

CURRENT LEGAL CHALLENGES IN LITHUANIA

Lithuania has a long and rich history, deep traditions and the nation, which was always prepared to fight for the freedom, land, culture and independence. On the other hand, Lithuania also has strong, influential neighbor countries, such as Russia and Poland which have a history of trying to acquire the lands of Lithuania. Consequently, today Lithuania is independent for two decades only. It is extremely short time for developing democracy and becoming recognized in the global community of nations. However, Lithuania is already a member of NATO, European Union, Council of Europe and it is accepted and respected in these organizations. But the problems that cause the greatest damage, come from within the country itself, rather than being from the neighbor countries. These problems that act within the country, are damaging the legal system and politics. The first step to solve those problems is to talk about them openly and consider them not as problems, but as obstacles, preventing thriving of democracy and welfare of the people.

Lithuania is experiencing a major crisis as a state¹ and in order to pass it, Lithuanians must remember their Constitution – the basis of the society and the state. Constitution is the supreme law of the democratic countries, it is the framework for the organization of the government and for the relationship of the government with citizens and other people living in the country. It is adopted by the people and for the people. Hence, every citizen – old and young, poor and rich, unlettered and well-educated must know the basics of the constitution and uphold it as hard as he can. Constitution could be called the modern Bible for the citizen, because in Constitution we can find the greatest values such as equality, dignity, personal inviolability, justice and etc. Constitutional law is not such an unusual and inscrutable thing as some people are thinking. Constitutional law² is guarantee that citizens have rights to take part in political life, that they can be heard by officials and officials depend upon the citizens. It is magnificent tool, if people know it and if they use it in the right way. Even today some Lithuanians do not know that there is a principle established in

¹ *“Adamkus says we are experiencing political, not economic crisis – interview”*

<http://www.lithuaniantribune.com/2010/12/05/adamkus-says-we-experiencing-political-not-economic-crisis-interview/>

² *Stephen M. Griffin “AMERICAN CONSTITUTIONALISM”*

<http://www.questia.com/PM.qst?a=o&docId=103280003>

the constitution that the authority of government derives from the people and is limited by a body of fundamental law, and because of this not-knowing they, the citizens, automatically become weak³.

Today the level of corruption, nepotism, self-interest is uncontrolled in Lithuania. These problems thrive not only in the governmental institutions, but also in business, healthcare and other areas. The major problem is that the government, which is supposed to show a good example of honesty and devotion does not admit the actual situation officially and the people do nothing to change the situation. In my opinion, this situation is a consequence of officials forgetting the main values and principles of the Constitution. Another very serious issue illustrates the disrespect for the Constitution. There have been several occasions, where the decision of the Constitutional Court which comes from breaches of the Constitution – quite often the government of Lithuania does not observe the decisions of the Constitutional Court. For example, The Lithuanian Constitutional Court has found two parliamentarians to be in gross violation of the constitution⁴. But the Parliament voted not to expel one of the two parliamentarians. Constitution was adopted in the name of the citizens of Lithuania, Constitutional court decided that those two people violated the Constitution, but the Parliament did not follow the decision of Constitutional Court, so that means the Parliament does not respect the Constitution, nor the citizens who adopted it. But why are such actions of the Parliament an issue? Since the decisions of something as powerful as the Constitutional Court may be ignored, delegates may feel invincible as there is no way to stop them. The judges of the Lithuanian Constitutional Court, unlike some delegates, are sophisticated, competent, devoted and honored professionals and the decisions they make are highly reasoned, excellent, but unfortunately, these decisions are sometimes ignored. In the democratic countries there is a system of mechanisms which ensure that the Parliament does not abuse its rights. The work of the delegates are watched by the committees, and more importantly, they always know and feel that if they work carelessly they won't be elected next time and they will be condemned by the society. The

³ *"The weakness of civil society in post-communist Europe"*
<http://catdir.loc.gov/catdir/samples/cam033/2002024638.pdf>

⁴ *"MP Sacharukas retains his mandate, Karalius to leave Seimas"* <http://www.baltic-pages.net/news/law-and-order/mp-sacharukas-retains-his-mandate-karalius-to-leave-seimas/15161>

committees today have no authority in Lithuania, nor the people show their disappointment openly.

It is worth also mentioning that since Lithuania is a young republic and so is its Constitution. Many norms of the Constitution and many decisions of the Constitutional court cannot be practically applied. There are many legal explications that some of positions of the state machinery require university degree, but many people were taken into the service before these explications were made and today Lithuania has unqualified and incompetent officials, however, they cannot be dismissed. Officials without required qualifications are unable to make decisions and follow the norms of Constitution, decisions of the Constitutional court, because they have never studied Constitutional law, never heard about the spirit of the Constitution. The legal and political system of Lithuania needs professionals which have grown up in independent country, which know at least the basics of constitutionalism and rule of law, so the country must make best conditions to raise such professionals and provide with instruments to improve the qualification of older officials.

Hence we may conclude that Lithuania is facing challenges, which are far in the past in the old democratic countries, but Lithuania under specific historical and political circumstances is encountering these challenges only now. In order to surmount these difficulties citizens must stop treating themselves as separate individuals. Citizens should form a system of communities - a society, which is operating as one and undivided body. Constitution makes frames for developing such body, so every person living in the country must follow the constitutional laws and respect them – no matter if he is worker or a parliamentarian.

Officials of Lithuania should change their attitude towards their work, position and the mission. Senior officials are used to be accountable only for the communist party and the head of the union. It is a major problem, because modern official must work for the people and welfare of whole society and Lithuania. Only the time can change such situation, because there are no legal or practical ways to change officials with better professionals at the moment. The challenge of politics, economics, social life of Lithuania should not be such colossal as sometimes some representatives announce officially. They have just to keep a steady course of the life of the country, to mature the idea of democracy and ensure the conditions for growing new, public-spirited generation.

Today universities give a considerable attention for public administration, legal and constitutionalism studies, but it is not enough, because the media, public events, discussions and are infrequent and often unprofessional. Consequently, if a young person is not studying in university, he cannot develop as fair citizen. Lithuania is a bit different from other democratic countries, it is a young country and it needs specific measures to form strong and united society. Some would say that England or France did not need any formal measures to become democratic, but Lithuania lives and develops in different times – the XXI century. It is very easy to buy a travel ticket and leave mother-country, so when people find better conditions somewhere else - they emigrate. Therefore, the officials and leaders of public organizations must act fast and work hard to shape united and politically active society. This work must be done firstly by officials, they must show the the people the way we are going. Lithuanians like when somebody explains what is good for the country and how should the people of Lithuania act. Importantly, every step must be made by following the Constitution, democratic values and regarding the opinion of the citizens.

All in all, the Constitution of Lithuania is more than a document and a codification of legal norms. It is openly expressed will of all the people of Lithuania to have a democratic, independent country, so the Constitution is one of the most important things helping to maintain order and stability and to overcome whatever crisis and hardship.