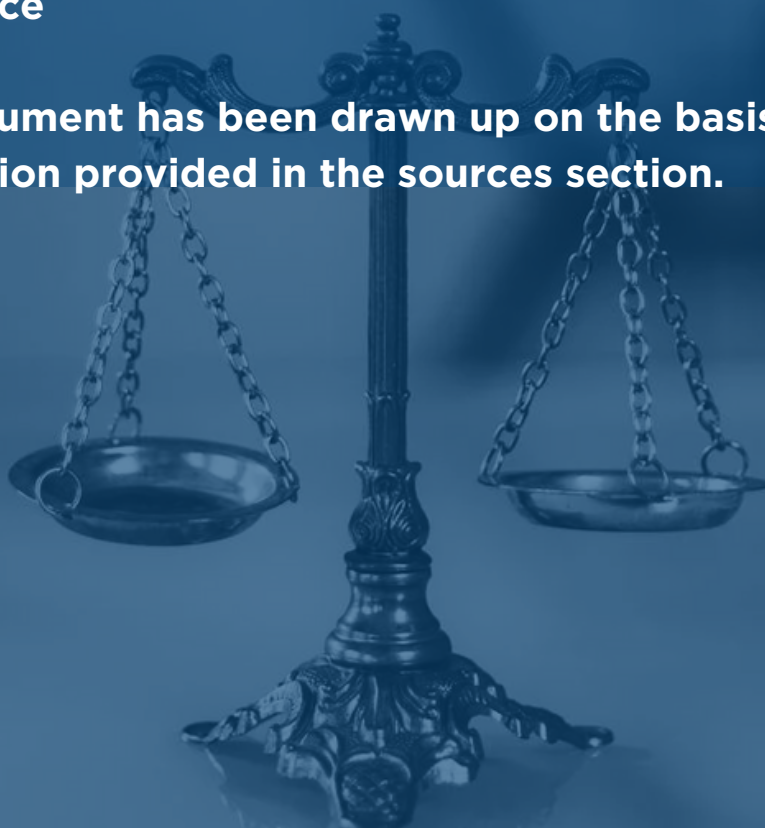


COMPARATIVE LAW : FRENCH LAW & LITHUANIAN LAW

Presented by the France-Lithuania Chamber of
Commerce

This document has been drawn up on the basis of the
information provided in the sources section.



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HISTORY OF THE CONSTITUTION OF LITHUANIAN LAW



The Republic of Lithuania (Lietuvos Respublika) is an independent democratic state. The foundation of the social system is provided by the Constitution of the Republic of Lithuania, **adopted in 1992 by referendum**, which also establishes the rights, freedoms and duties of citizens. Under this law, the sovereign power of the State belongs to the Lithuanian people and is exercised by the Seimas (Parliament), the President of the Republic, the Government and the Courts.



The Lithuanian legal system is mainly based on the legal traditions of continental Europe. During the Soviet occupation, it was considerably modified to conform to that of the USSR. However, since 1990, the remnants of imposed standards and practices have been eradicated. Recent years have been important for the reform of the Lithuanian legal system.

In 2001, the new Civil Code came into force. In recent years, other important codes (Code of Civil Procedure, Penal Code, Code of Criminal Procedure, Penal Enforcement Code, Labor Code) have been revised by Parliament and came into force in 2003. In addition, Lithuanian laws were harmonized with **the acquis communautaire of the European Union (EU) to enable Lithuania to become a member state from May 1, 2004.**

AN EXEMPLARY CIVIL CODE

This question arose during the drafting of a new civil code in Lithuania, **when the country regained its independence in 1990**. As Lithuanians did not wish to adapt the old Soviet code, and as the old sources of national law were outdated, there was little choice but to draw up an entirely new document combining the most modern solutions from various foreign laws. The problem is that the sources used in the drafting of this corpus were not mentioned, which makes the implementation of the Civil Code by the courts and the interpretation of its articles rather complicated.

To help solve this problem, **Thomas Kadner**, Professor of International Private Law and Comparative Law, has welcomed Vaidas Jurkevicius, a Lithuanian researcher from Mykolas Romeris University (Vilnius), to the UNIGE for a year, as part of a Sciex-NMSch exchange program (Scientific Exchange Program between the New Members States of the EU and Switzerland).



Their objective

Trace the influence of foreign and comparative law in the genesis of the Lithuanian Civil Code. The Code, which came into force in 2001, is one of the most recent examples in Europe of a new codification of private law.

