

What is law?

Law refers to limits upon various form of behavior. Laws are: descriptive- simply describe how people usually behave; prescriptive- prescribe how people ought to behave.

Sources of modern law

Common law system (development of the doctrine of precedent);

Continental systems (codified legal systems);

Legal regulation it is the type or form of social regulation that human behavior could be effected by law rules and law principles.

Legislation subjects:

Nation

Public authorities

Courts

Sources of Law

Legal acts, law doctrine, international law, principles of law, law customs, law precedents

Civil and Public law

Civil law concerns disputes among citizens within a country.

Public law disputes between citizens and the state, or between one state and another.

Public law: criminal law, constitutional law, international law, administrative law.

Constitutional law - regulation of how the law itself operates and of the relation between private citizens and government.

International law- regulations of relations between governments (international publiclaw) and also between private citizens of one country and those of another (international private law).

CIVIL LAW**Relationships regulated by the Civil Code of the Republic of Lithuania**

The Civil Code of the Republic of Lithuania shall govern property relationships and personal non-property relationships related with the aforesaid relations, as well as family relationships.

Principles of legal regulation of civil relationships

Civil relationships shall be regulated in accordance with the principles of equality of their subjects' rights, inviolability of property, freedom of contract, non-interference in private relations, legal certainty, proportionality, and legitimate expectations, prohibition to abuse a right, as well as the principles of comprehensive judicial protection of civil rights.

No civil rights may be limited, except in the cases established by laws, or on the basis of a court judgment made in accordance with laws, where such limitation is necessary to protect public order, the principles of good morals, likewise the health and life of people, property of persons, their rights and lawful interests.

Application of the criteria of justice, reasonableness and good faith

In exercise of their rights and performance of their duties, the subjects of civil relationships shall act according to the principles of justice, reasonableness and good faith.

In the cases when laws do not prevent subjects of civil legal relationships from determining their mutual rights and duties upon agreement between themselves, these subjects shall act in accordance with the principles of justice, reasonableness and good faith.

If laws or an agreement between the parties provide for certain issues to be decided by a court according to its discretion, the court shall act in accordance with the principles of justice, reasonableness and good faith.

In interpreting and applying laws, the court shall be guided by the principles of justice, reasonableness and good faith.

CIVIL LIABILITY**Article 6.245. Concept and kinds of civil liability**

1. Civil liability is a pecuniary obligation one party of which shall have the right to claim for compensation of damages (damage) or demand payment of the penalty (fine, interest), and the other party shall be bound to make compensation for damages (damage) arising therefrom, or pay the penalty (fine, interest).

2. Civil liability is of two kinds: contractual liability and non-contractual (delictual) liability.

3. Contractual liability is a pecuniary obligation resulting from a failure to perform a contract or from its defective performance where one party of the obligation has the right to claim for compensation of damages or demand payment of penalty (fine, interest), and the other party is bound to make compensation for damages, or to pay penalty (fine, interest) caused by the failure to perform the contract, or by a defective performance thereof.

4. Non-contractual (delictual) liability is a pecuniary obligation which is not related with contractual relations, except in cases where it is established by laws that delictual liability shall also result from damage related with contractual relations.

5. A creditor, before bringing claims for compensation of damages against a person who in accordance with laws or the contract is additionally liable together with another person (subsidiary liability), must claim towards the principal debtor for compensation of damages. If the principal debtor refuses to compensate damages or if the creditor does not receive any answer from the debtor to his claim within reasonable time, the creditor may claim for compensation of damages towards the debtor who is subsidiarily liable.

6. A creditor may not claim for compensation of damages from the subsidiarily liable debtor where the creditor can satisfy his claim by the set-off of a counterclaim of the principal debtor. Before compensating damages to the creditor, the subsidiarily liable debtor must accordingly notify the principle debtor. If the action for compensation of damages is brought against the subsidiarily liable debtor, he must involve the principal debtor to participate in the judicial proceedings as well. Otherwise, the principal debtor may invoke against the counterclaim of the subsidiary debtor all defences which he could have had the right to invoke against the creditor.

Article 6.246. Unlawful actions

1. Civil liability shall arise from non-performance of a duty established by laws or a contract (unlawful refrainment from acting), or from performance of actions that are prohibited by laws or a contract (unlawful acting), or from violation of the general duty to behave with care.

2. It may be established by laws that a person shall be bound to compensate damage he has not caused himself but is responsible for the actions of another person who inflicted the damage (indirect civil liability).

3. Damage caused by lawful actions must be compensated only in cases expressly specified by laws.

Article 6.248. Fault as a condition for civil liability

1. Civil liability shall arise only upon the existence of the fault of the obligated person, except in the cases established by laws or a contract when civil liability arises without fault. The fault of a debtor shall be presumed, except in the cases established by laws.

2. Fault may be expressed by intention or negligence.
3. A person shall be deemed to have committed fault where taking into account the essence of the obligation and other circumstances he failed to behave with the care and caution necessary in the corresponding conditions.
4. Where damage has also been caused through the fault of the creditor himself, the repairable damages shall be diminished in proportion to the degree of gravity of the creditor's fault committed, or the debtor can be released from civil liability.

Article 6.249. Damage and damages

1. Damage shall include the amount of the loss or damage of property sustained by a person and the expenses incurred (direct damages) as well as the incomes of which he has been deprived, i.e. the incomes he would have received if unlawful actions had not been committed. Damage expressed in monetary terms shall constitute damages. Where the amount of damages cannot be proved by the party with precision, it shall be assessed by a court.
2. If the person who is liable towards another has derived profit from his unlawful actions, upon the demand of the creditor the profit received may be attributed to damages.
3. The court may postpone the evaluation of damage which has not yet occurred or may evaluate future damage upon assessment of its real probability. In such cases, the court may adjudge either to pay a lump sum or to make instalment payments, or it may obligate the debtor to furnish security upon compensation for damage.
4. In addition to the direct damages and the incomes of which a creditor has been deprived, damages shall comprise:
 - 1) reasonable costs to prevent or mitigate damage;
 - 2) reasonable costs incurred in assessing civil liability and damage;
 - 3) reasonable costs incurred in the process of recovering damages within extrajudicial procedure.
5. Damage shall be assessed according to the prices valid on the day when the court judgement was passed unless the law or the nature of the obligation requires the application of prices that were valid on the day the damage arose or on the day when the action was brought.
6. In the event where one and the same action has created both damage and benefit for the aggrieved person, the benefit received may, to the extent that this does not contradict to the criteria of reasonableness, good faith and justice, be computed into damages to be repaired.

CRIMINAL LAW

Purpose of the Criminal Code of the Republic of Lithuania

The Criminal Code of the Republic of Lithuania shall be a uniform criminal law having the purpose of defending human and citizen's rights and freedoms, public and the state's interests against criminal acts by criminal law means.

Criminal Code shall:

- 1) define which acts are crimes and misdemeanours and prohibit them;
- 2) establish penalties, penal and reformative sanctions for the acts provided for by this Code as well as compulsory medical treatment;
- 3) establish grounds for and conditions of criminal liability as well as the grounds for and conditions of releasing the persons who have committed criminal acts may be released from criminal liability or a penalty.

The provisions of Criminal Code have been harmonised with provisions of the legal acts of the European Union specified in Annex to this Code.

Types of Criminal Acts

Criminal acts shall be divided into crimes and misdemeanours.

Crime

A crime shall be a dangerous act (act or omission) forbidden under this Code and punishable with a custodial sentence.

Misdemeanour

A misdemeanour shall be a dangerous act (act or omission) forbidden under this Code which is punishable by a non-custodial sentence, with the exception of arrest.

Forms of Guilt

A person shall be found guilty of commission of a crime or misdemeanour where he has committed this act with intent or through negligence.

CRIMES AGAINST INTELLECTUAL AND INDUSTRIAL PROPERTY

Article 191. Misappropriation of Authorship

1. A person who publishes or publicly announces as his own a literary, scientific or artistic work (including computer software and databases) or a part thereof created by another person

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

2. A person who, by taking advantage of his official position or by resorting to mental coercion, forces the author of a literary, scientific or artistic work (including computer software and databases) or a part thereof to acknowledge another person as the co-author or successor to author's rights or to renounce the right of authorship

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 192. Unlawful Reproduction of a Literary, Scientific or Artistic Work or an Object of Related Rights, Distribution, Transportation or Storage of Illegal Copies Thereof

1. A person who unlawfully reproduces a literary, scientific or artistic work (including computer software and databases) or an object of related rights or a part thereof for commercial purposes or distributes, transports or stores for commercial purposes illegal copies thereof, where the total value of the copies exceeds, according to the prices of legal copies or, in the absence thereof, according to the prices of originals of the reproduced works, the amount of 100 MSLs,

shall be punished by community service or by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to two year.

*2. A person who commits the act indicated in paragraph 1 of this Article, where the total value of the illegal copies exceeds, according to the prices of legal copies or, in the absence thereof, according to the prices of originals of the reproduced works, the amount of 250 MSLs,

shall be punished by a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

**Note: Paragraph 1, the Article has been supplemented with paragraph 2, paragraph 2 shall be renumbered as paragraph 3.*

Article 193. Destruction or Alteration of Information about Management of Author's Rights or Related Rights

1. A person who, without authorisation of the entity of author's rights or related rights and for commercial purposes, destroys or alters information about management of author's rights or related rights, where this information helps to identify a work, the author of the work, another entity of author's rights or the performer, performance of the work, a phonogram, the producer of the phonogram, another entity of related rights, also information about the terms and conditions of and procedure for using the work, performance thereof or the phonogram, including all figures or codes communicating the information indicated in copies of the work, performance record or the phonogram or presented at the time of their publication

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to one year.

2. A legal entity shall also be held liable for an act provided for in this Article.

Article 194. Unlawful Removal of Technical Protection Means of Author's Rights or Related Rights

1. A person who unlawfully removes any technical protection means used by entities of author's rights or related rights for the exercise or protection of their rights or produces, imports, exports, stores, transports or distributes for commercial purposes the devices providing a possibility to remove the technical protection means (decoders, decoding cards or other devices) or a software, passwords, codes or other similar data

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

Article 195. Violation of Industrial Property Rights

1. A person who violates the exclusive rights of a patent owner or a design owner or the right of a legal entity to the legal entity's name

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to two years.

2. A legal entity shall also be held liable for an act provided for in this Article.

CRIMES AGAINST SECURITY OF ELECTRONIC DATA AND INFORMATION SYSTEMS

Article 196. Unlawful Influence on Electronic Data

1. A person who unlawfully destroys, damages, removes or modifies electronic data or a technical equipment, software or otherwise restricts the use of such data thereby incurring major damage

shall be punished by community service or by a fine or by a custodial sentence for a term of up to four years.

2. A person who commits the act provided for in paragraph 1 of this Article in respect of the electronic data of an information system of strategic importance for national security or of major importance for state government, the economy or the financial system

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who commits the act provided for in this Article thereby incurring minor damage shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A legal entity shall also be held liable for the acts provided for in this Article.

Article 197. Unlawful Influence on an Information System

1. A person who unlawfully disturbs or terminates the operation of an information system thereby incurring major damage

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to four years.

2. A person who commits the act provided for in paragraph 1 of this Article in respect of an information system of strategic importance for national security or of major importance for state government, the economy or the financial system

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who commits the act provided for in this Article thereby incurring minor damage shall be considered to have committed a misdemeanour and

shall be punished by community service or by a fine or by restriction of liberty or by arrest.

4. A legal entity shall also be held liable for the acts provided for in this Article.

Article 198. Unlawful Interception and Use of Electronic Data

1. A person who unlawfully observes, records, intercepts, acquires, stores, appropriates, distributes or otherwise uses the electronic data which may not be made public

shall be punished by a fine or by a custodial sentence for a term of up to four years.

2. A person who unlawfully observes, records, intercepts, acquires, stores, appropriates, distributes or otherwise uses the electronic data which may not be made public and which are of strategic importance for national security or of major importance for state government, the economy or the financial system

shall be punished by a custodial sentence for a term of up to six years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 198¹. Unlawful Connection to an Information System

1. A person who unlawfully connects to an information system by damaging the protection means of the information system

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to one year.

2. A person who unlawfully connects to an information system of strategic importance for national security or of major importance for state government, the economy or the financial system

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to three years.

3. A legal entity shall also be held liable for the acts provided for in this Article.

Article 198². Unlawful Disposal of Installations, Software, Passwords, Login Codes and Other Data

1. A person who unlawfully produces, transports, sells or otherwise distributes the installations or software, also passwords, login codes or other similar data directly intended for the commission of criminal acts or acquires or stores them for the same purpose

shall be punished by community service or by a fine or by arrest or by a custodial sentence for a term of up to three years.

2. A legal entity shall also be held liable for the acts provided for in this Article.

ADMINISTRATIVE OFFENCES

Article 122. Violation of copyright and related rights

1. Illegal public performance, reproduction, public announcement, other use of a literary, scientific or artistic work (including computer programs and databases) or the object of related rights or a part of them in any ways and means for non-commercial purposes, as well as illegal use of the work or the object of related rights distribution, transportation or storage of copies for commercial purposes incurs a fine from two hundred eighty to six hundred euros.

2. The administrative offense provided for in paragraph 1 of this article, committed repeatedly, incurs a fine from six hundred to eight hundred and fifty euros.

3. The confiscation of illegal copies of the work or object of related rights must be imposed for the administrative offense provided for in paragraph 1 of this article. For the administrative offense provided for in paragraph 2 of this article, the confiscation of illegal copies of the work or object of related rights and their means of production or equipment must be imposed.

4. Means or equipment for the production of illegal copies of the object of a work or related rights - technical equipment, materials and other means that are exclusively or mostly used to reproduce and/or distribute illegal copies of a work or the object of related rights or whose purpose and direct purpose of use is to reproduce and (or) distribute unauthorized copies of the work or subject of related rights.

Article 123. Illegal purchase, sale and submission of research works to research and study institutions

1. Illegal purchase, sale and submission of final theses, dissertations, art projects of the first cycle and integrated and master's studies to scientific and study institutions incurs a fine from one hundred fifty to three hundred euros for individuals and from eight hundred to one thousand eight hundred euros for managers of legal entities or other responsible persons.

2. The administrative offense provided for in paragraph 1 of this article, committed repeatedly, incurs a fine for individuals from three hundred to eight hundred and fifty euros and for managers of legal entities or other responsible persons - from one thousand seven hundred to three thousand euros.

Article 124. Non-compliance with the requirements regarding the share of European works and works created by independent creators in broadcast television programs and on-demand audio-visual public information service catalogues.

1. Non-compliance with the requirements regarding the share of European works and works created by independent creators in broadcast television programs and on-demand public information service catalogues by audio-visual means incurs a fine from one hundred and forty to six hundred euros to the managers of television program broadcasters and outsourced audio-visual media service providers.

2. The administrative offense provided for in paragraph 1 of this article, committed repeatedly, incurs a fine from six hundred to two thousand euros.

Article 125. Violation of industrial property rights

1. Storage or transportation of goods illegally marked with a foreign trademark for commercial purposes or storage or transportation of goods illegally manufactured using a foreign design or invention patent for commercial purposes incurs a fine from two hundred eighty to six hundred euros.

2. The administrative offense provided for in paragraph 1 of this article, committed repeatedly, incurs a fine from six hundred to eight hundred and fifty euros.

3. The administrative offenses provided for in paragraphs 1 and 2 of this article shall be subject to the confiscation of goods illegally marked with a foreign trademark or illegally manufactured using a foreign design or invention patent and their means of production or equipment.

4. Means or equipment for the production of goods illegally marked with a foreign trademark or illegally manufactured using a foreign design or invention patent - technical equipment, materials and other means that are exclusively or mostly used to produce these goods or whose purpose and direct purpose of use is to produce these goods .

Institutions of legal regulation

The Constitutional Court of the Republic of Lithuania

The Supreme Court of Lithuania

Supreme Administrative Court of Lithuania

Prosecution Service of the Republic of Lithuania

Special Investigation Service of the Republic of Lithuania

Ministry of Justice of the Republic of Lithuania

Prison department

Institute of Law

Forensic Science Centre of Lithuania

European Law Department

Ministry of the Interior

Customs of the Republic of Lithuania

Judicial Institutions**Judicial system**

A court is an institution administering justice and established by law. In pursuance of the fair and impartial court decisions and on purpose to prevent any interference in the court activities the Constitution and the Law on Courts establish that in the administration of justice courts shall be independent from other government institutions, officials, political parties, organisations and other persons. The law prescribes the liability for the interference in the judicial activities.

Court decisions may be reviewed only by courts of the higher instance and only in accordance with the procedure prescribed by law.

The system of courts, their competence, the system of court organisation, activity, administration, as well as the system of autonomy of courts, also the status of judges, their appointment, career, liability and other issues related to the judicial activities are regulated by the Constitution, the Law on Courts and other legal acts.

A court system of the Republic of Lithuania is made up of courts of general jurisdiction and courts of special jurisdiction.

The Supreme Court of Lithuania (1), the Court of Appeal of Lithuania (1), regional courts (5) and district courts (12) are courts of general jurisdiction dealing with civil and criminal cases. District courts also hear cases of administrative offences coming within their jurisdiction by law. The regional courts, the Court of Appeal, the Supreme Court of Lithuania have the Civil Division and the Criminal Division.

The Supreme Administrative Court of Lithuania (1) and regional administrative courts (2) are courts of special jurisdiction hearing disputes arising from administrative legal relations.

A district court is first instance for criminal, civil cases and cases of administrative offences (assigned to its jurisdiction by law), cases assigned to the jurisdiction of mortgage judges, as well as cases relating to the enforcement of decisions and sentences. Judges of a district court also perform the functions of a pre-trial judge, an enforcement judge, as well as other functions assigned to a district court by law.

A regional court is first instance for criminal and civil cases assigned to its jurisdiction by law, and appeal instance for judgements, decisions, rulings and orders of district courts. The Chairman of a regional court organises and controls the administrative activities of district courts and their judges within the territory of his activities in accordance with the procedure prescribed by law.

The Court of Appeal is appeal instance for cases heard by regional courts as courts of first instance. It also hears requests for the recognition of decisions of foreign or international courts and foreign or international arbitration awards and their enforcement in the Republic of Lithuania, as well as performs other functions assigned to the jurisdiction of this court by law. The Chairman of the Court of Appeal organises and controls the administrative activities of the regional courts and their judges in accordance with the procedure prescribed by law.

The Supreme Court of Lithuania is the only court of cassation instance for reviewing effective judgements, decisions, rulings and orders of the courts of general jurisdiction. It develops a uniform court practice in the interpretation and application of laws and other legal acts.

A regional administrative court is the court of special jurisdiction established for hearing complaints (petitions) in respect of administrative acts and acts of commission or omission (failure to perform duties) by entities of public and internal administration. Regional administrative courts hear disputes in the field of public administration, deal with issues relating to the lawfulness of regulatory administrative acts, tax disputes, etc. Before applying to an administrative court, individual legal acts or actions taken by entities of public

administration provided by law may be disputed in the pre-trial procedure. In this case disputes are investigated by municipal public administrative dispute commissions, district administrative dispute commissions and the Chief Administrative Dispute Commission.

The Supreme Administrative Court is first and final instance for administrative cases assigned to its jurisdiction by law. It is appeal instance for cases concerning decisions, rulings and orders of regional administrative courts, as well as for cases involving administrative offences from decisions of district courts. The Supreme Administrative Court is also instance for hearing, in cases specified by law, of petitions on the reopening of completed administrative cases, including cases of administrative offences. The Supreme Administrative Court develops a uniform practice of administrative courts in the interpretation and application of laws and other legal acts.