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Provisional Constitution of the Republic of Lithuania (1990), as an example of transitional regulation between a socialist and a democratic state

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In the case of many „post-socialist” (or „post-communist”) countries, we were dealing with a temporary use of constitutional regulations originating from the previous political era. Most of them were subject to significant changes, of course, but they retained certain features of the old regime – including the very strong political position of parliaments, referring to the socialist (or Soviet) concept of unity and uniformity of state power. Poland is the example of such a state, where the July (1952) Constitution was in force, very much changed in the 1980s, but still not accepting the principle of division and balancing the authorities (till entry into force 1992 temporary constitution). A similar situation took place in Lithuania.

The logical consequence of the adoption by the Supreme Council of Lithuania¹ of the act of 11 March 1990, declaring the independ-

¹ Basic information about this parliament: https://lt.wikipedia.org/wiki/Aukščiausioji_Taryba_-_Atkuriamasis_Seimas [May 26, 2018]. Calendar of events related to it: <http://www.lrs.lt/datos/kovo11/ivykiai.htm> [May 26, 2018].

ence of the state², there were activities of the parliament of this country aimed at defining the constitutional principles of the state. It was obvious that the previous constitution of the Lithuanian Soviet Socialist Republic³ does not correspond to the conditions of a sovereign state. In this situation – Lithuanian parliament, the Supreme Council (Aukščiausioji Taryba) had several options. The first of them – and probably the most appropriate to the „restitution” character of declared independence – would be the real restoration of the binding force of the 1938 Lithuanian constitution⁴.

² On March 11, 1990, the newly elected (in democratic elections) the Supreme Council of the Lithuanian Socialist Soviet Republic met. Among the many acts, decisions and resolutions adopted at the first meeting of the Council, the most important was the „Act on the Rebirth of the Lithuanian State”, restoring „the implementation of the sovereign rights of the Lithuanian State, annihilated in 1940 by foreign forces” and defining Lithuania again as an independent state. It was also confirmed that the Lithuanian independence act of 16 February 1918 and the resolution of the Legislative Sejm of May 15, 1920 on the establishment of a democratic Lithuanian state never lost their legal force and are the constitutional foundation of the Lithuanian state. *Viedomosti Vierchowynogo Sovietsa i Pravitelstva Litovskoj Respubliki*, March 31, 1990, No 9/221, p. 310. Characteristics of the acts in: P. Kierończyk, *Restytucja niepodległości Litwy. Akty Rady Najwyższej z 11 marca 1990 r.*, „Zeszyty Naukowe Gdańskiej Wyższej Szkoły Administracji”, No 4/2007. See also – D. Žalimas, *1990 m. Kovo 11 d. Lietuvos respublikos nepriklausomybės atkūrimo teisiniai aktai*, <http://www.bernardinai.lt/straipsnis/2009-03-11-dainius-zalimas-1990-m-kovo-11-d-lietuvos-respublikos-nepriklausomybes-atkurimo-teisiniai-aktai-iii/17939> [26 May, 2018].

³ It was adopted in 1978, on the wave of changes in fundamental laws in individual Soviet republics, caused by the adoption of a new constitution of the USSR (in 1977, so called „Brezhnev Constitution” – see <https://www.nytimes.com/1977/06/10/archives/the-brezhnev-constitution.html> [26 May, 2018]). Lithuanian 1978 Constitution was published in: *Viedomosti Vierchowynogo Sovietsa i Pravitelstva Litovskoj SRR*, No 130/1978, p. 194–228.

⁴ *Vyriausybės Žinios*, No 608/1938. English translation in: G. Flanz, *Constitutions of the countries of the world. Lithuania*, New York 1992, p. 57–92. General characteristics in: P. Kierończyk, *System konstytucyjny państwa litewskiego (1922–1940)*, Gdańsk 2008, pp. 85–100; idem, *Litewskie konstytucje z okresu międzywojennego* Gdańskie Studia Prawnicze, t. VII, Gdańsk 2000, pp. 256–260; idem, *Konstytucja kwietniowa i Konstytucja litewska z 1938 r. – próba porównania* [in:] P. Sarnecki (red.), *Prawo konstytucyjne II Rzeczypospolitej, Nauka i instytucje*, Kraków 2006.

Unfortunately, such a solution aroused controversy, because the 1938 constitution was adopted during the authoritarian regime and introduced a system of government, not very appropriate for the democratic state, based on the decisive superiority of the executive. It was, therefore, doubly stigmatized - on the one hand an undemocratic genesis, and on the other - an undemocratic content.

Other possible options were: an appropriate, comprehensive amendment to the constitution of the *Lithuanian Soviet Socialist Republic (LSSR)*, which would, however, involve emphasizing the continuity of state with the Soviet Lithuania, or the adoption of a new (temporary, i.e. „small”) constitution. Parliament decided to make a salomonic exit - restored the constitution of 1938⁵, but immediately repealed it⁶ and passed the Provisional Basic Law of the Republic of Lithuania⁷.

It should be emphasized that the temporary foundations of the regime of the restored Republic of Lithuania were created in an extraordinary hurry⁸. The characteristics of the interim constitu-

⁵ Without taking into account the vast majority of the provisions of this constitution. See - the act on the restoration of the legal force of the constitution of 1938. *Viedomosti Vierchounogo Sovieta i Pravitielstva Litovskoj Respubliki*, March 31, 1990, No 9/223, p. 311.

⁶ Cf. W. Kręcis, *Republika Litewska* [in:] E. Gdulewicz (red.), *Ustroje państw współczesnych*, t. 2, Lublin 2002, p. 101.

⁷ In this way, the Supreme Soviet emphasized on the one hand the continuity of the Lithuanian state, which in its current form was to be the legal successor of the Republic of Lithuania from 1918-1940 and prevented the obvious contradiction between the restored constitution of 1938 and the entire legal system, or contesting its undemocratic character.

⁸ The expected start of the Congress of People's Deputies of the USSR (in Moscow), on which the adoption of acts regulating the exit of the republic from the federation was envisaged, was a catalyst for the changes taking place in Lithuania. Let us remind, that originally the only regulation of this issue was art. 72 of the Constitution of the USSR from 1977 (see - *Constitution of the USSR*, Warsaw 1977). It was laconic regulation that each union republic retains the right to freely withdraw from the USSR. Well, regardless of the hard-line Lithuanian position defining the status of Lithuania as occupied territory, it seems that the Lithuanian authorities also foresee another circumstance. It may have been necessary to treat the process of regaining independence by

tional regulation of 1990 brought about both the pressure of time and the fact that at the time of preparation of the Basic Law, the main Lithuanian socio-political forces did not have entirely definite views on the problem of a concrete definition of the system of an independent state. In particular, there was no idea how to determine the relationship between the legislature and the executive. There were already some political concepts in the public debate, but there was no overall vision. In the programs of political forces, the main goal was to regain independence. The problem of the system of power was generally disposed of generalities about the democratic character of the state. The above factors caused that the temporary constitution was a legal act far from perfect.

Lithuania as the secession of one republics from the Soviet federation. This may be proved by the fact that the declaration of independence was hurried before the adoption of the general Soviet Union law „On the order of solving problems related to the exit of the union republic with the USSR”, which was finally passed on April 3, 1990, less than a month after Lithuania declared independence. Undoubtedly, by predicting the restrictive character of the new union regulation, they wanted to make the secession (restitution of Lithuanian independence) before its adoption. At that time, the road to the argument was open, that Lithuania left the USSR when the issue of secession was regulated only by Art. 72 of the Soviet constitution, which, according to many researchers, gave the republic the right to free, that is, without the need to agree with anyone, to withdraw from the Soviet federation. Another issue was that the Soviet Law of April 3, 1990 had retroactive effect (see its text *Pravda* of April 7, 1990), and the mode of exiting the republic of the USSR with it was indeed extremely complicated and long-lasting. Among other things, art. 2 of this law, stated that the condition of the secession of the republic is an independent decision of the nations of the republic taken through a referendum (by a majority of over 2/3 of the population of the republic). This opened the transition period, which could last even 5 years. The transitional period was meant to regulate matters between the republic and the federation, including determining the issue of the republic's participation in the foreign debt of the union, clarifying the fate of all-union property in the republic (including joint economic ventures of the republics), determining the affiliation of territories where the majority of the population opposed secession. Citizens of the republic in the transitional period were entitled to the right to choose the citizenship of the USSR or the republic (Articles 10 and 15). The law stipulated that at the end of the transitional period, in the last year, a second referendum could be held – on the initiative of the Supreme Soviet of the republic or 1/10 citizens.

As rightly emphasized by A. Zakrzewski, a new constitution⁹ it was a *de facto* constitution of the LSSR, obviously deprived of the provisions regarding Lithuania's membership of the USSR and part of the provisions very typical of the „socialist” constitution¹⁰.

The systematic structure of the 1978 constitution has also been preserved. The smallest changes, in relation to the Soviet Lithuania constitution, were introduced to chapter 3 of the new constitution, concerning rights, freedoms and civic obligations, which to a large extent was a citation of the provisions of Chapter 6 of the Constitution Lithuanian Soviet Socialist Republic (in 1990 text version). Very similar to their predecessors, there were also chapters: 7 – „System of Soviets of people's deputies and rules of their activity”, 8 – „Election system”, 9 – „Deputy”¹¹, corresponding respectively to chapters 8, 9 and 10 of the old constitution. Far-reaching convergence, as well as repeated provisions, appeared in the text of the entire constitution, and especially in the chapters concerning the system of state organs¹².

The temporary constitution changed the catalog of primate principles. The first chapter (in article 1) defines Lithuania as a democratic state and underlining its sovereignty. Art. 1 of the previous LSSR Constitution of 1978 of course defined the state as a „socialist nation-wide state”. The idea of a social state known from the

⁹ Provisional Basic Law of the Republic of Lithuania. *Viedomosti Vierchownogo Sovietsa i Pravitielstva Litovskoj Respubliki*, March 31, 1990, No 9/224, pp. 311–338. English translation: <http://www.litlex.lt/Litlex/eng/Frames/Laws/Documents/131.HTM> [May 26, 2018]. Basic informations: <http://www.lrkt.lt/lt/apie-teisma/veikla/istorija/378> [May 26, 2018]; [https://lt.wikipedia.org/wiki/Lietuvos_konstitucinės_teisės_istorija#Laikinasis_pagrindinis_įstatymas_\(1990_m.\)](https://lt.wikipedia.org/wiki/Lietuvos_konstitucinės_teisės_istorija#Laikinasis_pagrindinis_įstatymas_(1990_m.)) [May 26, 2018].

¹⁰ A. Zakrzewski, *Wstęp* [in:] *Konstytucja Litwy*, Warszawa 2006, p. 26. J. Zieliński describes it a little differently, *Instytucjonalizacja przemian ustrojowych na Litwie, Łotwie i w Estonii*, Warszawa 2004, p. 128 – as a compilation of legal provisions from the Soviet and pre-war period. A similar view of J. Zieliński in: *Systemy konstytucyjne Łotwy, Estonii i Litwy*, Warszawa 2000, p. 14.

¹¹ About the translation of the Russian word „*deputat*” in Polish literature see – T. Szymczak, *Ustrój polityczny Związku Socjalistycznych Republik Radzieckich (1936–1976)*, Wrocław–Warszawa–Kraków–Gdańsk 1978, footnote 1.

¹² The constitution was not preceded by preamble.

many European constitutions did not appear in the provisional constitution. The Constitution also did not introduce the principle of the separation of powers, remaining, it seems, on the basis of the socialist principle of the unity of state power¹³. Article 2 of the temporary Constitution, *in fine*, specified that state power in the Republic of Lithuania belongs to the Supreme Council, the government and the „court”¹⁴. Did not mention *expressis verbis* unity of power, nevertheless further specific provisions of the constitution pointed to this solution.

The principle of the sovereignty of the nation, expressed directly in article 2 of the Constitution, became the basic principle of the political system. Its consequence was, of course, the adoption of the principle of representation. The authorities, in the name and

¹³ A. Valionis claimed that the principle of the division of powers was introduced then. „Transformacja ustroju politycznego Litwy w latach 1988–1993”, praca doktorska – Wydział Dziennikarstwa i Nauk Politycznych, Warszawa 1994, p. 225. Apart from well-known disputes in Polish literature about the understanding of the principle of division of power (see for example – A. Pułło, *O jedno rozumienie podziału władz w nauce prawa konstytucyjnego*, „Państwo i Prawo”, No 6/1983) author’s assertion should be opposed. The Lithuanian temporary constitution did not break with the principle of unity of state power, which denies *ipso facto* the division of power. The basic law continued to maintain the hierarchical organizational structure of the state, at the head of which was the supreme body (parlament, i.e. Supreme Council), and all others were subordinated to it. Likewise, the maintenance of the divisions of state organs, typical of socialist countries, can be distinguished. Obviously, the principle of unity of power, in Lithuania under conditions of democratic procedures, took on a completely different character than in „socialist” countries, where was connected to subordination of the state apparatus of the communist party. See – characteristic features of the principle of unity of state power distinguished in: Z. Witkowski (red.), *Prawo konstytucyjne*, Toruń 1998, pp. 44–45. See also – L. Mażewski, *Rodzaje władzy w państwie a problem jedności i podziału władzy*, „Zeszyty Naukowe Wydziału Prawa i Administracji Uniwersytetu Gdańskiego, Prawo”, No 14/1986; W. Zamkowski, *Monteskiuszowska koncepcja podziału a socjalistyczna zasada jedności władzy państwowej*, „Zeszyty Naukowe Wydziału Prawa i Administracji Uniwersytetu Wrocławskiego, Prawo” IV, 1958; R. M. Małajny, *Zasada jedności władzy państwowej w ustroju socjalistycznym – prolegomena*, „Studia Prawnicze” nr 3–4/1982. Compare also the literature items indicated in the last footnote to this article.

¹⁴ The constitution, *de facto*, also added state prosecutor’s office to the category of the most important institutions (state organs).

in the interests of the nation, were to be exercised primarily by the Supreme Council. According to the art. 60 of Constitution, the system of representative organs also included the other councils of people's deputies – first of all, regional, municipal and *apilinkai*¹⁵. The Basic Law also allowed the sovereign to exercise direct power by the institution of referendum and peoples initiative. The referendum was administered by the Supreme Council on its own initiative or at the request of three hundred thousand citizens.

The guiding principles regarding the economic system, contained in chapter 4, have undergone a significant amendment compared to the text of the constitution of the LSSR. It is worth emphasizing that the new principle of freedom of economic activity has not been expressly stated in the new chapter. Regulation guaranteed only the free disposal of property rights (article 44).

The Constitution clearly defined Lithuania as a unitary state (article 4)¹⁶. In the first chapter, the principle of political pluralism (articles 5 and 6) was also included, in a manner analogous to the amendment to the Lithuanian Soviet Constitution of 1989. The Constitution restored the traditional coat of arms of the state¹⁷ and guaranteed the official status of the Lithuanian language.

The catalog of freedoms and civil rights, as well as obligations, was based directly on the text of the constitution of 1978 of Soviet Lithuania (chapter 3). Social rights were particularly stressed¹⁸.

¹⁵ *Apylinkė* – former small unit of Lithuanian administrative division.

¹⁶ As a response to the suggested during the visit of M. Gorbachev in Lithuania (February 11, 1990), the possibility of separating the Klaipeda region from Lithuania (see A. Brazauskas, *Razvod po-litovski*, Vilnius 1993, pp. 100–101), the Basic Law allowed for changing the state territory only on the basis of an international agreement ratified by the Supreme Council by a 4/5 majority of the total number of deputies. Also some (rather unjustified) Lithuanian fears of possible Polish territorial revindications and, more broadly, of the Polish national minority in Lithuania were growing. On the relations between the Polish national minority and the Lithuanian state during this period see, among others: P. Łossowski, *Polska–Litwa. Ostatnie sto lat*, Warszawa 1991.

¹⁷ See – act on the name and coat of arms of the state. *Viedomosti Vierchownojo Sovietsa i Pravitelstva Litovskoj Respubliki*, March 31, 1990, No 9/221, p. 309.

¹⁸ The constitution referred, for example, to the right to work in a socialistic meaning – the state's obligation to provide work (article 18).

System of state organs based on councils (rus. soviets) was maintained without major changes (chapter 7). Fundamental to determine the structure of Soviets of People's Deputies art. 60 actually did not change in comparison with art. 78 of the old (Soviet) constitution. Only the democratic nature of councils was stressed (article 60 – *in fine*). The remaining provisions of this chapter have not been subject to a major amendment. In the hierarchy of the council system the most important place belonged to the Supreme Council, referred in art. 78 of the constitution as the highest organ of state power¹⁹.

According to the provisional constitution, the Supreme Council of the Republic of Lithuania was a unicameral parliament. Thus, the solution from the constitution of the LSSR was maintained, confirmed by the free elections to the unicameral Supreme Council in 1990. Unicameral parliament was also compatible with the pre-war Lithuanian traditions. Interestingly, the process of changing the naming of state organs did not include the parliament²⁰. A typical name for representative institutions in the Soviet Union has been preserved²¹. But soon, especially in the second year of the term, the Supreme Council was often colloquially called the Seimas²².

The Basic Law provided a five-year term of office of the Supreme Council, as well as other Soviets (Councils) of People's Deputies (article 61). The provisional constitution did not provide for the

¹⁹ Article 97 of the Constitution of the LSSR from 1978 identically defined the Supreme Council.

²⁰ Of course, it is about maintaining the name of the Supreme Council (*Aukščiausioji Taryba*) instead of the traditional Sėym (lith. *Seimas*). *Sensu stricto* the name of the parliament was changed from the Supreme Council of the Lithuanian SSR to the Supreme Council of the Republic of Lithuania. See - act on the name and coat of arms of the state (footnote 17).

²¹ Council, rus. *soviet*, lith. *taryba*, pol. *rada*.

²² Cf. – J. Sobczak, *Studia nad wyborami prezydenckimi i parlamentarnymi na Litwie i Białorusi*, Poznań 1997, p. 15, footnote 1. Interestingly, the Supreme Council (1990–1992) was officially referred as the Seimas (*Atkuriamasis Seimas* – Restoration Seimas) only in 1996. See – *Lietuvos respublikos seimas deklaracija – Dėl Lietuvos Respublikos Aukščiausiosios Tarybos – Atkuriamosios Seimo*. Text: <https://www.e-tar.lt/portal/lt/legalAct/TAR.47977DD45C58> [26 may, 2018].

possibility of extending the term of office of the Supreme Council. The original text of the Constitution also did not provide for the possibility of resolving it. It was not until September 11, 1990 that an amendment to the constitution was adopted introducing the possibility of self-dissolution of the Supreme Council. Parliament could take such a decision by a qualified majority of 2/3 of all deputies. For the realization of this right, it was not necessary to meet any conditions. The Constitution did not provide for another possibility of shortening the term of office of the Supreme Council (especially by way of the activity of the executive).

The functioning of the Supreme Council in accordance with the provisional constitution was based on the session principle. Thus, the traditional system of parliamentary work was maintained²³. According to art. 79 of the Constitution, the Supreme Council met on two ordinary sessions during the year. At the initiative of the Presidium of the Supreme Council or at the request of at least one-third of the deputies, the parliament could also meet for extraordinary sessions.

The Supreme Council consisted only of 141 deputies, which was a big reduction compared to the constitution of the LSSR of 1978²⁴. The rules of exercising the mandate have not changed much compared to the previous constitutional regulation. The mandate was typical for the socialist countries – so called „targeted mandate”²⁵. Article 77 of the provisional constitution required members of parliament to submit reports on their own work to both voters and entities that submitted their candidature. The Constitution also assumed

²³ Article 100 of the LSSR Constitution provided for the Supreme Council to meet twice a year.

²⁴ The Constitution of the LSSR in art. 98 predicted 350 deputies.

²⁵ The name of the parliamentary mandate in the socialist countries is of course debatable. T. Szymczak, *Ustrój polityczny*, p. 180 determined the mandate of the deputy in the USSR clearly as „imperative”. It seems, however, that the mandate of the deputy in the countries of „real socialism” lacked at least one of the typical features of an imperative mandate – the assumption of representation only of voters, and not a collective subject of sovereignty. See B. Banaszak, *Prawo konstytucyjne*, Warszawa 1999, p. 331; idem, *Porównawcze prawo konstytucyjne współczesnych państw demokratycznych*, Warszawa 2007, pp. 383–384

the possibility of dismissing the deputy by the voters. However, the deputy was considered a representative of the whole nation²⁶. In all – the status of a deputy to the Supreme Council did not change significantly compared to the previous constitutional regulation.

According to the provisions of the temporary constitution (Chapter 8), deputies of the Supreme Council were elect in universal, equal and direct elections (in secret ballot). The right to vote was guaranteed to people who finished 18 years, passive since the age of 21. The constitutional chapter regarding the electoral system has not changed much in comparison to the Soviet Lithuanian constitution²⁷.

The internal organization of the Supreme Council was similar to that under the constitution of 1978. The executive body of the Supreme Council was the Presidium²⁸, which included the Chairman of the Supreme Council, his deputy, secretary of the Council, chairmen of permanent committees. The competences of the Presidium of the Supreme Council were determined primarily in article 85 of the provisional constitution. In the absence of one-man head of state, the Presidium performed a number of traditional powers of the head of state. Its included: right of active and passive legation²⁹, grace, giving and depriving citizenship, awarding decorations. In addition, the Presidium had a number of powers related to the functioning of the parliament: it prepared sessions of the Supreme Council, coordinated the work of the other internal organs of the parliament, represented the Council in relations with other constitutional organs, as well as with the parliaments

²⁶ E.g. art. 73 of the Constitution of 1990 states: „Deputies are plenipotentiaries of the nation in the councils of people’s deputies”.

²⁷ Thus, the evolution of electoral law took place primarily thanks to the adoption, even in 1989, of a new electoral law. See – act of 29 September 1989 on the election of deputies to the Supreme Council of the Lithuanian SSR. Polish text in: *Czerwony Sztandar*, October 11, 1989.

²⁸ About Supreme Council Presidium: J. Žilys, 1992 m. Spalio 25 d. Lietuvos Respublikos konstitucijos kai kurios teisinės ir politinės ištakos, „Jurisprudencija”, 2002, t. 30(22), p. 163.

²⁹ Explanation of the concept – R. Mojak, *Instytucja Prezydenta RP w okresie przekształceń ustrojowych 1989–1992*, Warszawa 1994, p. 265.

of other countries. Moreover, it should be emphasized that between the sessions of the Supreme Council, the constitution provided for the subordination of the Presidium of the Supreme Council (article 95, first sentence, the Constitution repeated here almost literally sentence of article 117 of the Constitution of the LSSR). The Presidium kept its mandate after the end of the term of office of the Supreme Council until the newly elected Supreme Council appointed, at the first session, its new Presidium (Article 85 in fine).

As can be seen from the above, Presidium of the Supreme Council of the Republic of Lithuania, remained (at least – theoretically) a rather typical type of presidium, appropriate to the constitutional system of the USSR³⁰. The dual legal character of this institution has been preserved, being on the one hand the supreme organ of state power, something like the „collegial president”, and on the other hand the organ of the internal leadership of the Supreme Council. It is worth emphasizing, however, that the role of the Presidium decreased slightly in relation to the Soviet regulations, mainly due to the loss of the right to issue legal acts with the force of the law, and also due to the growing importance of the Chairman of the Supreme Council (i.e. Vytautas Landsbergis, lider of *Sajudis* movement)³¹.

³⁰ See e.g. comments on the Presidium of the Supreme Soviet of the USSR and the Presidiums of the highest councils of individual union and autonomous republics in: T. Szymczak, *Ustrój europejskich państw socjalistycznych*, Warszawa 1983, p. 314–319; idem, *Ustrój polityczny*, p. 238–253. On the „socialist” formula of the head of state, see also: J. Stembrowicz, *Rada Państwa w systemie organów PRL*, Warszawa 1968; K. Działocha, *Naczelne organy prezydiarne w europejskich państwach socjalistycznych*, Wrocław 1967; idem, *Ewolucja prawna organów prezydiarnych w państwach socjalistycznych*, Wrocław 1974; J. Stembrowicz, T. Szymczak, *Głowa państwa w systemie socjalistycznym (naczelne organy typu prezydiarnego i prezydent republiki)*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny, No 1/1966.

³¹ See interesting article about Lithuanian „head of state” during years 1990–1992: V. Sinkevičius, *Būtų absurdiška teigti, kad 1990–1992 m. Lietuva neturėjo valstybės vadovo*, <https://www.delfi.lt/news/daily/law/v-sinkevicius-butu-absurdiska-teigti-kad-19901992-m-lietuva-neturejo-valstybes-vadovo.d?id=63756896> [26 May, 2018]. Vytautas Landsbergis short biography: https://lt.wikipedia.org/wiki/Vytautas_Landsbergis [26 May, 2018].

An important difference compared to the constitution of the LSSR was the strengthening of the political position of the Chairman of the Supreme Council. Under the 1978 Constitution (article 99), the Chairman, assisted by four deputies, managed only the meetings of the Supreme Council and directed her „internal order”. Currently, the Chairman of the Supreme Council, who heads the Presidium (article 84 in fine), also had a number of his own competences. The temporary Constitution clearly referred to him as „the highest official of the Republic of Lithuania” (article 86). In addition, the same article specifies that the Chairman of the Supreme Council represents the Republic of Lithuania in international relations. Among the detailed constitutional tasks of the Chairman of the Supreme Council were: signing laws and other legal acts, managing the process of preparing topics subject to the work of the Supreme Council, reporting to the Supreme Council about the situation in the republic and important political issues, presenting to the Supreme Council the candidacy of the Prime Minister, the Chairman of the Supreme Court, Prosecutor of the Republic, Chief State Arbitrator, conducting international negotiations and signing agreements of the Republic of Lithuania with other states, as well as presenting them for ratification to the Supreme Council.

The Chairman of the Supreme Council was elected by the Supreme Council, from among its members, for a period of five years, whereby the same person could be elected only twice in a row. He was subject to political responsibility before the Council, because he could be dismissed at any time by her in a secret ballot. Throughout the term of office of the Supreme Council of the Republic of Lithuania, this honor was held by V. Landsbergis, elected on March 11, 1990³².

As we can see, the temporary constitution did not introduce the „typical” institution of the one-man head of state. Interestingly, the president’s office was not established during the whole period of

³² Decision of the Supreme Council of the Lithuanian SSR on the election of the Chairman of the Supreme Council of the Lithuanian Soviet Socialist Republic, *Viedomosti Vierchownogo Sovietsa i Pravitielstva Litovskoj Respubliki*, March 31, 1990, No 9/215, p. 306.

this legal act, even though most of the Soviet republics, headed by the USSR itself, established such an institution³³.

The President of the Supreme Council, like the Presidium, had a dual legal character. On the one hand, he was an organ of state power, possessing his own competences, on the other – an organ of the internal leadership of the parliament, chosen by him from among deputies and politically responsible to him in its entirety. It was a solution hung halfway between the typical head of state and the internal governing body of the parliament. Of course, he did not have the right to shorten the parliament's term of office. He was not the head of state in the sense of the parliamentary-cabinet system. Against such treatment of this institution was the political responsibility for the parliament, functional and personal connection with the Supreme Council and a comparatively small catalog of competences. What draws attention above all – is the lack of the right to dissolve the parliament and legislative veto. On the other hand, we should emphasize its active participation in the government formation procedure. The Chairman of the Council had no legal capacity to act as an arbitrator in political disputes, and his role as a guarantor of the constitution can be considered only in the context of participation in the work of the parliament.

The competence of the Supreme Council was mentioned in art. 78. As is known, there are various possibilities to classify the competences of the parliament in the framework of certain functions exercised by it. Generally, it can be assumed that the distinction of the function of the parliament is made according to the triad: the legislative function, the control function and the creative function. It seems also justified to distinguish as a separate – constitutional function, even though it is in principle a special form of legislation³⁴.

³³ B. Górowska, *Tworzenie struktur władzy państwowej republik* [in:] E. Zieliński (red.), *Przeobrażenia ustrojowe w republikach dawnego ZSRR*, Warszawa 1993, pp. 125–129.

³⁴ Cf. Z. Jarosz, *Parlament jako organ władzy ustawodawczej*, [in:] A. Gwiżdż (red.) *Założenia ustrojowe, struktura i funkcjonowanie parlamentu*, Warszawa 1997, p. 183.

Parliament was the only state body entitled to issue legal acts with the force of law. It should be emphasized that the Supreme Council has shown great activity in this area. The only alternative to the legislative competence of the Council could be the adoption of the law through a referendum³⁵.

The legislative procedure, in general, was similar to the normal legislative procedure in democratic states, except that changes to the provisional constitution were made by a majority of 2/3 of the total number of deputies.

The Constitution did not provide any form of extraordinary legislation, carried out by bodies other than parliament. No entity was constitutionally entitled to issue decree-laws, and the Supreme Council could not, in accordance with the constitution, issue authorizations (delegations) for an extra-parliamentary body to issue such acts.

Parliament had control competences. It seems, however, that the element of balancing the legislative and executive power exercised thanks to this function did not play such an important role in Lithuania as in the case of countries with a parliamentary-cabinet system of government. This was mainly due to the visible domination of the parliament among state authorities. As a result of adoption, at least to a large extent, the principle of the domination of parliament, some mechanisms of balancing the authorities, known from the parliamentary-cabinet system – eg the principle that „there is no government without the confidence of parliament” and its consistency – the parliament’s right of no confidence – existed only in the „one way” formula. For example, the competence of the legislature to grant a vote of no confidence did not balance with the right of the executive to dissolve the parliament (because the executive did not have that kind of right).

The mutual relationship between the parliament and the government in the temporary constitution was determined primarily by the appointment (election) the Prime Minister by the Supreme Council and by approving by the parliament (at the request of the prime

³⁵ Such a possibility *expressis verbis* provided by art. 78 *in fine* of the temporary constitution.

minister) members of the government (article 94 of the provisional constitution). Also – by approval by the parliament, by simple majority, of the government’s action program presented by the prime minister³⁶. An important instrument of government control was a vote of no confidence. Article 95 of the Constitution stipulated that the Supreme Council could, by a majority of 2/3 of the total

³⁶ The process of creating the government consisted of two main parts. In the first stage of establishing the government, in the process of appointing the prime minister the main role was played by the Chairman of the Supreme Council. According to art. 94 of the constitution, he appointed the candidate for prime minister. The Supreme Council had to be notified of the candidature at least 5 days before its presentation at the plenary session. After the official presentation on the forum of the Supreme Council, the candidate for the premiere gave an *exposé*. After presenting his program and discussing it, a vote was held. If the Supreme Council did not elect the Prime Minister within three days, the President of the Council had to report the next candidate. The appointment of the prime minister and entrusting him with the mission of creating the cabinet ended with the first stage of government formation. In the second stage of establishing the government, the prime minister played an active role. The regulations of the Supreme Council provided that if within one month of its appointment 2/3 of all ministers were not appointed, and if the entire government was not appointed within two months from that date, the prime minister should resign (if the Supreme Council does not prolong these deadline). Shortly after the appointment, the Prime Minister should submit candidatures for the members of the government. According to the Act on the government and the regulations of the Supreme Council, the prime minister informed the permanent committees of the Supreme Council and parliamentary factions. The committees of the Supreme Council were entitled, within two days from the submission of applications, to give their opinion to the proposed members of the government. Taking into account the requests of the commission, the prime minister upheld or resigned from the candidacy. The parliamentary factions also played a significant role in shaping the composition of the Council of Ministers, although not precisely defined by the law. The arrangements between them *de facto* determined the composition of the cabinet. The Supreme Council considered the submitted applications in plenary, not earlier than after three days and not later than one week after the committee was informed about the candidature. The meeting was devoted to hearing the prime minister’s information, the committee’s motions and the candidate himself. After the discussion, the Council voted on the candidature. The process of forming the government ended, after the appointment of all members of the government, the resolution of the Supreme Council to form a government.

number of deputies, refuse to trust the government or the individual minister. Such regulation, unknown in the constitution of the LSSR, through the introduction of a qualified majority requirement, made it difficult for the parliament to enforce the political responsibility of the government. Thus, without introducing the institution of a constructive vote of no confidence, it was guaranteed, but only in theory, the stability of subsequent cabinets. This provision was later changed and a simple majority was enough to express a vote of no confidence, which undoubtedly strengthened the position of the parliament in relation to the government.

Other control powers of the Supreme Council include, first of all, the control of the state budget performance, listening to information and reports of the government and organs appointed by the government as well as appointed public officials, approval and control of the implementation of the economic and social development program, repealing (according to art. 78 paragraph 1), government decisions in the event of their inconsistency with applicable laws.

We should also mention the creative function of the Supreme Council. In addition to the competences associated with the appointment of the government and its own internal organs, the parliament appointed: the Chairman of the Supreme Court of the Republic of Lithuania, the entire composition of the Supreme Court, judges of district and municipal courts, the Prosecutor of the Republic and his deputies, the Chief State Arbiter of Lithuania.

In accordance with the provisional basic act – the government was the executive. The Constitution in its article 93 clearly stated that the executive power is of a unilateral nature. The basic task of the government – as a whole – was the executive activity and coordination of the work of individual ministries. The Council of Ministers established its program of action, decided on the main directions of domestic and foreign policy, created the draft state budget and organized the implementation of the adopted budget and laws. Governmental legal acts had to be issued on the basis and for the purpose of implementing laws (adopted by the parliament).

The analysis of the provisional constitution of the Republic of Lithuania must end with an attempt to answer the question about the system of government introduced by it. The answer is rela-

tively complex. The temporary constitution was a provisional act in the whole sense of the word. It was created *ad hoc* without any systemic discussion and was simply a fundamentally altered constitution of 1978. The changes consisted primarily in the removal of all provisions certifying the affiliation of Lithuania to the Soviet federation, eliminating above all the mutual relations between the union and the republic. It was also attempted to remove from the text of the constitution the entire phraseological phrase associated with the „socialist” character of the state. However, this was half-action. It can be said that the word „socialism” was removed, while the institutions typical of the socialist system were left. At least – many of them.

The basic principles of the organization of the state apparatus – a native of the previous political system – have been preserved. Above all, the general principle of the unity of state power has been maintained. Four constituent organs of state power can be clearly identified in the constitution: organs of state authority, administration, judiciary and prosecution. It looked just like in a typical Soviet system. The system of state authorities was particularly archaic, consisting of the Supreme Council, its Presidium and the President, but also the entire system of local Soviets of People’s Deputies, inherited from the previous political system. There was no „classic” separate head of state, typical of Western political systems (with the exception of the Swiss parliamentary-committee system).

The principle of balancing authorities, typical of the parliamentary-cabinet system, has not been introduced into the constitution. The analysis of the political system of the revived Lithuanian republic indicates that it was still constructed based on the principle of parliamentary domination. Thus, one can not agree that the relations between the government and the Supreme Council were of a parliamentary-cabinet nature. The strong powers of the Supreme Council in relation to the executive did not correspond to any balancing government competence.

The above remarks do not mean, however, that no new rules and institutions appeared in the Lithuanian system. It is possible here to indicate, first of all, the typical political principles of a democratic state. An example can be a number of solutions not

known in the Soviet system, ranging from giving proper meaning to the principles of the sovereignty of the nation and representation, and ending with the principle of political pluralism and free elections. Also noteworthy is the appearance of an institution that was previously unknown – a vote of no confidence.

Summing up, one can say that the Lithuanian temporary constitution was an act suspended somewhere between the constitution of a democratic state with a parliamentary-cabinet or rationalized parliamentary-cabinet system of government, and a typical „socialist” constitution. However, without the slightest doubt, it can be said that the makeshift constitution of Lithuania, both because of its direct origin and the systemic solutions introduced by it, was definitely closer to its predecessor than to the constitution of democratic European countries. Its creators reached for the simplest solution. Not being able, for many reasons, to base the system of the state on the 1938 Constitution, symbolically temporarily restored, *de facto* Soviet Lithuania constitution was amended³⁷. The provisional constitution was therefore burdened with *sui generis* „original sin” which prevented its long-term validity. Soon, work on the new, „proper” constitution of independent Lithuania began – which came into force in 1992³⁸.

³⁷ However, it should be emphasized that in the title – and in no other place of the text – of the provisional constitution there is no trace of the mention that it is based on the text of the Soviet Lithuania 1978 constitution (practically being a kind of amendment). A similar tactic was used, according to P. Gebethner in Hungary (during the change of the political and constitutional system). Cf. S. Gebethner, „Modele systemów rządów i a ich regulacja konstytucyjna”, referat na XXVI sesję katedr prawa konstytucyjnego, Jachranka 1994; idem, *System rządów parlamentarno-gabinetowych, system rządów prezydenckich oraz rozwiązania pośrednie* [in:] M. Domańska (red.), *Konstytucyjne systemy rządów. Możliwości adaptacji do warunków polskich*, Warszawa 1997. Another opinion is presented by H. Donath, *Parlament Republiki Węgierskiej*, Warszawa 1993, p. 9.

³⁸ D. Górecki, *Uchwalenie, wejście w życie i szczególny tryb zmiany konstytucji Republiki Litewskiej z 25 października 1992 r.* [in:] Z. Witkowski (red.), *Wejście w Życie nowej konstytucji Rzeczypospolitej Polskiej. XXXIX Ogólnopolska Konferencja Katedr Prawa Konstytucyjnego. Księga Pamiątkowa*, Toruń 1998, pp. 127–135. See also – V. Sinkevičius; *1992 m. konstitucijos rengimas: to laikotarpio užrašų fragmentai. Recenzuotų mokslinių straipsnių rinkinys* [in:] Kūris E. (red.), *Lietuvos Respublikos Konstitucijos dvidešimtmetis: patirtis ir*

It is also worth noting that during the period of the 1990 provisional constitution, important (from a constitutional and legal point of view) events occurred. First and foremost, attention should be paid to enactment of acts of constitutional rank. The first of these acts, created as a direct consequence of the referendum on regaining independence from February 9, 1991³⁹, was the Constitutional Law of February 11, 1991 „on the Lithuanian State”⁴⁰. As a result of the fact that more than 90% of those entitled to vote answered „yes” to the question regarding the determination of Lithuania as an independent democratic republic⁴¹, it was a confirmation of the decision of the nation by a constitutional act. The constitutional law, adopted by the Supreme Council, was very laconic, but of great weight. It contained a short preamble, stressing that more than 3/4 of Lithuanian residents spoke in favor of defining Lithuania as an independent democratic republic, and thus the Lithuanian people confirmed their will to regain independence. The first article of the Act stipulated that the statement „The Lithuanian State is an independent democratic republic” is a constitutional norm and constitutes a fundamental principle of the state. According to art. 2 of the Act, this norm may be changed only if more than 3/4 of Lithuanian citizens with active electoral rights commented on it in a referendum.

The second constitutional act that directly affected the character of the new constitution was constitutional law („act”) of June 8, 1992 „On the not joining of the Republic of Lithuania into post-Soviet eastern unions”⁴². It was passed directly before the referen-

iššūkiai, Klaipėda 2012, pp. 19–28; S. Łodziński, *Parlament Litwy*, „Kancelaria Sejmu Biuro Studiów i Ekspertyz”, Raport No 49 (October 1993), p. 4.

³⁹ See – J. Zieliński, *Referendum na Litwie, Łotwie i w Estonii*, (w:) M. T. Staszewski, D. Waniek, *Referendum w Polsce i Europie Wschodniej*, Warszawa 1996, pp. 183–185.

⁴⁰ *Konstitucinis įstatymas – Dėl Lietuvos Valstybės*. Text: <https://www.e-tar.lt/portal/lt/legalAct/TAR.59F99B2B61F2> [26 May, 2018].

⁴¹ J. Zieliński, *Referendum w państwie demokratycznym* [in:] D. Waniek, M. T. Staszewski, *Referendum w Polsce współczesnej*, Warszawa 1995, p. 17.

⁴² *Konstitucinis aktas – Dėl Lietuvos respublikos nesusijungimo į postsovietinės rytų sąjungas*. Text: <https://www.e-tar.lt/portal/lt/legalAct/TAR.17D48EFB7EA2> [26 May, 2018].

dum concerning the withdrawal of Soviet troops from Lithuania, and after the referendum on the reform of the constitution proposed by Sajudis⁴³. Also extremely laconic, containing only three articles, the constitutional law gave rise to consequences primarily for Lithuania's foreign policy. Sustaining the desire to continue mutually beneficial cooperation with other former Soviet republics, it was declared that Lithuania would „never and in any way” enter into any political, economic and military unions, as well as new state communities formed „based on” the former USSR. It was emphasized that the activity which is aimed at attracting Lithuania to such a union is punishable. In addition, the constitutional norm defines the ban on the deployment in Lithuania of military bases and units of Russia and the Commonwealth of Independent States, as well as countries entering the Community other than Russia.

When asked about the system of government introduced by the constitution, a simple answer, using the commonly known three major systemic systems and their mutations, is unfortunately not possible. Probably the system was the most reminiscent of the parliamentary-committee formula. In a somewhat humorous way system of government introduced by the temporary constitution can be described as „rationalized socialist”. In any case – it was certainly a model based on the principle of supremacy of the parliament⁴⁴.

⁴³ About this referendum: O. Nørgaard, L. Johannsen (with others), *The Baltic States After Independence*, Edward Elgar Publishing 1999, pp. 101–102; L. Gönenç, *Prospects for Constitutionalism in Post-Communist Countries*, The Hague–London–New York 2002, p. 170; J. Zieliński, *Instytucjonalizacja*, pp. 138–139; D. Maj, *Referendum ogólnokrajowe w republikach bałtyckich po 1991 roku – analiza porównawcza*, „Annales Universitatis Mariae Curie-Skłodowska Lublin – Polonia”, Sectio K Vol. 23, No 2 (2016), p. 123.

⁴⁴ The definition of such a government system for years has been the subject of investigation and controversy of Polish constitutional law. Below are examples of some of the most interesting voices in this discussion: P. Sarnecki, *Założenia systemu „rządów zgromadzenia” i możliwości ich adaptacji do przyszłej konstytucji RP* [in:] M. Domagała (red.), *Konstytucyjne systemy rządów*, p. 147–148; B. Banaszak, *Porównawcze*, p. 358; F. Siemieński, *Prawo konstytucyjne*, Warszawa–Poznań 1978, p. 223; M. Grzybowski, *Z rozważań nad konstytucyjną koncepcją Rady Ministrów* [in:] K. Działocha, M. Grzybowski, P. Sarnecki, E. Zwierzchowski (red.), *Konstytucja w społeczeństwie obywatel-*

STRESZCZENIE

Konstytucja tymczasowa Republiki Litewskiej (1990) jako przykład regulacji przejściowej między państwem socjalistycznym i demokratycznym

Artykuł przedstawia litewską konstytucję tymczasową z 1990 r. Akt ten miał fundamentalne znaczenie dla restytucji niepodległego państwa litewskiego. Autor przedstawia okoliczności, w których ten akt przyjęto, oraz

skim. *Księga pamiątkowa ku czci Witolda Zakrzewskiego*, p. 89; L. Mażewski, op.cit., pp. 42–43; P. Rozmaryn, *W poszukiwaniu pojęcia „rządów zgromadzenia”* [in:] J. Lewandowska (red.), *Księga pamiątkowa ku czci K. Grzybowskiego*, Kraków 1971; A. Pułło, *Ustroje państw współczesnych*, Warszawa 2007, pp. 217–219; K. Biskupski, *Założenia ustrojowe współczesnej Francji, ze szczególnym uwzględnieniem urzędu Prezydenta Republiki*, Toruń 1963, pp. 17, 33; T. Szymczak, *Ustrój polityczny*, p. 162; J. Osiński, *Przedstawicielskie organy władzy w ZSRR*, Warszawa 1987, p. 18; W. Skrzydło, *Ustrój polityczny RP w świetle konstytucji z 1997 roku*, Kraków 2004, p. 12; D. Górecki (red.), *Polskie prawo konstytucyjne*, Warszawa 2007, p. 62; M. Domagała, *Problematyka systemu rządów w projekcie konstytucji III RP* [in:] A. Pułło, K. Działocha (red.), *Projekt konstytucji Rzeczypospolitej Polskiej w świetle badań nauki prawa konstytucyjnego*, Gdańsk 1998, pp. 37–38; Z. Witkowski (red.), *Prawo*, p. 49; Z. Czeszejko-Sochacki, *System konstytucyjny Szwajcarii*, Warszawa 2002, p. 47–48; idem, *Procedura legislacyjna w Konfederacji Szwajcarskiej*, *Przegląd Sejmowy* nr 4/ 1994, p. 91; idem, *Referendum i inicjatywa ludowa w systemie politycznym Konfederacji Szwajcarskiej*, „*Studia Prawnicze*” No 2–3/1989; idem, *Wstęp* [in:] *Konstytucja Szwajcarii*, Warszawa 2000, p. 19; P. Sarnecki, *Stanowisko parlamentu według nowej konstytucji szwajcarskiej* [in:] *Konstytucja i władza we współczesnym świecie. Doktryna – prawo – praktyka. Prace dedykowane Profesorowi Wojciechowi Sokolewiczowi*, Warszawa 2002; B. Banaszak, A. Preisner, *Wprowadzenie do prawa konstytucyjnego*, Wrocław 1992, p. 214–215; P. Sagan, *Prawo konstytucyjne Rzeczypospolitej Polskiej*, Warszawa 2001, p. 31; P. Bastid, *Le gouvernement d’assemblée*, Paris 1956; W. Żebrowski, *Współczesne systemy polityczne. Zarys teorii i praktyka w wybranych państwach świata (podręcznik akademicki)*, Olsztyn 2007, pp. 56–57; R. Szmulik, M. Żmigrodzki (red.), *Wprowadzenie do nauki o państwie i polityce*, Lublin 2007, p. 88; A. Antoszewski, R. Herbut, *Systemy polityczne demokracji zachodnioeuropejskich. Wstęp do analizy porównawczej*, Wrocław 1993, p. 210; M. Wiszowaty, <http://prawo.univ.gda.pl/konstytuty/wyklad/start1.htm> [January 6, 2018]; P. Kierończyk, *Nadrzędność parlamentu – mit czy realna alternatywa ustrojowa? Analiza wybranych*

dokonuje jego charakterystyki. Próbuje także odpowiedzieć na pytanie, jaki system rządów akt ten wprowadzał i na ile był kontynuacją (w zmienionej rzeczywistości historycznej) rozwiązań z okresu Litwy radzieckiej, a na ile nawiązywał już do zachodnioeuropejskiej tradycji konstytucyjnej.

Słowa kluczowe: Litwa; konstytucja; 1990; system; rząd

SUMMARY

Provisional Constitution of the Republic of Lithuania (1990),
as an example of transitional regulation between a socialist
and a democratic state

The article presents the Lithuanian interim constitution of 1990. This act had fundamental significance for the restitution of an independent Lithuanian state. The author presents the circumstances in which this act was adopted and highlights its most important features. He attempts to address the issue of what system of government the act introduced and to what extent it was a continuation (in a changed historical reality) of the solutions from the period of the Soviet Union, and to what extent it referred to the Western European constitutional tradition.

Keywords: Lithuania; constitution; 1990; system; government

BIBLIOGRAPHY

- Antoszewski A., Herbut R., *Systemy polityczne demokracji zachodnioeuropejskich. Wstęp do analizy porównawczej*, Wrocław 1993.
- Banaszak B., *Porównawcze prawo konstytucyjne współczesnych państw demokratycznych*, Warszawa 2007.
- Banaszak B., *Prawo konstytucyjne*, Warszawa 1999.
- Banaszak B., Preisner A., *Wprowadzenie do prawa konstytucyjnego*, Wrocław 1992.
- Bastid P., *Le gouvernement d'assemblée*, Paris 1956.
- Biskupski K., *Założenia ustrojowe współczesnej Francji, ze szczególnym uwzględnieniem urzędu Prezydenta Republiki*, Toruń 1963.

przykładów, Gdańsk 2009, pp. 14–62; idem, *Wprowadzenie do nauki prawa konstytucyjnego dla studentów administracji*, Gdańsk 2008, pp. 44–45, 47–49.

- Brazauskas A., *Razvod po-litovski*, Vilnius 1993.
- Czeszejko-Sochacki Z., *Procedura legislacyjna w Konfederacji Szwajcarskiej*, „Przegląd Sejmowy” 1994, nr 4.
- Czeszejko-Sochacki Z., *Referendum i inicjatywa ludowa w systemie politycznym Konfederacji Szwajcarskiej*, „Studia Prawnicze” 1989, nr 2–3.
- Czeszejko-Sochacki Z., *System konstytucyjny Szwajcarii*, Warszawa 2002.
- Czeszejko-Sochacki Z., *Wstęp*, w: *Konstytucja Szwajcarii*, Warszawa 2000.
- Domagała M., *Problematyka systemu rządów w projekcie konstytucji III RP*, w: Pułło A., Działocha K. (red.), *Projekt konstytucji Rzeczypospolitej Polskiej w świetle badań nauki prawa konstytucyjnego*, Gdańsk 1998.
- Donath H., *Parlament Republiki Węgierskiej*, Warszawa 1993.
- Działocha K., *Ewolucja prawna organów prezydyjnych w państwach socjalistycznych*, Wrocław 1974.
- Działocha K., *Naczelné organy prezydyjne w europejskich państwach socjalistycznych*, Wrocław 1967.
- Flanz G., *Constitutions of the countries of the world. Lithuania*, New York 1992.
- Gebethner S., „Modele systemów rządów a ich regulacja konstytucyjna”, referat na XXVI sesję katedr prawa konstytucyjnego, Jachranka 1994.
- Gebethner S., *System rządów parlamentarno-gabinetowych, system rządów prezydenckich oraz rozwiązania pośrednie*, w: Domagała M. (red.), *Konstytucyjne systemy rządów. Możliwości adaptacji do warunków polskich*, Warszawa 1997.
- Gönenç L., *Prospects for Constitutionalism in Post-Communist Countries*, The Hague–London–New York 2002.
- Górecki D. (red.), *Polskie prawo konstytucyjne*, Warszawa 2007.
- Górecki D., *Uchwalenie, wejście w życie i szczególny tryb zmiany konstytucji Republiki Litewskiej z 25 października 1992 r.*, w: Witkowski Z. (red.), *Wejście w życie nowej konstytucji Rzeczypospolitej Polskiej. XXXIX Ogólnopolska Konferencja Katedr Prawa Konstytucyjnego. Księga Pamiątkowa*, Toruń 1998.
- Górowska B., *Tworzenie struktur władzy państwowej republik*, w: Zieliński E. (red.), *Przeobrażenia ustrojowe w republikach dawnego ZSRR*, Warszawa 1993.
- Grzybowski M., *Z rozważań nad konstytucyjną koncepcją Rady Ministrów*, w: Działocha K., Grzybowski M., Sarnecki P., Zwierzchowski E. (red.), *Konstytucja w społeczeństwie obywatelskim. Księga pamiątkowa ku czci Witolda Zakrzewskiego*.
- Jarosz Z., *Parlament jako organ władzy ustawodawczej*, w: Gwiżdż A. (red.) *Założenia ustrojowe, struktura i funkcjonowanie parlamentu*, Warszawa 1997.

- Kierończyk P., *Konstytucja kwietniowa i Konstytucja litewska z 1938 r. – próba porównania*, w: Sarnecki P. (red.) *Prawo konstytucyjne II Rzeczypospolitej, Nauka i instytucje*, Kraków 2006.
- Kierończyk P., *Litewskie konstytucje z okresu międzywojennego* Gdańskie Studia Prawnicze, t. VII, Gdańsk 2000.
- Kierończyk P., *Nadrzędność parlamentu – mit czy realna alternatywa ustrojowa? Analiza wybranych przykładów*, Gdańsk 2009.
- Kierończyk P., *Restytucja niepodległości Litwy. Akty Rady Najwyższej z 11 marca 1990 r.*, „Zeszyty Naukowe Gdańskiej Wyższej Szkoły Administracji” 2007, nr 4.
- Kierończyk P., *System konstytucyjny państwa litewskiego (1922–1940)*, Gdańsk 2008.
- Kierończyk P., *Wprowadzenie do nauki prawa konstytucyjnego dla studentów administracji*, Gdańsk 2008.
- Kręcisz W., *Republika Litewska*, w: Gdulewicz E. (red.), *Ustroje państw współczesnych*, t. 2, Lublin 2002.
- Łodziński S., *Parlament Litwy*, Kancelaria Sejmu Biuro Studiów i Ekspertyz, Raport No 49 (October 1993).
- Łossowski P., *Polska–Litwa. Ostatnie sto lat*, Warszawa 1991.
- Maj D., *Referendum ogólnokrajowe w republikach bałtyckich po 1991 roku – analiza porównawcza*, „Annales Universitatis Mariae Curie-Skłodowska Lublin – Polonia. Sectio K” 2016, vol. 23.
- Małajny R. M., *Zasada jedności władzy państwowej w ustroju socjalistycznym - prolegomena*, „Studia Prawnicze” 1982, nr 3–4.
- Mażewski L., *Rodzaje władzy w państwie a problem jedności i podziału władzy*, „Zeszyty Naukowe Wydziału Prawa i Administracji Uniwersytetu Gdańskiego. Prawo” 1986, nr 14.
- Mojak R., *Instytucja Prezydenta RP w okresie przekształceń ustrojowych 1989–1992*, Warszawa 1994.
- Nørgaard O., Johannsen L. (with others), *The Baltic States After Independence*, Edward Elgar Publishing 1999.
- Osiński J., *Przedstawicielskie organy władzy w ZSRR*, Warszawa 1987.
- Puńło A., *O jedno rozumienie podziału władz w nauce prawa konstytucyjnego*, „Państwo i Prawo” 1983, nr 6.
- Puńło A., *Ustroje państw współczesnych*, Warszawa 2007.
- Rozmaryn P., *W poszukiwaniu pojęcia „rządów zgromadzenia”*, w: J. Lewandowska (red.), *Księga pamiątkowa ku czci K. Grzybowskiego*, Kraków 1971.
- Sagan P., *Prawo konstytucyjne Rzeczypospolitej Polskiej*, Warszawa 2001.
- Sarnecki P., *Stanowisko parlamentu według nowej konstytucji szwajcarskiej*, w: *Konstytucja i władza we współczesnym świecie. Doktryna – prawo –*

- praktyka. *Prace dedykowane Profesorowi Wojciechowi Sokolewiczowi*, Warszawa 2002.
- Sarnecki P., *Założenia systemu „rządów zgromadzenia” i możliwości ich adaptacji do przyszłej konstytucji RP*, w: M. Domagała (red.), *Konstytucyjne systemy rządów. Możliwości adaptacji do warunków polskich*, Warszawa 1997.
- Siemieński F., *Prawo konstytucyjne*, Warszawa–Poznań 1978.
- Sinkevičius V.; 1992 m. konstitucijos rengimas: to laikotarpio užrašų fragmentai. *Recenzuotų mokslinių straipsnių rinkinys*, w: Kūris E. (red.), *Lietuvos Respublikos Konstitucijos dvidešimtmėtis: patirtis ir iššūkiai*, Klaipėda 2012.
- Sinkevičius V., *Būtų absurdiška teigti, kad 1990–1992 m. Lietuva neturėjo valstybės vadovo*, <https://www.delfi.lt/news/daily/law/v-sinkevicius-butu-absurdiska-teigti-kad-19901992-m-lietuva-neturejo-valstybes-vadovo.d?id=63756896> (access: 26 May, 2018).
- Skrzydło W., *Ustrój polityczny RP w świetle konstytucji z 1997 roku*, Kraków 2004.
- Sobczak J., *Studia nad wyborami prezydenckimi i parlamentarnymi na Litwie i Białorusi*, Poznań 1997.
- Stembrowicz J., *Rada Państwa w systemie organów PRL*, Warszawa 1968.
- Stembrowicz J., Szymczak T., *Głowa państwa w systemie socjalistycznym (naczelné organy typu prezydialnego i prezydent republiki)*, „Ruch Prawniczy, Ekonomiczny i Socjologiczny” 1966, nr 1.
- Szmulik R., Żmigrodzki M. (red.), *Wprowadzenie do nauki o państwie i polityce*, Lublin 2007.
- Szymczak T., *Ustrój europejskich państw socjalistycznych*, Warszawa 1983.
- Szymczak T., *Ustrój polityczny Związku Socjalistycznych Republik Radzieckich (1936–1976)*, Wrocław–Warszawa–Kraków–Gdańsk 1978.
- Wiszowaty M., <http://prawo.univ.gda.pl/konstytuty/wyklad/start1.htm> [January 6, 2018].
- Witkowski Z. (red.), *Prawo konstytucyjne*, Toruń 1998.
- Valionis A., „Transformacja ustroju politycznego Litwy w latach 1988–1993”, praca doktorska, Wydział Dziennikarstwa i Nauk Politycznych, Warszawa 1994.
- Zakrzewski A., *Wstęp*, w: *Konstytucja Litwy*, Warszawa 2006.
- Zamkowski W., *Monteskiuszowska koncepcja podziału a socjalistyczna zasada jedności władzy państwowej*, „Zeszyty Naukowe Wydziału Prawa i Administracji Uniwersytetu Wrocławskiego”, Prawo IV, 1958.
- Zieliński J., *Instytucjonalizacja przemian ustrojowych na Litwie, Łotwie i w Estonii*, Warszawa 2004.
- Zieliński J., *Referendum na Litwie, Łotwie i w Estonii*, w: Staszewski M. T., Waniek D., *Referendum w Polsce i Europie Wschodniej*, Warszawa 1996.

- Zieliński E., *Referendum w państwie demokratycznym*, w: Waniek D., Staszewski M. T., *Referendum w Polsce współczesnej*, Warszawa 1995.
- Zieliński J., *Systemy konstytucyjne Łotwy, Estonii i Litwy*, Warszawa 2000.
- Żebrowski W., *Współczesne systemy polityczne. Zarys teorii i praktyka w wybranych państwach świata (podręcznik akademicki)*, Olsztyn 2007.
- Žalimas D., *1990 m. Kovo 11 d. Lietuvos respublikos nepriklausomybės atkūrimo teisiniai aktai*, <http://www.bernardinai.lt/straipsnis/2009-03-11-dainius-zalimas-1990-m-kovo-11-d-lietuvos-respublikos-nepriklausomybes-atkurimo-teisiniai-aktai-iii/17939> (access: 26 May, 2018).
- Žilys J., *1992 m. Spalio 25 d. Lietuvos Respublikos konstitucijos kai kurios teisinės ir politinės ištakos*, „Jurisprudencija 2002”, t. 30 (22).