor in the development of the judicial system. Their effective management requires the consistent and targeted application of the core functions of human resources management (HRM), tailored to the specific nature of work in the JA. However, modern digitalization processes create a number of challenges in this direction.

The above justifies the relevance of the topic. Accordingly, the aim of the present work is to examine the educational needs of JA, in the introduction of digitalization processes in JA and in HRM. As a result of the complex analysis, conclusions and summaries are drawn, and solutions for improving the work of the A of the judiciary are proposed.

In order to fulfill this aim, the authors set the following research tasks:

1. To present the main functions of HRM, to seek their implementation in the field of public/JA, taking into account the modern processes of digitalization.

2. To examine the specifics of the legal framework for the appointment of JO in the context of the need for digital skills in order to introduce e-justice and digitalization of judicial processes..

3. To clarify which processes of the JA are digitalized and which employees perform these process-related functions, respectively what new skills they should possess or acquire, what training is provided and whether this determines the need to change the requirements for them. To this end, their duties are examined in the context of the newly introduced e-Justice provisions in JSA.

In order to achieve the formulated aim and tasks, specific scientific research approaches and methods are applied. In the theoretical-methodological plan, a systematic approach, a method of analysis and synthesis, an interdisciplinary approach, a descriptive method, etc. are used. Along with them in empirical plan the survey research, in-depth interviews, participation in discussions, content analysis

of documents are used. The approaches applied in the overall research are those of induction and deduction.

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## **2. HRM – Nature and Features of JA in the Context of Digitalization**

HRM is a concept based on the philosophy of understanding the place and role of people in an organization. It is concerned with the design and practical implementation of policy and strategy for the formation, motivation and development of employees in order to achieve the goals of the organisation. As a concept "Human Resource Management" is used in a broad and narrow sense. In a broad sense it includes management of economically active persons, regulation of labour social relations, balancing demographic processes, solving living standards, employment and other issues at regional and national levels. In a narrow sense, the term covers specific functions, activities and tasks of organising the work of employees in a particular organisation. The main features of HRM stem from the fact that the objects of management are living, social beings, with their own profile of behaviour, intellectually united by common goals. This reveals the essence and specificities of managing people, the nature of the problems and challenges that are addressed, the directions for improvement that are derived. It is difficult to carry out any management of other organizational resources before HRM has been implemented. In this sense, it is higher-level management and its effectiveness directly affects the functioning, development and competitiveness of the organisation (Harizanova & Mirchev & Mironova 2006).

HRM is a set of core functions and activities between which there are logical linkages and dependencies. They are linked to each other and form a single system, which we present in the following diagram.

**Design and labour analysis** (Antonova & Veleva & Koleva & Ivanova 2020, p. 26):

– Labour design is a management activity through which the overall design of labour in an organisation is created and managed. It can apply to the entire organization (organizational design): in major organizational changes, the creation of a new organization, a complete reorganization or restructuring, mergers, expansions, the need to significantly reduce the size of the organization. Can also apply only to the design of individual jobs: where there is a need to merge jobs within a department and a need to reallocate work tasks, where new jobs are created;

– Job analysis is a management activity, part of labour design, that identifies the job tasks of positions in an organization and the characteristics of the people to be hired for them; determines the performance of a specific function or task in a job; collects and analyzes information about the content and human requirements of jobs and the context in which tasks are performed.

**HR planning** – long-term foresight of ways to achieve and maintain a quantitatively and qualitatively perfect social organization of HR that contributes to the realization of the main and ultimate goals of the organization (Hristova 1996, p. 187). It is important not only how many, but also what kind of people are needed to perform the planned volume of work or services in terms of structure, positions, education, qualifications and work experience. HR planning answers three important questions: “what resources do we have”, “what resources do we need”, “what do we need to do to achieve and maintain the perfect social organization of HR in the organization”.

#### **Recruitment and selection of HR**

– Recruitment is about identifying, searching and attracting potential candidates for a vacant position in the organisation, and after ‘screening’ those who come closest to the job requirements are selected. The more candidates that are attracted, the greater the likelihood that there will be a fit among them, i.e. the richer the potential “personnel base” for the organisation will be;

– HR selection is the natural extension of HR recruitment activities. It is to gather information about the candidates already ‘recruited’ and, after assessing them using appropriate techniques, to select and recruit the most suitable candidate for the job. It is a process of establishing a match between the requirements of each job and the knowledge, skills and personal qualities required of each candidate for that job.

#### **HR training and career development** (Vladimirova et al. 1999)

– Training is a process of lifelong learning to enrich the knowledge and skills of HR in their role as a key asset in order to improve their work performance and achieve the competitiveness of organizations;

– Career development consists in the periodic transition (transfer) of the employee from one work activity to another with a richer content of work, in which a change is performed in the place of individuals in the professional-qualification structure, in accordance with the interests of the individual and the needs of the company.

#### **Evaluation and remuneration of HR**

– Evaluation is an objectively necessary activity related to the assessment of employees’ work qualities, work behaviour and performance. In order to evaluate work performance, it is necessary to build a system of criteria, indicators and measurement scales that can be used to establish the correspondence between the actual achievements and the demands made on the evaluated (Koev et al. 2017), and the system should meet the employees’ sense of fairness (Shopov 2003);

– Remuneration – the wage is the remuneration for the work performed and is determined in accordance with a contract between the employer and the worker, and in accordance with national law. It is the amount that the employer provides to

employees to compensate them for the work they have done in the performance of their assigned work (Kalchev & Antonova 2014, p. 186).

### **Labour, industrial and service relations**

– An employment relationship is a relationship regulated by certain legal acts, providing security through the granting of rights and the assignment of duties to the participants in that relationship. The parties to the employment relationship are the holders of rights and obligations in the performance of dependent work – the employee and the employer. The specific nature of the legal relationship determines the special regulation of the procedure for its establishment, content and termination. The main normative act regulating employment relations in Bulgaria is the Labour Code (LC) adopted in 1986;

– Industrial relations serve to strike a balance in labour relations and find a way to bring the interests of worker and employer closer together through collective agreements. In this sense, industrial relations are concerned with the relationship between workers and their associations (trade unions and syndicates) on the one hand and employers and their associations (employers' organisations) on the other;

– Employee relations (Hristova 1996, p. 296) brings together the activities that establish and maintain two-way communication between managers and people in the organization, which should stimulate merit, motivate achievement, and establish mutual trust and agreement. Associated with conflict management, communications, protection, cooperation and assistance.

The targeted and consistent implementation of the functions and activities described above leads to the establishment of a HRM system in the organization. A systematic approach guarantees success. Combined with several other important organizational elements such as: leadership, motivation, organizational culture, talent management, managing intergenerational differences, etc., people management would be truly effective and would contribute to achieving the organization's goals.

The concept discussed is fully applicable and workable in business organizations. Its functioning in public administration (PA) is of interest to us as researchers, and we will try to highlight the specificities of A in the judiciary. In spite of the fact that PA in a narrow sense, from the legal point of view, is understood as A only in the sphere of executive power (Balabanova 1996, p. 37), we have to assume that JA is an integral part of the general concept of public and, respectively, state A. This stems from the fact that the state A is an essential component of PA. Respectively, the A of the judiciary is a constituent part of the structure of PA (Arabadzhiyski 2010, p. 154). In this sense, we review the publications devoted to HRM in PA, with the caveat that HRM specifically in JA is still a poorly researched area.

A number of researchers working on the problems of PA comment in their studies on the concept and types of civil servants, their rights, duties and responsibilities, as well as the specifics of selection in the sector. In the context of this study, we are interested in the main functions of HRM and their implementation in the sphere

of PA. Bulgarian authors (Katsamunska, Belyovska, Dimitrova, M., Dimitrova, D., Vassilev, Lefterova & Furnadjieva) are working on the topic, whose works we comment below.

#### Design and labour analysis

According to Belyovska (2016), the Bulgarian A has successfully made the journey from the closed, career-oriented to the open, job-based model. Central and territorial A apply the same job titles, have the same internal organisational structuring, and employees have the same status. At the same time, the decentralised principle of staff management is maintained, with each individual A appointing, evaluating and training its staff. On the other hand, Katsamunska (2016) further develops the idea, commenting on the system of continuous development of employees' competences, professional skills and qualifications as a key element of modern HR policy in PA. Here we set competencies and the competency model as an opportunity to upgrade and develop the job description, as a way of defining and requiring specific behaviours that the employee should implement in order to achieve optimal results and effective performance at work. Some of these issues, in the context of JA, are addressed in this study.

#### Planning

Dimitrova, M. (2018) explores the theoretical and practical aspects related to HR planning in the public sector. It presents planning methodologies, examines best practices both in Bulgaria and in other countries to see how A are making use of available HR planning tools and techniques to respond to strategic challenges.

#### Recruitment and selection/Employment relations

The selection and recruitment of staff is one of the most important and delicate elements in the overall system of HRM in PA. The procedure is strictly regulated and is partly commented in a later section of this study. Publications in this field have Hristova & Andreeva (2018), Arabadzhiyski (2008) etc.

#### Training and career development

Katsamunska (2016) commented on training and development programmes as an opportunity to enhance the competencies of PA employees. Belyovska (2018) discusses some modern forms of training: coaching, mentoring, mentoring, Secondment, Buddying (from buddy – companion, friend) – support, help in the workplace, immersion method, E-learning (distance learning) or blended learning, Job Shadowing, Retreat (some of the methods discussed are also relevant to the function of “employee relations”). Vucheva (2019) focuses on the weaknesses in the career development of employees in PA, especially in relation to the introduction and development of new technologies. But she also gives the good practices of the Bansko municipality and the creation of an information platform “HR Development and Information Exchange Centre”. Some of the training methods discussed are applicable to PA in general, while highly specialised training in JA is the subject of a final section of this study.

### **Evaluation and remuneration of HR**

Lefterova & Furnadjieva (2016) analyze the system for performance appraisal of civil servants and the Regulation on the Conditions and Procedure for Performance Evaluation of Civil Servants (RCPPECS), adopted in 2012. On the basis of the gaps and weaknesses of the system, they draw conclusions in several directions: the negative attitude of some managers towards the process and the evaluation system, which also gives rise to negative attitudes in employees; distortion of the evaluation process in its three stages: development of personal work plans, holding of mid-term and final meetings where the overall evaluation is shaped; subjectivism more than acceptable and demonstration of “personal attitude” by evaluators towards the evaluated – an extremely serious problem that reflects on the attitudes and relations of employees towards managers, the organization and the evaluation system; lack of recognition for a job well done by managers towards the evaluated, blocking career development and inability to build an environment that would support. Lyubomirova (2012) draws similar conclusions and adds about the “static” nature of the job description and the inability for creativity on the part of the employee, the lack of open dialogue between evaluated and evaluator, clearance, etc. As an option to overcome the existing problems, the author suggests the introduction of 360-degree feedback.

In her publication, Krasteva (2021) examines the most significant changes in the civil service pay system since the start of the pandemic in 2020, outlining the issues that have arisen and recommendations to address them.

#### Service relations

Here we look at some additional aspects in HRM. Vassilev (2006) discusses the motivation of employees in PA by emphasizing the following elements: job significance, responsibility for results, “vitality” of the approach to HR, interpersonal relations, fairness, internal actualization of goals, feedback. He also comments on the concept of “boraut”, as a cause of demotivation among employees in the sector (Vassilev 2009), discusses the role and place of emotional intelligence (Vassilev & Belyovska 2017). The same author comments on the possibilities of outsourcing in PA (Vassilev 2010).

Borisova’s (2020) research on talent management in an administrative environment is particularly interesting. She defines three key approaches to talent management – promotion, promotion in rank, mobility, and adds several other interesting management options: new tasks and responsibilities for the talented employee, mentoring of new hires, training of teammates, mobility of professionals within the civil service/ or abroad, specialized training, national and EU working groups.

The studies on the implementation of the main functions of HRM in PA, presented so far, represent the classical concept. The great technological leap and digitalization in recent years have radically changed the perceptions related to the

management of people in the organization – they have provided flexibility and freedom to employees to work effectively remotely, changed the quality of life and relationships in organizational environments, provoked ethical dilemmas about the future of jobs and the real threat of extinction of some professions. Terms such as ‚digital transformation‘, ‚digital skills‘, ‚digital competencies‘, ‚digital HRM‘ and a number of others have emerged in the specialist literature in an attempt to analyse and at least partly explain these environmental challenges. How these new trends are concretely implemented and actually realised in the organisational environment of PA institutions is discussed in the following lines. We also attempt to highlight the specificities of JA, which is a relatively new area of research.

The digital competence of PA employees is a key factor for the successful digital transformation processes in administrative bodies. As mentioned above, the definition of competences and the development of competence models is part of the HR Design and Analysis function, the first and fundamental activity of the HRM system, but it is also relevant to HR training. The Institute of Public Administration (IPA) is developing a project “Digital Transformation in Learning – Digital Competence and Learning” with the following main activities:

- Digitalization of IPA learning activities;
- Training for civil servants, including the development of digital competence and the wider application of digital forms of learning;
- Increasing the capacity of the IPA for research activities as well as of the Information and Documentation Centre (Information System for Management and Monitoring of EU Funds in Bulgaria, 2020).

A key place is given to “trainings for the development of the digital competence of PA employees and enhancing their knowledge, skills and capacity in the field of digitalization of PA” (Information System for Management and Monitoring of EU Funds in Bulgaria, 2020) (Kirilov & Kazakova 2022).

The problem of digital competence has been thoroughly studied by Serafimova & Andreeva (2021), but now specifically in the field of JA. With the introduction of the new Unified Information System of the Courts (UISC) in Bulgaria, challenges in the process of digitalization have emerged. Opportunities are presented for the development of a competency-based sectoral model focusing on digital competences for court administration staff in order to implement e-Justice more effectively.

Dimitrova, D. (2021b) discusses the provisions on e-justice and finds that for their effective application, officials should have the necessary competences. This justifies the need for training at different levels. Vassilev & Novoselski (2013) suggest distance learning and e-discussions and forums (“E-discussion on modern HRM in education and health administration”). Another important aspect concerning the processes of digitalization in HRM is related to the commentary on the modern labor legislation concerning the introduction of electronic documents in the employee’s employment record (Andreeva 2018).

The small number of Bulgarian publications concerning the introduction of digitalization processes in HRM in the PA, and in particular the JA is obvious. The topic is undoubtedly topical. As a result of the theoretical analysis so far, the conclusion emerges that, of the HRM functions considered, only design and analysis, as well as training of PA/JA employees, are attempting to modernise in the direction of digitalisation. Although difficult, the first steps have already been taken. There is a huge potential for the application and development of digital tools in other functions of the HRM system as well, which provides scope for research both in theoretical and practical-applied aspects.

### **3. Specifics of the legal requirements for the appointment of judicial officers in the context of the need for digital skills**

Given the fact that magistrates cannot exercise their powers without the participation of JO, the development of the judiciary is also linked to the improvement of the activities of its A. This, in turn, is directly dependent on the legal requirements for the selection of candidates for a position in the JA. The need to improve vocational training and to update the requirements for a number of positions in the JA is rightly pointed out in the specialised literature (Nikolova 2021, p. 241).

In the exercise of their powers, the judicial authorities are assisted by the A (Art. 340 para. 1 and 3 JSA), i.e. JO. Pursuant to Art. 341 JSA, they are appointed to positions in accordance with the job description of the A of the courts on the basis of the Classifier of the Positions for judicial officers (CPJO) issued by the Judges Chamber of the Supreme Judicial Council (SJC). Their number is determined by the Judges Chamber of the SJC on the proposal of the administrative head of the court concerned (Art. 135 of the Regulation on the Administration of the Courts(RAC)).

The procedure for appointment and the requirements to be met by candidates for JO are laid down in the regulations of A of the relevant judicial authorities adopted by the SJC. The SJC also issues a CPJO in the respective judiciary authorities, specifying the names of the positions, the minimum educational level and other requirements for the respective position, the remuneration for the position, a rank for the position and remuneration for a rank. Where the activity of the judicial officer is associated with the discharge of the powers of certain bodies (the SJC, the Inspectorate of the SJC, the National Institute of Justice – NIJ, and the bodies of the judiciary), he shall be appointed after holding a competition (Art. 343 para. 1 JSA).

The requirements for judicial candidates can be divided into two main groups:

– The first group includes the minimum statutory requirements (Art. 136 and Art. 137 of the RAC). As JO may be appointed a person, who: 1) is a Bulgarian citizen; 2) has attained majority; 3) is not placed under judicial disability; 4) has not been sentenced to deprivation of liberty for a deliberate criminal offence of general nature; 5) is not deprived from the right to occupy a specified position, according

to the relevant procedure; 6) meets the requirements for the position provided for in the statutory acts, in the RCA, in the CPJO under Art. 341 para. 1 JSA and in the job description for the relevant position. As well as not having the circumstances under Art. 137 RAC: 1) By the appointment of JP the provisions of Art. 107 a, para. 1 LC shall be applied; 2) By the establishment of employment relation the JO shall undersign a declaration about the circumstances according to Art. 107 a, para. 1 LC; 3) Where, during the performance of the employment relationship, any of the grounds for inadmissibility under Art. 136 or Art. 107a, para. 1 LC, he shall, within 7 days of the occurrence of such ground, notify the appointing authority; 4) For JO, the obligations under Art. 107a, para. 4 and 5 LC shall be applied.

– The second group covers additional specific requirements - provided for the specific job and related to education, work experience, other qualifications and skills. Of interest for this study is the second group of additional specific requirements related to educational qualifications and digital skills.

Pursuant to Art. 340a, para. 3 JSA, RAC and the CPJO, there is a requirement for a degree of higher education for the expert and managerial positions (court administrator, director, head of department, head of sector, head of the office of the President of the Supreme Court of Cassation (SCC) / Supreme Administrative Court (SAC), chief accountant, administrative secretary, head of administrative office). As regards the specialised administration (SA), there is a requirement for higher education only for judicial assistants. For all other judicial staff in the SA (information security officer, head of office, secretary of a collegium at the SCC/SAC, court secretary, court clerk, court archivist and summons officer), the legislation requires secondary education for the relevant position.

The role of HR is key to maintaining and developing the competitiveness of any organization (Ivanova, 2019), which requires a strategic approach to recruiting and developing staff. Given this, the educational training of JO is an element of the overall strategy for the development of the judicial system (Dimitrova 2021a). The training of JA staff is the basis of effective justice. JO are those who actively and invariably support the work of every judge, prosecutor, investigator and administrative manager in the judiciary (Tacheva 2021).

The reform of the judiciary is constantly in the focus of public attention – both before and after Bulgaria's accession to the EU. After Bulgaria's accession to the Union, European acts and judicial decisions increasingly determine the development of national law. Relevant acts of European legislation concerning the activities of the judiciary are a number of directives, regulations and decisions. By adopting these acts, the EU has set itself the objective of providing citizens with a high degree of safety in an area of freedom, security and justice. This objective implies the exchange of information between the competent authorities of the Member States, which requires them to have the necessary digital skills.

In the modern stage, one of the challenges facing the judiciary is related to the requirements for increasing the digital literacy of JO. The reform in the field of digitalisation of the judiciary in Bulgaria started with the establishment of a Unified Portal for e-Justice (UPEJ), with the requirement for an UISC in Bulgaria being an essential part of it. The digitalization processes are changing the working environment of both magistrates and JO. The key to positively and proactively managing these trends will be to implement a comprehensive approach to the planning, retraining and development of those working in the system. This implies that they acquire new knowledge and improve their skills, which argues for the need to develop competence models in the JA, including the digital competence of those working in it (Serafimova & Andreeva 2021).

The free electronic access to the acts of the judiciary is a significant facilitation contributing to the awareness and confidence of citizens in the justice system (Dimitrova 2021 b). In this sense, the educational needs of JO are of interest to doctrine and practice. For the effective functioning of e-justice, the JA should be able to work with digital systems. This determines the need for digital training of JO, which can be ensured by a high quality educational service offered in the program „Judicial Administration“ (Andreeva & Dimitrova 2023).

With the amendment of the JSA by the SG No. 62 of 2016 a new Chapter Eighteen “a” – Certification Statements and Procedural Actions in Electronic Form was created, regulating the establishment and maintenance of the UPEJ. The UPEJ allows parties – and their representatives – to view electronic copies of their court filings, including copying various documents contained in their case. Pursuant to Art. 360a JSA: the judicial authorities shall make authenticating statements, issue acts and perform any other procedural actions provided for by law in electronic form. Therefore, the use of the automated information systems of the judicial authorities is considered in the specialized literature as part of the e-government of the Republic of Bulgaria and should be subject to the rules and basic principles of e-government, both in ensuring their system integration and interoperability, and with regard to the basic provisions of the E-government Act (Tsvetanova-Mincheva 2021).

Given this, the issue of the digital skills of JO and their training to work with these systems is very important. Educational training of the JA is a prerequisite for building appropriate capacity to work with the electronic system, which in turn will ensure quality use of its capabilities in the future and increase the efficiency of the work of the judiciary (Dimitrova 2021 b). Trainings on the use of the UPEJ, both for magistrates and the AOJ, are provided and conducted at different levels – on the one hand, by the NIJ, on the other hand, trainings are offered at the secondary and higher education levels.

Digitalisation processes and increasing opportunities for remote working are causing changes in the way work is organised, assigned and performed. This is

leading to changes in the way managers communicate with their subordinates, and in the way they interact when working remotely and in virtual teams (Serafimova 2021).

In connection with the identification of current trends regarding the educational needs of the JA, related to the acquisition of digital knowledge and skills, anonymous surveys were conducted with JO working in the judiciary from the region of the Appealate Court – Varna, and the data obtained from them were summarized and analyzed.

On the question “How do you rate your digital knowledge and skills?” on a scale of 0 to 10, one third of the surveyed employees (33.34%) indicated the maximum rating of “10”, self-assessed “9” by 20.83%, i.e. more than half of the JO consider themselves to have a very high degree of digital competence. The proportion of those who rate themselves ,8<sup>4</sup> is 20.83% and of those with a self-assessment of ,7<sup>4</sup> is 12.5%. Not a small part of court A staff rate their digital knowledge and skills as ,5<sup>4</sup>, i.e. they consider themselves to have insufficient digital competence (12.5%).

The analysis of the results shows that in percentage terms the proportion of JO rating themselves in the upper range of 9 to 10 is relatively high (54.17% overall). The reason for the fact that there are still people with insufficient digital knowledge and skills among the JA can be found in the fact that a significant percentage of the employees in the judiciary do not have higher education, but have secondary or semi-higher education.

To the question “Do you need digital knowledge and skills in the performance of your duties?” almost all JO (95, 8%) answered “Yes”.

The results can be summarized as follows:

- Firstly, the reason why there is a need for additional training among court employees in order to acquire digital knowledge and skills can be found in the fact that a significant number of those working in the court A do not have higher education;
- Secondly, it should be taken into account here that the employees already working in the judiciary face a number of professional challenges on a daily basis related to their work with the e-Justice system.

The need for qualified personnel for the JA, who are prepared to ensure the overall AOJ, is indisputable. JO, along with magistrates, are responsible for the credibility of the judiciary and this implies that they have the necessary education, as well as continuously improving and updating their qualifications. The current challenges facing the judiciary (access to justice, quality and timeliness of the justice process) are a clear indication that one of the main requirements for JO is the availability of digital skills as well as the subsequent improvement of their digital literacy.

#### **4. Digital competences of the JA staff and the need to acquire new skills through training**

The entry of digitalization in the judiciary also leads to changes in the way JO organize, assign and perform their work. On the one hand, this necessitates a

number of trainings in order to retrain and improve the employees to be able to cope with these new functions, on the other hand, it raises the question whether it is not also necessary to change the requirements for them. It is important to clarify which processes of the JA are digitised and which employees perform these process-related functions, respectively what new skills they should possess or acquire, what training is provided and whether this makes it necessary to change the requirements for them. For this aim, their duties are examined in the context of the newly introduced provisions on e-Justice in the JSA.

In order to find out for which of the court administration staff the relevant obligations in relation to the new provisions in the JSA have been established, an in-depth interview was conducted at the level of the Varna Appellate District, because the Varna courts are one of the pioneers in the introduction of digitalization, as well as providing assistance and support for training of court staff and magistrates. In Bulgaria, the process of digitalization of the judiciary has already started in 2012 and 2016. At that time, a number of provisions were adopted in a new Chapter Eighteen “a” “Certification Statements and Procedural Actions in Electronic Form” in the JSA, with powers granted to the Plenum of the SJC, in coordination with the Minister of Justice and in accordance with the 2022 amendment also with the Minister of e-Government (SG No. 15 of 2022). These provisions introduce the foundations for e-justice – the procedural acts provided for in the law, as well as acts and certification statements of judicial authorities shall be carried out in electronic form.

The UPEJ is already operational, since 01.12. 2019 the pages of 180 courts are accessible through it, the content and structure of the information are unified, as well as the offered functionalities and online services. The work to improve and enhance the functionalities of the UPEJ is ongoing and in the future it is envisaged to include all courts. The following SA staff have duties related to the functioning of UPEJ with regard to:

- the electronic issuance of a criminal record – the staff of the Criminal Records Bureau;
- the initiation of court cases, filing of documents – clerical staff of the the registry desk or case office;
- court cases – clerical staff of the the registry desk or case office;
- the service of notices and summons, service of papers on citizens, lawyers – the staff of the Service of Summons and Court Papers.

A Register of the Acts of the Courts has also been established in accordance with the provisions of Art. 360 n-360 t JSA, which is an electronic database as part of the UISC. Its maintenance and storage should ensure the security, integrity and accessibility of the information contained therein. This is an important step towards increasing citizens' confidence in the judiciary, as giving free access to the acts of the judiciary by electronic means is not only a significant facilitation

for citizens and organisations (Wang 2021), but also contributes to information, publicity and transparency. When it comes to finalizing acts, the JO with duties related to the Register of Acts of the Courts are the court sekretaries who upload the case decisions.

Effective from 01.07.2021 is also the provision on the possibilities provided by the UPEJ: requesting the execution of certification statements and execution of procedural actions in electronic form, service of notices and summons and access to electronic cases and public registers maintained by the judicial authorities. This time limit is also provided for the provision on the entry into the information system of all documents, statements, acts and information which are filed on paper by taking an electronic image in such a way and in such a form that it is possible to reproduce them (Art. 360g JSA). When taking an electronic image from the original, the official shall certify the complete and exact correspondence between it and the original by means of a signature on the paper and/or an electronic signature on the electronic images entered. The staff of the SA having such duties are: in the case of filing documents, the relevant staff in the registry desk or case office, in the case of case records, the court sekretary.

Pursuant to Art. 360h, para. 1 JSA as of 01.07.2021 electronic cases shall be initiated. The possibility to exchange information shall be ensured by means of integration between the UPEJ and the information systems approved by the Plenum of the SJC. The maintenance and storage of the electronic files must be ensured by the judicial authorities in a manner which does not allow accidental or unlawful destruction of data and does not allow unauthorised access to, alteration and/or dissemination of data. At the same time, persons with a right of access should be provided with uninterrupted and free remote access. Judicial authorities should provide assistance from designated officers of their A to persons requesting access to files. When the cases are filed and the documents are sent to the UPEJ, they are received by the court as an electronic package. After the processing the user can see information about the filed case. Obligations in this respect again arise for the JO of the SA: when the documents are filed – the relevant staff in the registry desk or case office; the acts are uploaded by the court sekretary. An electronic registry has also been set up at Varna District Court. The following approach has been adopted for the provision of access via the UPEJ upon application to the Appealate Court – Varna:

- in respect of the parties and their representatives, as well as appointed experts, access is granted directly by the relevant JO (the court clerk working with the judge to whom the case is assigned), without reporting to a judge;

- in respect of other persons, the application shall be submitted to the report to the judge, who shall consider whether remote access should be granted.

At the level of the Varna District Court, each employee has a registration in the Secure Electronic Serving System (SESS) and this is how information is exchanged.

Cases are automatically sent in the UISC from one court to the other.

In addition to the SA staff mentioned so far, IT specialists from the general administration (GA) of the judiciary also play a key role in the implementation of e-Justice. They are the ones on the site who support the activities of the JO of the SA, maintain the systems and monitor for problems both in the use of the UISC and in relation to the digitalisation of processes. A university degree is a requirement for these staff, and advanced training is also provided by the NIJ.

After the in-depth interview, the analysis of the processes of the JA that have been digitalized and the clarification of which employees perform these functions, the following can be summarized: the new provisions for the introduction of e-justice are mainly related to the activities of the SA. These JO should possess or acquire digital competences in order to cope with the challenges of e-justice. At present, according to the JSA, the RAC and the CPJO, no higher education is required for these JO. In this respect, consideration should be given to updating the additional specific requirements for them in the JSA by introducing a requirement for a university degree rather than secondary education.

Another important point is the updating of the job descriptions of the JO. The latest update is from 2021, before the e-Justice provisions came into force, and consideration should be given to adding digital competency requirements, a view shared also in the in-depth interview.

Provisions on e-Justice, adopted by the AASJSA of 2016, are already in force and follow strategies, concepts, roadmaps, recommendations from EU reports. Their application in practice shows a number of problems, some of them technical – lack of modern equipment, problems with the introduced UISC, delays in software development, etc. Equally important, however, is the issue of staff skills and their training to operate these systems. This issue is related to updating job descriptions and training of staff. If the JO are not trained to work with the system, even when it is functioning smoothly, the expected optimisation of work processes and increase in the efficiency of the judiciary's work cannot be achieved. User training would build appropriate capacity to use the electronic system and ensure quality use of its capabilities in the future. Such trainings are foreseen and are ongoing at different levels.

The NIJ conducts trainings for judges as well as for IT specialists and employees in the AOJ in accordance with Art. 249, para. 1, item 3 JSA. This activity is structured on a competency model, accordingly a set of knowledge, skills and competences are defined, which are necessary for the performance of the powers of the judicial authorities. Included are professional legal skills, which are based on respect for the rule of law, the application of fundamental rights and compliance with ethical principles and rules, but also non-legal knowledge and skills that are developed from management, psychology, economics and social sciences. The aim of the trainings is, on the one hand, to unify the working practices in the A of the

different courts and prosecutor's offices and, on the other hand, to improve the professional knowledge and practical skills of the JO for the effective performance of their duties, thus building a high administrative culture oriented towards quality service to the public. The curricula for the ongoing training of the JA includes both general topics, which focus on knowledge and skills, and specialised topics aimed at the various posts in the specialised JA and tailored to their specificities. Introductory training is provided for judicial staff with up to one year's experience in the judiciary in order to provide initial general training covering the main points and principles of their work and to give them a good basis for development. The training is conducted in distance and face-to-face formats and provides theoretical and practical training, with topics related to the organisation and functioning of SA in courts and prosecution offices.

An IT Strategy for the Law Enforcement Agencies of the Republic of Bulgaria has been established for the period 2011 – 2013, which sets as objective 4 the improvement of the qualification of magistrates and JO for the effective use of IT. In order to achieve this objective, it is envisaged both to establish IT training standards that are specialised for magistrates and JO and to implement HR policies. In designing an IT skills standard, the specific needs of the judiciary should be taken into account, and separate standards for different categories should be established, taking into account the functions of magistrates and JO. The established standard for JO would set requirements for certain knowledge and practical skills to be mastered by JO, taking into account the increasing automation and digitalization in the judiciary, as well as the possibilities for using electronic documents and electronic signatures. Accordingly, curricula should be developed for JO and magistrates to acquire IT skills, tailored to the individual profiles, building on the knowledge of the employees in the system and helping them to adapt to work in the digital environment. The role of the NIJ in certifying training organisations to deliver training on the curricula so developed is important.

In 2019, the foundations of strategic planning in judicial training were laid as a comprehensive framework of interrelated horizontal policies, consistently developed in all areas of NIJ's activities with the adoption of the NIJ's Activity Strategic Plan 2020 – 2022. In the new Strategic Plan of the NIJ's Activity for the period 2023-2026 the importance of improving digital skills in the judiciary for working in an electronic environment is also recognised. The process of digitalization of justice has an impact in two areas of judicial training: 1. training content, methodology and training formats should be updated, and 2. work should be done to improve the quality of training, to develop new forms of training, respectively, to individualize the learning process. In adopting the strategic plan, an account has also been taken of the objectives and actions set out in the European strategy for judicial training for the period 2021 – 2024. The need is recognised for judicial training to prepare justice practitioners to embrace digitalisation and the use of AI, to be prepared to

use them in their daily work as well as in cross-border proceedings. One of the important points is to ensure the protection of the rights of the individual and of personal data in the digital space, and also to ensure that parties can access files and attend court hearings.

The 2022 NPI Activity Report shows a 29% increase in training activity compared to the previous year. A total of 434 training activities have been conducted for 8534 trainees, including judicial officers, with one of the directions in this period being “e-Justice”, “Developing the digital skills of judges, prosecutors, investigators and JO” and “Working with the UISC”. There has also been an increase in the international training activities coordinated by the NIJ with the European Judicial Training Network and the European Law Academy (ERA) – 474 judges, prosecutors, investigators, public enforcement agents, registry judges and JO have participated in such training – an increase of 18% compared to 2021. In ongoing training activities at national and international level, the increase in trainees is almost double compared to 2021.

E-resources for independent work and self-study have also been developed and 43 practical videos for working with the UISC have been published in the e-learning portal, with more than 200 judges and court officers working with them. A total of 6165 users accessed the NIJ e-Learning Portal in 2022, showing an increase of 15% compared to the previous year, largely due to an improved methodology for developing the digital resources, as well as the accumulated professional experience of the NIJ team and the judicial trainers. The NIJ can report another success in 2022, namely the creation of judicial training standards and, based on them, the development of a curriculum structure of 10 self-learning resources for the different levels of the judiciary, work on which will continue in the coming years.

Within the framework of the Directorate “Training of the Judicial Administration”, 56 training activities were conducted at national level in 2022: a total of 1982 employees, 1411 participants from the administration of the courts, 528 from the Prosecutor’s Office of the Republic of Bulgaria and 43 from the Administration of the SJC and the NIJ. Again, there is a significant increase compared to 2021 – 36.6% in terms of training activities and 56.19% in terms of participants. The topic of digitalisation of the judiciary is included not only in the training for system administrators, but also in every training related to the AOJ. In order to ensure quality realization of the e-Justice implementation process, these trainings contain modules on the functioning of information and communication technologies and the acquisition of specific practical skills necessary for the effective work of JO in the electronic processing of cases.

The following trainings have been conducted in relation to the introduced e-Justice provisions:

- “Work of the JA in the e-Justice Environment” – 42 JO in various positions;
- “Administration and processing of cases in the UISC in the district courts”

and “Application of the UISC in the case management workflows in the regional courts” – 116 JO – new, specialised trainings aimed at employees from the district and regional courts, who will be able to train and provide practical assistance to other court employees in the workplace in relation to the work in the UISC;

– The specific features of preparing reports and statistics in the conditions of working with the UISC – 35 trainees, including 33 employees and 2 judges from the Dobrich Regional Court;

– “Practical application of the UISC in the process of serving court documents”, with the curriculum and content created in order to develop skills and competences of summons and court documents servers, covering the theoretical concepts and practical techniques for working in the UISC and the module “Mobile application” – 84 summons servers;

– Traditional training for court sekretaries with enriched training content in view of the conditions of working with the UISC – 42 participants. The main objective is to upgrade and improve the quality of their knowledge on the administrative activities performed and the skills to enter correct data in the system.

Of course, trainings were also conducted for the IT specialists from the GA, because the introduction of e-justice is related to the normal functioning of the network and information infrastructure, and this would not be possible without well-trained system administrators. For these trainings, studies have been carried out to identify the topics and support the development of new training content. The trends are towards fully practically oriented training activities to build on both the knowledge and practical skills of these staff to achieve effective digitalisation of judicial processes.

The following trainings were held for them with the participation of 208 IT experts:

– 4 webinars “Practical training for system administrators: system administration under Windows in the judiciary” – included 92 system administrators, who in real time, in the form of a workshop, build practical situations leading to the optimization of the solution of technical problems specific to the judiciary and the management of crisis situations;

– Webinar “Monitoring Network Services, Host Resources and Server Components (Nagios, Checkmk, Cacti, Zabbix, Icinga2, PRTG)” – 19 system administrators, again in real time and through a hands-on approach to practice building a functioning and compliant in-court autonomic IT infrastructure to monitor and control all IT objects in the court that helps system administration respond quickly and effectively to problems;

– In attendance form 2 trainings on the topic “Use of alternative means for virtualization” – 71 IT specialists, in order to achieve greater efficiency, quality and speed in providing information connectivity in serving citizens;

– Pilot training on “Installing and setting up an internal information platform for the needs of the court” – 26 participants on the challenges of setting up an internal

court website as a platform for accessing and searching indexed content to assist judges and staff in the process of implementing e-justice.

During the period January – 15 June 2023, 1397 JO were trained at the NIP. In some of these trainings, the topic of digitalisation of the judiciary is included as related to the AOJ (e.g. “Practical application of the basic principles in the administrative work of newly appointed judicial officers”), while in others it is included as a core topic (e.g. “E-signature” for 73 judicial officers). A number of other training courses are planned for the remainder of 2023, both at national and international level. International training is also important in view of the political agreement reached on 28 June 2023 on the proposals for a Regulation and a Directive on the digitisation of judicial cooperation in civil, commercial and criminal matters. This will make the digital exchange of documents between courts in different Member States mandatory via a decentralised IT system. The provisions also provide for the creation of an electronic access point on the European e-Justice portal as part of the decentralised IT system to be used by natural persons and legal entities for electronic communication with courts and competent authorities in civil and commercial legal matters of cross-border importance. Judicial officers should acquire skills in digital document exchange and cross-border procedures

To support the work of the JO, in 2017, Employee Handbooks were also prepared within the framework of the project “Innovative products and services in training provided by the NIJ, funded by the Operational Programme “Good Governance”, co-financed by the EU. Given the dynamic change in legislation, consideration should be given to producing new, updated handbooks, this was also shared as a view in the in-depth interview. The NIJ is planning to publish a handbook on “Communication Skills, Organisational and Personal Development in the Judiciary” with an author team of researchers and judges, which will cover both the organisation and structures of the judiciary and features of organisational skills, as well as practical communication skills

Given the recognized need for qualification of JO, training is also offered at the secondary and university levels. As it has been established, for the majority of the JO in the SA, the current legislation requires a secondary education level for the position. The Ministry of Education and Science has laid down a curriculum for sector/specific vocational training in “Information and Communication Technologies in the Judiciary” – theory for grade XII, vocational field: code 346 “Secretarial and Administrative Office Activities”, profession: code: 346040 “Judicial Officer”, specialty: code: 3460401 “Judicial Administration”. It is important that these trainings are adapted to the dynamics of changing needs given the rapid development and penetration of information and communication technologies. They can provide not only the basic knowledge base but also additional specific knowledge if tailored to the needs of practice. The need for qualified JO is also recognised by universities. Training in “Judicial Administration” is offered by the University of

Economics – Varna in the Bachelor’s degree programme, 8 semesters, 4 years, and the curriculum includes study subjects such as Informatics, Legal and Information Systems, Electronic Justice. The University of Library and Information Science and Information Technology offers studies in the field of Information Technology in Judicial Administration, 8 semesters, 4 years, part-time.

In order to prepare students with the competences demanded by employers, the university and the school should maintain contacts with the employers concerned and design curricula that meet their needs. Such curricula, aligned with the competency model, with the employer’s requirements for the competencies needed for a particular profession, will make the trainees competitive, will give them the knowledge and skills needed for realisation in the given field (Mironova 2019). In recent years, organizations have been using the competency approach and the creation of competency models extensively, as competencies follow the dynamics of the environment, their description changes as the environment changes (Tomov 2010), and the introduction of digitalization is an extremely dynamic process. For this reason, the author believes that the introduction of not only updated job descriptions and state educational standards, but in addition to them, competency models will lead to a more successful e-justice, providing in collaboration and information exchange personnel with the necessary knowledge, but also soft skills (how the employer expects the employee to behave to achieve high performance in their work) (Andreeva 2018). Competency models are “integrated systems of complementary competencies” (Tomov 2010) describing the behaviors required to achieve optimal performance in a position. They are a set of capabilities that together determine how successfully a candidate will perform in a particular work environment, how the employer would like them to perform, rather than what they are specifically required to do. The successful job candidate should not only have the technical skills to work with the system, but also fit into that environment with his or her “soft competencies” such as adaptability to changes in circumstances, ability to communicate and work effectively in a team, initiative in decision-making, and organization. These competences should be identified by the employer and inform trainers at whatever level – school, university, NIJ, continuing training, lifelong learning – to create adequate curricula and programmes capable of preparing the successful candidate with both the necessary theoretical basis and the acquisition of soft competences.

From the conducted survey it can be concluded that there are different opportunities for acquiring and improving the knowledge and skills of JO in the field of e-justice and digitalization – on the one hand, already at the level of secondary and higher education, on the other hand, through the trainings offered by the NIJ. The NIJ provides training for IT specialists and JA staff (judicial assistants, prosecutors’ assistants, court officers, jurors) in accordance with Art. 249 para 1 item 3 JSA. A Strategic Plan for the activities of the NIJ for the period 2023 – 2026

has been adopted, which also takes into account the importance of acquiring and improving digital skills in the judiciary to work in an electronic environment. Work continues to improve the quality of judicial training by updating training content, methodology, training formats, new forms of training.

## **5. Conclusion**

After the analysis, the following can be summarized in conclusion: The rapid development of digital technologies and the introduction of e-justice pose challenges to the SJC and the judiciary authorities – of an organisational and technical nature, but also to individual employees – to adapt to the new electronic environment for the smooth running of the process and to ensure efficiency, transparency and publicity. Undoubtedly, the latter is also the result of effective management work on HRM functions in the sector. Two of them, design and analysis (related to staff requirements) as well as staff training in the JA are undergoing intensive digitalisation. In view of the challenges to the successful implementation of these processes – the penetration of information technology and the need for its technical support, requiring training of justice sector staff – some suggestions can be made:

– on the requirements for JO: to update job descriptions at all levels with the addition of the necessary digital skills. Consideration could also be given to updating in the direction of increasing the additional specific requirements for them in the JSA by introducing a requirement for a university degree rather than a secondary education level for all other JO in the SA, not only those provided for in the Art. 340a, para. 3 JSA, RAC and the CPAC (information security officer, head of office, secretary of a collegium at the SCC/SAC, court sekretary, court clerk, court archivist and summons officer). In addition to this, competency models can be created for employees at different levels, both to help with recruitment and selection, and to train and equip them with the skills they need.

– with regard to training: continue to organise and conduct training at different levels - for magistrates as well as for general and SA staff. The curricula for judicial training in secondary and higher education should be aligned with the competency models and should include the necessary knowledge and skills. Consideration could also be given to organising continuing training (at university level, for example). However, it is of utmost importance to establish a common policy in the judiciary related to securing and monitoring the level of competences.

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