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Truth in Criminal and Civil Proceedings: Ensuring Sustainable Development of Society and Social Peace

By Inga Kudeikina[1], Sandra Kaija[2]

ABSTRACT
The right to a fair trial is a key element of the rule of law. It should be noted that the right to a fair trial has a complex structure, because securing this right is both a goal, or a state's positive commitment to ensuring citizens' rights, and a means of achieving this goal. The obligation to tell the truth as a principle of procedure constitutes the core of a fair trial. The concept of 'fair trial' would be a mere fiction if the state would not demand that parties to the case tell the truth in proceedings. There is no doubt that a dispute can be solved in reliance on true facts, true statements. This is a pre-requisite for the legal resolution of disputes, which means confidence in the judiciary as an element of state's sustainability in the long run.
The objective of the research is to examine the scope of the obligation to tell the truth in procedural relations in conjunction with the need for the fair settlement of legal relationships in the context of the sustainability of society in order to formulate suggestions for improving the legislation, thereby minimising opportunities to avoid the truth for the parties to proceedings.
The research has employed descriptive and analytical, deductive and inductive methods. These methods have been used to analyse laws and the opinions of legal scholars and formulate conclusions and suggestions.

Keywords: civil proceedings, criminal proceedings, obligation to tell the truth

1. Introduction

The fair settlement of legal relationships is a cornerstone of procedural relations, which is vital for the sustainable development of society. Fairness, viewed as both a moral and a legal category, is inextricably linked with truth-telling in proceedings, since there can be no fair settlement unless it relies on the truth, namely legal circumstances corresponding to the facts of the case, which have resulted in the correct classification of the offence. In addition, this principle is applicable to both civil and criminal relationships.

The research delves into problems relating to the obligation to tell the truth in criminal and civil proceedings. In a state governed by the rule of law, justice is based on fairness, but it should be stressed that the court cannot ensure that the truth is established without active involvement of the parties to the case. The parties participate in a trial by giving explanations and testimony, whose quality is determined also by their truthfulness. It is the scope of responsibility of courts and parties to proceedings that is an issue. Fairness follows from truthfulness, while the court is competent to verify and assess the truthfulness of the explanations and testimony given by the parties to the case. The court cannot be held responsible for a potentially unfair outcome of proceedings if the parties have failed to give truthful testimony and explanations. The court does not provide

[1]Associate Professor of Riga Stradiņš University, Latvia. Expert of the Latvian Council of Science
[2]Professor of Riga Stradiņš University, Latvia. Expert of the Latvian Council of Science.

evidence, neither can it rectify internal defects of the parties' testimony and explanations. In the evidentiary procedure, the court has no other option but to reject evidence that is not credible, otherwise the court could be accused of using unfair means.

2. Research

2.1. Scope of the obligation to tell the truth in civil proceedings

The obligation to tell the truth in procedural relations incorporates two elements: a party's obligation to tell the truth and tools available to the court for verifying truthfulness. As follows from an analysis of the parties' obligation, Article 9[1] of the Civil Procedure Law requires that parties to proceedings – the parties, third persons, and representatives on behalf of persons to be represented – provide to the court true information regarding the facts and circumstances of a case (Civil Procedure Law: 1998). This is a mandatory rule, which is not a matter of discretion. At the same time, in order to flesh out this obligation and understand how to execute it, truth-telling should be viewed on an interdisciplinary basis, involving also philosophical and ethical criteria. The grammatical analysis of the term 'truth' shows that it should be understood as the accurate reflection of reality (Tezaurs: 2023). Scholars representing different disciplines have devoted their studies to the substance of truth, from ancient times up to the present day. Truth can be interpreted as the reflection of actual events, which can still be different for different persons, considering each person's individual experience and subjective perceptions. In any case, an objective criterion is the reality of the reflection, which should be assessed at a trial with reference to individual characteristics of parties to the case, such as age, education, experience. Accordingly, truth should always be linked with objectivity. It is notable that Article 17(1) of the Law on Judicial Power requires that the court be obliged to establish the objective truth when examining any case (Law on Judicial Power: 1993). Possibilities of establishing the objective truth are questionable. The Civil Procedure Law, which is a special law dealing with the resolution of civil disputes, does not provide for a court's duty to establish the objective truth, requiring only that a court should determine the facts of a case by examining the evidence obtained in accordance with the statutory procedure and solve the dispute (Civil Procedure Law: 1998, Articles 8(1) and 23(1)). A party's individual characteristics are however a variable criterion of truth, which should be taken into consideration in assessing the party's explanations. Put simply, truth should be viewed as conformity of the reflection with reality, which is however in practice affected by each person's subjective interpretation of events and facts. As a result, truth should be assessed in conjunction with a person's individual characteristics.

According to legal scholars C.H. van Rhee and A. Uzelac, the taking of evidence lies at the heart of every civil procedure (van Rhee & Uzelac: 2015). In the same train of thought, it should be noted that the obtaining of evidence is not an end in itself. Evidence must give a true view of the facts of a case, which is why it should be analysed whether the court has tools available for establishing the objective truth. Civil procedure is based on the principle that the parties delimit the subject-matter of the proceedings and on the adversarial principle, according to which the court does not interfere with autonomy of the parties. The court may indicate that evidence in the case is insufficient only in specific situations and in cases of specific categories to secure the protection of a weaker party.

For example, this may refer to divorce cases and family-related actions. According to Article 239(1) of the Civil Procedure Law, the court must request evidence on its own initiative, especially for taking decisions on matters related to children (Civil Procedure Law: 1998). In the light of the foregoing, it should be noted that there is an opinion in scientific literature (Yasmin Naqv, 2006) that, although civil law systems are arguably more concerned about finding the truth, the end result is that the case is won or lost by convincing or failing to convince the court. The "legal truth" is merely a by-product of a dispute settlement mechanism. This view can be accepted partly because a party's ability to convince the court can undeniably be limited, while the adversarial principle per se does not hinder the implementation of the truth-telling principle. Concerns that the truth may remain unknown without the court being actively involved in establishing it are unfounded. Indeed, it is thanks to the adversarial principle, according to which parties to proceedings exercise their rights by means of an adversarial procedure, that the obligation to tell the truth can assume a whole new meaning. Presuming that the case is won by the party which provides stronger evidence to the court, the party may wish to depart from objectivity of the truth, either intentionally or unintentionally, and interpret the truth in its favour. The adversarial principle is explained in Article 10(2) of the Civil Procedure Law. Adversarial proceedings take place through the parties providing explanations and participating in the examination and assessment of explanations and other evidence (Civil Procedure Law: 1998). Accordingly, the obligation to tell the truth is transformed into the right to verify the truth, when a party both provides truthful evidence and checks evidence supplied by the other party. This makes it perfectly possible to establish the truth. Either party seeks to show "its" truth and reveal the other party's lies and misrepresentations, etc. The court's role of ensuring that the parties have equal opportunities to exercise their rights for the protection of their interests is significant in this process (Civil Procedure Law: 1998, Article 9(2)). Actions taken by the court to lead the proceedings or assess evidence provided by the parties at a hearing should not be regarded as interference with the parties' autonomy. Some authors note that the court's actions in considering a case are restricted to factual statements and evidence given by the parties (Ude & Damjan: 2016). However, a court's duty should not be reduced to formalism, keeping in mind that the fair settlement of a dispute is the supreme goal of proceedings in the long run. The court may indicate that evidence is insufficient if this is necessary for the fair settlement of a dispute, which is the court's primary objective. To this end, the Senate of the Supreme Court of the Republic of Latvia, which considered a cassation appeal in Case C28322309, has held that the adequate and careful assessment of all indirect evidence together based on logic, life experience and patterns is extremely important in complicated cases when none of the parties has written evidence and their opinions are radically opposed (Senate of the Supreme Court of the Republic of Latvia: 2018). Therefore, the court is competent to reconstruct events, accepting them as the truth, based only on indirect evidence because the court apparently cannot rely on evidence the court views as untruthful to support its decision. What the court is not allowed to do is to seek to obtain evidence on its own initiative in order to establish facts that have not been provided by the parties (Ude & Damjan: 2016). The court may be involved only after a party has initiated the obtaining of evidence and checking whether it is true. Therefore, establishing the truth is underpinned by good work of the court.

Truth should not be equated with objective truth in civil procedure. Establishing the objective truth is not always necessary for resolving a dispute. Parties to civil proceedings may agree on a settlement. It is laid down in Article 1881 of the Civil Law that the parties to a legal relationship may transform a disputed or otherwise dubious mutual legal relationship into one that is undisputed and undoubted through mutual concessions. A settlement does not require establishing the objective truth; the parties' free will to agree on the solution of the matter in dispute suffices for this purpose. A settlement is subject to court's approval, and it is a means of terminating proceedings according to Article 226 of the Civil Procedure Law (Civil Procedure Law: 1998). It should be stressed that the amicable settlement of a case is not only possible, but also desirable. The systematic analysis shows that the legislator encourages litigants to reach a settlement by means of law. Thus, for example, settlement is not allowed only in certain categories of cases. (Civil Procedure Law: 1998, Article 226(3)). The state fee paid by the party is refunded for an amount of 50% in the event of a settlement (Civil Procedure Law: 1998, Article 37(1)(5)). The legislator has apparently taken a position that a court judgment should remain as a last resort, while encouraging litigants to reach a settlement or use out-of-court dispute resolution mechanisms is a priority, which is evidenced by, for example, the requirement to indicate in a statement of claim whether the parties have used or intend to use mediation (Civil Procedure Law: 1998, Article 128(2)(5[1]).

On the one hand, this situation should be viewed as inconsistency and even certain hypocrisy on the part of the legislator, which requires establishing the objective truth by law; on the other hand, it is balancing between pragmatism and achieving the objective truth as the greatest good.

Establishing the objective truth in civil procedure is a legal fiction, which is only possible under ideal circumstances when parties pursuing opposite legitimate interests agree absolutely about the meaning of the objective truth and can give up their individual interests in its favour. As a result, the objective truth in civil procedure is often limited to establishing the facts of the case. The obligation to tell the truth brings together pragmatism, which is the need to solve disputes and settle civil relations, and legal idealism, which is the pursuit of objective truth and justice. This situation should not indeed be viewed as a court's incapability, if the court follows statutory requirements when hearing a case.

However, in search of a balance between the parties' private autonomy, establishing the truth and court's power, the legislator has introduced a range of tools, which can be regarded as a means of establishing the truth. These include preventive means, whose purpose is to discourage individuals from submitting false documents at the risk of facing negative consequences, such as monetary fines that can be imposed on parties for submitting knowingly false applications, statements of claim or complaints. (Civil Procedure Law: 1998, Article 73[1](3)).

Criminal liability of witnesses and experts should be viewed as a means of establishing the truth in proceedings already in progress. To this end, it is laid down in Article 169(2) of the Civil Procedure Law that, before being examined, a witness makes a statement by which the witness undertakes to testify to the court about everything the witness knows about the case in which this person is invited as a witness, stating that it has been explained to the witness that the witness may be held criminally liable for knowingly giving false

testimony (Civil Procedure Law: 1998). Experts are warned about criminal liability for intentionally false opinions (Civil Procedure Law: 1998, Article 122(6)).

The matter concerning the liability of plaintiffs and defendants is solved otherwise, as these parties to proceedings provide explanations, and not testimony, to the court. There is no criminal liability for knowingly false explanations, while a civil procedural tool can be employed, namely: the supply of knowingly false information regarding facts and circumstances of the case is recognised as abuse of rights, in which case a judge issues a warning or imposes a monetary fine of up to EUR 800 (Civil Procedure Law: 1998, Article $73^1(1)$). This provision is imperative, and the court should take action whenever the supply of knowingly false information is identified at a trial, but the relevant court's capacity is still the issue today. It is evident that legal effects that can be faced by plaintiffs or defendants are much less severe that those stipulated for witnesses or translators. This legislator's decision implies confidence in plaintiffs and defendants, assuming that the parties will exercise their rights in good faith and to the fullest extent, namely the parties are interested in establishing the truth. This position can be viewed also as a presumption that the court will be able (must be able) to establish the truth in any situation, by analysing explanations provided by both parties in conjunction with other evidence, even if false explanations are given by either party about the case.

Litigations and the court as an institution establishing the truth are essential for the sustainable development of society and social peace. The procedural framework is both a formal litigation procedure and a guarantee of fundamental rights in society, embodying the prohibition of arbitrariness, which is closely linked with public awareness of the rule of law. Laws represent a type of social norms, every case dealt with by courts implies the solution of specific legal relationships and, beyond this, is an element forming legal awareness and legal security of society. It can indeed be stated that confidence in the judiciary will foster establishing the truth. We should accept the view expressed in scientific literature that social relationships within society, their variability, present a dilemma: how to reconcile in legal thought the universal and the particular, the global and the local, the national and the international (Cotterrell: 2016), which, from the standpoint of truth-telling in civil procedure, takes the form of the need to reconcile the principles of civil procedure and general principles of law, secure equality of the parties and neutrality of the court, meanwhile ensuring that the objective truth is established and individuals' rights are fully safeguarded. These aspects are equally important in both civil and criminal proceedings.

2.2. Aspects of truth-telling in criminal proceedings

In criminal proceedings, the obligation to tell the truth differs depending on the status of persons involved.

For example, victims and witnesses have an obligation not only to testify but also to testify the truth throughout criminal proceedings. The right not to incriminate oneself and the immediate family is the exception to this general obligation. The immediate family means the betrothed, spouses, parents, grandparents, children, grandchildren, siblings, as well as persons with whom the relevant natural person is living together and has a common (joint) household (Criminal Procedure Law: 2005, Article 12(5)). Persons must be informed of these rights, and it is up to them how to act. If a person chooses to testify

against himself or herself or the person's immediate family, this testimony can further be used as evidence even if the person refuses to testify in future proceedings.

Pursuant to Article 302(1) of the Criminal Law, victims and witnesses can be held criminally liable for their unfounded refusal to give testimony. Both victims and witnesses must testify about everything they know about the case, and their testimony must be true. Meanwhile, knowingly giving false testimony may lead to criminal liability in accordance with Article 300(1) of the Criminal Law (Criminal Law: 1998, Articles 300, 302). It should be borne in mind that a person becomes criminally liable for the offence referred to in Article 300 of the Criminal Law only if the person has been warned about this liability. There can be no such liability imposed if the official conducting proceedings has not informed the person about the potential criminal liability for any reasons. The person should also be aware of the liability for knowingly false testimony also if testimony is given against the person concerned or the person's immediate family.

It is important to remember that if, during the examination of a witness, it appears that the person may incriminate himself or herself by answering questions, the examination as a witness must be stopped and the procedural status of the witness changed to that of a person entitled to defence. Moreover, in this case, testimony given before the person entitled to defence has acquired this status cannot be accepted as evidence in the case, nor can that person be held criminally liable for refusal to give testimony and for giving false testimony.

A different solution is provided for persons who are entitled to defence, such as detainees, suspects or accused persons. These persons are not obliged to self-incriminate in criminal proceedings, and they have the right to remain silent, to testify or to refuse to testify. Nor are they criminally liable for refusing to testify or giving knowingly false testimony. However, the legislator has provided that if a person who has committed a criminal offence has given knowingly false testimony, this may even be recognised as an aggravating circumstance. This provision was added by amendments made to the Criminal Law on 11 June 2020, which entered into force on 6 July 2020.

It is stated in the extended annotation to the draft law amending the Criminal Law that "the amendment is intended to prevent persons entitled to defence from acting in bad faith by knowingly giving false testimony in criminal proceedings. This new aggravating circumstance will contribute to disciplining the person entitled to defence and will also accelerate criminal proceedings. We draw attention to the fact that the Criminal Law already provides for a similar aggravating circumstance, which is not directly related to the circumstances of an offence, but it rather deals with the supply of knowingly false information in criminal proceedings, namely: according to Article 48(1)(13) of the Criminal Law, a situation when the offender has knowingly provided false information about a criminal offence committed by another person for the purpose of reducing the penalty can be regarded as an aggravating circumstance" (*Extended Annotation to the Draft Law Amending the Criminal Law. TM_PAPILD_ANOT_KL_425_LP13_15062020. Retrieved from: https://likumi.lv/ta/id/315653-grozijumi-kriminallikuma*).

It should be added that introducing this obligation does not affect Article 60²(1)(8) of the Criminal Procedure Law, according to which a person entitled to defence will further retain the right to remain silent, to testify or to refuse to testify. If a person does not wish to incriminate himself or herself, the person may remain silent, thereby securing the

privilege against self-incrimination guaranteed by Article 92 of the Constitution of the Republic of Latvia (Constitution of the Republic of Latvia: 1922, Article 92) and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention for the Protection of Human Rights and Fundamental Freedoms: 1950, Article 6).

However, in order to guarantee a person's right to protect oneself, the person must be properly informed. Consequently, when informing a person entitled to defence of fundamental rights in criminal proceedings and prior to the examination, the person directing the proceedings must explain both the scope of "false testimony" and consequences of giving such testimony, including the fact that aggravating circumstances will be taken into account in determining the penalty to be applied if a conviction is obtained or a prosecutor's penal order is issued.

Moreover, the person directing the proceedings must establish that testimony is knowingly false when assessing its veracity. Testimony is regarded as false if it distorts facts wholly or partly, denies true circumstances or provides untrue information, which is directly related to the case and which affects the course of criminal proceedings. In this context, a person will not face negative consequences for giving false testimony if the person believed that the information given was true. Consequently, an aggravating circumstance cannot be recognised if the truthfulness of testimony depends on circumstances which the person could not have been aware of. Nor can a person's attitude towards incrimination be treated as allegedly false testimony given intentionally.

In the light of the foregoing, Article 150 of the Criminal Procedure Law has been amended to further provide that, before starting the examination, the right not to testify will be explained to a person entitled to defence and the person will be informed of the consequences of knowingly giving false testimony. If the person directing the proceedings establishes that a person has knowingly given false testimony, having been warned about the resulting consequences, this will be recognised as a new aggravating circumstance under Article 48 of the Criminal Law (*Extended Annotation to the Draft Law Amending the Criminal Procedure Law. TM_PAPILD_ANOT_KL_427_LP13_15062020 Retrieved from: https://likumi.lv/ta/id/315655-grozijumi-kriminalprocesa-likuma*).

In assessing the new provisions, the question has arisen as to when the aggravating circumstance becomes applicable to a person entitled to defence, namely which point in time should be taken into consideration for this purpose: (1) when the offence was committed; or (2) when knowingly false testimony was given.

As follows from the case-law of the European Court of Human Rights concerning the application of Article 7 (*No punishment without law*) of the Convention, the decisive factor to be taken into account in determining whether a punitive or aggravating provision has been applied retrospectively is whether, considering the existing legislation and the relevant case-law, the accused person could have foreseen before committing a relevant act that the person ran the risk of being punished under the provision in question or that provision would be taken into account in determining the applicable penalty *(the judgment delivered by the European Court of Human Rights (Grand Chamber) on 29 March 2006 in case Achour v. France, Application No 67335/01, paragraphs 51 to 54).*

The Supreme Court of the Republic of Latvia has held that the aggravating circumstance referred to in Article 48(1)(17) of the Criminal Law should be linked with a

person's further action of knowingly giving false testimony rather than with the time when the offence was committed (Supreme Court of the Republic of Latvia: 2022). However, multiple aspects should be established to apply the aggravating circumstance. First, whether the testimony is knowingly false; second, whether a person entitled to defence has been informed before the examination about the consequences of giving knowingly false testimony according to Article 150(4) of the Criminal Procedure Law, in which case the accused person could have foreseen that giving knowingly false testimony may adversely impact the penalty imposed for the offence of which the person stands accused.

Informing about the consequences is a significant aspect of the individual's right to a fair trial. This practice prevents situations when innocent persons may give false incriminating evidence or admit guilt in the belief that there will otherwise be adverse consequences, or due to being unaware of the importance and consequences of their testimony.

An interesting theory is suggested by professors Seidmann and Stein (Seidmann, D. J., & Stein, A., 2000), who demonstrate that the right to silence can help triers of fact to distinguish between innocent and guilty suspects and defendants. They argue that a guilty suspect's self-interested response to questioning can impose externalities, in the form of wrongful conviction, on innocent suspects and defendants who tell the truth but cannot corroborate their responses. Absent the right to silence, guilty suspects and defendants would make false exculpatory statements if they believed that their lies were unlikely to be exposed.

However, this approach is not always supported in legal doctrine. Scholar Redmayne states that, whatever the procedural rules, investigators will attach little importance to the fact that a person testifies, but will pay more attention to the content of the testimony and its consistency with other evidence (Redmayne, M., 2007).

In support of this view, it should be noted that there is no presumption also in the Latvian judicial area that a piece of evidence has a predetermined higher degree of reliability than other pieces of evidence. In order to ascertain the reliability of testimony, it is necessary to check whether the information given in the testimony is true. Information which lacks substantiation and cannot be verified (subjective opinions, assumptions of witnesses, etc.) or whose specific origin has not been established (for example, rumours) cannot be evidence in criminal proceedings. In addition, in order to ascertain the reliability of testimony, it must be assessed by looking at all the facts established during the criminal proceedings in their totality and in reference to each other.

In summary, the duty to tell the truth has a twofold nature. This is the basis of procedural law. And it has its role in building a legal state. The obligation to tell the truth in criminal proceedings is aimed not only at the effective application of the Criminal Law and the fair settlement of criminal proceedings, which may be hindered by a person's knowingly false statements, but also at protecting the rights of persons, in particular those entitled to defence.

Certain procedural safeguards provided for persons involved in criminal proceedings protect their human rights. It is also important to bear in mind advantages for the defence in criminal proceedings (*favor defensionis*), since the state and individuals have fundamentally different resources available in criminal proceedings, and therefore the different treatment

of witnesses, victims and persons entitled to defence in terms of truth-telling is reasonable and proportionate.

It should be noted that the duty to tell the truth has a deeper meaning - it is related to a fair trial and also contributes to social peace in society. Every legal proceeding interferes with the natural relations of members of society, when the power of the state, using the coercive mechanisms at its disposal, determines the prescriptions of behavior. Legal regulation mechanisms are permissible, however, the principles of sustainable development require an increase in the voluntary settlement of legal relations. This is in line with the United Nation Sustainable Development Program, which, among other things, states that: "As described in the 2016 UNDP Annual Report on The Rule of Law and Human Rights, Sustainable Development Goal 16 (SDG 16) – for peaceful, just, and inclusive societies – ushers in a new kind of development: one where people could influence the decisions that affect their lives and create communities that thrive. SDG 16 articulates the key role that governance and the rule of law play in promoting peaceful, just, and inclusive societies and in ensuring sustainable development." (United Nation Sustainable Development Programme, 2022) The revelation of the truth strengthens the rule of law, contributes to the reduction of corruption, thereby creating confidence in the society about a fair court, about the state as a guarantor of rights, generally strengthening the welfare-oriented relations between society members, existence and development. In this way, the formation of a just, peaceful and inclusive society is promoted, which is one of the United Nation's sustainable development goals.(United Nation Sustainable Development Programme, 2022). Truth-telling promotes peaceful settlement of contentious relationships. In the long term, this allows us to achieve harmony in society and ensure growth.

3. Conclusion and Implications

As a result of the research, the authors have arrived at the following:

1) The goal of the obligation to tell the truth as a principle of procedural relations is to ensure the fair settlement of a case (legal relationships in controversy).
2) Truth-telling is a parties' duty, and it is dependent only on the parties to the case. In certain cases, failure to give testimony should not be regarded as thwarting truth-seeking.
3) The court's competence is limited to the assessment of testimony and explanations given by the parties to the case in terms of their truthfulness, rejecting evidence whose truthfulness gives rise to reasonable doubts that cannot be avoided with the help of other evidence existing in the case.

Society reasonably expects a fair trial. The right to judicial protection is an indisputable fundamental right of every individual. The rule of law presumes that sustainable development is underpinned by a legitimate court's judgment. Fairness has long been more than an ethical category. Fairness is one of the principles of procedural law, which, along with the principle of equal treatment, guaranteeing human rights and other principles, ensures a social balance, which in turn is necessary for achieving sustainable development and ensuring the rule of law. Fairness can only be achieved if the parties give truthful testimony and explanations or if the information they provide is true,

complete and relevant to the facts of the case. For the most part, the public looks to the court to establish the truth, while the court can only assess the degree of veracity of the testimony and explanations given by the parties using procedural tools at the court's disposal. In most cases, only the person who has given testimony or explanations knows whether they are true. In administering justice, the court measures the degree of veracity of the testimony and explanations, which results in a court's judgment. It is therefore essential that a court's judgment contains a broad description of reasons as to why the court treats specific explanations or testimony as credible. An error of assessment will lead to an erroneous judgment, so the legal situation will be settled unfairly.

For rendering the obligation to tell the truth more effective, the parties to proceedings should shoulder greater responsibility, including liability for failure to tell the truth. As regards private relationships, a solution also lies in minimising the forms of transactions that may in future allow avoidance of the obligation to tell the truth (for example, by increasing the importance of notarial deeds).

It can be concluded that the biggest challenge is to realize the duty of telling the truth as a guarantor of sustainable development and social peace. Determining the obligation to tell the truth in legal acts undeniably disciplines the participants of the process, but *per se*, does not ensure its realization. Judges, prosecutors, lawyers, notaries, i.e. professional lawyers, who must make every effort to encourage the participant in the process to tell the truth, play a big role here. In addition, the strengthening of the principle of truth-telling is facilitated by consistent and imminent action against its violators. Speaking the truth plays an essential role in the involvement of the society in welfare and development promotion measures, which is one of the elements of the sustainable development of the society.

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