

Janis Rozenfelds, *Dr. iur., Professor*
Faculty of Law, University of Latvia, Latvia

TERMINATION OF OWNERSHIP RIGHTS BY WAY OF CONFISCATION AND PUBLIC RELIABILITY OF THE LAND REGISTER IN LATVIA

Keywords: *bona fide* acquirer, confiscation, criminally acquired, immovable, registration, reliability

Summary

Confiscation of property has several meanings. All of them could be reduced to “coercive deprivation by state institutions”. In modern democracies, the use of this force should be exercised carefully and in accordance with the duty of the state to protect peaceful enjoyment of possession by the subjects of the state.

This report is devoted to examination of one specific kind of confiscation, which has the following characteristic features: it is not applied as a punishment following a conviction; it could be applied to an immovable property and so interferes with the public reliability of the Land Register; and it could be applied to a person who not only is in no way linked to illegal activities, let alone a criminal offence, but who has acquired the immovable property subject to confiscation being unaware of any criminal or other fraudulent acts by other persons regarding the immovable (a *bona fide* acquirer). The aim of this report is to find out whether the principle of protection of everyone’s right to property as a universal human right is adequately implemented in Latvia.

1. Confiscation as termination of ownership rights without an intentional act by the owner

Confiscation of property is described as compulsory alienation (i.e., without an intentional act by the owner) without compensation of property owned by a convicted person (by way of sentence) to State ownership (Art. 42

of the Criminal Law,¹ Art. 1033 of the Civil Law),² or property acquired as a result of committing an administrative offence or the object of committing an administrative offence, or property related to an administrative offence (Art. 83 of the Law on Administrative Liability).³ Apart from the aforementioned measures of confiscation, another measure has recently been developed, which has become known as the confiscation of property without conviction.⁴

The property may be recognized as criminally acquired by a court ruling or during pre-trial criminal proceedings (Art. 356 of the Criminal Procedure Law⁵, part (1) and part (2) respectively). Only the former is usually described as confiscation whereas the latter is usually understood as restitution of property to the victim of crime.⁶ However, some authors have come very close to admitting that restitution carried out as provided by Art. 356, part (2) of the Criminal Procedure Law amounts to confiscation, since this method involves two steps: before restoring the ownership of the victim of a crime, the criminally acquired property must be forfeited from the person who was regarded as the owner at the moment when the procedure for reinstating the rightful owner started.⁷ The procedure as provided by Art. 356, part (2) of the Criminal Procedure Law could seem as restoration of the property right from the point of view of the victim of the crime. However, from the point of view of the person with whom the property was found, the same procedure will seem like an *in rem* proceeding brought by the government against property that was acquired as a result of criminal activity, i.e., forfeiture,⁸ or confiscation. If an immovable is the subject of such procedure, then confiscation also interferes with the principle of public reliability of the Land Register, from which the right of an acquirer in good faith (*bona fide* acquirer) derives because, in order to restore the ownership, which the victim of crime has lost, rectification (i.e., removal) of the current owner from the Register is an inevitable precondition.

Whether the above-described procedure of seizure could be applied to an immovable is by no means clear from the plain wording of the law. Art. 356 of

¹ Available: <https://likumi.lv/ta/en/en/id/88966-criminal-law> [viewed 27.10.2021.].

² Available: <https://likumi.lv/ta/en/en/id/225418-the-civil-law> [viewed 27.10.2021.].

³ Available: <https://likumi.lv/ta/id/303007-administrativas-atbildibas-likums> [viewed 27.10.2021.].

⁴ Kūtris G. Tiesības uz īpašumu un īpašuma konfiskācija [Right to property and confiscation of property]. Protecting values enshrined in the Constitution: perspectives of different fields of law. Collection of research papers of the 77th International Scientific Conference of the University of Latvia. Riga, University of Latvia Press, 2019, p. 81.

⁵ Available: <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law> [viewed 27.10.2021.].

⁶ Meikališa Ā., Strada-Rozenberga K. Mantas konfiskācijas tiesiskais regulējums Latvijā un Eiropas Savienībā, tās izpildes mehānisma efektivitātes nodrošināšana [Regulation of confiscation of assets by law in Latvia and in the European Union, securing the effectiveness of the mechanism for confiscation], p. 22. Available: https://www.tm.gov.lv/sites/tm/files/2020-01/Documents/lv_ministrija_imateriali_mantkonf.pdf [viewed 27.10.2021.].

⁷ Kūtris G. Cilvēktiesību ievērošana mantiskajos jautājumos kriminālprocesā [Criminal proceedings: Human rights guarantees in financial matters]. Legal Traditions and Legal Identities in Central and Eastern Europe. Collection of research papers of the 76th International Scientific Conference of the University of Latvia. Riga. University of Latvia Press, 2018, p. 307.

⁸ Black's Law Dictionary 1451, editor-in-chief Bryan A. Garner, West Group 7th ed., 1999, p. 661.

the Criminal Procedure Law in Latvian uses the word “manta” to describe the object of seizure. This term has several meanings. It could be translated as “property”, “thing”, “estate”. Although in Latvian the term “manta” could not be regarded as synonymous with “lieta” (thing), it could mean a person’s entire property⁹ (estate). The usage and meaning of this term also have significant transformations since it is part of the local civil code where this term could be used both in a more abstract meaning, as an ownership right, and also in more empirical sense, i.e., pointing to things corporeal. In the former case, the term “manta” is close to what would be called “assets”, while in the latter case the term is closer in meaning to “thing”. One must be extremely careful not to become confused while using this term.¹⁰ More recent research has questioned whether application of the term “manta” to an immovable (Art. 846 of the Civil Law) should be regarded as a mistake.¹¹

The ambiguity of the term “manta” as used in Art. 356 of the Criminal Procedure Law has led to rather a wide variety of interpretations of this article when the Constitutional Court had to examine whether the contested norm is in compliance with the Constitution of Latvia, i.e., if Art. 356 is applicable not only to movable but also to immovable property, in Case No. 2016-07-01¹² “On Compliance of Section (Article) 356 (2) and Section (Article) 360 (1) of the Criminal Procedure Law with Article 1, first sentence of Article 91, Article 92 and Article 105 of the *Satversme* (Constitution) of the Republic of Latvia.”

Expert witnesses (who were summoned) were split in their opinion on whether the contested norms could be applied to the immovable. Three of them¹³ considered that the contested norms could not be applied to immoveable property whereas one directly,¹⁴ another – implicitly¹⁵ concluded exactly the opposite. The Constitutional Court held that the contested norms applied to immoveable property.

The distinction between the abovementioned terms is subtle. For instance, it is asserted that the Civil Law deliberately has avoided using the terms “manta”

⁹ Kalniņš E. *Laulāto manta laulāto likumiskajās mantiskajās attiecībās* [Property in the legal remunerable relations of the spouses]. Rīga, Tiesu namu aģentūra, 2010, p. 30.

¹⁰ *Civillikumi ar paskaidrojumiem. Otrā grāmata. Lietu tiesības.* [Civil Laws with explanations. Second Book. Rights *in Rem.*]. Compiled by Sen. F. Konradi un Rīgas apgabaltiesas loceklis A. Walter [Judge of the Supreme court Mr. F. Konradi and judge of the Regional Court of Riga Mr. A. Walter]. Likuma teksts Prof. Dr. iur. A. Būmaņa, H. Ēlersa un J. Lauvas tulkojumā [translation of the Civil Law from Russian by Mr. A. Būmanis, H. Ēlerss and J. Lauva]. „Grāmatrūpnieks” izdevumā. 1935. Neoficiāls izdevums, p. 7.

¹¹ Kalniņš E. *Pētījums par Civillikuma lietu tiesību daļas pirmās, otrās un trešās daļas modernizācijas nepieciešamību* [Research on the need to modernise parts one, two and three of the chapter on rights in Rem of the Civil Law]. Available: <http://petijumi.mk.gov.lv/node/2029> [viewed 27.10.2021.].

¹² The Constitutional Court of the Republic of Latvia, Judgment in Case No. 2016-07-01, p. 46. Available: https://www.satv.tiesas.gov.lv/web/viewer.html?file=/wp-content/uploads/2016/05/2016-07-01_Spriedums_ENG.pdf#search= [viewed 27.10.2021]

¹³ Judgment in Case No. 2016-07-01, para. 8, p. 15; para. 9, p. 16; para. 11, p. 31.

¹⁴ Judgment in Case No. 2016-07-01, para. 10, p. 18.

¹⁵ Judgment in Case No. 2016-07-01, para. 13, p. 22.

and “lieta” when describing a gift as “transfer of ownership” (Art. 1914 of the Civil Law).¹⁶ One item of person’s entire property could be substituted by another item if the latter is of the same value as the former (principle of surrogation).¹⁷

Confiscation as a specific measure under criminal and administrative law must be distinguished from expropriation. The characteristic feature of expropriation is fair and reasonable compensation of the owner.¹⁸

2. Confiscation and the constitutional right to own property as a human right

By the Law of 15 October 1998, the legislature inserted into the Constitution, a new Chapter VIII on fundamental rights including the new Article 105 of the Constitution.¹⁹

*The use of the term “special law” in Article 105 of the Constitution [...] indicates that each individual expropriation measure falls within the exclusive remit of the legislature, that is to say, Parliament. As the Constitutional Court observed in its judgment of 16 December 2005, this is a specific feature of the Latvian legal system in comparison with that of other countries [...]. In this system any expropriation is always based on two legislative instruments: the general law, determining the rules of expropriation in general, and a special targeted law by which Parliament orders the expropriation of designated property in a specific case.*²⁰

However, the fact that the wording of the Constitution specifically points at expropriation for public purposes and does not expressly provide for such forms of compulsory alienation of the property as confiscation could not mean that protection of everyone’s right to property is not protected by the Constitution.

The internal connection between Art. 105²¹ of the Constitution and Art. 1 of Protocol 1 of the European Convention on Human Rights has been emphasized

¹⁶ Torgāns K. Saistību tiesības. Otrais papildinātais izdevums [The Rights of Obligations. Second supplemented edition]. Rīga, 2018, p. 298.

¹⁷ Kalniņš E. Laulāto manta laulāto likumiskajās mantiskajās attiecībās [Property in legal remunerable relations of spouses]. Rīga, Tiesu namu aģentūra, 2010, p. 139.

¹⁸ Grigore-Bāra E. Nekustamā īpašuma piespiedu atsavināšana valsts vai sabiedriskām vajadzībām pret atlīdzību Latvijā. Promocijas darbs [Dissertation “Compulsory alienation of immovable property against compensation for state or public needs in Latvia”], pp. 16–17 (in Latvian). Available: https://dspace.lu.lv/dspace/bitstream/handle/7/5142/23550-Elina_Grigore_Bara_2013.pdf?sequence=1&isAllowed=y [viewed 27.10.2021.].

¹⁹ Available: <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia> [viewed 27.10.2021.].

²⁰ European Court of Human Rights. Judgment in the Case Vistiņš and Perepjolkins v. Latvia, para. 53. Available: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-114277%22%5D%7D> [viewed 27.10.2021.].

²¹ Everyone has the right to own property. Property shall not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes shall be allowed only in exceptional cases on the basis of a specific law and in return for fair compensation.

in several judgments of the Constitutional Court (2000-03-01;²² 2001-08-01;²³ 2003-04-01;²⁴ 2004-10-01²⁵; 2004-18-0106²⁶; 2005-12-0103²⁷).

In Case No. 2014-34-01²⁸, the Constitutional Court of Latvia found that application of confiscation as a criminal punishment is compatible with Art. 105 of the Constitution.

In its Judgement in Case No. 2016-07-01, the Constitutional Court examined, *inter alia*, whether applying the contested norms amounted to confiscation.

In this case, the applicant, *inter alia*, pointed out that the good faith of a third person must be assessed. The applicant also cited Directive 2014/42/EU.²⁹

The Court dismissed both arguments.

The Court found that the contested regulation is aimed at returning immovable property to its owner, who lost it as the result of a criminal offence (para. 17, Judgment in Case No.2016-07-01). Therefore (sic) the Constitutional Court concluded that ECHR case law on confiscation of property was not applicable to the case under review [para. 23.1]. This conclusion is wrong. The premise that returning an immovable to the rightful owner *per se* does not amount to expropriation in the sense of the fourth sentence of Art. 105 of the Constitution does not inevitably lead to the conclusion that the Art. 105 does not deal with confiscation. Nor does this premise lead to the conclusion that returning an immovable to the previous owner does not amount to confiscation. As returning an immovable which is already registered under the name of the Applicant³⁰ as *bona fide* acquirer in the Land Register, such restitution is impossible without rectifying (removing) the name of the Applicant from the Register. The issue whether such

²² Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2016/02/2000-03-01_Spriedums.pdf#search= (in Latvian) [viewed 27.10.2021.].

²³ Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2001/08/2001-08-01_Spriedums_ENG.pdf#search= [viewed 27.10.2021.].

²⁴ Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2003/02/2003-04-01_Spriedums_ENG-1.pdf#search= [viewed 27.10.2021.].

²⁵ Available: http://www.satv.tiesa.gov.lv/wp-content/uploads/2016/02/2004-10-01_Spriedums.pdf [viewed 27.10.2021.].

²⁶ Available: http://www.satv.tiesa.gov.lv/wp-content/uploads/2016/02/2004-18-0106_Spriedums.pdf [viewed 27.10.2021.].

²⁷ Available: http://st-preprod.flamingoservices.lv/wp-content/uploads/2016/02/2005-12-0103_spriedums.pdf [viewed 27.10.2021.].

²⁸ Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2016/02/2014-34-01_Spriedums.pdf#search= (in Latvian) [viewed 27.10.2021.].

²⁹ Available: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0042> [viewed 27.10.2021.].

³⁰ The immovable was already registered in the Latvian Land Register in the name of the Applicant. The Office of the Land Register had received the decision by the official in charge of proceedings of 15 July 2015 on terminating criminal proceedings, which, *inter alia*, envisaged that the immoveable property should be returned to its initial owner. Since this decision did not comply with any type of document defined in Section 44 of the Land Register Law (available: <https://likumi.lv/ta/en/en/id/60460-land-register-law> [viewed 27.10.2021.]), which could be the grounds for corroborating rights *in rem*, the instructions included in the decision could not be fulfilled, but the document was annexed to the Land Register file.

rectification (removal) of the *bona fide* acquirer from the Register is fair should be separated from the issue whether such act amounts to compulsory alienation of an immovable, i.e., confiscation.

This conclusion is not only contrary to logic. It is also at odds with the idea that contested norms must be compatible with the constitutional protection of the right to property as human right.

There are only two options: either Art. 105 of the Constitution covers all kinds of deprivation of any person of their ownership or the Constitution does not deal with this issue at all.

If the Court were to choose the former option, then the conclusions by the Constitutional Court would fall in line with previous conclusions of the same Court, namely, that Art. 105 of the Constitution contains a meaning which is identical to that of the First Protocol ECHR.

If the Court found that the contested norms were not connected with the fourth sentence of Art. 105 of the Constitution, then the same Court should inevitably return to examination of the compatibility of contested norms with other parts of Art. 105.

If the Court found that neither the first, second, third nor fourth sentence of Art. 105 were applicable, then either such criteria should be found in other parts of the Constitution, or the Constitution of Latvia does not protect the right to property at all. The latter conclusion would be at odds with previous jurisdiction.

3. Confiscation and public reliability of the Land Register in Latvia

The Constitutional Court rightly pointed out in Case No. 2016-07-01 that the contested norms provide an exception to the principle of public reliability of the Land Register in Latvia. The Constitutional Court considered this as a tolerable “exception”.

If the Constitutional Court found that the contested norms provided an “exception” to the public reliability of the Land Register, then inevitably the Court would also have to consider the amount to which such “exception” impacts the whole system. In every case, where the said exception would be applied, a *bona fide* acquirer of an immovable could not rely on the Register. This was one of the arguments by the Applicant: that its reliance on the Land Register was disrupted by enforcing the contested norms.

The Constitutional Court in para. 24.1 of the Judgment dismissed this argument stating that

when persons become involved in legal relations and conclude legal transactions, they concurrently assume various risks (civil turnover risks) [...] The legislator does not have the obligation to adopt legal regulation that would envisage compensating from the state budget for any risk that a person assumes by becoming involved in private law relations.

The Constitutional Court mistook reliance of a third person on the Land Register data regarding the ownership right for reliance on a legal transaction. Civil turnover risk is not the same thing as reliance on the data provided by public register which is under the guidance of special state institutions. It is established in the case law of the European Court of Human Rights that

*the authorities have to put in place an effective exchange of information in order to ensure the reliability of public data. Failure to do so weighs in favour of individuals who become victims of such an omission, after acting in good faith.*³¹

The Constitutional Court weighed the negative impact upon the public reliability of the Land Register against the legitimate aim to eradicate unlawful transfer of property involving actions amounting to a criminal offence. The fact that the enforcement of the contested norms has already caused damage to the land registration system was already admitted by the Constitutional Court.

4. Effectiveness of confiscation of criminally acquired property

No scientific data are available as to whether and to what degree the intended aim of the contested norms was achieved. Anecdotal evidence, however, suggests that cases of owners losing their immovable property as a result of fraud keep appearing in Latvian case law. The pattern of how the thieves got their hands on innocent victims' property after the contested norms were implemented involved defrauding the owner of their immovable and soon afterwards the immovable was registered under the name of another person who took out a loan from the bank mortgaging the defrauded immovable property.³² This pattern is not covered and could not be prevented by the contested norms. Since the contested norms were examined by the Constitutional Court, they have been amended by the legislator several times: Art. 356 of the Criminal Procedure Law three times (22 June 2017; 27 September 2018 and 21 November 2019); Art. 360 of the Criminal Procedure Law – twice (22 June 2017 and 4 March 2021). The amendments of 22 June 2017 provided for implementation of the aim of the contested norms – to transfer a criminally acquired immovable to the previous owner, as the contested norms initially did not provide for such outcome regarding an immovable.³³ The latest amendments to Art. 360 of the Criminal Procedure Law of 4 March 2021 were triggered by the particular case of seizure of criminally acquired property in order to prevent inevitable confiscation of the immovable in issue from the *bona*

³¹ Judgment in Case Dzirnīs v. Latvia, para. 85. Available: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-170461%22%5D%7D> [viewed 27.10.2021.].

³² Judgment in Case SKC-284/2017 by the Supreme Court (28 December, 2017). Available at limited access site of Latvian court administration accessible by judges and attorneys-at-law, members of the Latvian bar: file:///C:/Users/JanisR/Downloads/Anonimizets_nolemums_339678-2789.pdf [viewed 27.10.2021.].

³³ See the witness statement of the summoned person – the Office of Land Register of the Vidzeme Suburb Court of the City of Riga, para. 7 Judgment in Case No.2016-07-01 [viewed 27.10.2021.].

fide acquirer. The legislator moved into reverse after public outrage over this case which received wide publicity after the *bona fide* acquirer complained publicly about the inevitable confiscation of the immovable which – as it turned out – had been investigated for several years. The police, however, did not bother to inform the Land Register and the tainted property remained in civil circulation until the unsuspecting acquirer bought that immovable. The Court (February 17, 2021) satisfied a request by the police investigator and declared the apartment as criminally acquired.³⁴ The amendments to Art. 360 of the Criminal Procedure Law of 4 March 2021 prevented the next step provided by the contested norm, i.e., confiscation of the apartment acquired in good faith and registered under the name of the acquirer. Implementation of the said amendments could signify returning to square one, i.e., whatever the means used in order to acquire the immovable prior to a *bona fide* acquirer, the latter could retain their ownership.

Conclusion

1. Confiscation of property could be implemented as an additional punishment for certain kinds of criminal offence.
2. Confiscation could be also implemented as a precondition of restitution of ownership lost by a victim of crime.
3. Confiscation as a precondition for restitution could be applied without conviction.
4. Confiscation without conviction could be applied to a *bona fide* acquirer.
5. An immovable could be subject to confiscation without conviction.
6. Confiscation of an immovable without conviction interferes with the principle of public reliability of the Land Register.
7. Recent amendments to the Criminal Procedure Law are aimed at deconstructing some measures of confiscation without conviction.

BIBLIOGRAPHY

Literature

1. Black's Law Dictionary 1451 (Editor-in-chief Bryan A. Garner, West Group 7th ed. 1999)
2. *Civillikumi ar paskaidrojumiem*. Otrā grāmata. Lietu tiesības [Civil Laws with explanations. Second Book. Rights *in Rem*]. Sastādījuši Sen. F. Konradi un Rīgas apgabaltiesas loceklis A. Walter [Compiled by: Judge of the Supreme court Mr. F. Konradi and judge of the Regional Court of Riga Mr. A. Walter]. Likuma teksts Prof. Dr. iur. A. Būmaņa, H.

³⁴ Tiesneša Zigmunda Dundura skaidrojums mākslinieka Aivara Vilipsona dzīvokļa lietā (press release by Judge Zigmunds Dundurs in a case over an apartment owned by painter Mr. Aivars Vilipsons). Available: <https://www.ta.gov.lv/lv/jaunums/tiesnesa-zigmunda-dundura-skaidrojums-makslinieka-aivara-vilipsona-dzivokla-lieta> (in Latvian) [viewed 27.10.2021.].

- Ēlsera un J. Lauvas tulkojumā [translation of the Civil Law from Russian by A. Būmanis, H. Ēlseris and J. Lauva]. „Grāmatrūpnieks” izdevumā. 1935. Neoficiāls izdevums.
3. Kalniņš E. *Laulāto manta laulāto likumiskajās mantiskajās attiecībās* [Property in the legal remunerable relations of the spouses]. Rīga, Tiesu namu aģentūra, 2010.
 4. Torgāns K. *Saistību tiesības. Otrais papildinātais izdevums* [The Rights of Obligations. 2nd supplemented ed.]. Rīga, 2018.
 5. Papers in collections of papers, volumes or compendia
 6. Kūtris G. *Tiesības uz īpašumu un īpašuma konfiskācija* [Right to property and Confiscation of property]. Protecting values enshrined in the Constitution: perspectives of different fields of law. Collection of research papers of the 77th International Scientific Conference of the University of Latvia. Riga, University of Latvia Press, 2019.
 7. Kūtris G. *Cilvēktiesību ievērošana mantiskajos jautājumos kriminālprocesā* [Criminal proceedings: Human rights guarantees in financial matters]. Legal Traditions and Legal Identities in Central and Eastern Europe. Collection of research papers of the 76th International Scientific Conference of the University of Latvia. Riga, University of Latvia Press, 2018.

Legal acts

8. Directive 2014/42/EU. Available: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0042> [viewed 27.10.2021.].
9. Civil Law. Available: <https://likumi.lv/ta/en/en/id/225418-the-civil-law> [viewed 27.10.2021.].
10. Constitution of the Republic of Latvia. Available: <https://likumi.lv/ta/en/en/id/57980-the-constitution-of-the-republic-of-latvia> [viewed 27.10.2021.].
11. Criminal Law. Available: <https://likumi.lv/ta/en/en/id/88966-criminal-law> [viewed 27.10.2021.].
12. Criminal Procedure Law. Available: <https://likumi.lv/ta/en/en/id/107820-criminal-procedure-law> [viewed 27.10.2021.].
13. Land Register Law. Available: <https://likumi.lv/ta/en/en/id/60460-land-register-law> [viewed 27.10.2021.].
14. Law on Administrative Liability. Available: <https://likumi.lv/ta/id/303007-administrativas-atbildibas-likums> [viewed 27.10.2021.].

Court practice

15. Judgment in the Case *Vistiņš and Perepjolkins v. Latvia*. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-114277%22%7D> [viewed 27.10.2021.].
16. Judgment in Case *Dzirnis v. Latvia*. Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-170461%22%7D> [viewed 27.10.2021.].
17. The Constitutional Court of the Republic of Latvia, Judgment in the Case No. 2000-03-01. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2016/02/2000-03-01_Spriedums.pdf#search= (in Latvian) [viewed 27.10.2021.].
18. Judgment in the Case No. 2001-08-01. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2003/02/2003-04-01_Spriedums_ENG-1.pdf#search= [viewed 27.10.2021.].

19. Judgement in the Case No. 2003-04-01. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2003/02/2003-04-01_Spriedums_ENG-1.pdf#search= [viewed 27.10.2021.].
20. Judgement in the Case No. 2004-10-01. Available: http://www.satv.tiesa.gov.lv/wp-content/uploads/2016/02/2004-10-01_Spriedums.pdf [viewed 27.10.2021.].
21. Judgement in the Case No. 2004-18-0106. Available: http://www.satv.tiesa.gov.lv/wp-content/uploads/2016/02/2004-18-0106_Spriedums.pdf [viewed 27.10.2021.].
22. Judgement in the Case No. 2005-12-0103. Available: http://st-preprod.flamingoservices.lv/wp-content/uploads/2016/02/2005-12-0103_spriedums.pdf [viewed 27.10.2021.].
23. Judgement in the Case No. 2014-34-01. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2016/02/2014-34-01_Spriedums.pdf#search= (in Latvian) [viewed 27.10.2021.].
24. Judgement in the Case No. 2016-07-01. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2016/05/2016-07-01_Spriedums_ENG.pdf#search= [viewed 27.10.2021.].
25. Judgment in Case SKC-284/2017 by the Supreme Court (28 December 2017). Available at limited access site of Latvian court administration accessible by judges and attorneys-at-law, members of the Latvian bar: file:///C:/Users/JanisR/Downloads/Anonimizets_nolemums_339678-2789.pdf [viewed 27.10.2021.].

Other materials

26. Grigore-Bāra E. Nekustamā īpašuma piespiedu atsavināšana valsts vai sabiedriskām vajadzībām pret atlīdzību Latvijā. Promocijas darbs (The dissertation “Compulsory alienation of immovable property against compensation for state or public needs in Latvia”, in Latvian). Available: https://dspace.lu.lv/dspace/bitstream/handle/7/5142/23550-Elina_Grigore_Bara_2013.pdf?sequence=1&isAllowed=y [viewed 27.10.2021.].
27. Kalniņš E. Pētījums par Civillikuma lietu tiesību daļas pirmās, otrās un trešās daļas modernizācijas nepieciešamību [Research on necessity to modernise part one, two and three of chapter of rights in Rem of the Civil Law]. Available: <http://petijumi.mk.gov.lv/node/2029> [viewed 27.10.2021.].
28. Meikališa Ā., Strada-Rozenberga K. Mantas konfiskācijas tiesiskais regulējums Latvijā un Eiropas Savienībā, tās izpildes mehānisma efektivitātes nodrošināšana [Regulation of confiscation of assets by law in Latvia and in the European Union, securing the effectiveness of the mechanism for confiscation]. Available: https://www.tm.gov.lv/sites/tm/files/2020-01/Documents/lv_ministrija_imateriali_mantkonf.pdf [viewed 27.10.2021.].