

Defense Concept Through the Legislature - Protecting Values for the Sustainability of Society

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Abstract— The pivotal function of independent institutions in the adjudication of legally binding decisions, in accordance with the rule of law and the fundamental principles of the Latvian legal system, is evident. These institutions serve to clarify and adjust the applicability of general concepts to specific cases that are the subject of dispute. The unique geopolitical situation of Latvia is a perpetual reminder of the ambiguity with which its state institutions are regarded by the public and other state-level actors. A fundamental and diametrically opposed clash of opinions within the framework of the state itself (between various stakeholders, members of society, political players, institutions) and in the mass media environment, inciting long-term disagreements and turbulence, can literally be created by a few words or one sentence, one illustration, from the context of which the author's opinion on global issues of Latvian history and political position can be interpreted more broadly. The concept of militant democracy involves the potential questioning and challenging of the very guarantees of defending freedoms and human rights. The article provides a critical overview of the latest amendments to legislation and court practice, thereby establishing a unique insight into the ability and methods of all three powers of the state in strengthening and defending state values in times of turbulence.

Keywords— boundaries of freedom, fundamental values, ideologies, militant democracy

I. INTRODUCTION

While "law" is undoubtedly associated with a high degree of abstraction, theories about the force of legal rules and methodologically correct application, "politics" is a process of struggle between different interests and ideologies, materialised in parliament and government through decisions that are binding on society. In Latvia, the relevance of the concept of 'ideology' in the light of geopolitical developments is indisputable, and at the same time it has been recognised that the study of ideology in the social sciences is fragmented rather than productively

integrated. Looking at the contemporary legal-political realities of post-Soviet countries, two simultaneously actively used options for the application of ideological positions can be identified: direct (legislative) and indirect (through the legal enforcer - the judiciary/institution). The legislator can adopt explicitly ideologically filled normative acts in order to emphasise *expressis verbis* the importance of an idea, a new development trend, an ideological consideration for the future development of the state. At the same time, the dynamic division of opinion in democratic societies creates a constant conflict between "permitted" and "unauthorised" opinion, between the delicate boundaries of freedom of expression and hate speech, and between clear legal "red lines" between healthy political debate in a free democratic society and conduct that is deemed anti-government, punishable, unacceptable. Significant internal changes have also been observed, particularly in the Baltic states and Poland. Firstly, the local Russian-speaking population in the Baltic states has become increasingly polarised and mobilised, predominantly in support of Putin's imperialistic objectives and in opposition to providing assistance to Ukraine. [1]

It could be posited that the EU executive's augmented role in EU defence matters reflects a comprehensive consensus within the Union and among its member states on a political and strategic posture to be adopted in this policy domain. Nevertheless, while consensus has been achieved regarding the Commission's increased involvement in EU defence policy, this shift relates more to the EU executive's economic responsibilities, especially its control over Union funds, rather than indicating a political-strategic direction for EU defence. [2] Member States establish national defence and security strategies based on political and geographical factors. As a result, legislation and sanctions for prima facie similar cases can vary widely, and it is up to decision-makers in each country to analyse risk factors and regulate society accordingly. For example, in 2024, the Latvian legislator strengthened

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responsibility for crimes against national security in the Criminal Code. Assistance to a foreign country in an act directed against Latvia can be punished with imprisonment for up to ten years instead of the previous five years.

As recognised in the publications of Latvian legal scholars, it is primarily the legislator who has to take care of the concretisation and implementation of the principle of militant democracy (or self-defensive/self-protective democracy) by adopting laws to introduce appropriate instruments for the protection of a democratic state governed by the rule of law. [3] It should not be assumed, therefore, that the judiciary or the executive should be the first bastion for the defence of the state and the safeguarding of democracy. There needs to be a clearly defined body of law that conveys a comprehensive understanding that the legislature takes potential threats seriously and is able to define criteria that distinguish with legal precision between perceived and real threats to security and public order, and to regulate the prevention of risks in a pre-emptive manner.

II. MATERIALS AND METHODS

The development of the article is founded on the selection and implementation of various scientific research methodologies. The following fundamental research methods have been employed: the method of analysis and synthesis, the comparative method, the historical method, and the descriptive method. The analytical method allows to identify the main issues of concern in the content of the sources, as well as to focus on their novelty, relevance or shortcomings. The comparative method has been used mainly to find commonalities and signs of development in the findings of Latvian and foreign legal scholars, as well as to provide insight into Latvian and European case law. The descriptive method allows the article to be understood in a sequential way and the chain of reasoning behind the conclusions to be traced.

The selection of sources was made with the objective of analysing and establishing how amendments to the normative framework interact with the practice of law enforcement (by state institutions and courts), as well as with the conceptions of state values developed by legal science and public policy makers.

In this article, combining insights from legal theory and political science, the author illustrates the complex socio-psychological factors that, in the historical mentality of post-Soviet society, make the judiciary balance between legal norms created by the legislator through the result of teleological interpretation of legal norms towards an interpretation that must be in line with the national, ideological values defined in the preamble of the Constitution.

The article is original research based on primary sources in order to conduct the most authentic qualitative research on the official assessment and justification of Latvian public officials to balance security considerations in preserving the unity of society and statehood.

III. RESULTS AND DISCUSSION

A. Securing the State Values Through Legislation and Protective Procedural Measures

The first Latvian Saeimas after the restoration of Latvia's independence adopted a number of laws to prevent persons who had actively expressed their rejection of Latvia's existence as a democratic state from participating in the institutions that ensure Latvia's state functions (e.g. exclusion from the Supreme Council of deputies who had acted against Latvia's independence, ban on organisations of political organs of the Soviet authorities that opposed Latvia's independence, ban on passive voting rights - prohibiting certain persons from participating in the political process). The restrictions were mainly directed against persons who, very recently before the adoption of the relevant restrictions, actively tried to delay the establishment of a democratic Latvian state and its return to the family of democratic states, and their purpose was to protect Latvia's national security and democratic state apparatus. For example, the Citizenship Law established detailed restrictions on the acquisition of Latvian citizenship through naturalization for those persons who, after the regaining of Latvia's independence on May 4, 1990, expressed communist or other totalitarian ideas or incited national or racial hatred or discord, worked in an anti-state or criminal organization. [4]

The prohibition of non-democrats from forming the politics of an independent state has proven to be a partially effective and resource-intensive measure. For instance, the American law and politics professor Cary Coglianese, in his article entitled "Law as a Scapegoat", rightly observed the frequently observed phenomenon of populist leaders attributing blame to the regulatory system and specific legal regulations, which they claim are responsible for economic and social problems and upheavals. Consequently, populists (a phenomenon also observable in some European countries) have been successful in undermining public trust in the legislature and challenging the notion of democratic legitimation in relation to the state's overarching objectives. [5]

The fundamental values of the Latvian state cannot be violated or changed, and therefore the Constitutional Court has clearly recognised that amendments to the Satversme that would violate the fundamental norm of Latvia would be unconstitutional. Thus, the Latvian legal system is structured in such a way that even if populist or radical parties were to gain a majority in Parliament, amendments that would revise or abolish the fundamental norm enshrined in Latvian jurisprudence that "Latvia is a democratic state governed by the rule of law" would not be valid. When it comes to defending the founding idea of the Latvian political regime and the rule of law, one cannot rely solely on the political will of the majority of the population. States usually require a much larger majority for important decisions, such as the quorum requirements for the Saeima or for the body of Latvian citizens to decide on the basic foundations of the state (Articles 76-79 of the Constitution). As historian G. Zemītis has pointed out, "opponents of the republican and democratic order can also

come to power as a result of elections", and democracy is particularly threatened when the government has to take unpopular decisions. [6] Each country develops its own legal instruments to deter potential beneficiaries or to warn them at a very early stage of the negative consequences of any action against the democratic rule of law.

The most notable push toward militant democracy was the adoption of the Preamble to the Constitution in 2014. After the unequivocal results of the referendum, which strongly rejected a proposal on the second national language, the Latvian legislature and the executive branch mobilized to highlight the need for the process of "ideological education". Already two years later, as a known response to the referendum, the Preamble to the Constitution entered into force. It was developed for the purposes of stability and value orientation of the country after the referendum on the second national language (Russian).[7]

A novelty in adapting the regulatory framework to the new risk and threat situation, in order to ensure the functioning of the state apparatus and the value orientation of the next generation of Latvians, have been the amendments to the laws (2017) that provide for the requirement of loyalty to a democratic legal state when a person exercises his or her right to participate in the activities of the state and local governments and to perform public service (last school teachers), as provided for in Article 100 (freedom of expression) and Article 106 (right to freely choose their employment and workplace) of the Constitution.

The Constitutional Court and the European Court of Human Rights have recognised the principle of militant democracy (democracy capable of defending itself) as a general legal principle on which to base arguments concerning threats to the existence and security of the state. In examining the conformity of legislative acts, the Court noted that "the Baltic States, in the transition from totalitarianism to democracy, had to deal with a double task, i.e. the restoration of both the democratic regime and national sovereignty. In addition, Latvia was particularly affected by the colonisation policy of the USSR".[8] In Latvia, the country that suffered the most from Russification of all the Baltic states (in 1988 only 52% of schools taught in Latvian, in 1980 the proportion of Latvians in the country was only 52%, the real national policy was never fully visible, but masked, there was pressure for "Russification"), demagogic tools are used to create an argument that is very difficult to distinguish from the abusive use of democracy to eliminate the rule of law (the principle of the rule of law).

The role of both the constitutional courts and the general courts is to draw these "red lines" independently and methodologically correctly. Ideologically neutral legal ideals such as general principles of law, the democratic state, guarantees of the rule of law, fundamental rights, etc., allow problems to be solved within the profession without getting involved in the vicissitudes of political science. Lawyers and the judiciary are not disconnected from

society, and it is therefore impossible for the judiciary to avoid, at the stage of applying the law, resolving legal disputes that have arisen or are directly caused by the different positions of the parties to a dispute on ideological issues.

The practice of the Constitutional Court and the European Court of Human Rights has been established with regard to banning opponents of Latvia's independence from participating in political processes. In this context, there is no more effective concept to justify the actions of the state than the development of the principle of militant democracy. It is worth quoting the Constitutional Court's statement that "a democratic state system must be protected from persons who are not ethically qualified to be representatives of a democratic state at the political or administrative level and who have proved by their actions that they were not loyal to the democratic state system, i.e. from persons who worked in the apparatus of direct oppression and direct repression implemented by the occupying power and from persons who, after the restoration of the independence of the Republic of Latvia, tried to restore the totalitarian state and opposed the legitimate state power".[9] There is a clearly recognised legal basis for prohibiting certain persons from performing public service, and this cannot be treated as an illegitimate violation of personal rights (for example, the prohibition of the right to employment). Due to the lustration applied by Latvia regarding the policy of citizenship and residence permits, several cases reached the ECtHR ("Sisojeva and others v. Latvia" and "Sjivenko v. Latvia").[10]

According to Latvian legal scholar J. Pleps, the protection of democracy implies significant restrictions on the fundamental rights of the individual and the political process in a democratic society. For this reason, it is necessary to take special care that the protection of democracy does not actually eliminate the democratic constitutional state. [11] With the slogan of the will of the people and the rule of the majority (which is essentially a fundamental feature of democracy), the defenders of democracy can use demagogic tools to create an argument that is very difficult to distinguish from the misuse of democracy to eliminate the rule of law (the principle of the rule of law).

Such a means of protection and public safety as the principle of prohibition of abuse of fundamental rights and instruments of a democratic legal state, provided for in Article 17 of the Convention, should be considered as an important consideration. "The very purpose of the Convention is to preserve and promote the ideals and values of a democratic society. In other words, democracy is the only political model envisaged by the Convention and therefore the only one compatible with it".

B. Protection of Democracy Through Restrictions - Case Studies

Threats to the state system very often manifest themselves through the actions of members of society - organised actions, the creation of various communities and structures - so that, despite the guarantees of freedom of

expression and freedom of association, state institutions must be constantly vigilant to protect the values of the state.

It is important to point out that Latvian jurisprudence recognises that in a well-functioning democratic state the principle of militant democracy should be directly applied only in very rare cases, otherwise it signals an insufficiently high level of alarm: radicalisation of social groups, open opposition to the ideals of the country's democratic state, contempt for the rule of law, disrespect for the functioning of state organs and disloyalty to the fundamental principles of the state.

The fact that security threats, illegal, anti-state actions always start with individual cases (a specific reported picket, the activity of a specific organisation, the actions of a specific person threatening the state apparatus, etc.), then the correct identification of such cases and the strict interpretation of regulatory acts in accordance with the values of the Constitution are of crucial importance. It is the individual cases that challenge the system and try to "break through" the protective wall created by the legislator in order to create cracks in the foundations of a legal state, to shake the confidence of state institutions in their actions (appeals to the highest instance, appeals to international institutions and lobbying for the opinions of foreign experts). These are the formats in which illiberal democracies can take shape, and as Poland's recent experience shows, dealing with personnel reforms in key public positions (judges appointed for life) in these phases of threat to the state regime is extremely problematic and a constant threat to the country's internal stability.

The evolving roles and functions of laws in modern Western democracies necessitate an examination of the regulatory framework that pertains to political parties themselves (a stage prior to the actual composition of parliament, which is often abstractly designated as a single entity in legal science – the legislature). Since the restoration of independence in the 1990s, the regulation of state law and also court practice have increasingly defined under which conditions freedom of speech and opinion is no longer freedom of speech and opinion, turning into a state threat and security risk. A notable paradox emerged in recent years, coinciding with the onset of the COVID-19 crisis. This crisis gave rise to a multifaceted landscape of opinions, characterised by a diversification of perspectives and a deepening of ideological divisions. Initially manifesting as a dichotomous concept, polarising between 'us' and 'opponents', this ideological landscape has evolved into a more nuanced terrain. It has transformed into a complex geometry of opinion groups, encompassing diverse positions such as 'us' and 'in certain issues us', 'opponents, but still us', and 'opponents that we do not tolerate, generally exclude from the discourse'.

In the Baltic countries, as in other post-socialist nations, nostalgia for communism remains a prevalent phenomenon. Despite condemnation from state officials, the Soviet past and its legacy are frequently portrayed positively in public discussions (among Russian speakers) and in everyday interpersonal communication (online Facebook groups, for example). [12]

Monitoring extremist/radical movements is the responsibility of the security authorities, but banning the establishment or activities of such organisations is only possible through decisions by state institutions; the legitimacy of decisions can be challenged in court. One example is a court ruling on the compatibility of commemorating the *pērkonkrustieši* (the racist organisation "Pērkonkrusts" (eng-Thunder Crusaders) existed in Latvia in the 1930s and 1940s) with the principles of a democratic constitutional state, which was based on a ban on this type of ideology passed by the Latvian Parliament before the Second World War. In a sense, today's thundercrusaders openly identify themselves with a pre-war organisation defined by historians as one that sought to replace parliamentary democracy with a presidential state (dictatorship) through chauvinistic and even openly racist propaganda in order to implement extreme anti-Semitism. [13]

It is precisely in such cases that the court has referred in *expressis verbis* to the possibility of dishonest action directed against the fundamental principles of the rule of law: "It cannot be ruled out that a person or a group of persons will invoke the rights laid down in the Convention or its Protocols in order to obtain the "right" to act, which in practice means actions aimed at destroying the rights or freedoms laid down in the Convention; any such subversive action would put an end to democracy. No one should be allowed to invoke the provisions of the Convention in order to weaken or destroy the ideals and values of a democratic society".[14]

The former representative of the Communist Party of Latvia (T.Ždanoka) challenged in the Constitutional Court the lawmaker's ban on her applying for the Saeima elections, appealing to the fact that the contested norms are outdated and no longer comply with the Constitution. The Constitutional Court concluded that a person who cooperated with the totalitarian regime threatened the independence of the Latvian state and the principles of a democratic legal state with his actions, and even after two decades, democracy has not yet become generally accepted and self-evident in Latvian society, and there is no reason to believe that Latvian democracy has become sufficiently stable over time. [15]

It should be noted that ten years before that, the party "Par dzimto valodu!" (For the Mother tongue!) went all the way to the Supreme Court to claim for moral compensation against the then Minister Jānis Bordāns, because in 2012 a press release was published on the website of the Ministry of Justice with the title "Minister of Justice: the possibility of registration of political parties hostile to the state is a direct threat to democracy". The court recognized it as a person's opinion, therefore the consequences requested by the party (withdrawal of news) were not applied. [16]

Court practice in another case dealt with refusal to register an NGO called "Eirāzijas Savienība" (Eurasian Union) by the Register of Enterprises of the Republic of Latvia. One of the goals of the newly-established NGO was cooperation with Cossack associations of the world, as well as an appeal to the President of the Russian Federation with

a request to grant several Latvian cities the status of "Hero Cities". The NGO initiators' arguments that "such a request is based on the 1965 decision of the Presidium of the Supreme Council of the USSR, which is still valid until the Saeima rejects it" is absurd and dangerous. Even more, expressing to the court that it is normal diplomatic practice to ask the President of another country to award a prize to a city of another country. [17] As pointed out by scholars, certain organisations focus their activities on falsifying the truth: the aim is to tell radical lies about history: to deny genocide or crimes against humanity, thus inciting hatred against a national or ethnic group. Organised groups, government officials and responsible employees of a company or organisation are often involved in planning and committing these crimes. [18]

At the end of 2024, the Supreme Court of Latvia passed a judgment on SIA "Masu Mediju grupa", which had received state funding for media support through a tender process, but which the Military Intelligence and Security Service had indicated in 2020 that the applicant's media had in the long term disseminated particularly aggressive, anti-Latvian propaganda messages. The court argued: "The use of state budget funds to support commercial media is permissible only in the common interests of the entire society, strengthening Latvia's information space and promoting high-quality and reliable content. The maintenance and propagation of Russian propaganda narratives, disinformation and fake news in the information space of Latvia with the support of state budget funds is not permissible and is against the interests of society." However, the *obiter dictum* court emphasized that one of the most important foundations of a democratic society is freedom of speech, but an ill-considered fight against disinformation threatens the right of every person to freedom of speech, as well as the independence of the media. [19]

Apparently, with the aim of confronting the understanding of the institutions of a democratic state about freedom of expression, the political party "Union of Russians of Latvia" had announced a march in May 2022 with the aim of expressing a protest against the actions of the ruling parties of Latvia, destroying Soviet monuments, prohibiting the use of traditions and the native language of minorities in education. By the decision of the executive director of the city of Riga, the planned march was prohibited. In the cassation claim, the applicant cynically manipulated the appeal to the guarantees of the European Convention for the Protection of Human Rights and Fundamental Freedoms (to ensure a peaceful march), the Constitution (violation of the presumption of innocence contained in Article 92 of the Constitution, violation of the prohibition of discrimination provided for in Article 91 of the Constitution). The reasoning of the Supreme Court clearly reflects the position of militant democracy: if there is a reason to conclude that the actions of the Russian Union of Latvia and its members echo the policy of the aggressor state and the announced march can create a platform for the expression of views supporting the aggressor state, then the state has a reason to act to prevent such a threat and protect

the state itself and its democratic system. [20] On 9 May 2022, a significant congregation of predominantly Russian-speaking individuals convened at the Soviet Victory Monument in Riga to pay tribute to the liberation of the city from Nazi occupation and honour the Soviet troops who lost their lives during the Second World War. However, from the perspective of the Latvians, the Soviet Victory Monument represented the reoccupation of their nation by the Red Army. The congregation at the Soviet Victory Monument provoked a strong reaction from the Latvian populace, ultimately resulting in the resignation of the Minister of the Interior. [21]

The public's perception of current political events puts additional pressure on the mass media. In recent years, "firefighting" in the media environment has always been associated with provocations/apparent provocation or border violations in relation to the country's Eastern neighbour and war in Ukraine. In 2023, the National Council of Electronic Media sanctioned one of the media leaders "TVNET GRUPA" for a live interview with the political party "Stabilitāte!" containing the leader's statements about possible amendments to the "Immigration Law". By allowing the politician to speak uninterrupted, the program provided deliberately inaccurate information that the possible amendments to the Immigration Law provide for the deportation/expulsion of citizens of the Russian Federation and Belarus (foreigners) from the country if they have not applied for the state language proficiency test and have not submitted an application for the status of a permanent resident of the European Union. The use of the term "deportation" by state institutions was recognized as unacceptable, taking into account Latvia's experience in the 20th century, suffering from mass deportations carried out by the totalitarian regime. [22] It is unequivocally concluded that the use of specific terms in Latvia has a completely different public safety background and danger than in other European countries.

On the second anniversary of the Ukrainian war, the highly heated media sensibility was unexpectedly created by the "Pig comic" of the Latvian artist G. Evelone published in the official media of Latvia, in which the Ukrainian nation was personified by a soldier-pig (as evidenced by the unmistakable inscription "Ukraine" on the pet's arm) with stylized, armor-like clothing and a weapon in his hands. As the media ombudsman admitted, this was a new precedent in the history of Latvian media communication, because the readers' reaction (which could be described as exaggerated dramatization), opposing the visualization of the tragedy of the Ukrainian people in the form of a pig, pointed to the extreme non-acceptance of this caricature tradition in Latvian society. The cartoon was immediately removed from the media environment. [23]

In 2024, a letter from Latvian Radio employees "The boundaries of freedom of speech are narrowing" was made public, stating that "there are situations when, predicting a wave of hatred, journalists do not want to create content on debatable topics or censor themselves in their coverage" and that "Russia's full-scale invasion of Ukraine has further

narrowed the boundaries of freedom of speech - only "patriotic" content is expected from the media, especially public ones, but the expression of an opinion contrary to the "mainstream" is evaluated as an anti-state act of the media".[24] Not in all cases the experts in various fields (art, media, education etc) agree with the interpretation of legal norms and decisions made by state institutions: this creates a conflict of diametrically opposite assessments on the basis of the restriction of fundamental rights. Although a democratic state does not have to wait until the relevant actions aimed at destabilizing the state apparatus have reached the level of danger, the state has the right and duty to prevent such a threat at an early stage, for understandable reasons in the society may be underestimated and criticized.

IV. CONCLUSIONS

In recent years, the Latvian legislature has significantly intensified amendments to regulatory acts that directly respond to provocations (to prevent them in the future), as well as proactively (to avoid or minimize public security threats, to discipline and protect democratic values). This is possible if the institutions representing the branches of state power are able to control and prevent possible excesses in the application of the principle of militant democracy.

The Latvian legal system is bound by a general legal principle that obliges it to protect and prevent the legal liquidation of the democratic legal state. This principle is derived directly from the Latvian legal system's basic norm.

E. Levits has stressed that liberal democracy should not be confused with value relativism and that there is no turning back from a democratic order: nor should it be possible to abolish human rights by non-democratic means, for example by abolishing term limits for senior public officials. It may sound paradoxical, but the statement that "democracy cannot be abolished democratically" not only clearly delineates the permissible limits of the abuse of democratic procedures in state life, but also points to the innate orientation of democracy towards the rule of law and human rights, which are at its very core. [25]

The concept of militant democracy is still in its development phase. In the context of political turbulence, legislators in democratic legal states often adopt a more cautious approach towards their citizens, perceiving risks and dangers in ambiguous situations. It is essential to ensure that self-defence does not cross the line and become a threat or an attack. A rule of law state is founded on the principles of rights and freedoms, the reliance on the good faith of society's representatives, honesty, loyalty and trust in fundamental rights. Consequently, the use of human rights should not be directed against democracy as such, and it is not always possible to legally define this difference precisely with the text of the law. This is precisely the reason why the judiciary plays a decisive role in the value-oriented interpretation of legal norms as an independent foundation stone independently of the ruling political rhetoric.

REFERENCES

- [1] V. Veebel, "Strategic Challenges for Baltic States in Dangerous Times," *Journal on Baltic Security*, vol. 9(2), pp.1-4, 2023.
- [2] R. Kuokštytė, "EU Defence Policy: Between Functionalism, National Interests, And Transatlantic Realities," *Baltic Journal of Law & Politics*, vol.16:2, pp. 23–46, 2023.
- [3] J. Pleps, Pašaizsargājošās demokrātijas princips (The Principle of Militant Democracy). *Jurista Vārds*, vol. 51/52 (1317/1318), pp. 12-17, Dec. 2023.
- [4] I. Švarca, Pārejas perioda taisnīguma mehānismi demokrātiskā Latvijā (Transition period justice mechanisms in democratic Latvia). *Jurista Vārds*, vol. 31 (1141), pp. 24-30, Aug. 2020.
- [5] C. Coglianese, "Law as Scapegoat," in *The crisis and confidence in legislation*. Eds. N. Lupo, N. Rangone, and M. De Benedetto. London: Bloomsbury Publishing, 2020, pp. 337-365.
- [6] G.Zemītis, Drošības aspekti Latvijas vēsturē (Security aspects in the history of Latvia), Rīga: LU Akadēmiskais apgāds, 2023, p. 448.
- [7] D. Šulmane, "Ideology, Nationalism and Law: Legal Tools for an Ideological Machinery in Latvia," *Wroclaw Review of Law, Administration & Economics*, vol. 5(1), pp. 61-78, Jun.2015.
- [8] Satversmes tiesas 2006. gada 15. jūnija spriedums lietā Nr. 2005-13-0106, para.17.
- [9] Satversmes tiesas 2006. gada 11. aprīļa spriedums lietā Nr. 2005-24-01, para. 10.
- [10] ECHR case of Sisojeva and Others v. Latvia, no. 60654/00. 15.01.2007.; ECHR case of Tatjana Slivenko and Others v. Latvia, no. 48321/99. 09.10.2003.
- [11] J. Pleps, Pašaizsargājošās demokrātijas princips (The Principle of Militant Democracy). *Jurista Vārds*, vol. 51/52 (1317/1318), pp. 12-17, Dec. 2023.
- [12] K.Fedorova and N.Tshuikina, "From "Oppressors" to "Oppressed": Baltic Russian Post-Soviet Speakers in Search of a New Identity through Social Networking," *Regional Studies of Russia, Eastern Europe, and Central Asia*, vol. 13(1), pp. 29–53, 2024.
- [13] D. Bleiere, I. Butulis, I. Feldmanis, A. Stranga and A. Zunda, *Latvijas vēsture. 20. gadsimts (History of Latvia. 20th Century)*. Rīga: Jumava, 2005, p.144.
- [14] The Supreme Court of Latvia, 30.04.2013. Case no. SKA-172/2013, A42945009, para.19.
- [15] Satversmes tiesas 2018. gada 29. jūnija spriedums lietā Nr. 2017-25-01, para. 20.
- [16] The Supreme Court of Latvia, 16.02.2017. Case no. C30706512, SKC-26/2017.
- [17] Administratīvās apgabaltiesas 2017. gada 2. janvāra sprieduma lietā Nr. A420261115, AA43-0189-17/8, para. 3.2.
- [18] A. Vilks, A. Kipane, and A. Krivins. "Preventing international threats in the context of improving the legal framework for national and regional security," *Social & Legal Studios*, vol. 7(1), pp. 97-105, 2024.
- [19] The Supreme Court of Latvia, Case no. A420229620, SKA-88/2024 ECLI:LV:AT:2024:1105.A420229620.14.S, 05.11.2024.
- [20] The Supreme Court of Latvia, Case no. A420209922, SKA-112/2024, ECLI:LV:AT:2024:1125.A420209922.7.S. 25.11.2024, para 18.
- [21] T. Rostoks and K.E. Kanasta, "Foreign and Domestic Policy Implications of Latvia's Reaction to Russia's Aggression against Ukraine," *Journal on Baltic Security*, vol. 9(2): pp. 5-28, Nov. 2023.
- [22] National Electronic Media Council (Nacionālā elektronisko plašsaziņas līdzekļu padome), LĒMUMS Nr. 199/1-2 (18012000000723-2), 18.05.2023. Available: <https://www.lmepadome.lv/jaunumi/params/post/4294691/latvijas-mediju-etikas-padome-uzskata-par-nesamerigu-nedemokratisku-un-biro> [Accessed Mar. 19, 2025].
- [23] Public Electronic Media Council, "Atzinums par 2024. gada 24. februārī LSM.lv publicēto "Cūku komiksu"" (Opinion on the Pig

Comic published on 24 February 2024 on LSM.lv), Nr. 6/6-3, 12.03.2024. Available:

<https://www.seplp.lv/lv/media/2022/download?attachment>
[Accessed Mar. 19, 2025].

[24] Editorial Board of Latvian Radio, "Vārda brīvības robežas sašaurinās" (The boundaries of freedom of speech are narrowing).

04.05.2024. Available: <https://latvijasradio.lsm.lv/lv/parmums/informacija-presei/?id=994> [Accessed Feb. 12, 2025].

[25] E.Levits, "Demokrātijai ir pienākums sevi aizsargāt" (Democracy has a duty to protect itself), Jurista vārds. Dec.2014.