

**Transformation of legal system of Lithuania after the restoration on independence**

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Introduction

Lithuania - one of the countries which has a history of statehood for centuries. In 2009, the Republic of Lithuania noted 1000 years mention the word "Lithuania", and the Grand Duchy of Lithuania was one of the largest states of medieval Europe. In 1990, the Republic of Lithuania declared the restoration of independence, and large-scale legal reforms followed by in the state. Now, after twenty years, is very important to analyze the relevant issues of formation of the legal system of the Baltic states in the period 1990-2009. The legal system of the Republic of Lithuania has changed dramatically: the output from the Soviet Union, the adoption of the new Constitution, the codification of Lithuanian law, the integration into the European Union. The Republic of Lithuania, of course, has its own characteristics. At this stage, it seems necessary to analyze all of these features, successes and failures in the development of the elements of the legal system of Lithuania. The Republic of Lithuania has decided not typical question of restoration of independence, which has affected the legal system. New legal system was based on the law of interwar Lithuania, the legal heritage of the USSR and the latest developments in the legal field.

Legal system of Lithuania: historical memory

Doubtless, analyzing the problems of the formation of the legal system of the Republic of Lithuania in 1990-2009., it is important to address the sources of Lithuanian statehood as the Republic in 1918-1939. This period is one of the most difficult and dramatic in the history of Lithuania. Declaration of independence, the constitutional reform, the fight for the Lithuanian lands, the establishment of the first public institutions such as the President, the Cabinet of Ministers. In addition, significant development had civil and criminal law. All of this is of interest to study the relationship of Lithuania restored its statehood in 1991 and Lithuanian interwar years. Restoring the lost independence in 1991, Lithuania has taken a basis that was in the interwar period. Again, the institution of the presidency. The judicial system is also built on the model of those years. Of course, differences in the early 90's were, but the foundations were laid in the 1920s.

We can not neglect the preamble, where in addition to the basic values of the Lithuanian society, also mentioned the loyalty of Lithuanian law centuries-old traditions of the state. Here, in the preamble, homage is paid to the legal foundation - Lithuanian Statute, the former Constitution of the Republic. Consequently, the new constitutional order of Lithuania will be built based on the experience of previous constitutional acts and achievements of legal science in Lithuania.

The interwar Lithuanian legal system is marked among other features of the rapid development of constitutionalism. In a short period the country had several temporary and permanent constitutions. This choice of the Lithuanian legislator is not accidental. The existence of the Constitution already says a lot for the state and its people, gives a

significant weight in the international arena. For a relatively short period of the adoption of several constitutions is a minimum achievement in the legal field. First Constitution was adopted on November, 2, 1918. It should be noted that, despite the temporary nature of the Constitution, it was a good example of constitutionalism among Western Europe. A few days later the president of Lithuania was appointed Prime Minister, who created the first government of independent Lithuania.

Despite the seemingly unified Soviet legislation Lithuania had its differences. These differences are expressed not only in the presence of their national constitution, but also in certain areas of law. And most likely, it is also largely influenced the modern Lithuanian state.

We should indicate that at first glance, the Lithuanian SSR was blindly following the norm, for example, in civil or criminal law of the USSR, but in fact this period of the history of law in Lithuania is also the features. If constitutional law has developed especially under the Soviet Union, the rules of civil, criminal, family and labor had its own characteristics in Lithuanian law. It is important to point out that in general, all three Baltic countries have had great success, but in the regulation of the legal branches has succeeded mostly by Lithuania. It is extremely important to review and analyze the rules of the Lithuanian civil, criminal, family and labor laws of the Soviet period because after the restoration of independence in the 1990 Republic of Lithuania was in no hurry to change the rules of private law, and for a long time there were Soviet law, but with some restrictions.

The Civil Code of the Lithuanian SSR had considerable originality as it used to legal-technical methods, and content of a number included in a code of laws. The code has a lot of this that can be successfully received by the other codes of the Union republics in the further development of Soviet civil law. This, of course, has had creative legislative and research teams in the preparation of the Baltic republics of the civil codes. The Civil Code of the USSR recognized the following institutions of civil law: property rights, contract law, copyright law, patent rights, inheritance law. Very clear at that time is governed by the conflict rules. Thus, the main results of the development of the legal system of Lithuania to 1990 is the legal heritage of the interwar republic: the emergence of institutions such as the Lithuanian Presidency, strengthening the role of Parliament in the legal system, the codification of law. Undoubtedly, the codification of the law has not been fully completed, and can be explained a little period of time to develop these areas of law as a criminal and civil. As for the right of Soviet Lithuania, here you can find the following results: the creation of the Soviet legislation on the basis of the law in force in Lithuania for a long time. The civil rights of the Lithuanian SSR, was an example to other Soviet republics in the degree of development of the structure of the legal language of legal logic of the existing rules of civil law. Advances in science of the Soviet period in Lithuania favorably influenced by the legal system of Lithuania.

Therefore, Lithuania by 1990 came with a rich history of the legal system. After changing a few ways of life, political organization of society, this Baltic state managed to create its legal system to the achievement of law and the inter-war Soviet years. As a characteristic feature of the Lithuanian legal system is that it can not be attributed to the classical Roman-Germanic system. In many areas of the law the sources of codified Soviet law are still in force. Besides, we obtain a variant of the transitional provisions of the legal system, the Soviet system law to the Roman-Germanic. In some areas of law are entitled to be governed by the Lithuanian

Soviet law, while others introduced new sources of codified law. Thus, it can be classified as Lithuanian law post-Soviet group of Romano-Germanic law. Despite this obvious difference worth noting rights of Lithuania on the laws of other countries of the former Soviet Union. Lithuanian legal system in this case can be combined into an autonomous group, along with Estonia and Latvia. Despite the affinity of legal systems, the Lithuanian law has its own special features. Selection form a source of law, language, writing, close to European standards and very different from the law of the countries of the CIS

#### Integration into EU and legal system of Lithuania

The formation of the legal system of the Republic of Lithuania in 1990-2009. has many important events. For nineteen years of formation of the legal system of Lithuania were obvious achievements and some omissions. The author suggests the following periods: from 1990 to 1996., from 1996 to 2004., from 2004 to 2009 .. The basis of this periodization was based on fundamental and significant events in the life of the Lithuanian state, greatly influenced the legal system. The first phase began in 1990, the restoration of independence, the introduction of the Constitution of Lithuania. The signing of the agreement on associate membership in the EU in 1996 to change the legal system of Lithuania, forcing quickly implement rules of EU law into national law in Lithuania. Accession to the EU in 2004 has accelerated the integration and legal impact on the legal system, changing its shape. In 2009 the Lisbon Treaty, which further reformed the law not only to the EU but also the legal system of Lithuania. Established by the author giving primary and secondary EU law is supreme legal force in Lithuania.

Despite the obvious desire to modernize the Lithuanian legal system these changes were much slower than in the other countries of the former Soviet Union and even not as fast as in Latvia and Estonia. Thus, it appears that by 2000 years is still the basis of the legal system of Lithuania is the codes that have been adopted in the Soviet era, but with reservations and additions. It is time for the global implementation of new regulations. In addition to the rapid development of the codification of criminal law and civil law developed. If the rules of the old penal code can be changed, supplemented, the reconstruction of the civil law was required immediately. But even here the Lithuanian legislator not jumps to hasty introduction of the new Civil Code. The country has changed not only the political and constitutional situation, but there were very different economic relationships that previous acts not regulated. Moreover Lithuania desire to integrate into the EU require the construction of a new Civil Code in accordance with European law. Sure, it was important to not only implement the rule of private law in its legal system, but it does not hurt and the market economy, to protect domestic producers, an active participant in civil relations. Moreover when writing of the Civil Code of Lithuania was considered an important principle of EU law - *acquis*, but those rules should enter into the legal system of Lithuania separately without disturbing the stability of civil relations.

Modern lawyers include the legal culture of Lithuania to the complex in its nature. Legal culture of contemporary Lithuanian society is based on four pillars: the legacy of Soviet Lithuania, elements of the legal culture of the interwar years, the impact of the experience of foreign countries, and finally, the national legislative practice of the Republic of Lithuania. All of this together makes the modern legal culture of the Lithuanian society is extremely advanced. Sure, back to the origins of Lithuanian statehood interwar years, you can find a lot of what has been, along with institutional and legislative aspects resuscitated

in the recovery process of the state. First of all, this system of government - the historical memory of the inter-war years as idealized bodies perfectly functional. The legal system of interwar Lithuania and commitment to it in the 90's an important part of modern society in Lithuania. Restoring independence, Lithuania had to follow the examples of other countries with developed legal culture. In addition to respect for international law, Lithuania looking for examples of well-functioning legal systems. Obvious such example was Germany and the Scandinavian countries. Thus, international experience, foreign success also had a proper influence on the legal culture of Lithuania. Lithuanian society saw the respect and enforcement of the laws of perfection judiciary and other foreign countries.

In terms of enforcement, in Lithuania since the 90s had all the prerequisites for the development of legal culture. The legal profession in Lithuania was in demand, but not so in terms of prestige or high pay, but rather, in terms of legal knowledge as such. The growth and importance of international law, the provision of new branches of law have led to train more lawyers. Role of international law to resolve issues within the EU, and often beyond being lost, which makes the modern legal culture generally closed to European values and norms. For the doctrine of European law, as well as for theorists of international law, the question remains the relation of European Union law and international law. With the entry of the Republic of Lithuania to the European Union entrenched process of convergence of legal methods and tools, norms and standards in the legal order. European integration as a form of globalization shows us a new system of law and order. National authorities, both legislative and judicial lose their importance to the supranational bodies of the European Union. Even in the European Union law theorists agree to the idea that European integration leads to gradually move away from the concept of law in the legal model in which it was decided in the national legal systems.

The outcome of the legal system of the Republic of Lithuania as a member of the EU include the following: the transfer of many spheres of life, and regulations to the supranational level of the European Union, giving EU law, both primary and secondary higher legal force in Lithuania. Moreover, the apparent significant changes in the legal system of Lithuania and, in some areas of the law after the EU integration. These changes are as positive and some negative. The last stage of European integration has coincided with the change of the legal system of the Republic and the Treaty of Lisbon rules have changed not only the individual branches of the law, but in turn contributed to the legal system of Lithuania as an EU member. Legal culture and the rule of law have undergone considerable change after the entry of Lithuania into the European Union.

#### Conclusion

Most new acts are adopted in the early 2000s. The author found that the basic rights of the Lithuanian SSR acts at the time of their adoption were quite progressive, and the need for their immediate replacement was not. On the other hand, adopted on the earlier formation of Soviet Lithuania, it was necessary to bring in the shortest time according to changes in Lithuania. Sure, that was necessary to write new civil and penal codes. Moreover, the codification took place in the period of integration into the EU and Lithuania had the time to reform the legal system. The author reveals the slow nature of the legal reforms associated with gradual formation of the legal system of the state

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based on four pillars: the legacy of Soviet Lithuania, the elements of the legal culture of the interwar years, the impact of the experience of foreign countries, and finally, the national legislative practice of the Republic of Lithuania. In addition, the establishment of the legal culture has a significant role and the Catholic Church. The process of developing the rule of law in Lithuania is rather complicated. Primarily, this is due to the radical changes that followed the restoration of independence. An important characteristic of the rule of law is its structure, which defines the scope of relations. The author reveals the rapid growth of private legal relations in this period. Among them can be distinguished civic and business relationship. Much more active compared to the Soviet period in the history of Lithuania and municipal relationship. Qualitatively changed the state-legal (or constitutional) legal relations connected primarily with the regular elections to the bodies of state power and local self-government. The above can be called the Lithuanian legal system sufficiently well and logically constructed and highly-functioning. Historical and legal aspects of the consideration elements of the legal system of the Republic of Lithuania provides a new look at the process of reform in the future and could be a useful model for the development of the legal systems of other countries in the former Soviet Union.

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