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The Importance of the Sources of Law Used in Drafting the Constitution of the Republic of Latvia with the Purpose of Strengthening Constitutionalism

Introduction

The Republic of Latvia was established as a national state on 18 November 1918.¹ This was a natural and, in fact, inevitable consequence of the collapse of imperial systems throughout Europe, which resulted in the peoples of many of the former empires achieving the right to self-determination.² As has been argued by scholars of post-imperial transitions, the idea of the nation-state became the principal 'structural principle' of the European legal and political landscape during the interwar period.³

The transition from an imperial system to republican statehood based on the values of democracy and the rule of law posed several challenges to the founders of the new states. One of the foremost tasks in Latvia was the creation of a constitution, which would not merely reflect general ideological aspirations, but rather establish enforceable institutional guarantees of the values of parliamentarism, popular sovereignty, and a democratic republic, ones that public administration would be inclined to put into practice.

The essence of Latvia's national, legal, and social emancipation was embodied in the idea of constitutionalism in its political and legal dimensions.⁴ At the centre of this idea is the written or formal constitution, understood as a normative legal act characterised by a specific drafting and adoption procedure.⁵ Thus, because of the understanding

¹ *The call 'To the citizens of Latvia!'*, "Pagaidu Valdības Vēstnesis", 14.12.1918.

² *The Impact of the First World War and Its Implications for Europe Today*, https://eu.boell.org/sites/default/files/uploads/2014/06/the_impact_of_the_first_world_war_and_implications_for_europe_today.pdf [accessed: 2024.01.25]. See also: Judgment of the Constitutional Court of 30 November 2007 in Case No 2007-10-0102, Conclusions, paragraphs 18–18.3.

³ I. Feldmanis, *Par Latvijas valsts vēstures sākumslokiem*, "Latvijas Vēstnesis", 30.12.2008, no. 202.

⁴ R. Balodis, E. Levits, *Satversmes ievada interpretēšanas (komentēšanas) pamatjautājumi* [in:] *Latvijas Republikas Satversmes komentāri: ievads; I nodaļa: vispārējie noteikumi*, sagatavojis autoru kolektīvs prof. R. Baloža zinātniskā vadībā, Rīga 2014, p. 36.

⁵ *Ibid.*, p. 35.

of the idea of a nation state and the concept of constitutionalism current at that time, it was only natural that the Act of Proclamation of 18 June 1918 had already decided that a fundamental law, the Constitution of the Republic of Latvia (hereinafter, the *Satversme*/the Constitution/the Basic Law), would be drawn up in accordance with Latvia's unique circumstances.⁶

Given the historical background and specific geopolitical circumstances of Latvia's declaration of independence, the procedure and methods chosen by politicians to establish such a fundamental law were essential to the fulfilment of this political promise.

This article examines the legal sources and comparative frameworks that influenced the drafting of the *Satversme* adopted in 1922. In particular, it shows how these sources, especially through the analysis of foreign constitutional models, contributed to the conceptualization and institutionalization of Latvian constitutionalism. To this end, the article applies historical, analytical-anthropological, comparative, and deductive methods.

By tracing how doctrinal borrowing and pragmatic adaptation shaped the constitutional design of Latvia in the early twentieth century, the article situates the *Satversme* not merely as a national legal instrument, but as part of the broader intellectual and political currents of post-war European constitutionalism. The thesis advanced is that the *Satversme* emerged not as a copy of foreign constitutions, but as a sophisticated synthesis of global constitutional ideas, adapted to Latvian historical and political specificities, thus strengthening of the idea of constitutionalism in Latvia.

1. The nature of constitutionalism before the Constituent Assembly

The imperative to draft a fundamental law that would correspond to Latvia's legal and factual circumstances was not only determined by the act of proclamation, but also by the political platform adopted the day before, on 17 November 1918, by the so-called Pre-parliament or the People's Council of Latvia.⁷ This platform emphasised the need to establish a system of governance rooted in democratic representation and the rule of law. However, the realisation of this constitutional objective was delayed by geopolitical turbulence. The geopolitical situation temporarily made it difficult and, in fact, impossible to carry out this task,⁸ as the newly established Latvian state after the declaration of independence had to be protected from the tyranny of the Great Powers. Thus, from 18 November 1918 until 11 August 1920, the territory of Latvia was essentially a war zone, with the Latvian Provisional Government and its armed forces

⁶ The call 'To the citizens of Latvia!'...

⁷ The political platform of the People's Council, http://home.lu.lv/~rbalodis/Konst%20tiesibas/KT_lvadas/Tautas%20Pad+Council%20platforma.pdf [accessed: 2024.05.19].

⁸ Marģera Skujenieka uzruna. *Satversmes komisijas referentu ziņojumi par Satversmes I daļu IV. sesijas 1. sēde 1921. gada 20. septembrī* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922). Latvijas Republikas Satversmes projekta apspriešana un apstiprināšana*, Rīga 2006, p. 2.

fighting battles against troops commanded by Pavel Bermond-Avalov (1877–1973), the Bolshevik Red Army, and German forces.⁹

The outcome of the Latvian War of Independence in 1920 finally made it possible to start practical work on the realisation of the political and state goals defined above. This had both domestic and foreign political significance, because, as it was explained at the time, 'the only sure means of struggle against communism is the creation of a national democracy'.¹⁰ Nonetheless, the ongoing military conflict did not paralyse constitutional developments entirely. Thus, as in other parts of Europe after the First World War, so-called provisional or temporary constitutions were adopted in Latvia.¹¹ The political platform of the People's Council of Latvia, already mentioned, functioned until 1 June 1920, laconically but imperfectly laying down the basic principles of the functioning of the Latvian state system,¹² that is, the need for the people to elect their representatives, the principles of elections, and the guarantee of the freedoms of the press, speech, assembly, association, and other freedoms.¹³

After its expiry, the Declaration on the State of Latvia of 27 May 1920 and the Provisional Regulations on the State Structure of Latvia of 1 June 1920 entered into force and were regarded as a second provisional constitution.¹⁴ The Provisional Regulations on the State System of Latvia functioned until 7 November 1922, when the new Constitution entered into force.

These early constitutional instruments not only laid the foundations for institutional continuity amid uncertainty but also carried the symbolic function of affirming statehood in the eyes of both the Latvian population and the international community. They demonstrate that constitutionalism in Latvia began not with a single founding document, but through an evolving sequence of provisional norms aimed at consolidating republican governance.

In the broader context of regional transitions from empire to constitutional republics, one must also acknowledge the relevance of historical research in neighbouring states. For instance, Polish historiography, particularly the works of Piotr Łossowski¹⁵ and Tomasz Paluszyński,¹⁶ provides valuable insight into the post-First World War

⁹ Ē. Jēkabsons, *Latvian War of Independence*, <https://enciklopedija.lv/skirklis/22216-Latvijas-Neatkar%C4%ABbas-kar%C5%A1> [accessed: 2024.01.25].

¹⁰ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 1.

¹¹ *Latvijas Republika desmit pastāvēšanas gados*, Rīga 1928, p. 73; K. Dišlers, *Ievads Latvijas valststiesību zinātnē*, Rīga 1930, p. 69.

¹² *Marģera Skujenieka uzruna...* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 2.

¹³ L. von Witte, *La Costituzione Della Repubblica Lettone*, Roma 1930, pp. 3–17.

¹⁴ I. Bērziņa, G. Krūmiņš, J. Pleps et al., *Latvijas valsts ideja un aizsardzība: no dibināšanas līdz mūsdienām*, Valmiera 2022, pp. 60–61; K. Dišlers, *Ievads Latvijas valststiesību zinātnē...*, p. 74; *Latvijas tiesību vēsture (1914–2000)*, Rīga 2000, p. 162.

¹⁵ P. Łossowski, *Kraje bałtyckie na drodze od demokracji parlamentarnej do dyktatury, 1918–1934*, Wrocław–Warszawa–Kraków 1972; *idem*, *Łotwa – nasz sąsiad. Stosunki polsko-łotewskie w latach 1918–1939*, Warszawa 1990, p. 63.

¹⁶ T. Paluszyński, *Walka o niepodległość Łotwy 1914–1921*, Warszawa 1999, p. 447; *idem*, *Walka o niepodległość Estonii 1914–1920*, Poznań 2007, p. 494.

transformation of the Baltic region, including Latvia's struggle for sovereignty and the emergence of parliamentary systems. Although Latvian constitutional thought developed largely autonomously, it did so in parallel with broader Central and Eastern European patterns of institution and legal reorientation.¹⁷

2. The process of drafting the Constitution and the sources used in the context of strengthening Latvian constitutionalism

The Provisional Constitution, or the Provisional Rules of the State System of Latvia, was adopted by the first parliament elected by the people, the Constituent Assembly. Elections to it, with a record turnout,¹⁸ were held on 17–18 April 1920.¹⁹ It is important to note that the elections were held in accordance with the basic principles of electoral practice recognised in Western European constitutionalism, including the requirement of gender equality,²⁰ which was a progressive practice and one not even universally recognised in Europe at that time.

The Constituent Assembly began its work on 1 May 1920 and remained in office until 7 November 1922, when the *Saeima* (parliament) began to perform the functions of Parliament.²¹ The majority of the political forces in the Constituent Assembly were Social Democrats, followed by the Latvian Farmers' Union, politicians representing the interests of the Latgale region, and other parties.²²

¹⁷ Latvia's constitutional experience shared structural similarities with those of other newly independent or reconstituted European states emerging from the collapse of empires after the First World War. Like Czechoslovakia, Poland, and Finland, Latvia faced the dual challenge of constructing a new legal order while simultaneously affirming national sovereignty and social legitimacy. In Czechoslovakia, the 1920 Constitution emphasised national unity and parliamentary governance, drawing heavily from both Austrian and French republican models. In Poland, the March Constitution of 1921 similarly adopted a parliamentary structure while reflecting elements of French and Swiss constitutionalism, though later developments shifted toward presidentialism. Finland's 1919 Constitution established a republican form of government with strong parliamentary control, despite early monarchist proposals. What unites these experiences is the conscious use of comparative constitutionalism as a method of state-building, combined with a rejection of the autocratic or imperial legal legacies from which these nations emerged. See also: J. Hoetzel, *The Definitive Constitution of Czechoslovak Republic* [in:] *The Constitution of the Czechoslovak Republic*, Prague 1920, pp. 12–18; F. Zoll, *Rights and Duties in the Polish March Constitution 1921 – An Illusion of the Liberal Constitution?*, "Saggi DPCE online" 2021, vol. 48, no. 3, pp. 3030–3031; *Independence and Democracy: Finland's Journey to Constitutional Democracy*, Parliament of Finland, https://www.parliament.fi/FI/naineduskuntatoimii/esitemateriaalit/Documents/NETTI_ITSENAISYYS_JA_DEMOKRATIA_ENGLANTI.pdf [accessed: 2025.05.22].

¹⁸ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 2.

¹⁹ M. Skujenieks, *Latvijas parlamenti* [in:] *Latvijas Republika desmit pastāvēšanas gados*..., p. 62.

²⁰ Ā. Ģērsons (pseudonyme A. Ventmalnieks), *Latvijas vēsture*, Valmiera–Cēsis 1923, p. 287.

²¹ O. Gerts, *Par Latvijas Republikas Satversmes tēviem, pamatu licējiem*, "Latvijas Vēstnesis", 14.06.2012, no. 93.

²² V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 2.

It is important to note that the first and main task of the Constituent Assembly was the drafting of the Basic Law of the State,²³ with the view that it should be 'normally suited to the character of its people, its living conditions, its style of life, and which would show what kind of country we are and what kind of country we are building. All 152 members of the Constituent Assembly take part in this great work, because the final versions of the articles of the law must be voted on by standing up'.²⁴

In addition to drafting the Basic Law, the Constituent Assembly also performed the tasks of a national parliament. This meant that the Parliament also adopted a number of important laws that were to regulate the most important areas of state life, including agrarian reform, the conduct of elections to the *Saeima*, and others.²⁵

On 5 May 1920, the Constitutional Assembly elected a commission to draft the Constitution. The well-known Social Democrat Mārgers Skujenieks (1886–1941) became its chairman. The work of the Commission was distributed between two sub-commissions. One of them was responsible for drafting the first part of the Basic Law, that is, the foundations of the state system (Part I of the Constitution), while the other was to draft the catalogue of citizens' rights and freedoms (Part II of the Constitution). The methodology adopted, which included three readings in each sub-commission and joint plenary discussions, reflected a commitment to procedural legitimacy and legal deliberation.²⁶ In addition to these two commissions, commissions worked for a short period on the arrangements for the next parliamentary elections and on heraldry.²⁷

Initially, work started on the drafting of the rules of the state system. This process was led by the Social Democrat deputy Fēlikss Cielēns (1888–1964), who drafted most of the theses to be included in the project.

The Constituent Assembly's action in drafting the content of the Basic Law was in line with the theoretical concept of the constituent power (*pouvoir constituant*) developed by the French statesman and leading figure of the French Revolution Emmanuel Sieyès (1748–1836).²⁸ According to this, given the practical consideration that the people cannot come together to adopt a constitution, they delegate or empower special representatives to draft and adopt a Basic Law on their behalf.²⁹ This point was also made by the member of parliament Jānis Purgalis (1869–1934) during the debate on the first part of the Constitution.³⁰ Since the people themselves could not physically assemble to write the Constitution, they delegated this responsibility to their elected representatives.

²³ *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 3.

²⁴ O. Gerts, *Par Latvijas Republikas Satversmes tēviem...*

²⁵ *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 3.

²⁶ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 3.

²⁷ J. Pleps, D. Plepa, *Latvijas Republikas Satversme*, <https://enciklopedija.lv/skirklis/100866-Latvijas-Republikas-Satversme> [accessed: 2025.05.22].

²⁸ K. Dišlers, *Demokrātiskas valsts iekārtas pamati*, Rīga 1931, p. 30.

²⁹ J. Pleps, E. Pastars, I. Plakane, *Konstitucionālās tiesības*, Rīga 2021, pp. 43–44.

³⁰ *Jāņa Purgaļa uzruna. Satversmes komisijas referentu ziņojumi par Satversmes I daļu IV. sesijas 1. sēde 1921. gada 20. Septembrī* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 11.

On the basis of this special mandate given by the people, the question of Latvia's legal basis, which must also be enshrined in the *Satversme*, became of primary practical importance. In this respect, the members of the Constituent Assembly were almost unanimous that the concept that Latvia is an independent, democratic republic, as set out in the provisional Constitutions, should also be enshrined in the Basic Law, stressing that these words should be regarded as the 'spirit of the Constitution'.³¹ The choice of a republic was based on a consideration of Latvia's historical and geographical situation,³² explaining that the Latvian people were against the reactionary power in the East, meaning Soviet Russia, as well as against the aristocracy that had developed under the nobility and when Latvia was part of the Russian Empire.³³

The eminent scholar of state law Kārlis Dišlers (1878–1954) also stressed that a democratic republic was the most appropriate model of state governance for Latvia, rejecting a separate privileged social order such as the nobility.³⁴ Thus, the Constitutional Assembly stated that the sustainability of the Latvian state was linked exclusively to the recognition of a democratic republic and the establishment of rules for its functioning that would allow this recognition to be implemented in practice.³⁵

Although various concepts included in the draft Constitution provoked discussions during the drafting of the first part of the Constitution, the most important and acute discussions were about the institution of the President of Latvia and which country's example Latvia should follow in regulating the work of the Head of State. Cielēns considered that the duties of the Head of State would be performed, as during the Constitutional Assembly, by the President of the *Saeima*, whose powers would be mainly nominal.³⁶ By contrast, the member of parliament Arveds Bergs (1875–1941) insisted that the President of the State should be endowed with broader powers, including the provision that the President of the State should be elected by direct suffrage, giving him independent political functions.³⁷ This legal framework was in fact modelled on the Constitution of the German Empire of 11 August 1919, the so-called Weimar Constitution.³⁸

The debates revealed a deep engagement with both European and transatlantic models. The United States was cited as an example of a presidential system with a strong executive branch, but its unique system of checks and balances was seen

³¹ *Marģera Skujenieka uzruna...* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 8.

³² *Tautas vai saeimas vēlētu valsts prezidentu? – lielā cīņā Satversmes Sapulcē, "Latvju Ziņa", 7.05.1953, no. 9, p. 6.*

³³ *Marģera Skujenieka uzruna...* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 9.

³⁴ K. Dišlers, *Latvijas valsts varas orgāni un viņu funkcijas*, Rīga 1925, p. 33.

³⁵ I. Bērziņa, G. Krūmiņš, J. Pleps et al., *Latvijas valsts ideja un aizsardzība...*, p. 64.

³⁶ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, pp. 3–4.

³⁷ *Ibid.*

³⁸ *Die Verfassung des Deutschen Reiches*, <https://www.verfassungen.de/de19-33/verf19-i.htm> [accessed: 2024.03.11].

as unsuitable for a small European republic like Latvia. France, Switzerland, Estonia, and Poland also featured in these discussions, each providing specific institutional templates that were considered, adapted, or rejected.

Cielēns criticised the so-called Weimar Constitution proposal, referring to the French Constitution of 1848, arguing that too broad presidential powers could lead to a constitutional crisis and a concentration of power in the hands of one person.³⁹ He also referred to practice in the United States, pointing out that the system in place there was, however, very different from the European tradition of constitutionalism and the framework of checks and balances established between Parliament, the executive, and the President.⁴⁰ The Social Democrat representative also pointed out that the separate institution of the President of the Republic entailed additional costs, as demonstrated, for example, by the practical implementation of the Polish constitution, which maintains a very expensive presidential apparatus.⁴¹

Some members of parliament expressed the view that the institution of the President was a legacy of the old monarchies,⁴² and that even a popularly elected President could not mitigate the potential risks of revolution and usurpation of power.⁴³ The Swiss constitution was highlighted as an example of a state without a President,⁴⁴ as was Estonia, where the Prime Minister acted as head of state.⁴⁵ Those in favour of the institution of the presidency also referred to the theory of the separation of powers proposed by the Enlightenment philosopher Montesquieu (1689–1755), noting that a popularly elected president would promote a balance between the executive and the legislature.⁴⁶

Legal scholars have noted that a popularly elected president or a head of state endowed with broad and functional powers can compensate for the political vacuum that arises in countries with weak party systems (such as Russia and France at the time).⁴⁷ Given the fragmentation of political parties, such a solution could have strengthened parliamentarism in Latvia, but despite the concerns expressed in the debate, the institution of the President of Latvia was created in a way that was mainly in line with the representative model of the presidency, without a very broad competence and operational framework. This, scholarship has pointed out,

³⁹ Fēliksa Cielēna uzruna. *Satversmes komisijas referentu ziņojumi par Satversmes I daļu IV. sesijas 1. sēde 1921. gada 20. septembrī* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., pp. 25–26.

⁴⁰ *Ibid.*, p. 25.

⁴¹ *Ibid.*, p. 27.

⁴² *Satversmes komisijas referentu ziņojumi par Satversmes I daļu IV. sesijas 1. sēde 1921. gada 20. septembrī* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 42.

⁴³ Fēliksa Cielēna uzruna... [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 26.

⁴⁴ *Satversmes komisijas referentu ziņojumi par Satversmes I daļu*... [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., pp. 40, 61.

⁴⁵ *Ibid.*, p. 46.

⁴⁶ *Ibid.*, p. 45.

⁴⁷ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 5.

nevertheless allows the Latvian constitution to be considered more akin to the French theory of constitutionalism than to the Weimar constitution.⁴⁸

Moreover, by limiting the powers of the President, the Constitution established the so-called institution of countersignature, which required the co-signature of a member of the Cabinet for the issuance of certain, indeed, most, acts of the President.⁴⁹ This institution was also enshrined in the Weimar Constitution, but its origins are primarily linked to monarchies, as a means of limiting the power of the monarch.⁵⁰ This arrangement implied the predominance of the executive and its political responsibility within the Latvian state system.⁵¹

In addition to the elaboration of the constitutional framework for the activities of the executive, the President of the Republic, and the legislature, the work of the Constituent Assembly during the discussion of the first part of the Basic Law considered the possibilities of direct involvement of the people (direct democracy)⁵² in matters of public administration, mainly in the form of referenda and initiatives.⁵³

The development of twentieth-century constitutionalism after the First World War contributed to the consolidation of direct democracy. A striking example of this was the Weimar constitution, which was modelled, to one degree or another, on elements of popular participation in the basic laws of other countries.⁵⁴ At that time, direct democracy was understood as the right of citizens to oppose a decision taken by parliament, thus providing mainly for two types of referendums: compulsory referendums to amend the constitution and optional referendums. These limited the power of parliament.⁵⁵ The institution of referendums in the Latvian Constitution,⁵⁶ including the regulation of the procedure for amending the Basic Law,⁵⁷ was also essentially modelled on the Weimar Constitution.⁵⁸

The Constitutional Assembly members criticised the threshold set in the Basic Law for the actual implementation of direct participation of the people, pointing out that in Latvia it was virtually impossible to collect the votes of one fifth of the electorate for a legislative initiative.⁵⁹ However, suggestions that the practice of referendums developed in the Swiss cantons be adopted, which required a much smaller quorum,

⁴⁸ L. von Witte, *La Costituzione Della Repubblica Lettone...*, pp. 3–17.

⁴⁹ *Ibid.*

⁵⁰ L. Valtere, *Kontrasignācijas institūta ģenēze un izpausmes Latvijas Republikā*, Rīga 2011, p. 9.

⁵¹ K. Dišlers, *Latvijas valsts varas orgāni un viņu funkcijas...*, p. 38.

⁵² *Satversmes komisijas referentu ziņojumi par Satversmes I daļu...* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 60.

⁵³ *Ibid.*, pp. 65–66.

⁵⁴ E. Kolbs, *Veimāras Republika*, Rīga 1997, p. 22.

⁵⁵ I. Nikuļceva, *Tautas nobalsošana un vēlēšanu likumdošanas iniciatīva*, Rīga 2012, p. 12.

⁵⁶ *20. gadsimta Latvijas vēsture*, Rīga 2003, pp. 161–164.

⁵⁷ R. Balodis, *Par tautas tiesībām un faktiskām iespējām grozīt Latvijas Republikas Satversmi* [in:] *Tiesības un tiesiskā vide mainīgos apstākļos. Latvijas Universitātes 79. starptautiskās zinātniskās konferences rakstu krājums*, Rīga 2021, pp. 412–413.

⁵⁸ I. Nikuļceva, *Tautas nobalsošana un vēlēšanu likumdošanas iniciatīva...*, p. 14.

⁵⁹ *Fēliksa Cielēna uzruna...* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 28.

did not find general support.⁶⁰ However, despite the strict requirements, Kārlis Dišlers also considered the principles established in the Constitution to be sufficient to classify Latvia as a direct democracy.⁶¹

On 15 February 1922, the Constituent Assembly adopted the first part of the Constitution by an overwhelming majority.⁶² It consisted of eighty-eight articles, divided into seven chapters, regulating general provisions (Articles 1–4), the nature of the *Saeima* (Parliament) (Articles 5–34), the institution of the President (Articles 35–54); the functions of the Cabinet (executive) (Articles 55–63), the legislative process (Articles 64–81), the general principles of the courts (Articles 82–86), and the institution of the State Audit Office (Articles 87–88). As legal scholars of the time explained, this type of structure was akin to the Weimar Constitution.⁶³

The similarities, which make it possible to consider the 1922 Constitution of Latvia as a fundamental law of its time, are also demonstrated by the fact that the Latvian Constitution, like the fundamental laws of Estonia, Lithuania, Finland, Germany, and other countries, began with a short preamble: ‘The people of Latvia, in freely elected Constitutional Assembly, have adopted the following Constitution of the State.’⁶⁴ It is true, however, that this approach to the preamble had led to its being formulated in a laconic way so that it did not reflect some of the values of the people.⁶⁵ In the spring of 2014, the *Saeima* decided to amend the Constitution and supplement it with an extended preamble, an initiative of Egils Levits, then a judge of the Court of Justice of the European Union, aimed at strengthening the values and culture of the Latvian people, which became the subject of fierce debate after the 2012 referendum on strengthening the status of Russian as the second state language.⁶⁶ The referendum had a turnout of 71.13% of the electorate. Overwhelmingly, they decided that Latvian should be the only state language.⁶⁷

The wording of Article 2 of the *Satversme*, stating that ‘the sovereign power of the Latvian State belongs to the people of Latvia’,⁶⁸ also bears certain similarities to the

⁶⁰ *Ibid.*

⁶¹ K. Dišlers, *Latvijas valsts varas orgāni un viņu funkcijas...*, p. 35.

⁶² *20. gadsimta Latvijas vēsture...*, pp. 161–164.

⁶³ L. von Witte, *La Costituzione Della Repubblica Lettone...*, pp. 3–17.

⁶⁴ *Ibid.* Original preamble goes as follows ‘Latvijas tauta savā brīvi vēlēta Satversmes sapulcē ir nolēmusi sev šādu valsts Satversmi’ [English – ‘The people of Latvia, in freely elected Constitutional Assembly, have adopted the following State Constitution’]. The Constitution of the Republic of Latvia, <https://www.saeima.lv/en/legislative-process/constitution> [accessed: 2025.07.05.]

⁶⁵ R. Balodis, *Latvijas Republikas Satversmes ievads* [in:] *Latvijas Republikas Satversmes komentāri. Ievads. I nodaļa. Vispārējie noteikumi*, Rīga 2014, p. 92.

⁶⁶ R. Balodis, *Konstitūcijas sastāvdaļa: preambula – tās loma un nozīme mūsdienu konstitucionālismā* [in:] *Tiesību efektīvas piemērošanas problemātika: Latvijas Universitātes 72. zinātniskās konferences rakstu krājums*, Rīga 2014, p. 298.

⁶⁷ *On Amendments to the Constitution of the Republic of Latvia (2012)*, https://www.cvk.lv/lv/pargrozijumiem-latvijas-republikas-satversme-2012?utm_source=https%3A%2F%2Fwww.google.com%2F [accessed: 2024.05.28].

⁶⁸ Current translation: ‘The sovereign power of the State of Latvia is vested in the people of Latvia.’ Article 2 of the *Satversme*, <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia> [accessed: 2025.07.05].

Weimar Constitution. As the authors of the Weimar Constitution explained at the time, this met a need to enshrine the sovereignty of the people in an act of constitutional rank, confirming the people's desire for freedom.⁶⁹ The belief in the sovereignty of the people and the contempt for political systems imposed by foreign powers⁷⁰ was, thus, one of the three central principles which permeated the Constitution and characterised its 'spirit'. Alongside popular sovereignty, the idea of the republic and the principle of parliamentarianism permeate the concepts underlying the Constitution.⁷¹

The enshrinement of the right to vote in the Constitution was aimed at putting democratic principles into practice. Taking into account the historical peculiarities of Latvia and the size of the country, the Constitutional Assembly decided, after extensive debate, that a bicameral system should not be introduced in Latvia, but rather a unicameral parliament. The procedure under which the parliament was given powers for only three years was criticised; it was pointed out that only countries such as England, which had a long tradition of parliamentarianism, could afford short terms of office.⁷² However, as in other Western European constitutions, the stability of parliament was ensured, for example, by a ban on the recall of individual members.⁷³ Nevertheless, a consolidation of the parliamentary tradition in Latvia encountered various problems, which both fragmented the political forces represented in Parliament and laid the foundations for the crisis of parliamentarism and its consequences,⁷⁴ which culminated in the loss of independence in 1940.⁷⁵

Moreover, Article 81 of the Constitution, which gave the Cabinet of Ministers the right to issue regulations with the force of law between parliamentary sessions, was also seen as detrimental to strengthening the role of Parliament. Leo Witte (1887–1948) pointed out at the time that this practice was taken over from the Basic Laws of the Russian Empire adopted in 1906, which would undermine the people's confidence in the stability of Parliament.⁷⁶

One of the issues, in the legal formulation of which the members of the Constitutional Assembly looked extensively at the practice of foreign constitutionalism, was related to the immunity of members of the *Saeima*. In this respect, the prohibition in Article 28 of the Constitution against prosecuting members of the *Saeima* in connection with their voting or their views as expressed during the execution of their duties was similar to the principles of the Estonian Constitution, as well as, at least in part, to those of

⁶⁹ L. von Witte, *La Costituzione Della Repubblica Lettone...*, pp. 3–17.

⁷⁰ *Latvijas Republikas Satversmes tapšana un ciņas ap to*, "Latvju Ziņas", 16.04.1953, no. 8, p. 6.

⁷¹ U. Ģērmanis, *Latvijas Satversmes tēvi*, http://zagarins.net/jg/jg7/JG7_Germanis.html [accessed: 2024.05.19]; K. Dišlers, *Latvijas valsts varas orgāni un viņu funkcijas...*, p. 38; *idem*, *Dažas piezīmes pie Latvijas Republikas Satversmes projekta*, "Tieslietu Ministrijas Vēstnesis" 1921, no. 4–6, p. 139.

⁷² L. von Witte, *La Costituzione Della Repubblica Lettone...*, pp. 3–17.

⁷³ *20. gadsimta Latvijas vēsture...*, pp. 161–164.

⁷⁴ Judgment of the Constitutional Court of 23 September 2002, 'On Compliance of the Second Sentence of Section 38(1) of *Saeima* Election Law with Articles 6, 8, 91 and 116 of the *Satversme*'. *Latvijas Vēstnesis*, 24.09.2002, No. 136, Conclusions.

⁷⁵ R. Miķelsons, *Latvijas vēsture*, [s.l.] 1948, p. 105.

⁷⁶ L. von Witte, *La Costituzione Della Repubblica Lettone...*, pp. 3–17.

French⁷⁷ and English constitutionalism,⁷⁸ but with certain differences and national peculiarities of application.⁷⁹ A liberal element of this right was the fact that immunity of deputies was also applicable during the inter-sessional period, which was not provided for in the constitutions of other European countries such as France, Belgium, or Greece.⁸⁰

On 17 January 1922, the Constituent Assembly began discussing the draft second part of the Constitution, which was to lay down the fundamental rights of citizens.⁸¹ The proposed draft, with thirty-one articles, contained a wide range of rights, from the principle of equality to the inviolability of the home and correspondence, and the prohibition of the death penalty.⁸²

The members of the Constituent Assembly drew inspiration for the catalogue of fundamental rights from a very wide range of historical sources, including constitutions adopted after the French Revolution⁸³ that contained the basic principles of human and civil rights.⁸⁴ These civil rights values were later enshrined in the Weimar Constitution, as well as in the fundamental laws of Spain, Italy, and other countries. At the same time, they permitted the most appropriate formulation of legal guarantees for the Latvian context.⁸⁵

The draft of the second part of the Constitution, in terms of the wording and structure of the articles, essentially corresponded to the Weimar Constitution,⁸⁶ however, as legal scholarship indicates, many civil guarantees were not included in the draft by the deputies of the Constituent Assembly, nor was there a classification of rights according to categories.⁸⁷ Objectively, the draft of the second part was incomplete: it lacked a logical structure and a systematic presentation of the articles.⁸⁸

Some members of the Constitutional Assembly, however, were sceptical about the need to enshrine this catalogue of rights directly in the Basic Law, suggesting instead that these guarantees should be included in other laws. However, recognising that Latvia was a parliamentary republic⁸⁹ in the early stages of its development, with a weak democratic tradition in contrast to, for example, France or England, it was

⁷⁷ *Satversmes I daļas lasīšana pa pantiem. IV. sesijas 14. sēde* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 300.

⁷⁸ L. von Witte, *La Costituzione Della Repubblica Lettone*..., pp. 3–17.

⁷⁹ F. Cielēns, *Latvijas Republikas Satversmes noteikumi par deputātu imunitāti*, "Tieslietu Ministrijas Vēstnesis", 1.03.1929, no. 3–4, p. 104.

⁸⁰ R. Akmentiņš, *Latvijas Satversmes reforma*, "Jurists", 1.04.1934, no. 4, pp. 106–118.

⁸¹ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 5.

⁸² *Draft Constitution, Part 2*, <https://docs.google.com/document/d/1WXDRjxBnntkvu9zBNsALmhBUMeNf2SqIAFLZTRO47To/edit#bookmark=id.gjdgxs> [accessed: 2024.01.25].

⁸³ J. Čakste, *Par valsts satversmi* [in:] *eadem, Taisnība vienmēr uzvarēs*, Rīga 1999, p. 166.

⁸⁴ *Satversmes komisijas referentu ziņojumi par Satversmes II daļu. V. sesijas 1. sēde* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., pp. 418–419.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ J. Fillere, *Advokāts kā maksātnešpējas administrators. Ētikas problēmjaūtājumi*, Rīga 2016, pp. 12–13.

⁸⁸ *20. gadsimta Latvijas vēsture*..., pp. 161–164.

⁸⁹ A. Pommers, *Latvijas vēsture*, Rīga 1930, p. 349.

stressed that civil and political rights and freedoms should be enshrined in the Basic Law in order to strengthen their protection and practical enforceability.⁹⁰

There were extensive discussions on the fundamental rights of citizens, but the search for compromise on the preferred wording of the articles, which could be observed during the work on the first part of the draft Constitution, was absent.⁹¹ Thus, on 5 April 1922, the vote on the adoption of the second part was rejected by a majority of six votes. According to scholars of constitutionalism, this was, in fact, the result of a misunderstanding about the scope and wording of the rights to be included, rather than of principled opposition to the idea of introducing fundamental rights for citizens.⁹² Thus, in the decisive vote the Social Democrats abstained; they had hoped to correct the previously unaddressed shortcomings in the wording of the second part of the Constitution in a third reading.⁹³

Thus, in the inter-war period, the Constitution functioned without a separate catalogue of fundamental rights. There is a debate as to whether the failure to adopt the second part of the Constitution created a situation in which the fundamental rights of the individual did not exist, or at least were not properly recognised, in inter-war Latvia. In my opinion, there is no basis for such a view, since, and here one must also agree with many legal scholars, the popularly elected parliament, the *Saeima*, using the powers granted to it in the Constitution, filled this gap at least partially by adopting laws which provided for, *inter alia*, the freedoms of the press, association, and assembly, as well as other guarantees.⁹⁴ Dišlers also considered that the protection of these legal values, in circumstances where the fundamental rights of citizens were not enshrined in the Constitution, was, thus, left in the hands of the people themselves.⁹⁵

Also, it may be concluded that the comparative method was used explicitly and systematically by Latvian lawmakers. The drafting process involved the analysis of constitutional documents from Switzerland, Germany (especially Weimar), Finland, France, England, the USA, Poland, Estonia, Czechoslovakia, and even Japan. However, Soviet constitutional models were consciously excluded. The aversion to the centralized, one-party system and to the symbolic use of constitutional language devoid of enforceable rights underscored Latvia's deliberate distancing from the Soviet model of legal formalism and normativism.

A deeper look into the Weimar Constitution reveals several structural and normative elements that found resonance in the Latvian constitutional project. Among them were the principles of popular sovereignty, parliamentary supremacy, and mechanisms of direct democracy (for example, referenda and popular initiatives),

⁹⁰ *Satversmes komisijas referentu ziņojumi un vispārējās debates par Satversmes II daļu. V. sesijas 1. sēde* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 507.

⁹¹ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 6.

⁹² *Latvijas tiesību vēsture (1914–2000)*..., p. 165.

⁹³ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*..., p. 6.

⁹⁴ *Ibid.*, p. 7; see also: *Cilvēktiesības pasaulē un Latvijā*, Rīga 2021, pp. 339–341; A. Kučs, *Pamattiesības* [in:] *Latvijas valsts tiesību avoti. Valsts dibināšana – neatkarības atjaunošana*, Rīga 2015, p. 121.

⁹⁵ K. Dišlers, *Ievads Latvijas valststiesību zinātnē*..., p. 75.

which were conceptually adopted and adjusted to Latvia's smaller, more homogeneous parliamentary context. Notably, the Weimar model's separation of powers, clear institutional demarcations, and regulated presidential functions appealed to Latvian lawmakers who sought to establish a system resistant to executive overreach while maintaining democratic accountability.

In contrast, Soviet legal theory, emerging from the 1918 Russian Soviet Federative Socialist Republic Constitution and further developed in the 1924 and 1936 Soviet constitutions, was seen as both normatively and structurally opposite to Latvian constitutional ideals.⁹⁶ The concept of 'democratic centralism', the subordination of judicial independence to political authority, and the absence of enforceable individual rights made Soviet constitutionalism incompatible with the Latvian vision of the rule of law. Therefore, emphasis in the *Satversme* on institutional pluralism, civil liberties, and legislative primacy can be interpreted not only as an affirmative act of nation-building but also as a principled rejection of Soviet constitutional symbolism and its use as an ideological instrument of state power.⁹⁷

Moreover, while the Constitution included the institution of countersignature, a tool to constrain presidential power by requiring ministerial co-approval of executive acts, this device, derived from monarchical constitutions such as those of Germany and France, was transformed into a mechanism of republican accountability. In this way, the Latvian Constitution incorporated European tools of constitutional design while adapting them to the logic of parliamentary sovereignty.

In sum, the drafting of the *Satversme* was a product of doctrinal learning and practical synthesis. The Latvian approach to constitutionalism was neither imitative nor dogmatic; it was rather eclectic, although rational, and ideologically attuned to the aspirations of a democratic nation-state. The constitutional text was concise, structured, and rooted in the legal and political thought of its time, with clear traces of German public law, French republicanism, and comparative lessons from neighbouring states. Despite the rejection of the second part of the Constitution, the overall framework established the institutional and normative foundations for a functioning parliamentary democracy.

Summary and conclusions

Long before the declaration of Latvia's independence, shortly after the events of 1905, the former member of the Constituent Assembly, Social Democrat and prominent poet

⁹⁶ T. Foglesong, *The Reform of Criminal Justice and Evolution of Judicial Dependence in Late Soviet Russia* [in:] *Reforming Justice in Russia, 1864–1996: Power, Culture, and the Limits of Legal Order*, ed. P.H. Solomon, Jr., New York 2015, p. 207. See also: В.А. Лазарева, *Судебная власть и ее реализация в уголовном процессе*, Самара 1999, pp. 38–43.

⁹⁷ See also: С.Ф. Кечежян, *Правоотношения в социалистическом обществе*, Москва 1958, p. 170.

Jānis Pliekšāns (1865–1929) had written that the fundamental law of the state was first a question of uniting the values of the nation, and only after that it was a question of law.⁹⁸ Thus, the Constitution of the Republic of Latvia adopted on 15 February 1922, which entered into force on 7 November 1922 at 12.00,⁹⁹ can be regarded as a synthesis of theoretical concepts of constitutional law of its time, political compromises, and considerations of varying degrees of abstraction.

The Constitution emerged from a Constituent Assembly composed of 152 deputies of diverse ideological and ethnic backgrounds, including Latvians, Jews, Russians, Germans, and Poles. Thus, it can be argued that the Basic Law drafted by the Constituent Assembly was a peculiar amalgamation of extensive comparative legal studies and progressive ideas aimed at allowing Latvia to flourish in an era when despotism and other negative vestiges of imperialism had no place.

The historical background influenced the sources chosen for the content of Parts I and II of the Constitution. Although statesmen primarily looked towards the so-called 'old democracies' in order to adopt practices and principles that had been approved and recognised as good there, at the same time it was clear that what was suitable for other countries would not yet be suitable for Latvian conditions. Thus, some of the institutions included in the Constitution are characterised by a certain degree of eclecticism, in terms of combining the principles of different constitutional theories, such as Weimar and US constitutionalism.¹⁰⁰ The Latvian *Satversme* exhibited clear affinities with the Weimar Constitution in matters such as the structure of parliament, the limits on presidential authority, and mechanisms of direct democracy.

The Constitutional Assembly members, working for almost two years on the text of the Basic Law, tried to create a basis for the continued existence of the Latvian nation in accordance with principles that were unknown or inadequately implemented under the Russian Empire, highlighting the legal, historical, political, national, cultural, and other elements specific to Latvia that were outside the legal dimension.¹⁰¹ Thus, the need to establish the foundations of parliamentary culture and democratic principles, which were unknown to most Latvians at that time, became paramount.

From a general point of view, there is, of course, no doubt that the Constitution of the Republic of Latvia was in line with the ideas and values of its time and of the nation state, and also embodied the idea of constitutionalism in the sense that it was found in many parts of Europe after the First World War. Its content and the concepts embodied in the Constitution were, if not directly, at least ideologically influenced by the constitutions of many other countries, notably the Weimar Constitution,¹⁰² as

⁹⁸ A. Birkerts, *J. Raiņa dzīve*, Rīga 1938, pp. 146–147.

⁹⁹ *Latvijas Satversmes Sapulces stenogrammu izvilkums (1920–1922)*..., p. 1.

¹⁰⁰ V. Cielava, *Priekšvārds* [in:] *Latvijas Satversmes Sapulces stenogrammu izvilkums (1920–1922)*..., p. 5.

¹⁰¹ J. Pleps, E. Pastars, I. Plakane, *Konstitucionālās tiesības*..., p. 22.

¹⁰² *Die Verfassung des Deutschen Reichs ('Weimarer Reichsverfassung')*, <https://www.verfassungen.de/de19-33/verf19-i.htm> [accessed: 2024.01.25]; L. von Witte, *La Costituzione Della Repubblica Lettone*..., pp. 3–17.

well as those of Switzerland, Baden,¹⁰³ Tsarist Russia,¹⁰⁴ Finland, France, England, the USA, Poland, Czechoslovakia, Estonia, and even Japan.¹⁰⁵ The fact that the Weimar Constitution played an important role in the development of the content and concepts of the Constitution was due to the peculiarities of the period,¹⁰⁶ as not only the Latvian legislature, but also other Western European countries made extensive use of the progressive and liberal ideas of German constitutionalism in the process of constitutional innovation.¹⁰⁷

Thus, it is no coincidence that the Constitution was described as a contemporary constitution at the time of its adoption.¹⁰⁸ Perhaps it was precisely the contemporaneity and the concise formulation of the values enshrined in the Basic Law¹⁰⁹ that allowed the Constitution to be fully restored after the restoration of Latvia's independence.¹¹⁰

What distinguished the Latvian case was the balance between modern institutional design and the cultural-political mission of consolidating a democratic republic in a region with limited prior experience of democratic governance. The members of the Constituent Assembly understood that the Constitution was not only a legal text but a cultural instrument of transformation. There is no doubt that the *Satversme* of 1922 conformed to the dominant ideas of constitutionalism in interwar Europe: it was brief, normatively coherent, procedurally legitimate, and ideologically grounded in the values of republicanism, sovereignty of the people, and the rule of law. The influence of the Weimar Constitution and other European models was not merely textual; it was conceptual. Indeed, the contemporaneity and conciseness of the *Satversme* may explain its remarkable resilience. After the collapse of Latvian independence in 1940, the *Satversme* lay dormant under Soviet rule, but it was symbolically and legally revived during the restoration of independence in 1990–1993. Its enduring normative potential was rooted in its ability to express both timeless principles and historically situated compromises.

¹⁰³ K. Dišlers, *Dažas piezīmes pie Latvijas Republikas Satversmes projekta...*, pp. 142–145.

¹⁰⁴ J. Pleps, *Satversmes iztulkošanas konstitucionāli tiesiskie un metodoloģiskie problēmjautājumi*, Rīga 2010, pp. 171–172; J. Jūgs, *Latvijas Republikas Satversmes pieņemšana un tās juridisko institūtu tapšanas vēsturiskais apskats*, Rīga 2007, p. 3.

¹⁰⁵ O. Gerts, *Par Latvijas Republikas Satversmes tēviem...*; D. Apine, A. Bāliņš, J. Krūmiņš et al., *Veimāras konstitūcija – Latvijas Republikas Satversmes pamatakmens*, http://home.lu.lv/~rbalodis/Konst%20tiesibas/Doktor_semin_LR%20Satversmi/JF_doktoranti_Veimara_Satversme_07.pdf [accessed: 2024.04.05].

¹⁰⁶ D. Apine, A. Bāliņš, J. Krūmiņš et al., *Veimāras konstitūcija...*; Judgment of the Constitutional Court of 23 September 2002, 'On Compliance of the Second Sentence of Section 38(1) of Saeima Election Law with Articles 6, 8, 91 and 116 of the *Satversme*.' Published in the official gazette "Latvijas Vēstnesis", 24.09.2002, no. 136, Conclusion.

¹⁰⁷ J. Pleps, *Veimāras relativisms vai mūžības klauzula* [in:] *Tiesību interpretācija un tiesību jaunrade – kā rast pareizo līdzsvaru: Latvijas Universitātes 71. zinātniskās konferences rakstu krājums*, Rīga 2013, p. 358; *Opinion of the Constitutional Law Commission 'On the Constitutional Foundations of the Latvian State and the Untouchable Core of the Constitution'*, p. 39, https://blogi.lu.lv/tzpi/files/2017/03/17092012_Viedoklis_2.pdf [accessed: 2024.05.11].

¹⁰⁸ *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 3.

¹⁰⁹ J. Pleps, E. Pastars, I. Plakane, *Konstitucionālās tiesības...*, pp. 67–68.

¹¹⁰ *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)...*, p. 2.

In light of more recent scholarship on post-Soviet constitutionalism, the Latvian experience of 1920–1922 acquires renewed relevance. Comparative studies have shown that many post-Soviet states have struggled to achieve a similar level of normative coherence and institutional restraint in their foundational documents.¹¹¹ By contrast, Latvia's *Satversme*, drafted in the early twentieth century and restored after independence, has demonstrated a rare continuity and legal resilience.

To conclude the outline of the history of Latvian constitutionalism and the sources of law used in the process of drafting the *Satversme*, it can be said that:

- 1) The transition from an imperial system to a republic based on the values of democracy and the rule of law necessitated the drafting of a fundamental state law that would not only correspond to the individual historical and geographic conditions of the Latvian people, but also adopt the principles of democracy, sovereignty, republicanism, and parliamentarism that had been adopted in the constitutions of other Western European countries.
- 2) In drafting the Constitution of the Republic of Latvia, deputies to the Constitutional Assembly extensively applied the methods of comparative law, analysing foreign constitutions and the findings of constitutional scholars, using the Weimar Constitution, as well as the concepts of the fundamental laws of Switzerland, Baden, Tsarist Russia, Finland, France, England, the USA, Poland, Czechoslovakia, Estonia, and Japan.
- 3) The adoption of foreign constitutional practices strengthened the establishment and consolidation of Latvia as a parliamentary republic, not only in its legal dimension, but also in the practical implementation of these concepts. However, the Latvian Constitution cannot be considered identical to any European or foreign constitution.
- 4) The Constitution was designed to institutionalize parliamentary supremacy, safeguard fundamental values, and create legal mechanisms capable of withstanding executive excess or ideological distortion. Despite the failure to adopt Part II of the Constitution on fundamental rights, parliamentary legislation served as a compensatory measure, enshrining civil liberties such as freedom of expression, assembly, and association.

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¹¹¹ W. Partlett, H. Küpper, *The Post-Soviet As Post-Colonial: A New Paradigm for Understanding Constitutional Dynamics in the Former Soviet Empire*, Cheltenham 2022, pp. 111–116; A. Kazharski, *Central Europe Thirty Years after the Fall of Communism: A Return to the Margin?*, London 2022, pp. 182–184.

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Summary

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The Importance of the Sources of Law Used in Drafting the Constitution of the Republic of Latvia with the Purpose of Strengthening Constitutionalism

The Constitution of the Republic of Latvia took two years to draft and entered into force on 7 November 1922. The process was influenced by historical events and the political situation in which the Latvian people found themselves, thus necessitating the drafting of a constitution that would meet the current needs of the people and the country, strengthening the ideas of parliamentarism, democracy and republic. Influenced by diverse parliamentary representation, the Constitution combined elements from various legal traditions, including the Weimar Constitution, the U.S., and others, while adapting them to Latvian circumstances. It marked a transition from imperial rule to a democratic republic, rooted in parliamentary and republican principles. The study examines the choices made by the Constituent Assembly, the sources of law used and the diverse considerations in the drafting process of the various concepts enshrined in the Constitution.

Keywords: constitutionalism, Constituent Assembly, Constitution of the Republic of Latvia, comparative constitutional law.

Streszczenie

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Znaczenie źródeł prawa wykorzystanych przy opracowywaniu Konstytucji Republiki Łotewskiej dla wzmocnienia konstytucjonalizmu

Opracowywanie Konstytucji Republiki Łotewskiej, która weszła w życie 7 listopada 1922 r., zajęło dwa lata. Na proces ten miały wpływ wydarzenia historyczne i sytuacja polityczna, w jakiej znalazł się naród łotewski. Wymusiły one zredagowanie Konstytucji, która spełniałaby bieżące potrzeby narodu i państwa, wzmacniając idee parlamentarne, demokratyczne i republikańskie. Pod wpływem zróżnicowanej reprezentacji parlamentarnej Konstytucja łączyła elementy zaczerpnięte z różnych tradycji prawnych, w tym Konstytucji Weimarskiej, Stanów Zjednoczonych i innych, jednocześnie dostosowując je do łotewskich uwarunkowań. Jej przyjęcie stanowiło o przejściu od rządów cesarskich do republiki demokratycznej, zakorzenionej w zasadach parlamentarnych i republikańskich. W artykule przeanalizowano wybory dokonywane przez Zgro-

madzenie Konstytucyjne, wykorzystane przez nie źródła prawa oraz różnorodne rozważania prowadzone w procesie opracowywania rozmaitych konceptów zawartych w Konstytucji.

Słowa kluczowe: konstytucjonalizm, Zgromadzenie Konstytucyjne, Konstytucja Republiki Łotewskiej, porównawcze prawo konstytucyjne.