Judicial Reputation and Its Role in Safeguarding Judicial Independence: Risks, Attacks, and Judicial Governance Measures in CEE Countries

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Abstract

This paper examines how reputational pressures affect judicial independence in Central and Eastern Europe (CEE), with particular attention to their implications for judicial governance, public administration, and executive accountability. It starts from the premise that judicial reputation should be understood not merely as a by-product of institutional performance, but as a resource shaping courts' authority, legitimacy, and practical capacity to act independently. The paper focuses on the ways in which reputational pressures may weaken courts not through formal institutional change, but through the erosion of trust and the strategic shaping of public perceptions.

The study uses a qualitative case study design centered on Bulgaria as the principal case, complemented by limited references to selected CEE jurisdictions in order to situate the analysis within a broader regional context. It covers the period 2018–2025 and relies on desk research, including institutional documents, public statements, survey data, and secondary sources. The analysis combines a conceptual examination of judicial reputation and reputational pressure with an empirical assessment of how these dynamics operate in the Bulgarian context.

The findings suggest that reputational pressure should be treated as a distinct governance challenge rather than merely an instance of public criticism. The Bulgarian case shows that such pressure may take targeted, structural, and discursive forms: it may be directed at individual judges, generated by institutional blockage and governance failures, or reinforced by recurring public narratives that shift responsibility onto the courts. These dynamics affect not only judicial independence in a narrow sense, but also the capacity of courts to ensure executive accountability and uphold the rule of law. The paper concludes that legal safeguards alone are insufficient and that judicial governance responses must also address communication, transparency, institutional credibility, and the role of external audiences.

Keywords: Bulgaria, judicial governance, judicial independence, judicial reputation, public administration

1. Introduction

Since the fall of communist regimes, countries in Central and Eastern Europe (CEE) have made sustained efforts to build institutions aligned with the requirements of the rule-of-law principle. Judicial reform has been at the core of this process. However, experience across the region has shown that no single institutional model can guarantee judicial independence in practice. As a result, a significant part of the academic and policy debate has focused on

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institutional design and formal safeguards, including judicial councils, appointment procedures, and disciplinary mechanisms.

At the same time, a growing body of scholarship has drawn attention to the limits of purely institutional approaches, emphasizing the distinction between de jure and de facto judicial independence, as well as the broader social and political context in which courts operate (Preshova et al., 2017; Bobek & Kosar, 2014; Urbanikova & Sipulova, 2018; Slavov, 2017). Within this broader discussion, increasing attention has been paid to issues of legitimacy, public trust, and the role of courts in complex and contested governance environments (Gibson, 2012; Garoupa & Ginsburg, 2015).

This perspective becomes particularly important when courts are considered within systems of public administration. Courts are not only adjudicators of disputes, but can also be understood as actors within broader governance frameworks, exercising control over executive action, reviewing administrative decisions, and shaping incentives for lawful behavior by public authorities. Their perceived credibility, therefore, has implications not only for judicial independence in a narrow sense but also for the effectiveness of administrative accountability and the functioning of the rule of law more broadly.

In this context, the concept of judicial reputation has become increasingly relevant. Rather than being understood solely as an outcome of institutional performance, reputation may influence how different audiences perceive courts and how they operate in practice (Garoupa & Ginsburg, 2015). At the same time, courts operate in environments increasingly characterized by intensified public scrutiny, political contestation, and polarized media narratives. In such conditions, reputational pressures, including targeted forms of public communication aimed at undermining trust, have increasingly been discussed as a factor shaping the position of judicial institutions.

While existing scholarship has examined judicial independence, legitimacy, and, more recently, judicial reputation, these strands of research have not always been systematically considered together. In particular, the relationship between reputational pressures, judicial independence, and the governance of courts within broader systems of public administration remains relatively underexplored, especially in the context of Central and Eastern Europe.

This paper contributes to this discussion by examining how reputational pressures affect judicial independence and how judicial actors respond to them, with particular attention to their implications for public administration and executive accountability. From a public administration perspective, this matters because courts are not external to governance, but institutions that shape the accountability, legality, and practical restraint of executive action. It argues that judicial reputation should be understood not merely as a by-product of institutional performance, but as a factor that shapes both the functioning of courts and their capacity to exercise effective oversight over public authorities. Reputational pressures, in turn, operate as a form of influence affecting public perceptions, institutional behavior, and the broader governance environment in which courts are embedded.

Methodologically, the study adopts a qualitative case study design centered on Bulgaria, complemented by limited references to selected CEE countries in order to situate the analysis within a broader regional context. It relies on desk research, including institutional documents, public statements, and secondary literature, to identify patterns of reputational pressure and institutional responses, rather than to provide an exhaustive empirical account.

The article proceeds as follows. The next section outlines the methodology, followed by a conceptual framework linking judicial independence and judicial reputation. The analysis then situates these dynamics within the broader regional context of CEE countries before turning to an in-depth examination of the Bulgarian case. The final

sections discuss governance responses and reflect on the broader implications of reputational pressures for judicial independence and public administration.

2. Methodology

This study adopts a qualitative case study design centered on Bulgaria as the principal case, with limited reference to selected Central and Eastern European (CEE) jurisdictions. The choice of Bulgaria is motivated by the intensity of recent public and political contestation surrounding the judiciary, the visibility of debates on judicial independence and accountability, and the relevance of these developments for understanding broader rule-of-law and governance challenges in the region. References to other CEE countries provide contextual background and situate the Bulgarian case within wider regional dynamics.

The analysis focuses on the period 2018–2025. This timeframe is used as an analytical frame for selecting the relevant materials, public episodes, and institutional developments examined in the paper. It captures a phase of intensified political and institutional contestation affecting the judiciary, including the transition from the Cooperation and Verification Mechanism to the European Commission's annual Rule of Law reporting cycle, as well as major reform attempts and constitutional developments. The purpose is not to trace each year systematically, but to examine a broader period within which recurring patterns of reputational pressure and institutional response can be identified.

Methodologically, the study combines doctrinal and institutional analysis with qualitative examination of selected public episodes. It considers the legal and institutional framework governing judicial independence and judicial governance, alongside its operation in practice, with particular attention to how judicial institutions operate within broader governance contexts. This approach allows for an analysis of how reputational pressures emerge within governance processes and how they affect the functioning of judicial institutions.

The empirical material draws on official documents, public statements, and relevant secondary literature. Selected illustrative cases are used to identify recurring patterns of reputational pressure and institutional response, rather than to provide an exhaustive account of individual events.

The study adopts a system-level perspective and does not limit its scope to a specific branch of the judiciary. While different types of courts are associated with distinct functions—such as administrative courts in reviewing executive action or criminal courts in adjudicating corruption-related offenses—public perceptions of judicial institutions tend to operate at the level of the system as a whole. This justifies a broader analytical approach, particularly in a context where reputational dynamics often transcend institutional boundaries.

Overall, the study is analytical and exploratory in nature. Its purpose is not to measure public trust quantitatively or to establish causal relationships, but to examine how reputational pressures operate within judicial and governance frameworks and how judicial actors respond to them. The study, therefore, treats the judiciary not only as a constitutional institution but also as part of the broader architecture of public governance through which administrative power is reviewed, constrained, and legitimized.

3. Conceptual Framework: Judicial Independence and Judicial Reputation

3.1 Judicial Independence in Institutional Perspective

The concept of the independent judge, capable of deciding cases in accordance with the law without external interference, is closely linked to the principle of separation of powers. For courts to function independently in practice, they must be institutionally insulated from undue influence by the legislative and executive branches, while remaining embedded within a system of balanced interdependence.

The principle of separation of powers is widely regarded as a core element of the rule of law. However, it does not imply a strict or absolute division between branches of government. Rather, it requires a balance that allows each branch to perform its functions while limiting the risk of undue interference. Within this framework, the judiciary occupies a distinctive position, requiring a particularly high degree of independence in order to fulfill its role.

At the same time, institutional guarantees alone are not sufficient to ensure judicial independence in practice. Guarnieri and Piana distinguish between institutional and behavioral independence, emphasizing that formal safeguards constitute a necessary but not sufficient condition (Guarnieri & Piana, 2012). Similarly, Hilbink highlights the gap between formal and effective independence, arguing that legal guarantees do not automatically translate into independent judicial behavior (Hilbink, 2012).

This distinction is further developed in the widely used differentiation between de jure and de facto judicial independence (Melton & Ginsburg, 2014; Hayo & Voigt, 2005; Kosar & Spac, 2018). While de jure independence refers to formal legal and constitutional safeguards, de facto independence captures how courts operate in practice. The relationship between the two remains contingent on broader institutional and societal factors. In this regard, the role of the media is particularly significant, not only for shaping de facto independence but also for influencing how courts are perceived by the public.

In addition, some scholars emphasize the strategic dimension of judicial independence. As Ramseyer (1994) argues, political actors are more likely to support independent courts when they anticipate electoral uncertainty, highlighting the conditional and context-dependent nature of institutional guarantees.

These perspectives point to the importance of the broader social and political environment in which courts operate. Judges should not be seen merely as passive actors constrained by institutional frameworks, but as participants in dynamic systems shaped by professional norms, institutional practices, and external pressures. In this sense, judicial independence is not only a function of formal safeguards, but also of how these safeguards are interpreted and enacted in practice.

In the context of Central and Eastern Europe, persistent challenges have been linked to a strong emphasis on judicial independence without a corresponding focus on accountability. While concerns about excessive independence often highlight the risks of reduced accountability, recent scholarship suggests that the two are mutually reinforcing, as both are necessary to sustain public trust in the judiciary (Moliterno et al., 2018).

Taken together, these perspectives suggest that judicial independence cannot be reduced to formal institutional arrangements alone. While such arrangements remain essential, they do not fully determine how courts function or how they are perceived. This opens the analytical space for considering additional factors that shape judicial behavior and legitimacy, including the role of judicial reputation.

3.2 Judicial Reputation as a Concept

Judicial reputation can be understood as the aggregate of assessments of the past performance of judges (individual reputation) and of the judiciary as a whole (collective reputation) (Garoupa & Ginsburg, 2015, pp. 22–24). While these dimensions are closely related, they do not necessarily evolve in parallel and may at times be in tension.

Measures aimed at strengthening one dimension of reputation may affect the other in different ways, depending on the institutional context and the availability of information about judicial performance. In this regard, different models of judicial organization, including "career" and "recognition" judiciaries, play an important role.

Judicial reputation performs two key functions. First, it conveys information about the quality of the judiciary to broader audiences. Second, it fosters esteem for the judicial profession and for individual judges (Garoupa & Ginsburg, 2015, p. 16). Given that most citizens have limited direct interaction with courts, reputation functions as a heuristic through which judgments about judicial performance are formed. In the longer term, it also helps maintain the quality of the judicial system by influencing the attractiveness of judicial careers.

Judicial reputation is closely linked to legitimacy and public trust. Courts lack direct enforcement power and depend on public acceptance of their decisions, which is rooted in perceived legitimacy (Gibson, Caldeira, and Baird, 1998; Gibson, 2012). In this sense, reputation operates as a mechanism through which legitimacy is constructed and sustained, shaping citizens' willingness to comply with judicial decisions, including in cases where such decisions are unfavorable.

The formation of judicial reputation depends on multiple audiences. Collective reputation is primarily shaped by external audiences, including the public, political actors, and the legal profession, while individual reputation is influenced by both internal and external audiences (Garoupa & Ginsburg, 2015, p. 23). These audiences play a central role in evaluating and transmitting information about judicial performance.

This dynamic is particularly visible in Central and Eastern Europe, where international actors often function as influential external audiences. Institutions such as the Venice Commission and the European Commission help shape perceptions of judicial reforms, and their assessments are frequently invoked in domestic debates. In countries such as Bulgaria and Romania, for example, Cooperation and Verification Mechanism (CVM) reports have played a significant role in framing public and political discussions on judicial independence and anti-corruption efforts. At the same time, in some contexts, such external assessments are contested. They may at times be framed by domestic political actors as undue interference in internal affairs, as illustrated by debates in countries such as Poland.

Judicial reputation may also function as an institutional resource. It can strengthen the resilience of courts under external pressure, but may also become a point of vulnerability when public trust is weakened. Once damaged, a reputation is difficult to restore and requires sustained and coordinated efforts by multiple actors.

Finally, the mechanisms through which reputation is formed highlight a structural gap between judicial performance and public perception. While judicial decisions constitute the primary source of information about courts, their technical nature often limits their accessibility to broader audiences. This creates space for alternative narratives and interpretations, which may shape public perceptions independently of judicial reasoning.

3.3 Reputational Attacks and Political Contestation

The growing importance of judicial reputation also makes it a target of strategic pressure. Reputational attacks have emerged as a distinct form of contestation, aimed not at altering formal institutional arrangements, but at undermining trust in courts and weakening their perceived legitimacy.

Reputational attacks can be understood as forms of public communication that seek to erode confidence in the judiciary as an institution. Unlike legitimate criticism, which may contribute to accountability and improved performance, such attacks are not directed at correcting specific shortcomings but at delegitimizing courts more

broadly. At the same time, the distinction between criticism and attack is not always clear-cut. It depends on context, intent, and the manner in which claims are framed, as similar statements may be interpreted differently across settings. Reputational attacks are often presented as forms of necessary criticism, framed in terms of demands for greater accountability and transparency.

In practice, reputational attacks often rely on delegitimization strategies, including framing courts as corrupt, biased, or politically captured. These narratives frequently involve generalizations, selective interpretations of judicial decisions, or unsubstantiated allegations. Attacks may target both the judiciary as a whole and individual judges, particularly those in visible or influential positions.

The role of the media in this context is crucial. The inclusion of media freedom as a component in the European Commission's Rule of Law reports reflects its growing significance across all Member States. Reputational pressures are closely linked to the broader information environment. Media—both traditional and social—play a central role in shaping how judicial actions are interpreted and communicated to wider audiences. While independent media can facilitate legitimate scrutiny, polarized or dependent media environments may amplify narratives that undermine trust in courts. Social media, in particular, provides a space that is only partially regulated and often characterized by anonymity, which facilitates the rapid spread of narratives targeting the judiciary.

These dynamics can affect de facto judicial independence without altering formal guarantees. By influencing public perceptions and the broader institutional environment, reputational attacks operate through informal mechanisms that are difficult to address through legal safeguards alone. This helps explain why concerns about the practical realization of judicial independence persist even in the presence of formal protections.

Reputational attacks may originate from different sources. They can be articulated directly by political actors or indirectly through allied institutions, media channels, or other intermediaries. The role of political actors is particularly significant, given their capacity to shape public discourse and to influence perceptions of judicial legitimacy. This is also reflected in the case law of the European Court of Human Rights, which subjects statements by public officials to stricter scrutiny in light of their potential impact on judicial independence and public trust (Sanders & von Danwitz, 2018).

Finally, the boundary between legitimate criticism and reputational attack is shaped by broader political and legal culture. Societal attitudes towards corruption, expectations of judicial behavior, and tolerance for political involvement in the judiciary influence how public statements about courts are received. This is particularly relevant in Central and Eastern Europe, where historical legacies, institutional trust deficits, and polarized political environments shape both the production and reception of narratives about the judiciary.

4. Reputational Pressures on Courts in Central and Eastern Europe

For the purposes of this paper, Central and Eastern Europe (CEE) refers to the group of post-socialist EU Member States, including Bulgaria, Romania, Poland, Hungary, the Czech Republic, Slovakia, Slovenia, and Croatia. Despite important national differences, these countries share a common institutional legacy rooted in socialist governance structures. Under socialist regimes, courts were not conceived as independent actors but as instruments of state power, operating in systems where the separation of powers and the rule of law were largely absent in practice.

Following the collapse of communist regimes, these countries embarked on political and institutional transformations, often framed by the broader objective of European integration. The prospect of EU membership, together with the influence of actors such as the European Commission and the Venice Commission, played a central role in shaping judicial reforms. At the same time, reform trajectories varied significantly. Some countries introduced lustration measures affecting judicial elites, such as the Czech Republic and Poland, while others, including Bulgaria and Romania, did not. Similarly, while many adopted judicial councils inspired by European models, others relied on alternative institutional arrangements.

Another common feature across the region has been persistently high levels of corruption. This broader regional context is also reflected in corruption-perception trends during 2018–2025, during which many CEE countries remained among the weaker performers within the European Union (CPI, 2018-2025).

The broader socio-political context also shapes which normative foundations of the judiciary are prioritized. In post-authoritarian societies, the emphasis has typically been placed on safeguarding the rule of law and judicial independence. At the same time, in contexts marked by high levels of corruption, independence must be complemented by accountability and transparency to prevent the judiciary itself from becoming a site of corruption (Smilov, 2012).

The region also continues to be characterized by political polarization, institutional contestation, and comparatively low levels of public trust in state institutions. These conditions create a particularly fertile environment for reputational pressures on courts. Where formal guarantees of judicial independence coexist with fragile institutional legitimacy, attacks on judicial reputation become a powerful tool of political influence, allowing political actors to weaken courts without necessarily altering formal institutional arrangements.

Against this background, reputational pressures on courts in CEE cannot be understood in isolation from the broader political and institutional environment. Political polarization, media dynamics, and contested reform processes all play a central role in shaping how judicial actors are publicly contested and how their legitimacy is constructed or undermined.

4.1 Political Polarization and Institutional Conflict

Political polarization and institutional conflict are central drivers of reputational pressures on courts in Central and Eastern Europe. In many countries in the region, courts have increasingly been drawn into broader political conflicts, particularly where judicial review directly affects the actions of the executive or legislative branches. Judicial decisions are often framed not as legal determinations but as politically charged interventions, exposing courts and individual judges to intensified public scrutiny and criticism. In such environments, political actors may strategically deploy narratives that question the judiciary's competence, impartiality, or integrity, thereby seeking to influence public perceptions and weaken institutional legitimacy. As suggested in the literature on judicial reputation, courts operate among multiple audiences and must navigate competing expectations, making them particularly vulnerable in highly contested political settings (Garoupa & Ginsburg, 2015).

The role of courts in overseeing public administration further intensifies their exposure to reputational pressures. Administrative courts play a crucial role in protecting individuals against unlawful actions by public authorities, including by reviewing administrative acts and regulatory decisions. In recent years, however, this function has increasingly been framed not only in terms of rights protection but also in relation to corruption control. Judicial review of decisions by independent regulatory bodies, such as those responsible for competition or consumer

protection, often involves areas characterized by high economic stakes and significant corruption risks. As a result, administrative adjudication becomes a focal point of political and public contestation. For public administration, this means that reputational pressures on courts are not merely symbolic: they may weaken the credibility of review mechanisms through which unlawful administrative action is challenged and corrected.

At the same time, criminal courts are under heightened public scrutiny regarding the prosecution of corruption, particularly at the highest levels of government. Societal expectations, together with external monitoring by international actors, frequently focus on high-profile corruption cases and on the delivery of convictions, or the lack thereof. In such contexts, courts are expected not only to adjudicate impartially but also to demonstrate visible effectiveness in combating corruption. This creates additional reputational pressures and exposes them to criticism from multiple and often conflicting audiences.

These dynamics are further shaped by the multi-tiered structure of judicial review. Because disputes are resolved through two- or three-instance proceedings, reputational attacks are often directed at the highest courts, where legal authority is ultimately consolidated. At the same time, a significant share of such pressures targets lower-level judges, particularly at first instance. By undermining the credibility of initial decisions and framing them as flawed or biased, public narratives can generate indirect pressure on higher courts without explicitly targeting them. Reputational pressures therefore operate not only directly, through criticism of apex courts, but also indirectly, by shaping expectations and constraints within the judicial hierarchy.

4.2 Media Environments and Reputational Dynamics

In Central and Eastern Europe, media environments play a central role in shaping reputational dynamics surrounding courts. Reputational pressures often operate through public narratives rather than formal institutional interventions, and fragmented or politically polarized media ecosystems provide the primary channel through which such narratives are constructed, amplified, and contested. Judicial decisions, particularly in politically sensitive or corruption-related cases, are frequently presented in simplified or selective ways, emphasizing particular outcomes, actors, or alleged motives rather than legal reasoning. This form of coverage contributes to the personalization of judicial decision-making and to the framing of judges as political actors, thereby reinforcing perceptions of bias or lack of impartiality.

The importance of media environments for the functioning of the judiciary is also reflected in the European Commission's Rule of Law Reports, where media freedom is consistently treated as a core component of the rule of law. This reflects recognition of the powerful role media play in shaping public perceptions of judicial institutions. Political actors have increasingly engaged with both traditional and digital media as instruments for advancing particular narratives about courts and judicial actors. At the same time, concerns about media independence have gained prominence at both national and European levels.

While the role of traditional media has long been recognized, the impact of social media has until recently been comparatively underestimated. Social media platforms facilitate the rapid dissemination of simplified or misleading narratives about judicial decisions, often reaching large audiences without effective verification or contextualization. Regulatory oversight and content moderation also remain uneven, particularly in less widely spoken languages, creating additional vulnerabilities for countries in Central and Eastern Europe. Recent electoral developments, such as those in Romania, illustrate the potential of social media to significantly influence public discourse and institutional trust (Szabo & Bader, 2026).

Taken together, these dynamics show that media ecosystems in Central and Eastern Europe do not merely reflect debates about the judiciary, but actively shape them. Through selective framing, amplification, and the rapid circulation of simplified narratives, both traditional and social media contribute to the construction of judicial reputation across multiple and often conflicting audiences. Reputational pressures thus become embedded in broader communication dynamics rather than remaining isolated reactions to specific judicial decisions.

4.3 Regional Patterns and Illustrative Examples

During the period 2018–2025, these regional patterns became particularly visible in several high-salience institutional conflicts and reform episodes. Across Central and Eastern Europe, reputational pressures on courts manifest in several recurring patterns that reflect both shared institutional legacies and contemporary political dynamics. While constitutional courts have played a particularly visible role in recent institutional conflicts in the region, especially in high-stakes political disputes, they are considered here as part of the broader judicial landscape insofar as the pressures affecting them reflect wider dynamics relevant to the judiciary as a whole.

A first pattern emerges in contexts of intensified political polarization, where courts become central actors in broader institutional conflicts. In such settings, reputational pressures are closely intertwined with attempts to reshape judicial authority through both formal and informal means. Poland provides a particularly clear illustration. Since 2015, the governing majority has undertaken a series of measures affecting judicial institutions, including refusing to recognize judges appointed by the previous legislature and appointing politically aligned replacements, effectively amounting to court-packing. This initial phase of institutional paralysis was followed by a broader transformation of the court into an institution less capable of constraining governmental power. These developments were accompanied by narratives portraying judges as politically biased or as obstacles to democratically elected governance, thereby reinforcing societal polarization and contestation of judicial legitimacy.

A comparable, though institutionally distinct, trajectory can be observed in Hungary. Following Fidesz's electoral victory in 2010, constitutional reforms enabled the restructuring of judicial institutions, including changes to judicial appointments and the expansion of the Constitutional Court, allowing for a gradual alignment of the judiciary with the governing majority. While these changes were formally adopted through constitutional procedures, they illustrate how institutional transformation can proceed through legally valid yet substantively controversial reforms. In both Poland and Hungary, the judiciary increasingly risks being repositioned from an independent check on political power to a legitimizing institution for governmental action.

These developments are further reinforced through discursive strategies that frame judicial intervention—particularly at the supranational level—as illegitimate external interference. In countries such as Poland and Hungary, decisions of European courts and institutions have at times been presented in public discourse as intrusions into national sovereignty, contributing to the polarization of public opinion and to the delegitimization of judicial actors associated with such decisions (ICJ, 2025). In this way, reputational pressures are not only internally generated but may also be amplified through narratives that externalize conflict and reframe judicial independence as a politically contested concept.

A second pattern concerns the centrality of anti-corruption efforts, in which courts are exposed to intense public and political expectations. In such contexts, reputational pressures are linked not only to the limitation of judicial power but also to the demand for visible effectiveness. Romania provides a particularly illustrative example. Over

the past decade, the judiciary has played a prominent role in high-profile anti-corruption cases, attracting both domestic and international attention. At the same time, judges and prosecutors have been subject to competing pressures, including public criticism, institutional tensions, and the risk of disciplinary action. During the period of judicial reforms between 2017 and 2019, magistrates engaged in unprecedented collective actions, including public protests and open letters addressed to state institutions, expressing concerns about threats to judicial independence. In some instances, members of the judiciary reported pressure and reluctance to engage publicly due to fears of repercussions. These developments illustrate how reputational pressures may arise not only from political actors but also from heightened societal expectations regarding the judiciary's role in combating corruption.

A third pattern can be identified in the blurred boundary between judicial reform and judicial attack. Not every intervention in the judicial system constitutes an attack; the key question is whether such interventions enable the manipulation of judicial decision-making or undermine the court's ability to act independently (Peter Curos, 2023, p. 630). In Central and Eastern Europe, reforms are frequently framed as necessary measures to enhance accountability or efficiency, while also containing elements that may weaken judicial autonomy. This ambiguity allows political actors to justify controversial changes while simultaneously shaping public perceptions of the judiciary. As a result, the distinction between legitimate reform and reputational attack becomes contested and politically constructed.

Taken together, these patterns demonstrate that reputational pressures in Central and Eastern Europe do not operate solely through direct attacks on courts, but through a combination of institutional change, political conflict, and strategic communication. Courts are embedded in a complex environment in which their authority is continuously negotiated across multiple audiences, including political actors, media, and the broader public. Reputational pressures thus become an integral component of broader processes of judicial transformation in the region. Against this background, the Bulgarian case offers an opportunity to examine how these regional dynamics manifest in a context where formal institutional structures remain relatively stable.

5. The Bulgarian Case: Reputational Pressures and Judicial Independence

5.1 Institutional and Political Context

In Bulgaria, the period 2018–2025 captures an intensified cycle of public contestation, institutional blockage, reform attempts, and external monitoring concerning the judiciary. This period was marked not only by continuing concerns over judicial independence and accountability, but also by growing visibility of judicial governance as a matter of broader political and societal conflict.

A particularly important development in this context was the attempt at constitutional reform adopted at the end of 2023. Among other objectives, the amendments sought to restructure parts of judicial governance and to limit some of the powers associated with the Prosecutor General. In 2024, however, key elements of these changes were declared unconstitutional by the Constitutional Court (Constitutional Court of the Republic of Bulgaria, Decision No. 13, 2024). Regardless of how the reform itself is normatively assessed, these developments became part of the wider cycle of contestation surrounding the judiciary and reinforced the public salience of judicial governance in Bulgaria.

In the Bulgarian model of judicial governance, the central institutional actor is the Supreme Judicial Council (SJC). The SJC can be broadly classified as part of the Southern European model of judicial councils and largely reflects the features of the so-called European model promoted by the Council of Europe, particularly regarding the extensive powers entrusted to it. It is, in fact, among the judicial councils with the widest competences within the European Union (Castillo Ortiz, 2017; Garoupa & Ginsburg, 2015, pp. 27, 37). Alongside the SJC, the Inspectorate of the Supreme Judicial Council constitutes another key institution within the system. It is a constitutionally established body with a mandate directly linked to integrity, accountability, and public trust, including powers over asset declarations, conflicts of interest, and conduct that affects the prestige of the judiciary or judicial independence.

Despite this formal mandate, the Inspectorate has struggled to establish itself as a credible guardian of judicial integrity. The gap between its formal powers and its perceived effectiveness has important consequences for the judiciary's reputational standing, particularly when institutions designed to safeguard integrity are themselves viewed with distrust.

A further defining feature of the Bulgarian system is the role of the so-called “three high-ranking officials” — the Presidents of the Supreme Court of Cassation and the Supreme Administrative Court, and the Prosecutor General. Beyond their formally defined competences as administrative heads, these officeholders exercise considerable informal influence. They shape internal dynamics within the judiciary and play a central role in shaping public perceptions, as they are among the most visible representatives of the justice system in the public sphere.

The Bulgarian judiciary also largely reflects the characteristics of a career judiciary. Judges typically enter the profession at an early stage, which increases the importance of professional hierarchies, career progression, and internal institutional culture. In such systems, greater weight tends to be placed on collective rather than individual reputation. Because collective reputation is shaped primarily by external audiences, the Bulgarian judiciary is particularly sensitive to public narratives, media representations, political contestation, and external monitoring.

This point is especially important in the Bulgarian context. Public perceptions of the judiciary are shaped less by direct experience and more by assessments formed by external audiences, including political actors, the media, civil society organizations, and European institutions. This external dimension is particularly visible in a country where EU monitoring and external reporting have long played a significant role in domestic debates on judicial reform and anti-corruption.

Several structural characteristics further intensify these reputational dynamics. First, the position and structure of the prosecution introduce specific risks. Low levels of public trust in prosecutorial activity, together with recurring controversies surrounding prosecutorial conduct, may spill over into broader perceptions of the judiciary as a whole. At the same time, the prosecution may itself function as a source of reputational pressure vis-à-vis judges. Second, although the Bulgarian system formally aspires to judicial self-governance and to the status of court presidents as primus inter pares, internal hierarchies and managerial authority remain significant, creating additional channels through which reputational vulnerability may operate. Comparative scholarship has shown that, particularly in Central and Eastern Europe, court presidents often retain stronger managerial and career-related powers than in more mature judicial systems (Blisa & Kosař, 2018).

Taken together, these institutional and political characteristics create a context in which judicial authority in Bulgaria is especially dependent on collectively shaped perceptions of legitimacy and trust. This, in turn, makes

the judiciary particularly vulnerable to reputational pressures emerging from external audiences and from broader conflicts over judicial governance.

5.2. The Reputational Environment: Public Trust and Media Dynamics

In Bulgaria, low public trust in institutions shapes the environment in which judicial reputation is formed and contested. Persistently low confidence in political institutions and in judicial governance bodies, such as the Supreme Judicial Council, tends to spill over into broader perceptions of the judiciary. This is particularly important in a context where the judiciary is often evaluated at the system-wide level rather than through differentiated assessments of particular courts or judges.

Survey data from Alpha Research for the period 2018–2024 suggest a relatively stable but low level of public confidence in the courts. While there is a modest positive trend—from single-digit approval rates to levels around and slightly above 15 percent—negative evaluations have remained dominant, exceeding 50 percent at the beginning of the period and only recently declining to around 40 percent or below. Public perceptions of the Prosecutor General are significantly more negative: as of 2024, only around 5 percent of respondents evaluate the performance positively, while more than half express negative views (Alpha Research, n.d.). Distrust directed at prosecutorial institutions and judicial governance bodies may therefore affect the judiciary's perceived legitimacy more broadly. Low trust in courts is therefore not only a legitimacy problem for the judiciary itself, but also a governance problem for the state, since effective public administration depends on credible institutions capable of authoritatively reviewing administrative conduct.

The media environment further shapes these perceptions. In Bulgaria, concerns persist regarding the transparency of media ownership, the effective enforcement of disclosure obligations, and the risk of political and economic influence over the media. The European Commission’s 2025 Rule of Law Report notes some further progress regarding transparency in the allocation of state advertising, but also points to significant remaining gaps, including contracts below the relevant threshold, contracts channeled through intermediaries, the absence of a compulsory public-procurement requirement for media advertising contracts, and the lack of centralized annual monitoring. The report also notes continuing concerns that state advertising may be used to buy influence (European Commission, 2025).

These features are particularly relevant for judicial reputation because they shape the informational environment in which public narratives about courts circulate. Judicial decisions, especially in high-profile or politically sensitive cases, may be presented selectively or in simplified form, while broader institutional weaknesses can be amplified through recurring scandal-driven coverage. In a setting of already fragile trust, such mediated representations increase the judiciary's vulnerability to reputational pressure.

At the same time, it remains important to distinguish between reputational pressure and legitimate public scrutiny. Investigative reporting can play an essential role in exposing misconduct and strengthening accountability. However, where low trust, polarized public debate, and a fragile media environment intersect, the boundary between scrutiny and delegitimization becomes harder to maintain in public discourse.

5.3. Legitimate Scrutiny and Illustrative Episodes within the Bulgarian Case

In the Bulgarian context, negative public exposure of the judiciary does not always amount to reputational pressure. Some episodes reflect legitimate scrutiny that is essential to accountability, while others are better understood as

attempts to undermine trust in judicial institutions. The analytical challenge is to distinguish between the two without losing sight of the fact that, in practice, they may overlap in their public effects.

A particularly important illustration of this ambiguity is provided by the widely discussed “Eight Dwarfs” affair, revealed through investigative reporting by the Anti-Corruption Fund. The investigation exposed alleged informal networks of influence involving actors in the prosecution and the judiciary, thereby intensifying public concern about institutional dependence and hidden channels of power. At the same time, this episode should not be understood as a reputational attack on the judiciary in the strict sense. It represents a form of legitimate public scrutiny that is fundamental to democratic accountability. The resulting reputational damage stems not from a strategic attempt to delegitimize courts, but from the exposure of practices that themselves call judicial integrity into question. This distinction is analytically important because treating all negative publicity as an attack would obscure the difference between accountability-enhancing scrutiny and reputational pressure properly understood.

At the same time, the Bulgarian case also reveals episodes in which reputational pressure operates more directly. One of the clearest examples is the case of Miroslava Todorova, a judge of the Sofia City Court and former chair of the Bulgarian Judges Association. As a visible participant in public debates on judicial independence and governance, she became the subject of disciplinary proceedings, formally justified by delays in case handling. However, the timing, visibility, and broader context of these measures raised concerns that they exceeded the bounds of routine accountability. The European Court of Human Rights subsequently found a violation, explicitly questioning the underlying purpose of the disciplinary proceedings and concluding that they had been used to sanction and intimidate her for her critical views. In this sense, the case illustrates how disciplinary mechanisms, public narratives, and institutional conduct may converge to exert targeted reputational pressure on an individual judge.

A further episode reinforcing this conclusion occurred in 2019, when personal data from Judge Todorova’s asset declaration was published on the website of the Inspectorate to the Supreme Judicial Council without the legally required redactions. Sensitive personal information, including data concerning her family, was thereby exposed to public access. This episode suggests that reputational pressure may operate not only through formal disciplinary mechanisms but also through actions that amplify personal vulnerability and public exposure.

Beyond such individualized episodes, the Bulgarian case also demonstrates more structural forms of reputational pressure. A central example is the prolonged functioning of key judicial governance bodies beyond the expiry of their constitutionally established mandates, particularly the Inspectorate to the Supreme Judicial Council and, by extension, the Supreme Judicial Council itself. The mandates of the Chief Inspector and the inspectors expired in 2020, yet the body continued to function due to parliamentary failure to appoint new members. In 2022, the Constitutional Court accepted the temporary continuation of its functions as an exceptional mechanism for preserving institutional continuity (Constitutional Court of the Republic of Bulgaria, Decision No. 12/2022, 2022). However, the prolonged non-renewal of these bodies gradually transformed what was presented as a temporary solution into a persistent institutional abnormality.

In its judgment of 30 April 2025 in Joined Cases C-313/23, C-316/23 and C-332/23, the Court of Justice of the European Union held that judicial independence does not permit members of a body exercising disciplinary and integrity-related powers over judges to continue performing their functions after the expiry of their mandates where such continuation lacks a clear legal basis and is not limited in time. The Court thus made clear that institutional continuity cannot justify open-ended extensions that pose a risk of undue influence over the judiciary.

Against this background, the Bulgarian situation raises not only legal and constitutional questions, but also broader reputational concerns. The prolonged functioning of the Inspectorate and of the Supreme Judicial Council beyond their mandates, together with the continued appointment of acting officeholders in other key positions, deepens public doubts about the independence and legitimacy of institutions central to judicial governance. In a context where these bodies have long been associated with suspicions of political influence, mandate overstay further intensifies perceptions of institutional dependence.

Responsibility for this situation lies with the National Assembly, which is constitutionally entrusted with renewing the composition of these bodies. Its prolonged failure to do so has had consequences not only for institutional legality but also for the judiciary's reputation. Even without direct confrontation, such institutional inaction may generate a form of structural reputational pressure by eroding public trust in the bodies meant to safeguard judicial independence. In this sense, the prolonged non-renewal of key judicial institutions can be understood as a passive form of reputational pressure operating through blocked appointments and declining institutional legitimacy.

Taken together, these episodes show that the Bulgarian case contains both legitimate scrutiny and distinct forms of reputational pressure. The former exposes real institutional weaknesses and is essential to accountability; the latter operates through targeted personal pressure, institutional conduct, and structural inaction, thereby eroding confidence in the judiciary. The analytical challenge is therefore not to treat all negative publicity as equivalent, but to distinguish between different types of public contestation and to assess how each affects judicial independence.

5.4 Patterns and Effects of Reputational Pressure in Bulgaria

Taken together, the Bulgarian case suggests that reputational pressure on the judiciary operates through at least three interconnected modes: targeted pressure directed at individual judges, structural pressure generated through institutional design or institutional blockage, and discursive pressure produced through recurring public narratives about the courts. These modes are analytically distinct, but in practice, they often reinforce one another. Personal attacks against visible judges may feed broader distrust in the judiciary. At the same time, institutional dysfunction and prolonged governance crises create conditions in which hostile public narratives become more credible and more effective.

A particularly persistent mechanism of reputational pressure in Bulgaria is discursive blame-shifting. In corruption-related or otherwise high-salience criminal cases, public narratives often present law-enforcement bodies as successfully identifying and detaining offenders, while courts are portrayed as releasing them. In Bulgarian public discourse, this pattern is widely associated with the phrase “We catch them, they release them,” linked to Boyko Borissov’s rhetoric from his period as Chief Secretary of the Ministry of Interior and repeated in various forms over the years. Such framing shifts responsibility onto the courts and undermines judicial reputation, while obscuring the prosecution's role in gathering sufficient evidence and meeting the procedural standards required for conviction.

This pattern is especially significant because it may be advanced not only by political actors and media commentators, but also by institutional actors within the justice system itself. Where prosecutorial authorities publicly imply that courts are the weak link in the fight against crime or corruption, reputational pressure is produced from within the broader judicial field. In such circumstances, attacks on collective judicial reputation are

reinforced by internal institutional fragmentation and by asymmetries in public visibility between prosecutorial action and judicial reasoning.

The effects of these pressures extend beyond short-term reputational damage. Sustained erosion of trust in the judiciary weakens confidence in courts as impartial and authoritative institutions, with broader implications for the rule of law.

Reputational pressure may also affect judicial behavior in the shorter term. Judges may become more cautious in high-profile or politically sensitive cases, particularly where they anticipate intense public scrutiny or personal exposure. Even if direct causal links are difficult to establish, recurrent attacks and scandal-driven narratives may contribute to a broader climate of defensiveness within the judiciary.

The Bulgarian case, therefore, shows that reputational pressure is not reducible to isolated attacks or media scandals. It operates across different levels of the judicial system and is sustained by the interaction between political conflict, prosecutorial narratives, institutional weaknesses, and fragile public trust. For this reason, its consequences are not only reputational in a narrow sense but also institutional and governance related.

6. Judicial Governance Responses

The reputational pressures discussed above call for a response from a judicial governance perspective. These challenges cannot be addressed solely through legal safeguards, because they affect not only formal guarantees of independence, but also public trust, institutional legitimacy, and the broader environment in which courts operate. If judicial reputation is understood as an institutional resource shaping the authority and effectiveness of courts, its protection becomes part of judicial governance rather than a matter external to it. In this sense, protecting judicial reputation is part of responsible public administration because administrative systems function more predictably and lawfully when the institutions that review state action retain public credibility.

Responsibility for responding to reputational pressures is necessarily distributed. In the Bulgarian context, the Supreme Judicial Council and the Inspectorate remain central actors, but the defense of judicial reputation cannot be reduced to these bodies alone. Courts themselves, court presidents, and professional associations of magistrates also play an important role. This is particularly relevant in a system where collective judicial reputation is shaped primarily by external audiences and where reputational pressures may arise not only from outside the judiciary, but also from within the broader justice system.

A central area for action concerns communication and transparency. Judicial institutions can no longer rely exclusively on the traditional assumption that courts speak only through their decisions. While that principle remains important for safeguarding impartiality, it is insufficient in an environment characterized by rapid information flows, recurrent public controversy, and strategic reputational attacks. More proactive forms of institutional communication are therefore necessary, especially in cases of significant public interest. At the same time, such communication must remain consistent with judicial neutrality and avoid creating perceptions of partiality. Norway's experience in this regard is interesting, as it shows a possible connection between increased public trust in the judicial system and the initiative of the Norwegian Union of Judges to impose a proactive approach towards the media instead of the avoidance of direct contact with their representatives, which is typical of most countries (Aarli, 2014).

In this regard, it is useful to distinguish between reactive and preventive responses. Reactive communication seeks to respond to specific attacks or controversies once they arise. Preventive approaches aim to reduce the likelihood or impact of such pressures by improving public understanding in advance. One practical measure is the preparation of accessible explanatory materials accompanying judicial decisions in cases of wider public significance. Where judicial reasoning remains inaccessible to non-specialists, the space for distortion, selective interpretation, and reputational attack is considerably wider.

Court leadership is also significant in this context. In systems such as Bulgaria, where judges typically enter the profession early and institutional hierarchies remain important, court presidents may play a coordinating role in protecting institutional credibility. This does not imply intervention in adjudication, but rather a form of institutional representation capable of responding when courts or individual judges become the object of public contestation.

Professional associations likewise have an important role to play. They can defend judges against targeted attacks, articulate broader institutional concerns, and help build trust within the wider legal community and the public sphere. Their role is especially important where formal governance bodies are themselves perceived as weak, politicized, or insufficiently credible. The Bulgarian Judges Association is a particularly relevant example of how professional associations can respond publicly to pressures affecting judicial independence and judicial reputation.

An additional dimension concerns external audiences. In Bulgaria, this is particularly important because assessments by European Union institutions and other international actors often carry substantial credibility in domestic debates. External evaluations may therefore serve both as a source of reputational support and as an additional layer of pressure. Judicial governance bodies should take this external dimension seriously, not as a substitute for domestic legitimacy, but as part of the broader environment in which collective judicial reputation is formed and contested.

Responses to reputational pressures should not remain ad hoc or dependent on individual initiative. Courts, particularly larger ones, may need more durable internal arrangements for communication and public outreach, as well as training and coordination mechanisms that support judges without displacing their primary adjudicatory role. In this sense, efforts to preserve public trust should be understood not as secondary to judicial functions, but as one of the conditions under which those functions can be exercised effectively.

7. Discussion

The analysis highlights a central paradox of contemporary judicial governance: institutions formally entrusted with safeguarding judicial independence may, under certain conditions, also contribute to undermining it. This is particularly visible where judicial councils, inspectorates, or prosecutorial actors become implicated in practices that weaken public trust or generate reputational pressure rather than institutional protection. In such contexts, the problem is not simply one of insufficient legal guarantees, but of how institutional authority is exercised and perceived in practice.

The findings also suggest the limits of institutional design as a sufficient response. Formal reforms remain important, but they cannot by themselves address reputational pressures rooted in political conflict, media narratives, institutional blockage, and patterns of public blame-shifting. This indicates that judicial independence

must be understood not only as a matter of rules and structures, but also as dependent on the credibility of the institutions operating within them.

A further challenge concerns the likelihood that such issues may remain outside the main focus of public and political attention in the coming years. In a context shaped by security concerns, military conflicts, and broader geopolitical instability, questions of judicial independence and the rule of law may be easily deprioritized in favor of more immediate crises. However, this does not reduce their importance. On the contrary, periods of instability may increase the need for credible courts and trusted judicial institutions, precisely because pressures on legality, accountability, and institutional restraint tend to become more acute under such conditions. Under conditions of uncertainty, credible courts are part of democratic resilience because they stabilize expectations about lawful administration and institutional accountability.

More broadly, the Bulgarian case shows that reputational pressures may become embedded in the ordinary functioning of judicial governance rather than appearing only in moments of open institutional crisis. In this sense, the significance of the case extends beyond Bulgaria itself: it illustrates how pressures on judicial independence may develop indirectly, through public narratives, institutional inaction, and fragile legitimacy, even where formal guarantees remain in place.

8. Conclusion

This paper has argued that reputational pressures constitute a distinct and consequential dimension of contemporary judicial environments in Central and Eastern Europe. They do not operate primarily through formal institutional change, but through the shaping of trust, legitimacy, and public perceptions, thereby influencing the practical conditions under which judicial independence is exercised.

The analysis has shown that judicial reputation should be understood not merely as a by-product of institutional performance, but as a resource on which courts rely in order to sustain authority and effectiveness. In this sense, reputational pressures are not external to judicial independence; they are one of how it may be weakened in practice.

The Bulgarian case illustrates this particularly clearly. It shows that reputational pressure may take targeted, structural, and discursive forms: it may be directed at individual judges, produced through institutional blockage and governance failures, or reinforced through recurring public narratives that shift responsibility onto courts. These dynamics affect not only the judiciary itself, but also the capacity of courts to control public authorities, ensure executive accountability, and uphold the rule of law.

From a judicial governance perspective, the findings suggest that legal safeguards alone are insufficient. Responses must also address communication, transparency, institutional credibility, and the role of external audiences in shaping collective judicial reputation. Protecting judicial independence, therefore, requires attention not only to institutional design but also to the reputational conditions under which courts operate.

Although the study is limited by its qualitative design and its focus on a single principal case, it points to the need for further comparative and empirical research on reputational dynamics across jurisdictions. Its broader importance lies in showing that, in an era of polarization, mediated politics, and fragile trust, judicial independence depends not only on formal guarantees but also on courts' capacity to preserve legitimacy in the eyes of the audiences that matter.

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