

УДК 328.1/.132.7:342.511(574+575.3+575.1+575.4)  
DOI <https://doi.org/10.30970/PPS.2025.58.32>

## THE FEATURES OF THE SYSTEM OF CHECKS AND BALANCES IN LATVIA

**Alina Voichuk**

*Taras Shevchenko National University of Kyiv,  
Faculty of Philosophy, Department of Political Science  
Volodymyrska Str., 60, 01033, Kyiv, Ukraine*

The system of checks and balances is a fundamental principle of modern democracy, ensuring a balance between the branches of power. Latvia is a parliamentary republic. The stability, transparency and efficiency of public administration in Latvia depend on the system of checks and balances. This article analyses the functioning of the system of checks and balances in Latvia, examining its constitutional basis, implementation mechanisms and factors that affect its balance.

According to the Constitution of Latvia, the main instrument of checks and balances is the interaction between the Saeima (Parliament), the Cabinet of Ministers (Government) and the judiciary. The parliament, as a legislative body, forms the government, can express no confidence in it, monitors the implementation of the budget, and exercises control through parliamentary inquiries and parliamentary investigative commissions. The government, for its part, influences the parliament through the right of legislative initiative, implementation of adopted laws and management of budgetary resources. The judiciary, in particular the Constitutional Court, ensures compliance with constitutional norms and can overturn decisions of the government or parliament if they contradict the constitution. The President of Latvia performs ceremonial functions. The head of state can put the issue of dissolving the parliament to a national vote, and if the issue is not supported, the president resigns. All acts of the president require the counter-signature of the head of government or the relevant minister. The president has the right of veto and the right of legislative initiative.

The article analyses the factors that disturb the balance of the system of checks and balances in Latvia. Among them is political fragmentation inherent in the proportional electoral system, which leads to frequent changes of governments and complicates strategic decision-making. Another significant challenge is corruption, which undermines public trust in state institutions and hinders the implementation of democratic principles. The article proposes measures to improve Latvia's system of checks and balances: optimization parliamentary oversight mechanisms, increasing transparency of government, fighting corruption and strengthening the independence of the judiciary. The effectiveness of Latvia's system of checks and balances depends not only on the formal enshrining of the principles in the Constitution, but also on the political culture and active participation of civil society in decision-making processes.

*Key words:* system of checks and balances, Latvia, parliamentary republic, president, executive branch, parliament, judiciary, political stability.

**Introduction.** The system of checks and balances in Latvia is one of the key characteristics of political stability in the country. A well-balanced system of checks and balances helps to prevent the concentration of power in a single hand, strengthen institutional transparency and protect the rights of citizens. In Latvia, which is a parliamentary republic, the system of checks and balances has its own unique features, due to historical development, political culture and current challenges.

The Constitution of Latvia, adopted in 1922, has become the foundation for building a democratic model of governance based on a flexible separation of powers. The legislative branch, represented by the unicameral parliament (the Saeima), has the right to exercise control over the executive branch through such mechanisms as parliamentary inquiries, budget approval, and

votes of no confidence. The executive branch, headed by the Cabinet of Ministers, has the right of legislative initiative, which allows it to influence the political agenda. The judiciary, in particular the Constitutional Court, plays the role of arbiter, ensuring that laws and government decisions comply with basic constitutional norms.

Among the numerous studies and publications covering the issue of the system of checks and balances in Latvia, the following researchers deserve special attention: O. Valevskyi, N. Gaidaienko, H. Zabavska, V. Rebkalo, I. Salo, L. Silenko, V. Surrin, etc.

The purpose of the article is to analyze the functioning of the system of checks and balances in Latvia, to study its constitutional basis, institutional mechanisms and factors that influence its functioning.

Latvia is a parliamentary republic. The main features of a parliamentary republic are: the election of the president by the parliament or a special board formed on its basis; the exercise of the powers of the head of state and the head of government by different persons, the existence of the position of prime minister; the limitation of the president's powers and the attribution of real competence in the field of executive power to the government and its head; the formation of the government by the parliament with the nominal participation of the president; the political responsibility of the government to the parliament; the right of the president to dissolve the parliament, which controls the government; the countersigning of the president's acts by the prime minister and/or the relevant minister [5, p. 320].

In Latvia, which is a parliamentary republic, there is a flexible separation of powers, which involves close interaction between the legislative and executive branches. The Cabinet of Ministers (government) is formed by the Seimas and bears political responsibility to it, for the occurrence of which it resigns. For its part, the Cabinet of Ministers, through the parliamentary majority on which it relies, influences the Seimas. It is endowed with the right of legislative initiative and, under certain conditions, can initiate the dissolution of parliament by the head of state. Under parliamentary forms of government, the separation of powers functionally takes place within parliament – between the government parliamentary majority and the opposition. In a parliamentary republic, the center of state power is not the head of state or parliament, but the government, the head of which is actually the first person in the state. The system of checks and balances in Latvia has its own characteristics. Its most important elements here are the political responsibility of the government to parliament with the possibility of the government's resignation, which is balanced by the government's right to initiate the dissolution of parliament by the head of state. Also important are the countersignature of the acts of the head of state by the head of government and/or the minister responsible for the act and its implementation, the formation of a body of judicial constitutional control by all three branches of state power.

The activities of the President of Latvia and the judiciary are carried out on the basis of laws adopted by the Seimas. The Seimas is a unicameral parliament, which is elected by a proportional electoral system. The parliament consists of 100 parliamentarians.

The Seimas elects the President of Latvia for a term of three years. The head of state is elected by a majoritarian system of absolute majority. The President cannot hold office for more than six consecutive years.

The President of Latvia may be removed by impeachment. The grounds for removal are criminal liability. The majority of parliamentarians must initiate the impeachment procedure. In order to remove the president, no less than two-thirds of the members of the legislative body must vote (Article 54 of the Constitution of Latvia of 1922) [8].

The President has the right of legislative initiative (Article 47 of the Constitution of Latvia of 1922) [8]. The President is also granted the right of suspensive veto over laws adopted by the

Parliament. Article 71 of the Constitution of Latvia of 1922 states that within ten days after the adoption of a law by the Seimas, the President must consider it by signing or vetoing it. If the law is related to amendments to the Constitution, the President of Latvia may initiate a referendum (Article 72 of the Constitution of Latvia of 1922) [8]. The Head of State may also not veto laws adopted under emergency procedure or the law on the state budget. Therefore, the veto right of the President of Latvia is an important element of the system of checks and balances, which allows for additional control over the legislative process. The Head of State may dissolve the Parliament. In such a case, a popular vote shall be held. If more than half of the participants in the referendum vote in favor of dissolving the Seimas, it is considered dissolved, and new elections are called, which must be held no later than two months from the date of dissolution of the Seimas (Article 48 of the Constitution of Latvia of 1922) [8], but if during the popular vote more than half of the votes are cast against the dissolution of the Seimas, the President of the Republic is considered removed, and the Seimas elects a new President of the Republic for the remainder of the term of office of the removed President (Article 50 of the Constitution of Latvia of 1922) [8]. The most important element of the system of checks and balances in Latvia is the institution of countersignature. This is the confirmation of the acts of the head of state by the signature of the Prime Minister and/or the relevant minister, without which the act does not gain legal force [5, p. 222]. From the formal (legal) side, the institution of countersignature is associated with the irresponsibility of the president as one of the most important principles of his constitutional status and is considered as a means of removing legal responsibility from the head of state for the acts issued by him and placing it on the prime minister and/or ministers responsible for the implementation of the acts. In reality, in political and legal practice, it acts as a means of subordinating the head of state to the government [6, pp. 369-370]. The Constitution of Latvia of 1922 states that all acts of the President of Latvia must be signed by the head of government or the relevant minister, except for acts on the dissolution of the Seimas and on the formation of the government by the President of Ministers (head of government) (Articles 48, 53, 56) [8].

Article 83 of the 1922 Constitution of Latvia states that judges shall be approved by the Parliament [8]. Judges of the Constitutional Court shall be approved by the Seimas in a closed session by voting using the majority system of an absolute majority (Article 85 of the 1922 Constitution of Latvia) [8]. The Constitutional Court reviews the conformity of laws adopted by the Parliament with the Constitution.

The most important element in the system of checks and balances in Latvia is the political responsibility of the government to the Parliament with the possibility of the resignation of the government, which is balanced by the right of the government to initiate the dissolution of the Parliament by the head of state. The political responsibility of the government is the constitutional and legal responsibility of the government and its members to the Parliament for the policy they pursue [5, p. 356]. Under parliamentary forms of government, the political responsibility of the government to the Parliament can be both collective and individual.

The collective political responsibility of the government before the parliament manifests itself in two main forms: a vote of no confidence and a vote of no confidence. The main difference between these forms is who initiates the question: in the case of a vote of no confidence, the question of confidence in the government is initiated by the parliament (usually the opposition), while a vote of no confidence is initiated by the government itself. The parliamentary opposition often uses any opportunity to criticize the government, which can end in a vote of no confidence and its resignation. In turn, the government raises a question of confidence in the parliament when it encounters obstacles in the implementation of its program, for example, due to the refusal of the parliament to adopt a key bill proposed by the government. Constitutions usually do not

define specific grounds for the political responsibility of the government, as it depends on the government's policy and the alignment of party-political forces in the parliament. A vote of no confidence or a vote of no confidence is often the result of the collapse of the government coalition, which indicates a parliamentary crisis. The loss of parliamentary majority support due to the collapse of the coalition is a manifestation of the government crisis.

The Seimas exerts influence on the Cabinet of Ministers in an appropriate manner to ensure a balanced system of checks and balances. The forms of parliamentary control over the government are:

- vote of no confidence (the Seimas may express no confidence in the Prime Minister or any minister. If the parliament expresses no confidence in the head of government, the Cabinet of Ministers (government) resigns, and if in a certain minister, the head of government appoints a new minister) (Article 59 of the Constitution of Latvia of 1922) [8];

- obtaining a vote of confidence (Article 59 of the Constitution of Latvia of 1922 states that the formed government develops a program of its activities and submits it for consideration and approval by the Seimas. By supporting the composition of the government and its program of activities by voting, the parliament thus expresses a vote of confidence in the government and only from that moment does it enter into force. Formally, the composition of the government is approved by the head of state. The expression of a vote of confidence by the parliament in the newly formed government is called the investiture of the government) [8];

- parliamentary inquiry (the parliament has the right to address the head of government or a minister with inquiries that oblige ministers to provide answers) (Article 27 of the 1922 Constitution) [8];

- approval and control over the budget (Article 66 of the 1922 Constitution of Latvia states that each year the parliament adopts a budget law, the draft of which is submitted by the government. When the budget year ends, the government submits a budget execution report to the Seimas for approval) [8];

- control over international treaties (the government is obliged to obtain approval from the parliament for the ratification of international treaties) (Article 68) [8];

- the parliament approves decisions on Latvia's participation in international military operations, i.e. exercises control over the executive branch in the field of foreign policy and security (Article 68) [8];

- control by parliamentary commissions (the Sejm may establish special investigative commissions to control the activities of the government, an individual minister, or the head of government) (Article 26) [8].

These forms of parliamentary control over the government ensure a balance between the executive and legislative powers.

The Cabinet of Ministers is accountable to the Parliament, but at the same time can influence its activities through the following elements of the system of checks and balances:

- the right of legislative initiative (Article 65 of the Constitution of Latvia of 1922 states that the Cabinet of Ministers has the right to submit draft laws to the Seimas for consideration [8]. This allows the government to shape the agenda, in particular on issues related to the budget and the economy);

- submission and development of a draft state budget (Article 66 of the Constitution of Latvia of 1922 states that the government develops and submits a draft state budget to the Seimas for approval [8]. This gives the executive significant influence on the financial policy of the state);

- implementation of laws (the government is responsible for the implementation of laws adopted by the Parliament);

– participation in meetings of parliamentary committees (Article 63 of the Constitution of Latvia of 1922 states that ministers, even if they are not members of parliament, have the right to participate in meetings of the Seimas and its committees. The government also has the right to make additions and amendments to draft laws [8]);

– formation of foreign policy (Article 68 of the Constitution of Latvia of 1922 states that the Cabinet of Ministers conducts negotiations, concludes international treaties that require ratification by parliament. This allows the government to shape the foreign policy agenda and influence the decisions of parliament [8]);

– avoidance of political crisis (the government can initiate the dissolution of the Seimas through the President of Latvia).

Thus, the Cabinet of Ministers of Latvia influences the parliament through the right of legislative initiative, participation in the budget process, international policy and the implementation of laws. Although formally the government is accountable to the parliament, its role in determining the political agenda allows it to remain an important participant in the decision-making process in the state.

The factors affecting the balance of the system of checks and balances in Latvia: the proportional electoral system often leads to the formation of coalition governments, which can complicate the adoption of important decisions and create political instability; corruption (Latvia faces problems of corruption, opacity in political decision-making, that is, the effectiveness of public administration and the trust of citizens are undermined).

To ensure the balance of the system of checks and balances in Latvia, it is necessary:

1. Strengthening the transparency of the activities of state bodies and the fight against corruption.

2. Reforming the electoral system to reduce political fragmentation.

3. Strengthening the independence of the judiciary and increasing its efficiency.

4. Active involvement of civil society in decision-making processes.

Conclusion. Thus, the system of checks and balances in Latvia ensures an effective separation of powers between the legislative, executive and judicial branches of government. The Constitution of Latvia establishes a solid legal basis for the functioning of this system, defining mechanisms for control, interaction and accountability between the branches of government. The legislative branch controls the executive branch through the approval of the budget, parliamentary inquiries, expressing a vote of no confidence in the government, elects the president, approves the candidacy of the prime minister, has the right to establish parliamentary commissions to investigate the actions of the government or individual ministers. The executive branch (government) influences the parliament through the right of legislative initiative; implementation of laws adopted by the Seimas. The president has the right of suspensive veto on laws adopted by the parliament. The judiciary exercises control over the constitutionality of laws and government decisions, which allows ensuring compliance with the rule of law; independent in its activities and restrains excessive influence of the legislative and executive branches, preventing violations of citizens' rights.

Thus, the system of checks and balances in Latvia is not only a mechanism for ensuring democratic principles, but also an important tool for maintaining political stability and responding to modern challenges.

## References

1. Бостан С.К. Форма правління сучасної держави: проблеми історії, теорії, практики: монографія. Запоріжжя : Юридичний ін-т, 2005. 540 с.

2. Георгіца А.З., Волощук О.Т. Концепція розподілу влад: становлення, розвиток, застосування: монографія. Чернівці : Технодрук, 2013. 311 с.
3. Забавська Х. Система стримувань і противаг як атрибут демократії: порівняльний аналіз особливостей функціонування у різних формах правління / Х. Забавська, М. Бучин. *Українська національна ідея: реалії та перспективи розвитку*. 2015. Вип. 27. С. 61-68.
4. Сухонос В.В. Інститут глави держави в умовах республіки: конституційно-правовий та історико-теоретичний аспекти: монографія. Суми : Університетська книга, 2011. 318 с.
5. Шляхтун П.П. Конституційне право: словник термінів. Київ : Либідь, 2005. 568 с.
6. Шляхтун П.П. Конституційне право України: підручник. Київ : Освіта України, 2010. 592 с.
7. Шляхтун П. П. Сучасний зарубіжний конституціоналізм. Основні поняття та інститути: підручник. Київ: Київський університет, 2021. 511 с.
8. The Constitution of the Republic of Latvia on 18 November 1918. URL: <https://saeima.lv/en/legislative-process/constitution/?phrase=constitution> (date of application: 11.01.2025)

## ОСОБЛИВОСТІ СИСТЕМИ СТРИМУВАНЬ І ПРОТИВАГ У ЛАТВІЇ

Аліна Войчук

*Київський національний університет імені Тараса Шевченка,  
філософський факультет, кафедра політичних наук  
вул. Володимирська, 60, 01033, м. Київ, Україна  
<https://orcid.org/0000-0002-1925-1307>*

Система стримувань і противаг є фундаментальним принципом сучасної демократії, що забезпечує баланс між гілками влади. Латвія є парламентарною республікою. Від системи стримувань і противаг Латвії залежить стабільність, прозорість та ефективність державного управління. У статті аналізується функціонування системи стримувань і противаг у Латвії, досліджується її конституційна основа, механізми реалізації та чинники, які впливають на її збалансованість.

Згідно з Конституцією Латвії, основним інструментом стримувань і противаг є взаємодія між Сеймом (парламентом), Кабінетом Міністрів (урядом) та судовою владою. Парламент, як законодавчий орган, формує уряд, може висловити йому недовіру, контролює виконання бюджету, здійснює контроль через депутатські запити, парламентські слідчі комісії. Уряд, зі свого боку, впливає на парламент завдяки праву законодавчої ініціативи, виконанню прийнятих законів та управлінню бюджетними ресурсами. Судова влада, зокрема Конституційний суд, забезпечує дотримання конституційних норм і може скасовувати рішення уряду або парламенту, якщо вони суперечать конституції. Президент Латвії виконує церемоніальні функції. Глава держави може винести на всенародне голосування питання про розпуск парламенту, у разі не підтримання цього питання президент йде у відставку. Всі акти президенти потребують контрасигнування глави уряду або відповідного міністра. Президент має право вето та право законодавчої ініціативи.

У статті аналізуються чинники, які порушують баланс системи стримувань і противаг у Латвії. Серед них – політична фрагментація, характерна для пропорційної виборчої системи, що призводить до частих змін урядів і утруднює прийняття стратегічних рішень. Іншим значущим викликом є корупція, яка підриває довіру громадян до державних інституцій і ускладнює реалізацію демократичних принципів. У статті запропоновані заходи для вдосконалення системи стримувань і противаг Латвії: оптимізація механізмів парламентського контролю, підвищення прозорості роботи уряду, боротьба з корупцією та зміцнення незалежності судової влади. Ефективність системи стримувань і противаг Латвії залежить не лише від формального закріплення принципів у конституції, але й від політичної культури та активної участі громадянського суспільства у процесах ухвалення рішень.

*Ключові слова:* система стримувань і противаг, Латвія, парламентарна республіка, президент, виконавча влада, парламент, судова влада, політична стабільність.