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Issues of Legal Understanding of Confidence in the Republic of Latvia

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The authors of the article continue the ongoing discussion on the consolidation of the term “loyalty” in Latvian regulatory framework, confirming that sometimes this word is unjustifiably replaced by the term “confidence”. This is often observed in official translations of regulatory acts. Strengthening both of these concepts in Latvian regulatory framework is of essential importance, taking into account both the overall geopolitical situation and national security risks. This issue has been relevant in Latvia and worldwide for a long time, but it gained particular attention in the Republic of Latvia in January 2024, when the *Saeima*, responding to the wishes of the population, amended the State Administration Structure Law, supplementing it with the “Obligation of Allegiance”. The authors of the current article analyse the content of the concepts “confidence”, “trust”, and “loyalty”, pointing out significant differences in the content and understanding of these concepts. The authors emphasize that the different interpretations and translations of the aforementioned concepts can create confusion in the application of legal norms. In conclusion, the authors call for a more precise definition and distinction of the concepts of “loyalty” and “confidence” in Latvian regulatory framework in order to eliminate possible ambiguities and improve the application of legal norms.

Keywords: confidence, trust, loyalty, state, government.

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Introduction

The Preamble of the Constitution (*Satversme*) of the Republic of Latvia stipulates: “Loyalty to Latvia, the Latvian language as the only official language, freedom, equality, solidarity, justice, honesty, work ethic and family are the foundations of a cohesive society”¹. This exact translation into English can be found on the website *likumi.lv*,² which is maintained and developed by the Official Publisher of the Republic of Latvia – “Latvijas Vēstnesis”. Translations of regulatory acts are provided by a state administrative institution – the State Language Centre (Latvian: *Valsts valodas centrs*).

At the end of 2024, the legislator – the Parliament (*Saeima*) of the Republic of Latvia, taking into account the geopolitical situation, the need to prevent possible national security risks, as well as taking into account the collective petition of 13,165 Latvian citizens to ban persons with pro-Kremlin leanings from holding positions in state and local government institutions,³ amended the State Administration Structure Law, supplementing it with Section 102 “Obligation of Allegiance” (entered into force on 18 January 2024).⁴

As discussions about the regulation of the duty of loyalty and the application of relevant legal norms became increasingly topical, the authors’ attention was drawn to the fact that the term “loyalty” (Latvian: *lojalitāte*) is often used as a synonym for the term “confidence” (Latvian: *uzticība*). For example, the annotation to the Draft Law “Amendment to the Law on State Administration Structure” mentions that loyalty requirements are included in the existing regulatory enactments and that the second part of Section 26 State Audit Office Law “provides for the State Auditor’s loyalty (Latvian: *lojalitāte*) to the Republic of Latvia”.⁵ However, the second part of Section 26 State Audit Office Law stipulates that upon taking office, the State Auditor shall take the following oath (pledge) in the *Saeima*: “I do hereby solemnly swear (promise) to be faithful (Latvian: *uzticīgs*) to the Republic of Latvia, to comply with

¹ Latvijas Republikas Satversme [The Constitution of the Republic of Latvia] (15.02.1922). Available: <https://likumi.lv/ta/id/57980-latvijas-republikas-satversme> [last viewed 25.05.2025]; Grozījumi Latvijas Republikas Satversmē [Amendments to the Constitution of the Republic of Latvia] (19.06.2014). Available: <https://likumi.lv/ta/id/267428-grozijums-latvijas-republikas-satversme> [last viewed 25.05.2025].

² See The Constitution of the Republic of Latvia. (15.02.1922). Available: <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia> [last viewed 25.05.2025].

³ Aizliegt ieņemt amatus valsts un pašvaldību institūcijās prokremliski noskaņotām personām [To prohibit pro-Kremlin persons from holding positions in state and local government institutions] (18.05.2022). Available: <https://manabalss.lv/aizliegt-ienemt-amatus-valsts-un-pasvaldibu-institucijas-prokrieviski-noskanotam-personam/show> [last viewed 25.05.2025].

⁴ Grozījumi Valsts pārvaldes iekārtas likumā [Amendments to the State Administration Structure Law] (21.12.2023). Available: <https://likumi.lv/ta/id/348861-grozijums-valsts-parvaldes-iekartas-likuma> [last viewed 25.05.2025].

⁵ Likumprojekta “Grozījums Valsts pārvaldes iekārtas likumā” Nr. 256/Lp14 anotācija [Draft Law “Amendments to the State Administration Structure Law” No. 256/Lp14. Annotation]. Available: <https://titania.saeima.lv/LIVS14/SaeimaLIVS14.nsf/0/904D0FFFE72C54F1C22589A4003E96FB?OpenDocument> [last viewed 25.05.2025].

its laws and to fulfil my duties in good faith.”⁶ Although the term “loyalty” is not mentioned in Latvian, the official translation of the oath reads, as follows: “I do hereby solemnly swear (promise) to be loyal to the Republic of Latvia, to comply with its laws and to fulfil my duties in good faith.”⁷

The oath of allegiance to the Republic of Latvia and its Constitution is stipulated in several laws regulating the activities of various state services, for example, Section 11 of the Law on the Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prison Administration,⁸ Section 4 of the Military Service Law,⁹ Section 5 of the National Guard of the Republic of Latvia Law,¹⁰ Section 22 of the Law “On State Security Institutions”,¹¹ Section 11 of the State Border Guard Law.¹² Members of the Parliament (*Saeima*),¹³ judges,¹⁴ prosecutors,¹⁵ sworn advocates,¹⁶ sworn notaries,¹⁷ and sworn bailiffs¹⁸ also swear (solemnly promise) to be loyal to Latvia. Similarly, state civil servants promise to be honest and just, loyal to the independent and democratic Republic of Latvia.¹⁹ However, these oaths and promises do not include the term “loyalty” or the obligation to be loyal. On the other hand, for example, a teacher has

⁶ Valsts kontroles likums [State Audit Office Law] (01.06.1993). Available: <https://likumi.lv/ta/id/62538-valsts-kontroles-likums> [last viewed 25.05.2025].

⁷ See State Audit Office Law (01.06.1993). Available: <https://likumi.lv/ta/en/en/id/62538-state-audit-office-law> [last viewed 25.05.2025].

⁸ Iekšlietu ministrijas sistēmas iestāžu un Ieslodzījuma vietu pārvaldes amatpersonu ar speciālajām dienesta pakāpēm dienesta gaitas likums [Law on the Course of Service of Officials with Special Service Ranks Working in Institutions of the System of the Ministry of the Interior and the Prison Administration] (15.06.2006). Available: <https://likumi.lv/ta/id/138750-iekšlietu-ministrijas-sistemas-iestazu-un-ieslodzijuma-vietu-parvaldes-amatpersonu-ar-specialajam-dienesta-pakapem-dienestai> [last viewed 25.05.2025].

⁹ Militārā dienesta likums [Military Service Law] (30.05.2002). Available: <https://likumi.lv/ta/id/63405-militara-dienesta-likums> [last viewed 25.05.2025].

¹⁰ Latvijas Republikas Zemessardzes likums [National Guard of the Republic of Latvia Law] (06.05.2010). Available: <https://likumi.lv/ta/id/210634-latvijas-republikas-zemessardzes-likums> [last viewed 25.05.2025].

¹¹ Valsts drošības iestāžu likums [On State Security Institutions] (05.05.1994). Available: <https://likumi.lv/ta/id/57256-valsts-drosibas-iestazu-likums> [last viewed 25.05.2025].

¹² Valsts robežsardzes likums [State Border Guard Law] (05.11.2020). Available: <https://likumi.lv/ta/id/318741-valsts-robezarsdzes-likums> [last viewed 25.05.2025].

¹³ Latvijas Republikas Satversme [The Constitution of the Republic of Latvia] (15.02.1922). Available: <https://likumi.lv/ta/id/57980-latvijas-republikas-satversme> [last viewed 25.05.2025]. Legal analysis of the deputy's oath: *Kārklīņa, A.* The Oath of the Members of Parliament (MPs) and Liability for Its Breach. Journal of the University of Latvia. Law, No. 8, 2015, pp. 134–153. Available: <https://journal.lu.lv/jull/article/view/191/175> [last viewed 25.05.2025].

¹⁴ Par tiesu varu [On Judicial Power] (15.12.1992). Available: <https://likumi.lv/ta/id/62847-par-tiesu-varu> [last viewed 25.05.2025]. On Judicial Power. (15.12.1992). Available: <https://likumi.lv/ta/en/en/id/62847-on-judicial-power> [last viewed 25.05.2025].

¹⁵ Prokuratūras likums [Office of the Prosecutor Law] (19.05.1994). Available: <https://likumi.lv/ta/id/57276-prokuraturas-likums> [last viewed 25.05.2025].

¹⁶ Latvijas Republikas Advokatūras likums [Advocacy Law of the Republic of Latvia] (27.04.1993). Available: <https://likumi.lv/ta/id/59283-latvijas-republikas-advokaturas-likums> [last viewed 25.05.2025].

¹⁷ Notariāta likums [Notariate Law] (01.06.1993). Available: <https://likumi.lv/ta/id/59982-notariata-likums> [last viewed 25.05.2025].

¹⁸ Tiesu izpildītāju likums [Law on Bailiffs] (24.10.2002). Available: <https://likumi.lv/ta/id/68295-tiesu-izpilditaju-likums> [last viewed 25.05.2025].

¹⁹ Valsts civildienesta likums [State Civil Service Law] (07.09.2000). Available: <https://likumi.lv/ta/id/10944-valsts-civildienesta-likums> [last viewed 25.05.2025].

a duty to be loyal to the Republic of Latvia and its Constitution.²⁰ The Ministry of Justice has also expressed the opinion that “loyalty is the recognition, abidance, and respect of the fundamental values of a democratic state governed by the rule of law. It is loyalty to the values and fundamental principles set out in the Constitution. [...] Loyalty as trust, respect, attachment to something, in this case – to the state of Latvia and its Constitution, is to be recognized as one of the highest and most important virtues and moral principles that have existed and continue to exist in every society”²¹.

The authors of this article conclude that the highest form of loyalty is patriotism. Even the basic law textbook states: “A citizen must be loyal to the Republic of Latvia, he has the right and duty to protect its freedom, independence and democratic parliamentary state system. Citizens’ loyalty to the state, respect for it and conscientious performance of duties is called loyalty”.²²

The above circumstances have prompted the authors of the article to explore the conceptual understanding of “confidence” (Latvian: *uzticība*) with a particular emphasis on its legal implications. Therefore, the aim of the paper is to analyse the concept of confidence in legal regulation and practice of its application (basically focusing on important aspects of confidence in the public law of the Republic of Latvia, also using some statements from private law), to identify possible problems and to propose solutions.

In the article, general research methods were used, such as comparison and summarization, causal relationship detection, analysis and synthesis, as well as methods of legal norms interpretation.

1. Distinguishing between the concepts of “confidence”, “trust”, and “loyalty”

When grammatically interpreting concepts of “confidence” (Latvian: *uzticība*), “trust” (Latvian: *uzticamība*), and “loyalty” (Latvian: *lojalitāte*), it must be stated that they differ in content. For example, in the Latvian Literary Language Dictionary, the term “confidence” is explained, as follows: confidence is a specific expression of the adjective “faithful” (Latvian: *uzticīgs*) or belief in a favourable, honest attitude, behaviour towards oneself, as well as reliance, faith.²³

Dr. iur. Gatis Bārdiņš, referring to the explanation of the Latvian Literary Language Dictionary expresses the opinion that the term “confidence” (Latvian: *uzticība*) should be used only in cases related to the adjective “faithful” (faithful is someone who is constant and unwavering in their beliefs or actions, unchanging in their attitude). In contrast, in cases involving the adjective “trustworthy” (trustworthy is someone who can be trusted, relied on), the term “trusting (in something)” (Latvian: *uzticēšanās*) should be used.

²⁰ Izglītības likums [Education Law] (29.10.1998). Available: <https://likumi.lv/ta/id/50759-izglitiba-likums> [last viewed 25.05.2025].

²¹ Judgement of the Constitutional Court of the Republic of Latvia of 21 December 2017 in case No. 2017-03-01. Latvijas Vēstnesis, No. 256, 27.12.2017.

²² *Džugleja, T.* Tiesību pamati. [Fundamentals of Law]. Rīga, Talsi: Talsu tipogrāfija, 2011, p. 51.

²³ Latviešu literārās valodas vārdnīca [Latvian Literary Language Dictionary]. 8. sējums. T–Ž. Rīga: Zinātne, 1996, 213.–214. lpp.

The Cambridge Dictionary defines “confidence” as “the quality of being certain of your abilities or of having trust in people, plans, or the future”.²⁴ The Oxford English Dictionary describes “confidence” as “the mental attitude of trusting in or relying on a person or thing; firm trust, reliance, faith”.²⁵

In the Latvian Literary Language Dictionary, the term “loyalty” is understood as behaviour that manifests respect for the existing power, compliance with its laws, or behaviour that manifests an honest, correct, respectful attitude (towards something or someone).²⁶ In the Cambridge Dictionary, “loyalty” is defined as “the quality of being loyal”, while “loyal” is described as “firm and not changing in your friendship with or support for a person or an organization, or in your belief in your principles”.²⁷ The Oxford English Dictionary states that “loyalty” means “faithful adherence to one’s promise, oath, word of honours, etc.”.²⁸

Loyalty is strengthened in regulatory enactments in the interests of the state and society, because loyalty to the state for which a person works or is in public service is a prerequisite for democracy, security and justice. This falls within the scope of self-protective democracy, by legal means and restrictions reducing the possibilities when a person can accept double standards in their activities, i.e., a person belongs to (is in the service or works) the system of state institutions, has a duty to act in the interests of the state (including society) or institution, but at the same time the person expresses an opinion or allows actions that are contrary to the interests of the state or institution, in fact acting anti-state or supporting anti-state activities or manifestations, respectively threatening the state itself, its territorial indivisibility, sovereignty, independence or constitutional order, while also undermining public trust in state administration, but more broadly – in the state.

One of the articles rightly mentions that the European Court of Human Rights has repeatedly referred to the general loyalty clause.²⁹ For example, the European Court of Human Rights in the judgment of the case *Vogt v. Germany* recognized that loyalty includes belief in the state, its fundamental values, but does not mean an obligation to align with the goals and policies of a particular government in power.³⁰ The Court emphasized that loyalty also means distancing oneself from groups that question and vilify the state and the existing constitutional order.

Violation of the duty of loyalty may be evidenced in cases where a person:

has supported an anti-state movement, glorified the crimes of the communist or Nazi regime, war crimes, or expressed another radical opinion that is disparaging of the Republic of Latvia and its Constitution, or has taken other

²⁴ Confidence. The Cambridge Dictionary. Available: <https://dictionary.cambridge.org/dictionary/english/confidence> [last viewed 25.05.2025].

²⁵ Confidence. The Oxford English Dictionary. Available: <https://www.oed.com/search/dictionary/?scope=Entries&q=confidence> [last viewed 25.05.2025].

²⁶ Latviešu literārās valodas vārdnīca [Latvian Literary Language Dictionary]. 4. sējums. J–L. Rīga: Zinātne, 1980, 738. lpp.

²⁷ Loyal. The Cambridge Dictionary. Available: <https://dictionary.cambridge.org/dictionary/english/loyal> [last viewed 25.05.2025].

²⁸ Loyalty. The Oxford English Dictionary. Available: <https://www.oed.com/search/dictionary/?scope=Entries&q=loyalty> [last viewed 25.05.2025].

²⁹ Mikuda, S. Likumprojekts par lojalitāti Latvijas valstij un Satversmei būtu pilnveidojams [The draft law on loyalty to the State of Latvia and the Constitution should be improved] (07.06.2023). Available: https://lvportals.lv/skaidrojumi/352384-likumprojekts-par-lojalitati-latvijas-valstij-un-satversmei-butu-pilnveidojams-2023#_ftn2 [last viewed 25.05.2025].

³⁰ Judgement of the European Court of Human Rights of 2 September 1996 in “*Vogt v. Germany*”, application 17851/91. Available: <https://hudoc.echr.coe.int/?i=001-57949> [last viewed 25.05.2025].

actions that clearly indicate that the person is not loyal to the Republic of Latvia and its Constitution. An opinion or action by which a person, at an event organized or supported by him, publicly denies or justifies, or even glorifies genocide, crimes against humanity, crimes against peace or war crimes against the territorial indivisibility, sovereignty and independence of democratic states or the constitutional order or the Republic of Latvia and its inhabitants, or grossly disparages and calls for the elimination of the national independence and territorial unity of the Republic of Latvia, would also be considered disloyal. Such activity also includes providing various types of support to individuals or states that undermine or threaten the territorial integrity, sovereignty or constitutional order of democratic states. It is not possible to list such activities exhaustively, but they may include financial, material, logistical, informational (propaganda) or other types of activities, as well as individual activities or a set of them, aimed at providing such assistance, support or activities against the territorial indivisibility, sovereignty and independence of a democratic state or the promotion of constitutional order.³¹

In this case, it is clearly evident that the concept of “loyalty” encompasses a broader set of obligations and actions than the concept of “confidence”. “Confidence” can include “confidence” or “trusting” in state policy or state administrative institutions, or *vice versa* – the opposite action – unwavering in one’s views or actions, unchanging in attitude to accept ideas unfavourable or harmful to the state, whereas “loyalty to the state” simultaneously accepts criticism of state administrative institutions, permitted political activity, existence in the opposition, and the exercise to lawful peaceful protests. Loyalty to the state and its fundamental law cannot be interpreted as loyalty to or trust in the government.

This is also consistent with the findings of the Constitutional Court that loyalty characterizes an individual’s relationship with the state. Those working in public administration must be loyal to the state and perform their duties in the interests of the state and society. Thus, political loyalty is understood as loyalty to the state, in which an individual serves as a member of the civil service.³²

For the purposes of comparison, it is worth noting that the most comparable regulatory framework addressing issues of loyalty to that of Latvia can be found in a neighbouring country – Lithuania. For example, Section 4(2)6 of the Law on Civil Service of the Republic of Lithuania (*Lietuvos Respublikos Valstybės tarnybos įstatymas*) explicitly identifies loyalty to the state as one of the key principles of civil service conduct and professional ethics.³³ The principles of civil servants’ conduct and professional ethics shall include, among others, loyalty to the Lithuanian state and its constitutional order. A civil servant must act in the interests of the state, not violate its constitutional order, and, if necessary, take all lawful actions required to

³¹ Likumprojekta “Grozījums Valsts pārvaldes iekārtas likumā” Nr. 256/Lp14 anotācija [Draft Law “Amendments to the State Administration Structure Law” No. 256/Lp14. Annotation]. Available: <https://titania.saeima.lv/LIVS14/SaeimaLIVS14.nsf/0/904D0FFFE72C54F1C22589A4003E96FB?OpenDocument> [last viewed 25.05.2025].

³² Judgement of the Constitutional Court of the Republic of Latvia of 11 April 2006 in case No. 2005-24-01, para. 11.2. Latvijas Vēstnesis, No. 61, 18.04.2006; see also: *Bārdiņš, G.* Par termiņiem “uzticība” un “uztīcēšanās” [About the Terms “Trust” and “Confidence”]. Jurista Vārds, No. 36, 29.08.2017, pp. 14–15.

³³ Lietuvos Respublikos Valstybės tarnybos įstatymas [Law on the Civil Service of the Republic of Lithuania] (08.07.1999). Available: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.84605/asr> [last viewed 25.05.2025].

protect that order. This formulation clearly establishes the obligation of civil servants not only to refrain from actions harmful to the state, but also to actively defend its constitutional foundations, thereby emphasizing a substantive and proactive understanding of “loyalty”.

A comparison conducted by Lithuanian researchers showed that the civil service systems of Lithuania, Estonia, and Latvia are open – meaning that any citizen of these countries can apply for a public service position, provided that he or she meets the formal requirements established by law. In relation to the use of the term loyalty, they note: “Latvian and Lithuanian civil servants must be loyal to the government [...] Principles mentioned in the pledge and duties listed in the Estonian and Latvian public service acts are similar: loyalty to the state, legality, performance of duties and serving the public interest.”³⁴

Overall, it should be noted that in the Republic of Latvia, especially in the field of public law, there is currently a lack of a unified understanding of the concepts of “loyalty” and “confidence”, the use of these terms in various regulatory enactments and practice is different, which also affects the interpretation and application of legal norms.

In addition, the aforementioned situation is also influenced by the specifics of translations and terminological choices in foreign languages. For example, in the official English translation of the Constitution of the Republic of Latvia, “confidence” is translated as “loyalty” (“Loyalty to Latvia”, “to be loyal to Latvia”),³⁵ while in the Russian translation it is translated as “confidence” or “faithfulness” (Russian: *Верность Латвии, быть преданным Латвии*).³⁶ Identically, in the official English translation of the Law “On Judicial Power”, “confidence” is translated as “loyalty” (“to be loyal to the Republic of Latvia”).³⁷ The Latvian word *uzticība* has several translation options in English, but two are more commonly used – “confidence” and “trust”. Sometimes, they are used together in documents: “trust and confidence”.³⁸

However, as explained in one of the studies on the judiciary, when characterizing the relationship between individuals and institutions, one can speak of “confidence” of institutions, and not of individuals’ “trust” in them, although these phenomena are related, and the term “trust” is also used in scientific literature in connection with attitudes towards institutions.³⁹ The above also confirms that in Latvian, alongside

³⁴ Palidauskaitē, J., Pevkur, A., Reinholde, I. A Comparative approach to civil service ethics in Estonia, Latvia and Lithuania. *Journal of Baltic studies*, Vol. 41, No. 1, 2010, p. 54. <https://doi.org/10.1080/01629770903525316> [last viewed 25.05.2025].

³⁵ The Constitution of the Republic of Latvia (15.02.1922). Available: <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia> [last viewed 25.05.2025].

³⁶ Конституция Латвийской Республики [The Constitution of the Republic of Latvia] (15.02.1922). Available: <https://likumi.lv/wwwraksti/LIKUMI/SATVERSME/KRIEVU.PDF> [last viewed 25.05.2025].

³⁷ On Judicial Power (15.12.1992). Available: <https://likumi.lv/ta/en/en/id/62847-on-judicial-power> [last viewed 25.05.2025].

³⁸ Agreement Between the Government of the Republic of Latvia and the Government of the Republic of Lithuania on Mutual Protection of Classified Information (22.05.2015). Available: <https://likumi.lv/ta/en/starptautiskie-likumi/id/504-agreement-between-the-government-of-the-republic-of-latvia-and-the-government-of-the-republic-of-lithuania-on-mutual-protection-of> [last viewed 25.05.2025].

³⁹ Šņitņikovs, A., Kārklīņa, I. Tiesu uzticamība un korupcijas uztvere tiesu darbībā Latvijā [Judicial Trustworthiness and Perception of Corruption in the Judiciary in Latvia] (2013). Available: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/Korupcijas%20petijums-LU.doc [last viewed 25.05.2025].

the term “confidence”, the term “trust” is used, which accordingly opens up an even broader range of understanding.

2. Levels of confidence in the regulatory framework of the Republic of Latvia

Confidence, as a requirement set out in regulatory enactments for the residents of the Republic of Latvia, must be assessed at least on three levels:

- 1) In the context of the institution of citizenship, because every citizen must be confident in his or her state. This confidence is *a priori* presumed for every person whose right to citizenship of the Republic of Latvia is acquired at birth, or is specifically emphasized upon admission to Latvian citizenship and the person solemnly promises: “I will be loyal to the Republic of Latvia. I undertake to be devoted to Latvia and fulfil the Constitution and laws of the Republic of Latvia in good faith.”⁴⁰ As can be seen, in this case, “confidence” and “loyalty” are separate concepts. The understanding of the aforementioned concepts and the meaning of the oath have become particularly relevant during the 2024 discussion on the possibility of revoking citizenship to those persons who maliciously oppose the existence of sovereign Latvia, despite the fact that these persons do not have the citizenship of another country, and accordingly, the Citizenship Law includes deception in obtaining citizenship. In this case, deception is also understood as a violation of confidence (loyalty) to Latvia, which the person being naturalized promises to maintain when applying for citizenship. However, one must agree with the opinion that in such a case, the regulatory enactments should precisely define “what constitutes confidence (loyalty) to Latvia and, accordingly, a violation of this promise (oath) of loyalty”⁴¹; The importance of Confidence increases significantly when extraordinary circumstances arise in the country, for example, the threat of war, an emergency situation, etc.⁴²
- 2) The highest requirements of confidence and appropriate assurances are related to persons entering various positions, for example, in the civil service, legal professions, etc., assuming the restrictions associated with the position and being aware of the specifics of their actions in the interests of the state and society, as well as swearing or solemnly promising to be loyal to Latvia. In this case, breach of the oath is primarily associated with the loss of the relevant status, as well as specifically provided liability for administrative violations or criminal offenses, if, for example, they are committed by an official;
- 3) Even higher trustworthiness requirements have been imposed on several individuals working in or serving in the state, or on private individuals who perform certain state functions or provide services, and a special trust assessment (vetting) has been provided, which is a prerequisite for obtaining

⁴⁰ Pilsonības likums [Citizenship Law] (22.07.1994). Available: <https://likumi.lv/ta/id/57512-pilsonibas-likums> [last viewed 25.05.2025].

⁴¹ Jelisejevs, A. Latvijas pilsonība nav uz mūžu. Lojalitāte Latvijai zvērēta pārkāpums ir maldināšana, iegūstot pilsonību naturalizācijas ceļā [Latvian citizenship is not for life. Violation of the oath of loyalty to Latvia is considered deception when acquiring citizenship through naturalization]. Jurista Vārds, No. 7, 13.02.2024.

⁴² Balodis, R., Danovskis, E. Functionality Problems of Collegial Government Institutions During the COVID-19 Pandemic and Solutions for the Future. Journal of the University of Latvia. Law, No. 14, 2021, pp. 197–215. <https://doi.org/10.22364/jull.14.12> [last viewed 25.05.2025].

a certain status. For example, the Law “On Official Secret” states that “[i]ssuing of a facility security clearance shall be refused or facility security clearance shall be cancelled if [...] during the security vetting such facts were established in respect of a merchant that provide a basis for doubting its reliability and ability to keep the official secret” and “[a]ccess to confidential, secret and top secret official secret objects shall be denied to a person [...] in respect of whom, during the security vetting, facts have been established that provide a basis for [...] doubting his or her reliability and ability to keep an official secret”⁴³. In this case, the person’s trustworthiness is assessed by competent authorities, which may result in a situation where the person continues relations with the state, but in a certain aspect the person has not demonstrated its trustworthiness requirements in order to receive the necessary permission or admission.

It should be noted that on 20 April 2023, Amendments to the Criminal Law entered into force, which provide for criminal liability “for a person who intentionally discloses a confidential, secret, or top secret official secret” (Section 94 of the Criminal Law) or “who commits disclosure of a confidential, secret, or top secret official secret through negligence” (Section 95 of the Criminal Law).⁴⁴ The ways in which information containing state secrets reaches another person can differ, for example, in a frank conversation, in a public speech, showing documents, drawings, schemes, etc.⁴⁵ A state secret may also be disclosed due to carelessness, distraction, inattention, negligence, for example, by leaving a document containing a state secret visible to another person or otherwise accessible, etc.⁴⁶

At the initiative of the Constitution Protection Bureau (Latvian: *Satversmes aizsardzības birojs*), the Latvian State Security Service (Latvian: *Valsts drošības dienests*) and the Defence Intelligence and Security Service (Latvian: *Militārās izlūkošanas un drošības dienests*) amendments were drafted in three laws at once: the Criminal Law⁴⁷, the Freedom of Information Law⁴⁸, and the Law “On Official Secret”⁴⁹. In the draft laws submitted by the National Security Committee (Latvian: *Nacionālās drošības komisija*) of the Parliament (*Saeima*) of the Republic of Latvia their necessity was justified, indicating that with these amendments security requirements will be separated into two groups – information for official purposes and confidential, secret, or top secret information, and that the right of a private

⁴³ Par valsts noslēpumu [On Official Secret] (17.10.1996). Available: <https://likumi.lv/ta/id/41058-par-valsts-noslepumu> [last viewed 25.05.2025].

⁴⁴ Grozījumi Krimināllikumā [Amendments to the Criminal Law] (20.04.2023). Available: <https://likumi.lv/ta/id/341428-grozijumi-kriminallikuma> [last viewed 25.05.2025].

⁴⁵ Krastiņš, U., Liholaja, V. Krimināllikuma komentāri [Comments on the Criminal Law]. The second part (Chapters IX–XVII). 3rd ed. Riga: Tiesu namu aģentūra, 2022, p. 112.

⁴⁶ Ibid., p. 113.

⁴⁷ Krimināllikums [Criminal Law] (17.06.1998). Available: <https://likumi.lv/ta/id/88966-kriminallikums> [last viewed 25.05.2025].

⁴⁸ Informācijas atklātības likums [Freedom of Information Law] (29.10.1998). Available: <https://likumi.lv/ta/id/50601-informacijas-atklatibas-likums> [last viewed 25.05.2025].

⁴⁹ Par valsts noslēpumu [On Official Secret] (17.10.1996). Available: <https://likumi.lv/ta/id/41058-par-valsts-noslepumu> [last viewed 25.05.2025].

person to access information for official purposes cannot prevail over the need to protect such information.⁵⁰

The above considerations lead to a conclusion that the highest requirements of trustworthiness require a person to have a certain lifestyle, behaviour, and actions both while performing official or work duties and outside the time and place of performing these duties.

3. Specifics of understanding trust in the field of private law

If so far the article has examined the specific aspects of the understanding of “trust” in the field of public law, then in order to gain a broader perspective, it is necessary to point out the specifics of understanding the concept of trust in some branches of private law, emphasizing the specifics of commercial law and labour law accordingly.

In this case, the subjective factors of the understanding of “trust” in the field of commercial law are particularly noteworthy, when an authorized institution, person or persons (shareholders, participants, etc.) decide on trust in a specific person, accordingly assessing their actions, decisions made, or the performance indicators of a specific institution. For example, the position of a member of the board of directors of a limited liability company “is a position of trust, as a result of which a member of the board who has lost trust cannot seek reinstatement in the office through the courts. Whether there was an objective reason for the loss of trust does not affect the aforementioned finding, as trust and its loss are subjective factors. Therefore, the court cannot impose a board member on the company and its members against their will, and therefore the dismissed board member does not have the right to claim reinstatement”.⁵¹ Therefore, in this context, the concept of trust emphasizes the ability of an institution or person to rely on a specific person, as well as the right to express one’s will.

Similarly, with the court emphasizing the assessment of the employee’s actions and the need to justify the decision or dismissal, Section 101(1) 2) of the Labour Law states that an employer has the right to give a written notice of termination of an employment contract only on the basis of circumstances related to the conduct of the employee, when the employee, in performing work, has acted illegally and therefore has lost the trust of the employer.⁵² According to the findings of the Senate of the Supreme Court, the employer must assess “both the criteria generally accepted in society for unlawful conduct, and the impact (resonance) the relevant violation has had on the specific employment legal relations, the relevant work environment (work collective), and the impact it has had on the employer’s reputation”⁵³. Thus, in addition to the finding of an employee’s unlawful conduct, the employer’s emotional

⁵⁰ Likumprojekta “Grozījumi Krimināllikumā” Nr. 212/Lp14 anotācija [Draft Law “Amendments to the Criminal Law” No. 212/Lp14. Annotation]. Available: <http://titania.saeima.lv/LIVS14/SaeimaLIVS14.nsf/WEBRespDocumByNum?OpenView&restricttocategory=212/Lp14|647> [last viewed 25.05.2025].

⁵¹ *Strupiņš, A.* Komerctiesību attīstība: problēmas un perspektīvas [Development of Commercial Law: Issues and Perspectives]. Augstākās Tiesas Biļetens No. 16, 2018, p. 127.

⁵² Darba likums [Labour Law] (20.06.2001). Available: <https://likumi.lv/ta/id/26019-darba-likums> [last viewed 25.05.2025].

⁵³ Latvijas Republikas Augstākās tiesa [The Supreme Court of the Republic of Latvia], Tiesu prakse lietās par individuālajiem darba strīdiem [Case Law in Individual Labour Dispute Cases] (2010/2011). Available: <https://www.at.gov.lv/files/uploads/files/docs/petijumi/darba%20stridi.pdf> [last viewed 25.05.2025].

reaction to the employee's unlawful conduct is necessary, which is his or her inner personal feeling.⁵⁴

It can be concluded that in the field of public law, "confidence" includes confidence in the state – Latvia, confidence in state policy or state administrative institutions, and is different from the concept of "loyalty". In the field of private law, however, "trust" is related to reliance on a specific person (e.g., employee, board member), which is based on subjective factors or judgment.

Summary

Finally, the authors put forward the following theses in the form of conclusions and proposals:

Although the term "confidence" (Latvian: *uzticība*) is significant in Latvian legal doctrine and is used quite often in regulatory enactments, there is a lack of a unified understanding of the term "confidence" with the concepts "loyalty" (Latvian: *lojalitāte*) and "trust" (Latvian: *uzticamība*) also being used (often as synonyms), which also affects the interpretation and application of legal norms.

The identified terminological uncertainty also affects the translations of Latvian regulatory acts into English, in which the term "confidence" (Latvian: *uzticība*) is understood as "confidence", "loyalty" or "trust".

In the context of public law, the concept of "confidence" means faith in the state – Latvia, as well as its policies and state administration institutions. This confidence is different from the concept of "loyalty". In the field of private law, however, "trust" is closely related to trust in a specific person, such as an employee or a board member. It is based on subjective factors and individual judgment.

The term "confidence" (Latvian: *uzticība*) raises the issue of responsibility, especially in the case of the so-called oath of allegiance, and also allows it to be assessed at different levels – the confidence of every citizen in the state, a specially defined declaration of trust or requirements of an official or a person with a special status.

The highest standards of trustworthiness require a person to adopt a certain lifestyle, behaviour, and conduct, both while performing official or work duties and outside the time and place of performing these duties.

Considering the content and meaning of the term "confidence" (Latvian: *uzticība*) in service or employment relationships, regulatory enactments should be gradually organized, establishing uniformed "confidence" standards and promises (oaths) for all public administration employees.

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⁵⁴ Atlaišana darbinieka uzvedības dēļ [Dismissal due to employee conduct] (18.07.2022). <https://follow.eu/lv/bez-rubriki-lv/atlaisana-darbinieka-uzvedibas-del/> [last viewed 25.05.2025].

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