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ENCYCLOPEDIA OF
WORLD
CONSTITUTIONS

Edited by Gerhard Robbers



VOLUME I

AFGHANISTAN-
FRANCE

ENCYCLOPEDIA OF WORLD CONSTITUTIONS

Volume II
(Gabon to Norway)

EDITED BY GERHARD ROBBERS

Encyclopedia of World Constitutions

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LATVIA

At-a-Glance

OFFICIAL NAME

Republic of Latvia

CAPITAL

Riga

POPULATION

2,300,000 (2005 est.)

SIZE

24,938 sq. mi. (64,589 sq. km)

LANGUAGES

Latvian (official), Lithuanian, Russian, other

RELIGIONS

Lutheran 24.17%, Roman Catholic 18.71%, Orthodox 15.22%, Old Believer Orthodox 3.48%, Baptist 0.28%, Seventh-day Adventist 0.17%, Methodist 0.04%, Mormon 0.04%, Jewish 0.03%, Muslim 0.02%, unaffiliated or other 37.84%

NATIONAL OR ETHNIC COMPOSITION

Latvian 57.6%, Russian 29.6%, Belorussian 4.1%, Ukrainian 2.7%, Polish 2.5%, Lithuanian 1.4%, Jewish 0.4%, German 0.1%, other 1.6%

DATE OF INDEPENDENCE OR CREATION

November 18, 1918 (from Soviet Union, August 21, 1991)

TYPE OF GOVERNMENT

Parliamentary democracy

TYPE OF STATE

Unitary state

TYPE OF LEGISLATURE

Unicameral parliament (Saeima)

DATE OF CONSTITUTION

February 15, 1922

DATE OF LAST AMENDMENT

January 3, 2006

Latvia is a unitary republic based on the rule of law and the principles of proportionality, justice, and legal certainty. It is a parliamentary democracy with a pluralist system of political parties. There is a clear separation of powers with checks and balances. Fundamental rights are guaranteed and widely respected. Religious freedom is guaranteed, and state and church are separated.

CONSTITUTIONAL HISTORY

Despite the fact that the fundamental law of the state—the constitution—was adopted more than 80 years ago, it is still at the beginning of its development. One of the major reasons is that in 50 years of Soviet occupation, the state of Latvia and constitutionalism could exist only in the imagination of the people. The Republic of Latvia was established on November 18, 1918, and existed till the

Soviet's occupation in 1940. The Republic of Latvia was restored on May 4, 1990.

The Republic of Latvia's first legislative institution was called the People's Council. A protoparliament was established with the agreement of eight political parties as a body of 40 members on November 17, 1918, at a time when elections could not yet be held. Mandates in the council were granted not to individuals, but to parties. Each party had a certain number of seats in the council, and these were filled by the members it authorized.

The People's Council adopted several important laws, on rural local governments and their election, on the Latvian monetary system, on educational institutions, and on citizenship. Council elaborated a political platform that can be regarded as the first provisional constitution of the Republic of Latvia. On August 19, 1919, the People's Council adopted a law calling for a constitutional assembly, which was duly elected and held its first session on May 1, 1920.

The Declaration of the State of Latvia was adopted on May 27, 1920. It proclaimed Latvia to be an independent, sovereign republic with a democratic political system vested in the people of Latvia. This declaration together with the Temporary Provisions of the State of Latvia of June 1, 1920, functioned as the country's second temporary constitution.

The Constitutional Assembly (*Satversmes Sapulce*) was Latvia's first elected legislative body. On February 15, 1922, it adopted the Latvian Constitution (*Satversme*). After that, a period commenced that may be called the period of parliament, lasting until 1934.

The political atmosphere grew favorable to authoritarianism. Latvia was surrounded by nondemocratic regimes such as Estonia, Lithuania, and Poland. In the unstable lead up to World War II (1939-45), a significant crisis of democracy and constitutionalism seized Latvia. After the recurrent resignations of Latvian administrations, Karlis Ulmanis became prime minister. He overturned the state on May 15, 1934. Revolution followed quickly, with neither bloodshed nor resistance. On the pretext of internal riots, martial law was proclaimed for six months.

Freedom of speech was restricted, and censorship was introduced. Labor unions and hundreds of other associations were closed. More than 100 organizations of that time were closed, without any exception. Unlike other authoritarian countries of the time, Latvia did not even retain a leading party. All processions and political meetings were prohibited. Dozens of newspapers and magazines were closed, and hundreds of books were banned. Several hundred social democrats were sent to a concentration camp, although they were set free after a year of work on peat marshes. Many officials, municipal employees, teachers, and others lost their jobs for political reasons. The total number of the arrested and dismissed people was approximately 3,000. During that time, anybody could be handed over to a court martial for any crime.

President Alberts Kvisis had remained in office, but when his constitutional term was over on April 11, 1936, he handed over his powers to Ulmanis, who remained president and prime minister until the Soviet occupation. His initial authoritarianism developed into a dictatorship, as he controlled the executive, legislative, and judicial powers.

On June 16, 1940, the government of the Soviet Union issued an ultimatum that the Latvian government resign. The following day the Soviets invaded, in violation of basic principles of international law, and occupied the country. Karlis Ulmanis signed legal documents dictated by the invaders once the country was occupied. The incorporation of Latvia into the Soviet Union was carried out under the direct supervision of Moscow.

Elections to the Parliament of occupied Latvia were conducted in July in conditions of political terror under an illegal and unconstitutional election law. The new Parliament adopted the Constitution of the Latvian Soviet Socialist Republic—a copy of Stalin's constitution. At first Soviet power lasted only a year as World War II Nazi Ger-

many invaded and occupied Latvia. The country fell into the Soviet sphere after the war as an involuntary republic of the Soviet Union.

Taking advantage of the gathering collapse of the Soviet Union, Latvia renewed its independence as did its two Baltic neighbors. On July 28, 1989, the Supreme Council of the Latvian Soviet Socialist Republic adopted the Declaration On the Sovereignty of the Latvian State.

Elections of the Supreme Council of Latvia were held on March 18, 1990. For the first time since the Soviet occupation, candidates from various political movements were allowed to run for parliament.

On May 4, 1990, the Supreme Council adopted the Declaration on the Renewal of Independence of the Republic of Latvia. As a start toward dismantling Soviet law in the country, the declaration proclaimed that *de jure* the state had never ceased to exist; the principle of continuity was applied to the laws of the republic of November 18, 1918. The old 1922 constitution was thus once more in effect.

Independent Latvia has since taken its place in the community of nations. It is a member state of the European Union and a member of the North Atlantic Treaty Organization (NATO).

FORM AND IMPACT OF THE CONSTITUTION

The Constitution of the Republic of Latvia (*Latvijas Republikas Satversme*) is a written, codified single document. It is quite short and laconic. Because of the relative ease of amendment, it may be classified as a flexible constitution.

BASIC ORGANIZATIONAL STRUCTURE

The Republic of Latvia is a unitary republic; the country may be defined as a parliamentary republic. As far as the administrative division is concerned, the territory of the state of Latvia, within the borders established by international agreements, consists of the regions Vidzeme, Latgale, Kurzeme, and Zemgale.

LEADING CONSTITUTIONAL PRINCIPLES

According to the constitution, Latvia is an independent democratic republic. It rests on the rule of law and the principles of proportionality, justice, and legal certainty. There is a division of powers.

As a key principle of the constitution, Latvian is the official language in the Republic of Latvia. The sovereign

power of the state is vested in the people of Latvia. All state authority must therefore be justifiable as the will of elected representatives of the people and thus, ultimately, of the people as the sovereign. Parliament is chosen in general, equal, and direct elections by secret ballot, using proportional representation.

Another fundamental constitutional principle, which is gaining increasing importance, is openness to European integration. It is no longer possible to understand Latvian law without taking into account the laws of the European Union.

CONSTITUTIONAL BODIES

The constitutional bodies are Parliament (Saeima), the president, the cabinet of ministers, the State Audit Office, and the courts.

Parliament (Saeima)

The Latvian Parliament consists of 100 delegates elected for a term of four years. The Parliament itself reviews the qualification of its members. It makes decisions by an absolute majority of members present, except in cases specifically set out in the constitution.

Delegates have broad immunity. They can refuse to give evidence in court and may not be called to account by any judicial, administrative, or disciplinary process in connection with their voting or their views as expressed during the execution of their duties. However, court proceedings may be brought against members of Parliament if, even in the course of performing parliamentary duties, they disseminate defamatory statements that they know to be false or any defamatory statements about anyone's private or family life. Delegates may not be arrested, their personal liberty be restricted, or their premises be searched without the consent of Parliament. Delegates may be arrested if apprehended in the act of committing a crime. Without the consent of the Parliament, a criminal prosecution may not be commenced; nor may administrative fines be levied against its members.

The President

The Latvian president is elected by secret ballot by a majority of the votes of members of Parliament, for a term of four years; he or she may be reelected once only. Any person who enjoys full rights of citizenship and who has attained the age of 40 years may run for president. The president may not hold any other office concurrently. If the person elected as president is a member of the Parliament, he or she must immediately resign from the mandate. The president is not responsible to Parliament or the administration in the fulfillment of presidential duties.

The president is the head of the army of Latvia in times of peace. He or she can declare war on the basis of a decision of Parliament. The president has the right to

grant clemency to criminals against whom a judgment of the court has come into legal effect.

The head of state can propose the dissolution of Parliament, subject to the approval of a majority of votes in a national referendum. If the voters agree, Parliament is considered dissolved and new elections occur within two months. If more than half of the votes in the referendum are cast against the dissolution of Parliament, the president shall be deemed to be removed from office, and Parliament shall elect a new president to serve for the remaining term of office of the president so removed.

The Cabinet of Ministers

The cabinet of ministers is the administration and the highest executive body of the country. It consists of the prime minister and the cabinet ministers chosen by the prime minister. The cabinet is assembled by the person who has been invited by the president to do so. The cabinet of ministers starts exercising its duties only after receiving a confidence vote in Parliament. Parliament has the right to submit requests and questions to the prime minister or to an individual minister; one of them, or another responsible government official duly authorised by them, must answer.

The number of cabinet ministries and the scope of their responsibilities, as well as the relations among state institutions, are provided for by law.

The Lawmaking Process

The right to legislate is given to Parliament. Draft laws may be submitted by the president, the cabinet, Parliament committees, any five members of the Parliament, or any group that totals one-tenth of the electorate. Legislative initiatives must generally be drawn up in the form of draft laws, but the state president is entitled to submit proposals that are not in the form of draft laws.

All international agreements that might require new or changed laws need ratification by Parliament. International agreements that delegate state power to international institutions must be ratified by Parliament, with a quorum of two-thirds of all members and the approval of two-thirds of members present.

The president has the right to suspend the proclamation of a law for a period of two months; he or she must do so if requested by at least one-third of the members of Parliament. In either case, the decision must be made within seven days of the adoption of the law by Parliament. The suspended law must be submitted to a national referendum if so requested by not less than one-tenth of the electorate. If no such request is received during the two-month period, the law is proclaimed. Parliament can prevent a national referendum by voting on the law again and approving it by a three-quarters majority of all members of the Parliament.

Finally, the cabinet of ministers has the right, if there is an urgent need during the time between sessions of the Parliament, to issue regulations that have the force of law.

Such regulations may not amend the law regarding elections of the Parliament, laws governing the court system and court proceedings, the budget and rights pertaining to the budget, or laws adopted during the term of the current Parliament, and they may not pertain to amnesty, state taxes, customs duties, and loans. These regulations shall cease to be in force unless submitted to Parliament not later than three days after the next session of Parliament has been convened.

The State Audit Office (Valsts Kontrole)

The State Audit Office is an independent collegiate body that reports to the Parliament on the utilization of public funds. The tasks of the State Audit Office are to supervise the legal, effective, and accurate collection and spending of resources in line with the basic budget and special budget of the state and local governments and to moderate the use of state and local government property. The State Audit Office provides annual reports to the Parliament on actual implementation of the state budget of the previous year and issues opinions on the collection and spending of state resources and handling of state property. Auditors general shall be appointed to their office and confirmed pursuant to the same procedures as judges, but only for a fixed period, during which they may be removed from office only by a judgment of the court.

The Courts

The judiciary is composed of district (city) courts, regional courts, the Supreme Court, and the Constitutional Court. The court system is financed from the state budget. In the Republic of Latvia, only a court can administer justice. Judges in Latvia are independent and subject only to the law. Judicial appointments are confirmed by Parliament and are as a rule irrevocable. Parliament may remove judges from office only in the cases provided for by law, on the basis of a decision of the Judicial Disciplinary Board or a judgment of the court in a criminal case. The age of retirement from office for judges may be determined by law. Latvian courts work in accordance with the following principles: legality, openness, presumption of innocence, equality of parties, and collegiality.

A judge has immunity during his or her term of office. A criminal matter against a judge may be initiated only by the prosecutor general of the Republic of Latvia. A judge may not be detained or subjected to criminal liability without the consent of Parliament. A decision concerning the detention, forcible conveyance, arrest, or subjection to search of a judge shall be taken by a Supreme Court justice specially authorized for that purpose. An administrative sanction may not be applied to a judge, and a judge shall not be arrested pursuant to administrative procedures.

The Constitutional Court

The Constitutional Court is an independent institution of judicial power. It reviews cases concerning the compliance of laws with the constitution, and it has the right to declare laws or other enactments or parts thereof invalid. The Constitutional Court also reviews international treaties entered into by Latvia, to verify their compliance with the constitution; it may rule even before Parliament has confirmed the agreement. The court reviews the compliance of other normative acts with legal norms of a higher legal force (such as ordinary law vis-a-vis the constitution). It has responsibility to ensure that Parliament and the cabinet of ministers, president, chairperson of the Parliament, and prime minister all act in compliance with the law (except in their administrative acts). It also rules in cases of ministers' overruling local council regulations and checks the compliance of the national laws of Latvia with the international agreements entered into by Latvia, as long as they are not contrary to the constitution.

THE ELECTION PROCESS AND POLITICAL PARTICIPATION

All citizens of Latvia who have reached the age of 18 have the right to vote. Elections to Parliament are secret and by proportional representation.

Any legally registered political organization (party) or association of political organizations (coalition) may submit a list of candidates for Parliament. Any citizen of Latvia who has reached the age of 21 by election day may be nominated as a candidate. Only those candidates on lists that have received at least 5 percent of the total number of votes cast will be elected to Parliament. In the seventh Saeima elections of October 3, 1998, six lists of candidates received more than 5 percent of the total number of votes, in 21 candidate lists, which contained a total of 1,081 candidates.

A national referenda may be initiated if the president proposes a dismissal of the Parliament; if the president suspends the publication of a law for two months; if at least one-tenth of the electors request a referendum; if Parliament amends Articles 1, 2, 3, or 6 of the constitution; or if one-tenth of the electors present a complete draft law to the president and Parliament does not accept it.

The constitution prohibits referenda on the following topics: the state budget, loans, taxes, customs, or railroad tariffs; conscription; proclamation of war and opening of hostilities; entry into a peace treaty; proclamation or termination of a state of emergency; mobilization and demobilization; and treaties with foreign countries.

POLITICAL PARTIES

A party (a political organization) can be formed by any group of at least 200 people. The Communist Party and

parties of national socialist (Nazi) disposition are outlawed. At present, there are about 40 political organizations in Latvia, of which eight parties are represented in Parliament.

CITIZENSHIP

Latvian citizens have equal rights and obligations irrespective of the manner in which they have acquired citizenship. Latvian citizens are persons who were Latvian citizens on June 17, 1940, and their descendants who have registered in accordance with the procedures set out in law and who have not acquired the citizenship of another state since May 4, 1990. Persons can acquire Latvian citizenship by naturalization or otherwise in accordance with the procedures set out by law.

A noncitizen, as defined by the "Law on the status of those former U.S.S.R. citizens who do not have the citizenship of Latvia or that of any other state," has the right to a noncitizen passport issued by the Republic of Latvia.

Dual citizenship is not allowed for those who acquire Latvian citizenship. Even if a Latvian citizen, in accordance with the laws of a foreign state, is simultaneously considered a national of that state still, in legal relations with Latvia he or she shall be considered solely a Latvian citizen.

FUNDAMENTAL RIGHTS

The state undertakes to recognize and protect fundamental human rights in accordance with the constitution, laws, and international agreements; all people in Latvia have the right to know about these rights. All are equal before the law and the courts, as human rights must know no discrimination of any kind. All people have the right to defend their rights and lawful interests in fair court proceedings. Courts shall judge trials irrespective of a person's origin, social and financial status, race or nationality, sex, education, language, attitude toward religion, type and nature of occupation, place of residence, or political or other views. All people have the right to court protection against threats to their life, health, personal freedom, honor, reputation, and property. Everyone is presumed innocent until guilt has been established in accordance with law. Everyone has a right to commensurate compensation when rights are violated without legal basis, and everyone has a right to the assistance of counsel. The right to life of everyone must be protected by the law.

According to the Latvian constitution, all citizens have the right to participate in the activities of the state and of local government and to hold a position in the civil service, as provided for by law. Local governments shall be elected by Latvian citizens. The working language of local governments is Latvian. Persons who are members of ethnic minorities have the right to preserve and develop

their language and their ethnic and cultural identity. The Latvian constitution guarantees everyone the inviolability of private life, home, correspondence, free movement, and choice of residence. Everyone has the right to depart from Latvia freely. Everyone who has a Latvian passport shall be protected by the state while abroad and has the right to return to Latvia freely. A citizen of Latvia may not be extradited to a foreign country.

In the sphere of labor rights, everyone in Latvia has the right to choose employment and workplace freely according to his or her abilities and qualifications. Forced labor is prohibited; participation in the relief of disasters and work pursuant to a court order shall not be deemed forced labor. Every employed person in Latvia has the constitutional right to receive commensurate remuneration for work done, which must not be less than the minimal wage established by the state. Everyone has the right to weekly days off and a paid annual vacation. Employed persons have the right to collective labor agreements and the right to strike. The state must protect the freedom of trade unions. The Latvian state recognizes the freedom of scientific research and artistic and other creative activity and protects copyright and patent rights.

The state must generally protect human honor and dignity; as a result, torture or other cruel or degrading treatment of human beings is prohibited, freedom of previously announced peaceful meetings, street processions, and pickets is guaranteed. The state supports marriage, the family, the rights of parents, and the rights of children. The state is obliged to provide special support to disabled children, children left without parental care, or children who have suffered from violence. Human health must be protected with a basic level of medical assistance. Everyone has the right to live in a benevolent environment; the state must provide information about environmental conditions and promote the preservation and improvement of the environment.

Everyone has the right to the liberty and security of the person. No one may be deprived of or have his or her liberty restricted, other than in accordance with law. The constitution guarantees freedom of thought, conscience, and religion, and freedom of expression, which includes the right to receive, keep, and distribute information and express views freely. Censorship is prohibited. The right to form and join associations, political parties, and other public organizations is guaranteed, as is the right to address petitions to national or local government institutions and to receive a materially responsive reply in the Latvian language. There is a right to own property, although such property may not be used contrary to the interests of the public.

Social security in old age, for work disability, for unemployment, and in other cases as provided by law is guaranteed. To guarantee the right to education, the state must ensure that everyone may acquire primary and secondary education without charge. Primary education is compulsory.

Impact and Functions of Fundamental Rights

To implement fundamental rights further in practice the Ombudsperson (Tiesībsargs) is an independent institution that promotes the observance of human rights. It is contributing to the creation of a society in which human rights are genuinely respected. The office is independent in its decisions and activities and can only make recommendations to the competent administrative authorities in order to prevent and to remedy injustices.

Limitations to Fundamental Rights

The rights of persons may be subject to restrictions in circumstances provided for by law in order to protect the rights of other people, the democratic structure of the state, or public safety, welfare, and morals.

ECONOMY

The Latvian constitution does not mention economic matters directly. It does, however, secure the right to own property. Property may not be used contrary to the interests of the public, but property rights may be restricted only in accordance with the law. The expropriation for public purposes is allowed only in exceptional cases on the basis of a specific law and in return for fair compensation.

RELIGIOUS COMMUNITIES

The separation of church and state has never implied segregation of religion from society or complete exclusion of the church from social life. This would not be possible in a democratic country, as religion and religious associations form one of the structural elements of society. The role of the church in the internal national processes in Latvia should not be underestimated. Public polls show that 70 percent of Latvian citizens and 60 percent of noncitizens trust the churches. Embracing this potential, churches have sought to influence state policy and laws. Latvia is a multiconfessional country, where the three largest denominations are the Catholics, the Lutherans, and the members of the Orthodox Church. There are about 170 different denominations and religious groups.

The Law on Religious Organizations, special agreements with the traditional denominations, and special laws for churches govern the state-church relationship in Latvia. It is based on separation, respectful neutrality, religious freedom, and the delegation of some peculiar powers. The government has delegated the right to register marriages to some denominations only; their clerics thereby assume the responsibilities of state officials, but they are not provided with any compensation from the state.

MILITARY DEFENSE AND STATE OF EMERGENCY

The Parliament determines the size of the armed forces during peacetime. If in accordance with the constitution of the Republic of Latvia (Article 62) the state is threatened by an external enemy, or if an internal insurrection anywhere in the country endangers the existing political system, the cabinet has the right to proclaim a state of emergency.

The leading institution of state administration in the defense field is the ministry of defense, which is directly subordinated to the minister of defense. The minister of defense is a civilian who has political responsibility to the Parliament and to the cabinet.

The president of state is the commander in chief of the armed forces. During wartime the president appoints a supreme commander. The president has the right to take whatever steps necessary for the military defense of the state, should another state declare war on Latvia or an enemy invade its borders. Concurrently and without delay, the president must convene Parliament, which decides as to the declaration and commencement of war.

During peacetime, military units are recruited from Latvian citizens via conscription into mandatory active military service. No one may be accepted into military service if he or she has been sentenced for a criminal offense; is a suspect, accused, or defendant in a criminal case; is unfit for service because of health; or is or has been a staff employee or a supernumerary of the security service, intelligence, or counterintelligence service of the Soviet Union; the Latvian Soviet Socialist Republic; or any foreign state.

There is an alternative service of 24 months for conscientious objectors, 18 months for those who have higher education.

AMENDMENTS TO THE CONSTITUTION

Parliament may amend the constitution. The amendments require three readings and must be approved by two-thirds of the members present (with a quorum of two-thirds of all members). Amendments that affect the form of the state, the sovereign power of the people, territorial components, the state language, the election of Parliament, or certain other basic elements must be submitted to a national referendum. Any group of one-tenth of the electorate may submit a fully elaborated draft amendment to the president, who must present it to Parliament. If Parliament does not adopt it without change, it is submitted to national referendum.

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Ringolds Balodis

Latvijas Republikas Konstitucionālo tiesību evolūcija un transformācija 20.-21. gadsimta mijā

1 .Latvijas konstitucionālisms pasaules kontekstā Ja padome, kura panāca Latvijas valsts pasludināšanu latviešu **tiesību zinātni** salīdzina ar Lielbritānijas, 1918. gada 18. novembrī. 1922. gadā tiek pieņemta Vācijas, Francijas vai Amerikas Savienoto Valstutiesību Satversme, un var jau sākt runāt par konstitucionālo zinātni, nākas secināt, ka objektīvu iemeslu dēļ Latvijas tiesību zinātnes izveidošanos Latvijā, jo konstitūcija jurisprudences (arī konstitucionālās tiesības) ir tikai savas bez tās dogmatiskas iztirzāšanas nav iedomājama, attīstības sākumā. Lai gan kopš valsts pamatlūkuma - bet tulkošana var sākties tikai no konstitūcijas Satversmes pieņemšanas ir pagājis vairāk nekā pieņemšanas brīža.³ Lai gan, kā atzīst Trīres astoņdesmit gadu, var atkārtot to, ko pirms kādiem Universitātes (Vācija) salīdzinošo konstitucionālo septiņdesmit gadiem rakstīja profesors **Kārlis Dišlers**: tiesību profesors **Gerhards Robers**, juristu galvenais "Latvijas valsts-tiesību zinātne atrodas vēl tikai tapšanas uzdevums konstitucionālo tiesību jomā ir konstitūcijas stadijā."¹ Tam ir objektīvi iemesli, no kuriem galvenais - interpretēšana,⁴ ne mazāk svarīgs tiesību ekspertu padomju okupācijas 50 gadi. Turklāt runa ir nevis par uzdevums ir sekot visiem notikumiem un apstākļiem, vienkāršu latviešu valstiskuma neesamību, bet kas ietekmē vai var ietekmēt konstitūciju. Lai ielūkotos pseidovalstisku funkcionēšanu no demokrātijas pilnīgi tiesību sistēmas rītdienā, jāsaprot tās vēsture un atšķirīgā politiskā sistēmā. Runa ir par Latviju kā šodienā, jo konstitūcijas pastāvēšana un tās pozitīvā padomju republiku, jo padomju, sociālistiskā tiesību regulējošā ietekme ir nesaraunami saistīta ar valsts izpratne, bez šaubām, nevarēja neietekmēt valsts sociālo un politisko stāvokli valstī vai izmaiņām institūtu atjaunošanu un tiesību aktu jaunradi pagājušā sabiedrībā.

gadsimta 90. gadu sākumā.

Kas bija Latvijas Satversmes pieņemšana 1922.

Pašreizējā brīdī atšķirībā no Dišlera laika situācija, gadā: atsevišķs unikāls gadījums, nejaušība vai protams, ir krietni vien labāka. Mums, pirmkārt, ir pirmā loģiska likumsakarība, kas saistīta ar globāliem neatkarības laika pieredze, otrkārt, par Latvijas procesiem? Latvijas Konstitūcijas pieņemšana iekrita konstitucionālo tiesību sastāvdaļu kļuvusi **Eiropas** tā saucamajā "starpkaru periodā" jeb laika-posmā pēc **Savienības jurisprudences**, kas ir neizsmeļošs juridisko Pirmā un līdz Otrajam pasaules karam. Procesi ideju ģenerators. No vienas puses, tas, ka Latviju Latvijā, tāpat kā līdzīgie notikumi Igaunijā un Lietuvā, ietekmē Eiropa, ir brīnišķīgi, jo ļauj mums aizpildīt iekļāvās pēckara demokrātijas triumfu ķēdē. Tāpat kā padomju okupācijas iecirsto robu un sniedz unikālu citās valstīs, arī Latvijas Satversme bija priekšrocību aizgūt sev noderīgāko un efektīvāko. No **konstitucionālo tiesību recepcijas produkts***, un otras puses, pastāv risks pārņemt savā arsenālā arī citu šai laikā vairākās Eiropas, Tuvo Austrumu .un citās trūkumus, un tas nākotnē var izraisīt neparedzamas valstīs notiek jaunu konstitūciju pieņemšana: **Vācijā** sekas. Lai tas nenotiktu, ārkārtīgi svarīgi ir apzināties un **Somijā (1919), Grieķijā un Austrijā (1920), Polijā** reālo situāciju un redzēt savu vietu un lomu kopainā. To **(1921), Igaunijā (1920 un 1938) Lietuvā (1922,1928** var izdarīt, tikai veicot zināmus hronoloģiskus un un 1938), **Ēģiptē (1923), Turcijā (1924), Irākā** vēsturiskus pētījumus; centīsimies to paveikt. **(1924), Libānā (1926), Sīrijā (1930)** un citur.

Pirmā latviešu pretenzija uz neatkarīgas valsts Arī Latvijā šai periodā notiekošais līdzinās izveidošanu izskanēja 1917.gada 19.novembrī, kad daudzās citās valstīs notiekošajiem procesiem. 30. Latviešu Pagaidu nacionālā padome pieņēmu rezolūciju gadu sākumā valda nopietna demokrātijas un kon-par nepieciešamību sasaukt Satversmes sapulci un stitucionālisma krīze, kas iznākumā noved pie izstrādāt Satversmes projektu.² Latvijas neatkarības konstitucionālās iekārtas gāšanas un autoritāra realizētājs dzīvē tomēr bija Tautas

* Recepcija - parādība, ja kāda valsts pārņem otras valsts tiesības par valstī spēkā esošām tiesībām.

režīma izveidošanas. Tālāk seko padomju protektorāta izveidošanās, valstiskuma zaudēšana un padomju okupācija. 1941. gadā Latvija, līdzīgi citām valstīm, tiek ierauta pasaules kara virpulī un kļūst par karadarbības teritoriju. Otrajam pasaules karam beidzoties, Eiropa un arī pasaule sadalās divās naidīgās ideoloģiskās nometnēs. Latvijai, tāpat kā citām Austrumeiropas valstīm, nepaveicas, jo liktenim labpatīk, ka tā nokļūst padomju zonā. Pat sliktāk: Latvija atkal kļūst par Padomju Savienības republiku - LPSR, un tie latvieši, kas cīnījušies pret padomju okupantiem vācu armijas rindās, tiek definēti kā dzimtenes (LPSR) nodevēji. Pēc PSRS sabrukuma Latvija, līdzīgi citām post-sociālistiskām valstīm un padomju republikām, iegūst neatkarību. Jaunajā realitātē Latvija atrodas tādā politiskajā telpā, kur dažādu apstākļu un faktoru ietekmē konstitūcijas kļūst aizvien demokrātiskākas un arī viena otrai līdzīgākas. Šo tendenci dēvē par "**konstitūciju internacionalizāciju**",⁵ kas Eiropā, bez šaubām, vēl saistās ar **Eiropas Kopienas konstitucionalizācijas procesu** (*The constitutionalization of the European community*).⁶ No 2004. gada Latvija, tāpat kā pārējās Baltijas un Austrumeiropas valstis, kļūst par šī procesa subjektiem un līdzīgi Vācijai, Lielbritānijai vai Francijai ietekmēs tālāko Eiropas Savienības attīstību, no kā savukārt ir lielā mērā atkarīga pašu konstitucionālisma attīstība.

2. Konstitucionālisms Latvijā "starpkaru periodā" 2.1. Valsts un tās tiesiskā pamata veidošanās laiks

Latvijas Satversmes pieņemšana 1922. gadā bija nācījas politiskās vienotības⁷ un nācījas politiskā brieduma liecība. No vidzemniekiem, kuršiem, zemgaļiem un latgaļiem latvieši bija izveidojušies par tautu, kas spēja pati izteikt savu gribu politiskā konstitūcijā un visaugstākajā līmenī nostiprināt savas valsts galvenos politiskās filozofijas pamatus. Konstitūcijas pieņemšana bija latviešu tautas triumfa brīdis, kā arī vienlaikus konstitucionālo tiesību izveidošanās brīdis.

Protams, valsts izveidošanās ir atskaites punkts jebkuras valsts konstitucionālisma attīstībā, tāpēc nedaudz jāpieskaras arī laikposmam līdz Satversmes pieņemšanai. Šo laiku, vadoties no Latvijas "pagaidu satversmju" statusa, kas bija pamatā Latvijas kā valsts juridiskai funkcionēšanai, var iedalīt divos periodos:

- 1) no 1918. līdz 1920. gadam;
- 2) no 1920. līdz 1922. gadam.⁸

Pirmajā periodā (1918-1920) tika pieņemti paši nepieciešamākie likumi un uzsākts darbs pie valsts konstitucionālā pamata izveidošanas.* Par šī

laika pagaidu konstitūciju noderēja 1918. gada 17. novembrī izveidotās **Latvijas Tautas padomes politiskā platforma**.⁹ Tā bija izstrādāta lielā steigā, tāpēc tajā iekļautās konstitucionālās normas bija pārāk izplūdušas un virspusējas. Piemēram, platformā bija tādi formulējumi kā "republika uz demokrātiskiem pamatiem" vai "pie Pagaidu Valdības sastādīšanas jāievēro koalīcijas princips". Tas liecina par lielu dokumenta ideoloģiski politisko nozīmi, nevis par tā nopietnu juridisku vērtību. Var pat teikt, ka platforma bija "priekšparlamenta"¹⁰ izstrādāts plāns, kurš vēlāk izvērtās par **ideoloģisku bākungu** Latvijas Satversmes izstrādātājiem. Tas arī ir saprotams, ja ņem vērā tos apstākļus, kādos tika izstrādāts dokuments. Labi apzinoties, ka **valsts varas leģitimitāte rodas no demokrātiskās vēlēšanās gūta tautas deleģēju-ma**,¹¹ Tautas padome pēc tam, kad valstī bija nodrošināts miers, ķērās pie šī uzdevuma izpildes. Lai novērstu politisko oponentu apgalvojumus, ka Tautas padome ir valsti proklamējusi, pati nebūdana vēlēta, vispirms bija nepieciešams sasaukt konstitucionālo sapulci (asambleju), kuras galvenais pienākums būtu pieņemt valsts pamatlikumu, kas noteiktu turpmāko Latvijas valsts iekārtu.¹² 1919. gada 19. augustā tika pieņemts **Latvijas Satversmes sapulces vēlēšanu likums**.¹³ Pamatojoties uz minēto likumu, 1920. gada 17. un 18. aprīlī Latvijas Republikas Satversmes sapulce tiek ievēlēta un uz savu pirmo sēdi sanāk 1920. gada 1. maijā. Mēneša beigās, 27. maijā, tiek pieņemta **Deklarācija par Latvijas valsti**.¹⁴ Latvija deklarācijā tiek pasludināta par **patstāvīgu, neatkarīgu republiku ar demokrātisku valsts iekārtu, kuras pamatā ir tautvaldības princips**. Ar dienas intervālu 1920. gada 1. jūnijā ar balsu vairākumu Satversmes sapulce pieņem **Latvijas valsts iekārtas pagaidu noteikumus**. Tautas platforma vairs nav spēkā, un pagaidu noteikumi nodrošina valsts pilnvērtīgu funkcionēšanu no 1920. līdz pat 1922. gadam. Tos var uzskatīt par Latvijas otro pagaidu konstitūciju, kas darbojās demokrātijas nostiprināšanas perio-

* Pats pirmais Tautas Padomes likums tika pieņemts 1918. gada 4. decembra sēdē, un tas bija "Latvijas Pagastu Satversmes pagaidu likums". Daudz normatīvu aktu izdeva Pagaidu valdība, piemēram, "Mācības valoda Latvijas skolās un skolotāju ievēlēšana" (V.V. 14.dec, 1918.g., Nr.1.), "Rīkojums par bezzemnieku apgādāšanu ar zemi" (Latvijas Sargs, 13.febr., 1919.g., Nr.35.) vai "Latvijas dzelzceļu pārvaldīšanas un ekspluatācijas kārtība" (Latvijas Pagaidu Valdības Likumu un Rīkojumu Krājums. - 1919. - 10.augusts) u.c.