Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

Articles

Studia Iuridica Lublinensia vol. 31, 5, 2022
DOI: 10.17951/sil.2022.31.5.121-138

Agnė Juškevičiūtė-Vilienė
Vilnius University, Lithuania
ORCID: 0000-0002-0295-054X
agne.juskeviciute-viliene@tf.vu.lt

The Immunity of a Member of the Seimas in Lithuania

Immunitet posła na Sejm na Litwie

ABSTRACT

The article explores the scope of the immunity of a member of the Lithuanian Parliament (Seimas). As is known, parliamentarism is recognised as a value in a democratic society and a political culture. In order to properly implement parliamentarism, the constitution and laws should establish the guarantees for the members of the parliament, which allow them to perform their functions as representatives of the nation uninterruptedly and without hindrance. However, the Constitution of the Republic of Lithuania only briefly states that the person of a member of the Parliament is inviolable. Given that, this study analyses the constitutional jurisprudence and legal doctrine of Lithuania and other EU Member States, by focusing on the concept and meaning of the immunity of a member of the parliament. The findings of the study indicate that parliamentary immunity in Lithuania is unique and goes beyond the immunity enjoyed by judges. The results of this research may also have implications for developing the studies of parliamentarism in Lithuanian and foreign constitutional law.

Keywords: constitution; immunity of a member of the Lithuanian Parliament; inspection; search

INTRODUCTION

The word "immunity" comes from the Latin word *immunitas*, which meant exemption from obligations in Roman times and in accordance with canon law. In later times, this concept expanded and was understood as the possession of certain

CORRESPONDENCE ADDRESS: Agnė Juškevičiūtė-Vilienė, PhD, Associate Professor, Faculty of Law, Vilnius University, Saulėtekio al. 8, LT-10222, Vilnius, Lithuania.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

exceptional guarantees.[1] Dictionary of international words, among the meanings of immunity, gives the definition describing immunity as the exemption of persons holding a special position in the state from the application of certain general laws.[2]

There is a lot of discussion at present in Lithuania about the range of persons with immunity (there are opinions that the range of persons who currently have immunity while holding or seeking to hold certain office is too broad[3]), also about the scope of immunity (there is ongoing discussion whether the immunity of a member of the Parliament includes more guarantees than the immunity of a judge and whether the immunity of a member of the Parliament protects a representative of the Nation from a search[4]), as well as about the possible consequences arising from the application of immunity (the possibilities of the abuse of immunity, e.g. where legal immunity is used as a cover against criminal responsibility).[5] These discussions are particularly important in the context of amendments to the Constitution of the Republic of Lithuania of 1992 that were adopted in April 2022; under these amendments, persons from 21 years of age are allowed (before the amendment, respectively persons from 25 years of age were allowed) to stand for election as a member of the Parliament (Seimas); furthermore, under these amendments, persons removed from office through impeachment procedure (i.a., a former President of the Republic of Lithuania, Rolandas Paksas) are granted the right to stand for election as a member of the Seimas after a certain period of time.[6]

In the Lithuanian constitutional doctrine, immunity is understood as additional guarantees for the inviolability of the person where such guarantees are necessary

---

[1] H.P. Schneider, W. Zeh, *Parlamentsrecht und Parlamentspraxis*, London 2011, p. 564.

[2] Vyriausioji enciklopedijų redakcija, *Tarptautinių žodžių žodynas*, https://www.zodziai.lt/reiksme&word=imunitetas&wid=8396 (access: 10.5.2022).

[3] For example, Tilman Hoppe maintains that the range of persons with immunity in Eastern European states is considerably wider than that in Western European states (starting from judges, notaries and members of the parliament and finishing with civil servants). See T. Hoppe, *Immunität – Schutzfunktion und Abgeordnetenprivileg*, https://www.bundestag.de/webarchiv/textarchiv/2012/39112646_kw22_wforum-208634 (access: 5.5.2022).

[4] V. Miškinis, *Teisininkai: Seimo nario imunitetas nuo kratų neapsaugo, bet Konstitucija galėjo būti pažeista*, https://www.delfi.lt/news/daily/lithuania/teisininkai-seimo-nario-imunitetas-nuo-kratu-neapsaugo-bet-konstitucija-galejo-buti-pazeista.d?id=87432375 (access: 5.5.2022).

[5] For example, see A. Nevera, *Baudžiamosios jurisdikcijos taikymo Lietuvos Respublikos piliečiams, kurie pagal nacionalinius įstatymus naudojasi imunitetu, problemos*, "Jurisprudencija" 2006, vol. 79(1), pp. 85–92; V. Sinkevičius, *Seimo nario imunitetas – nuo ko jis saugo? Mykolo Romerio universiteto naujienos*, https://www.mruni.eu/lt/naujienos/detail.php/prof-vytautas-sinkevicius-seimo-nario-imunitetas-nuo-ko-jis-saugo/229004/149#.WS0eE3lgGUk (access: 4.4.2022); Veidas.lt, *Ar Seimo nariams, ministrams ir teisėjams būtina teisinė neliečiamybė?*, https://www.veidas.lt/ar-seimo-nariams-ministrams-ir-teisejams-butina-teisine-nelieciamybe (access: 10.5.2022).

[6] Act of 21 April 2022 – Republic of Lithuania Law amending Article 74 of the Constitution of the Republic of Lithuania (Register of Legal Acts, 2022, no. 8143).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

and indispensable for the proper performance of the duties of the person.[7] Immunity is, thus, defined not as a privilege, but as a guarantee that the person can, without hindrance and interruption, carry out the functions assigned to him or her by the Constitution and laws.

In the Lithuanian scientific literature, the institution of immunity is linked to the principle of the separation of powers, which is enshrined in the Constitution. The immunity of the entities exercising state power guarantees, among other things, the independence of the legislative, executive and judicial authorities.[8] Immunity is, therefore, one of the elements of the constitutional status of the entities exercising state power and it ensures the continuity and effectiveness of the power exercised by the said entities.

According to the Constitution of the Republic of Lithuania[9] (hereinafter also referred to as the Constitution), immunity is granted to the President of the Republic, the members of the Seimas, the Prime Minister, ministers, and judges (Articles 62, 86, 100 and 114 of the Constitution). The Constitution does not *expressis verbis* establish immunity for any other entities. According to the statutory regulation (not directly provided for by the Constitution), immunity is conferred on candidates standing for election as members of the Seimas, persons elected as members of the Seimas, also candidates for the office of the President of the Republic and a person elected as the President of the Republic, as well as the Members of the European Parliament and candidates standing for election as members of the European Parliament during the electoral campaign and until the first sitting of the newly elected European Parliament.

The aim of this article is to reveal the concept, limits and guarantees of the immunity of a member of the Seimas of the Republic of Lithuania. In order to achieve this aim, the article sets out the following three objectives: 1) to reveal the general features of the constitutional status of a member of the Seimas; 2) based on the Constitution of the Republic of Lithuania, the constitutional jurisprudence and legal scientific literature, to analyse the concept of the immunity of a member of the Seimas and the related guarantees; 3) to answer the question whether the established immunity protects a member of the Seimas from a search; this question is examined in the light of the relevant ongoing discussion in Lithuanian society as to the legitimacy of a search carried out by the Lithuanian Special Investigation Service in 2021 in the office of one member of the Seimas in the absence of approval from the Seimas.

---

[7] Ruling of the Lithuanian Constitutional Court ruling of 8 May 2000, Official Gazette Valstybės žinios 2000, no. 39-1105.

[8] E. Šileikis, *Imunitetas ir administracinio poveikio priemonės*, "Teisė" 2000, vol. 34, p. 39.

[9] Constitution of the Republic of Lithuania of 25 October 1992 (Official Gazette, Valstybės žinios 1992, no. 33-1014).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

While studies by a vast number of scholars examining parliamentary immunity can be found in foreign legal literature,[10] this issue has not so far received wide attention in the academic doctrine in the Republic of Lithuania, except in the works of Vytautas Sinkevičius[11] and Egidijus Šileikis.[12] Besides the Constitution of the Republic of Lithuania and other statutory regulations related to the immunity of a member of the Seimas, the present article analyses the jurisprudence of the Constitutional Court of the Republic of Lithuania and looks into the legal scientific works of both Lithuanian and foreign scholars. To achieve the objectives set out above, the present study has employed linguistic, logical systematic and comparative research methods.

THE CONSTITUTIONAL STATUS OF A MEMBER OF THE SEIMAS OF THE REPUBLIC OF LITHUANIA

Article 2 of the Constitution of the Republic of Lithuania stipulates that the State of Lithuania is created by the Nation and that sovereignty belongs to the Nation. Under Article 4 of the Constitution, the sovereign power that belongs to the Nation is supreme; the Nation executes its supreme sovereign power either directly or through its democratically elected representatives. The Seimas of the Republic of Lithuania is the supreme representative state authority, consisting of one chamber, exercising legislative power. In the implementation of its constitutional powers, the Seimas fulfils the classical functions of the parliament of a democratic state governed by the rule of law: it passes laws (the legislative function); carries out parliamentary control over the executive and other state institutions (except courts; the control function); sets up state institutions, as well as appoints and releases their heads and other state officials (the founding function); approves the state budget and supervises its execution (the budgetary function), etc.[13] Under paragraph 1 of Article 55 of the Constitution, the members of the Seimas are representatives of the Nation; they are elected for a four-year term on the basis of universal, equal and direct suffrage by secret ballot; the Seimas consists of 141 members of the Seimas. In accordance with the latest constitutional amendments, any citizen of the

[10] For example, see H.P. Schneider, W. Zeh, *op. cit.*; H. Butzer, *Immunität im demokratischen Rechtsstaat*, Berlin 1991; C. Schultz-Bleis, *Die parlamentarische Immunität der Mitglieder des Europäischen Parlaments*, Berlin 1995; S. Grabowska, J. Juchniewicz (eds.), *Immunitet parlamentarny w wybranych państwach europejskich*, Rzeszów 2017.

[11] V. Sinkevičius, *Seimo nario imunitetas: kai kurios teorinės ir praktinės problemos*, "Socialinių mokslų studijos" 2009, vol. 1(1).

[12] E. Šileikis, *Imunitetas…*; idem, *Alternatyvi konstitucinė teisė*, Vilnius 2003.

[13] Ruling of the Lithuanian Constitutional Court of 13 May 2004, Official Gazette Valstybės žinios 2004, no. 81-2903.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

Republic of Lithuania who is not bound by an oath or a pledge to a foreign state and who, on the election day, is not younger than 21 years of age (25 years of age, respectively, before the amendment)[14] and permanently resides in Lithuania may stand for election as a member of the Seimas. Each member of the Seimas represents the entire Nation. When fulfilling their constitutional obligation to represent the Nation, the members of the Seimas participate in performing all constitutional functions of the Seimas and exercise all powers of a member of the Seimas.[15]

The duties, rights, guarantees of activity and responsibility of a member of the Seimas as a representative of the Nation constitute the constitutional status of a member of the Seimas. Under the Constitution, legal acts must establish such a legal status of a member of the Seimas that would provide the possibility for each member of the Seimas to fulfil the constitutional duty to be constantly involved in the work of the Seimas – the representation of the Nation and to exercise on a continuous basis the constitutional powers of a member of the Seimas as a representative of the Nation.[16]

According to the Constitution, the acquisition of the constitutional status of a member of the Seimas, thus including all the duties, rights, guarantees of activity – i.a., inviolability (immunity) discussed below – and responsibility of a member of the Seimas as a representative of the Nation, is associated with taking the oath of an elected member of the Seimas. Article 59 of the Constitution prescribes that an elected member of the Seimas acquires all the rights of a representative of the Nation only after taking the oath at the Seimas to be faithful to the Republic of Lithuania.

The terms "member of the Seimas" and "person elected as a member of the Seimas" used in the Constitution are not identical. Under the Constitution, the election of a person as a member of the Seimas does not mean that the person already has the status of a member of the Seimas. Until the newly elected Seimas convenes for its first sitting and an elected member of the Seimas takes the oath, such a person is, under the Constitution, regarded as a person who has been elected a member of the Seimas, i.e. such a person has the mandate of a member of the Seimas, but he or she is not yet considered to be a full member of the Seimas (a representative of the Nation), because the person does not yet have all powers of a member of the Seimas (a representative of the Nation) and may not use the mandate of a member of the Seimas to exercise the powers established by the Constitution.[17]

[14] Act of 21 April 2022 – Republic of Lithuania Law amending Article 56 of the Constitution of the Republic of Lithuania (Register of Legal Acts, 21.4.2022, no. 8144).

[15] A. Juškevičiūtė-Vilienė, O. Valainienė, *Immunitet parlamentarny na Litwie*, [in:] *Immunitet parlamentarny*..., p. 164.

[16] V. Sinkevičius, *Lietuvos Respublikos Seimas*, [in] *Lietuvos konstitucinė teisė*, ed. E. Jarašiūnas, Vilnius 2017, p. 433.

[17] Idem, *Seimo nario imunitetas*..., p. 21.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

When interpreting the institution of an oath, the Constitutional Court has noted that the oath of a member of the Seimas is not merely a formal or symbolic act. The act of taking the oath of a member of the Seimas is constitutionally legally significant; from the moment of taking the oath, the constitutional duty arises for a member of the Seimas to act only in the way that the oath taken obliges and to breach the oath under no circumstances.[18] The oath of a member of the Seimas gives rise to the duty of a member of the Seimas to respect and execute the Constitution and laws, as well as to conscientiously perform the duties of a representative of the Nation in the manner that the Constitution obliges a member of the Seimas to act.[19]

Paragraph 4 of Article 59 of the Constitution provides that, while in office, the members of the Seimas follow the Constitution of the Republic of Lithuania, the interests of the state, as well as their own consciences, and may not be restricted by any mandates. Thus, the constitutional status of a member of the Seimas is based on the constitutional principle of the free mandate of a member of the Seimas, i.a., enshrined in the said provision of the Constitution. The free mandate of a member of the Seimas is one of the most important guarantees of the activity of a member of the Seimas. Interpreting this constitutional principle, the Constitutional Court has more than once held that the essence of the free mandate of a member of the Seimas lies in the freedom of a representative of the Nation to implement the rights and duties vested in him or her without restricting that freedom by the mandates of the electorate or by the political requirements of the parties or organisations that nominated him or her, as well as without recognising the imperative mandate and the right to recall a member of the Seimas.[20] However, with respect to the interpretation of the provision of paragraph 4 of Article 59 of the Constitution that the oath of a member of the Seimas obliges the members of the Seimas to be guided in their activity, i.a., by their own consciences, it is important to note that, according to the jurisprudence of the Constitutional Court,[21] there must be no gap between the conscience of a member of the Seimas, on the one hand, and the requirements of the Constitution and the values protected and defended by the Constitution, on the other: under the Constitution, the conscience of a member of the Seimas must be oriented towards the Constitution and the interests of the Nation and the State of Lithuania.

[18] Ruling of the Lithuanian Constitutional Court of 25 May 2004, Official Gazette Valstybės žinios 2004, no. 85-3094.

[19] Ruling of the Lithuanian Constitutional Court of 1 July 2004, Official Gazette Valstybės žinios 2004, no. 105-3894.

[20] Conclusion of the Lithuanian Constitutional Court of 3 June 2014, Register of Legal Acts 2014, no. 7164.

[21] Ruling of the Lithuanian Constitutional Court of 1 July 2004, Official Gazette Valstybės žinios 2004, no. 105-3894.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

As in other states, in Lithuania, the status, rights and duties of a member of the Parliament are, besides the Constitution, regulated in more detail by a special law – the Statute of the Seimas.[22] Under the Constitution, the Statute of the Seimas and other legal acts, the members of the Seimas, as representatives of the Nation, must be able to participate in the work of the Seimas on a continuous basis and to exercise their constitutional powers uninterruptedly. This ensures the continuity of the activity of the whole Seimas as the legislative power. In order that the members of the Seimas could perform their duties properly and unhindered, the Constitution lays down additional guarantees for the inviolability of the person of a member of the Seimas. One of these guarantees is the immunity of a member of the Parliament, which will be further discussed in more detail.

THE IMMUNITY OF A MEMBER OF THE SEIMAS

The constitutional legal status of a member of the Seimas – a representative of the Nation is fundamentally different from the constitutional legal status of other citizens and other state officials, and this, first of all, is evidenced by the immunity of a member of the Seimas. Paragraphs 1 and 2 of Article 62 of the Constitution *expressis verbis* provide that the person of a member of the Seimas is inviolable; the members of the Seimas may not be held criminally liable or be detained, or have their liberty restricted otherwise, without the consent of the Seimas.[23] Interpreting these laconic provisions of the Constitution, the Constitutional Court has developed a rather extensive constitutional doctrine. For example, it has been held that the provisions of the Constitution consolidate additional guarantees for the inviolability of the person of a member of the Seimas, which are necessary for the proper performance of the duties of a member of the Seimas as a representative of

[22] Act of 25 February 1994 – Statute of the Seimas of the Republic of Lithuania (Official Gazette, Valstybės žinios 1994, no. 15-249).

[23] The Statute of the Seimas of the Republic of Lithuania, regulating the structure of the Seimas, the procedure of its activities and the rights and duties of the members of the Seimas, is a special legal act that has the force of a law, but does not have the form of a law. Article 76 of the Constitution provides that the structure and procedure of activities of the Seimas are established by the Statute of the Seimas, which has the force of a law. The provision "the structure and procedure of activities of the Seimas shall be established by the Statute of the Seimas" means that, under the Constitution, only the Seimas has the powers to independently determine its own structure and procedure of activities, as well as that no other state authority may intervene in these powers. The Statute of the Seimas is adopted, amended and supplemented not by means of a law, but by the Statute of the Seimas, and is signed not by the President of the Republic, but by the Speaker of the Seimas. Such a legal framework was chosen in order to ensure the independence of the Seimas in determining its own structure and procedure of activities. For more, see ruling of the Lithuanian Constitutional Court of 25 January 2001, Official Gazette Valstybės žinios 2001, no. 10-295.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

the Nation. These additional guarantees are established in order that a member of the Seimas is protected from persecution on political or other grounds due to his or her activity as a member of the Seimas, but not in order to create the preconditions for a member of the Seimas who is suspected to have committed a crime to escape criminal responsibility.[24] In another ruling, the Constitutional Court emphasises that the scope of the immunity of a member of the Seimas is narrower than that of the President of the Republic, who, while in office, may be neither detained nor held criminally or administratively liable. However, the immunity of the members of the Seimas must ensure that not only individual members of the Seimas, but also the entire Seimas, as an institution, without hindrance perform the functions established in the Constitution.[25] The right of a member of the Seimas to liberty and the inviolability of the person of a member of the Seimas during the term of office may be restricted only with the consent of the Seimas; while giving its consent, the Seimas must observe the procedure established by the Statute of the Seimas.[26]

The institution of the immunity of a member of the Seimas has also been analysed in the doctrine of Lithuanian constitutional law. This doctrine indicates that the immunity of a member of the Seimas consists of the constitutional prohibition to hold a member of the Seimas criminally liable, or detain him or her, or restrict his or her liberty otherwise, without the consent of the Seimas. It is emphasised that immunity is a special guarantee aimed to ensure the possibility for a member of the Seimas, freely and without hindrance, together with other members of the Seimas, to carry out the constitutional functions of the Seimas and all the powers of a member of the Seimas as a representative of the Nation.[27] If a member of the Seimas had no immunity, a situation could arise in which a member of the Seimas would be held criminally liable or be otherwise persecuted, or his or her liberty would be restricted, in the absence of a sufficient legal basis for this, but only because of his or her activity as a member of the Seimas. If a member of the Seimas had no immunity, he or she could not freely and unhindered exercise all powers of a member of the Seimas as a representative of the Nation.[28] However, immunity must not be regarded as a privilege, denying the principle of the equality of persons and, at the same time, ruining the system of constitutional values; while removing the relics from the times of absolutism in a democratic state governed by the rule of law, it may not become an objectively unsubstantiated anachronism. On the

[24] Ruling of the Lithuanian Constitutional Court of 27 April 2016, Register of Legal Acts 2016, no. 10540.

[25] Ruling of the Lithuanian Constitutional Court ruling of 8 May 2000, Official Gazette Valstybės žinios 2000, no. 39-1105.

[26] Ruling of the Lithuanian Constitutional Court of 25 January 2001, Official Gazette Valstybės žinios 2001, no. 10-295.

[27] V. Sinkevičius, *Seimo nario imunitetas*..., p. 19.

[28] Idem, *Lietuvos*..., p. 460.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

contrary, immunity is linked to the principle of the separation of powers, enshrined in Article 5 of the Constitution ("In Lithuania, state power shall be executed by the Seimas, the President of the Republic and the Government, and the Judiciary"). In this respect, the institution of immunity additionally guarantees the independence of the legislative, executive and judicial powers, while at the same time securing the feasibility of the aspiration for the rule of law.[29] The immunity of a member of the Seimas ceases once the term of powers of a member of the Seimas expires – upon the expiry of the term of powers, a member of the Seimas may be held criminally liable without the consent of the Seimas even for a criminal act committed while he or she was in office of a member of the Seimas.

The Constitution uses not only the term "a member of the Seimas", but also the term "an elected member of the Seimas" (paragraph 2 of Article 59 of the Constitution). Although the Constitution does not contain explicit provisions providing for the immunity of a member of the Seimas who has been elected but has not yet taken the oath of a member of the Seimas, nor for the immunity of a candidate standing for election as a member of the Seimas, the Constitution does not prohibit the establishment of the immunity of these persons by means of a law. Thus, their immunity is provided for by paragraph 1 of Article 49 of the Law on Elections to the Seimas,[30] according to which "during the election campaign, as well as until the first sitting of a newly elected Seimas (after the rerun election or by-election – until the oath of a member of the Seimas), a candidate for a member of the Seimas may not be held criminally liable or be detained, or his liberty may not be restricted in any other way, without the consent of the Central Electoral Commission".

The immunity of a member of the Seimas is lost upon the loss of the status of a member of the Seimas, i.e. upon the expiry of the powers of a member of the Seimas. The immunity of a member of the Seimas may also be lifted where a member of the Seimas continues to maintain the status of a member of the Seimas. Lifting the immunity of a member of the Seimas is a parliamentary procedure, during which the question is solved as to whether consent should be given for holding the member of the Seimas criminally liable, detaining him or her, or otherwise restricting his or her liberty. The procedure for lifting the immunity of a member of the Seimas is subject to the constitutional requirements of a fair legal process. Under the Constitution, i.a., paragraphs 1 and 2 of Article 62, and the constitutional principle of a state under the rule of law, the Seimas must establish such a legal regulation governing the procedure for lifting the inviolability (immunity) of the person of a member of the Seimas so that this procedure would meet the requirements of the due process of law as, for instance: issues concerning the rights and/

[29] E. Šileikis, *Imunitetas*..., p. 40.

[30] Act of 18 July 1992 – Law on Elections to the Seimas of the Republic of Lithuania (Lietuvos aidas, 1992, no. 139-0).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

or guarantees of the activity of a member of the Seimas must be decided while ensuring the right and possibility for that member of the Seimas to defend those rights and guarantees; a member of the Seimas, when the issue of lifting his or her immunity is decided, must be ensured the right to be heard at least once directly or through a person authorised by him or her.[31]

The procedure for lifting the immunity of a member of the Seimas is laid down in detail in the Statute of the Seimas (Articles 22–23). If there is a reason to believe that a member of the Seimas has committed a crime, the Prosecutor General must notify the Seimas of this. The Seimas must decide whether to set up an investigation commission for the consent to hold the member of the Seimas criminally liable, detain him or her, or otherwise restrict his or her liberty, or to initiate preparatory actions for impeachment procedure – such a decision is considered and adopted only if there is a proposal from the entities specified in the Statute of the Seimas. The investigation commission draws up a conclusion and indicates its proposal to grant or refuse to grant the motion of the Prosecutor General. The conclusion can be adopted when more than half of all the members of the Seimas vote in favour of the resolution. The Constitutional Court has held that, in cases where impeachment is initiated due to an obvious crime, the Seimas may set up an investigation commission for the consent to hold the member of the Seimas criminally liable, detain him or her, or otherwise restrict his or her liberty and, at the same time, initiate impeachment procedure.[32]

It should be noted that the Seimas does not decide on issues concerning the guilt of a member of the Seimas and the realisation of criminal responsibility (the question of guilt can only be assessed by the court). When the question of lifting the inviolability of a member of the Seimas is considered, the presumption of innocence must be respected. The consent of the Seimas to hold a member of the Seimas criminally liable, detain him or her, or otherwise restrict his or her liberty gives the possibility of continuing the criminal proceedings, i.a., considering the case before the court.[33]

Thus, the analysis of the jurisprudence of the Constitutional Court shows that the Constitutional Court recognises that the immunity of a member of the Seimas is the guarantee ensuring, on the one hand, that a member of the Seimas can without any interference perform his or her functions as a representative of the Nation; on the other hand, this guarantee ensures the continuity of activities of the entire Seimas as the legislative authority. Therefore, if there is a need to limit this

[31] Ruling of the Lithuanian Constitutional Court of 27 April 2016, Register of Legal Acts 2016, no. 10540.

[32] Ruling of the Lithuanian Constitutional Court of 24 February 2017, Register of Legal Acts 2017, no. 3068.

[33] A. Juškevičiūtė-Vilienė, O. Valainienė, *op. cit.*, p. 162.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

guarantee, the consent of the Seimas is necessary. It should be mentioned that the Lithuanian legal doctrine supports the doctrine formulated by the Constitutional Court and additionally maintains that the guarantee of the immunity of a member of the Seimas in the state also implies the proper implementation of the principles of the separation of powers and a state under the rule of law.

DOES IMMUNITY PROTECT A MEMBER OF THE SEIMAS FROM A SEARCH?

This issue is currently being examined in Lithuania by the law enforcement institutions, lawyers and legal scholars, after a search was carried out in 2021 by the Special Investigation Service in the office of one member of the Seimas in the course of an investigation into the possible case of corruption. The search was conducted with the permission of the District Court of Vilnius City, but without the approval of the Seimas. The leading Lithuanian lawyers express ambiguous assessments regarding the above-mentioned search in the office of a member of the Seimas: some believe that this may be an unprecedented case when the immunity of a member of the Seimas is simply ignored; while others justify the actions of the Special Investigation Service on the basis of the latest jurisprudence of the Constitutional Court. It should be mentioned that the Constitution, the Statute of the Seimas or the Code of Criminal Procedure[34] does not directly determine whether the approval of the Seimas is required for a search, seizure or inspection to be carried out in the office of a member of the Seimas.

The Special Investigation Service and a former justice of the Constitutional Court, Professor Vytautas Sinkevičius believe that the application of procedural coercive measures provided for in the Code of Criminal Procedure against a member of the Seimas (i.a., during a search in the office of a member of the Seimas) does not require the consent of the Seimas. "The immunity of a member of the Seimas does not prohibit the law enforcement authorities from taking evidence. A search in the office of a member of the Seimas or a search of a member of the Seimas is not a violation of the inviolability of a member of the Seimas. Immunity must not be assessed and interpreted in such a way that the person concerned can avoid responsibility where a crime has been committed".[35] These statements are based on the Constitutional Court's ruling of 9 March 2020, in which the Court interpreted the limits of judicial immunity (i.a., the immunity of the justices of the Consti-

[34] Act of 9 April 2002 – Code of Criminal Procedure of the Republic of Lithuania (Official Gazette, Valstybės žinios 2002, no. 37-1341).

[35] V. Miškinis, *op. cit*.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

tutional Court).[36] In that ruling, the Constitutional Court held that the immunity of judges is one of the guarantees of their independence; this guarantee implies that judges may not be held criminally liable or be detained, or have their liberty restricted otherwise, without the consent of the Seimas or, in the period between the sessions of the Seimas, without the consent of the President of the Republic. However, according to the Constitutional Court, the immunity of judges is not laid down in legal acts for the purpose of creating the preconditions for judges to avoid criminal or other legal responsibility for criminal acts or other violations of law. In that ruling, the Constitutional Court held that the application of procedural coercive measures (i.a., a search, inspection or seizure in the residential or service premises of a judge or in the personal or service car of a judge) and pre-trial investigation actions do not in themselves restrict the liberty of the judge; therefore, such actions do not require the consent of the Seimas and, among the sessions of the Seimas, the consent of the President of the Republic.[37] What is relevant to this article is that the Constitutional Court indirectly indicated in the ruling that judges have the same right of personal inviolability as the justices of the Constitutional Court and the members of the Seimas. In view of this, the immunity of judges was equated with the immunity of the members of the Seimas. Therefore, the Lithuanian law enforcement authorities consider that no consent of the Seimas is required in order to carry out a search in the residential or service premises of a member of the Seimas or in his or her personal or service car.

However, other Lithuanian legal scholars and prominent lawyers view the situation under discussion in a completely different way, by strictly stating that, under the Constitution, the immunity of a member of the Seimas is not analogous or essentially identical to the immunity of judges. They substantiate their position by referring to the Constitution, according to which the State of Lithuania is created by the Nation and sovereignty belongs to the Nation; no one may restrict or limit the sovereignty of the Nation or arrogate to themselves the sovereign powers belonging to the entire Nation. Article 4 of the Constitution stipulates that "the Nation shall execute its supreme sovereign power either directly or through its democratically elected representatives"; the members of the Seimas, elected by the Nation in the implementation of universal, equal and direct suffrage by secret ballot, are the representatives of the Lithuanian Nation (paragraph 1 of Article 55 of the Constitution). The immunity of a member of the Seimas is also one of the elements of the "checks and balances system" of the constitutional authorities implementing state power. Therefore, such procedural coercive measures as a search or seizure

[36] Ruling of the Lithuanian Constitutional Court of 3 March 2020, Register of Legal Acts 2020, no. 5178.

[37] V. Sinkevičius, *Teisėjų imuniteto konstitucinis turinys*, [in:] *Lietuvos teisė 2020: Esminiai pokyčiai*, eds. L. Jakulevičienė, V. Sinkevičius, part 2, Vilnius 2020, p. 30.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

of items (especially in the office where the person concerned works) undoubtedly prevent the members of the Seimas from performing the functions established in the Constitution, while the Constitution prohibits any intrusion by the penal authorities into the personal inviolability of a member of the Seimas.[38] According to the well-known Lithuanian advocate Vytautas Sirvydis, a court-sanctioned search in the office of a member of the Seimas should be assessed as a gross violation of the principle of the separation of powers.[39] The permission of the lowest-level court alone is not sufficient to carry out a search in the office of a member of the Seimas.

This position would also be supported by German constitutional legal scholars. Article 46 of the German Basic Law (*Grundgesetz*)[40] directly provides for the immunity of the members of the Parliament; the content, restriction and waiver of this immunity is regulated in more detail by the Rules of Procedure of the German Bundestag (*Geschäftsordnung des Deutschen Bundestages*).[41] Annex 6 to these Rules regulates the procedure of granting permission by the Bundestag in relation to the waiver of the immunity of parliamentarians. In accordance with the provisions of that annex, a search of a member of the Bundestag may be executed after the search request is examined by the Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure[42] and is approved by the Bundestag. According to the doctrine of the German Constitutional Court, immunity is associated with parliamentarism, with the possibility of a member of the Parliament to carry out his or her functions of a representative of the Nation without hindrance; thus, the principle of representation (*Repräsentationsprinzip*) is secured.[43] According to the German Constitutional Court, the obligation established by the Basic Law to obtain the permission of the Bundestag for the application of coercive measures of

[38] R. Merkevičius, *"Nepatinka Puidokas" ar "reikia "pasodinti" Masiulį ar Gružulį" nėra Konstitucijos interpretavimo metodai*, https://www.teise.pro/index.php/2021/06/12/r-merkevicius-nepatinka-puidokas-ar-reikia-pasodinti-masiuli-ar-gruzuli-nera-konstitucijos-interpretavimo-metodai (access: 5.5.2022).

[39] D. Griežė, *Žinomi advokatai STT kratą M. Puidoko kabinete vertina prieštaringai: jei tai teisybė, tai labai negerai*, https://tiesa.com/tiesa-lietuva/zinomi-advokatai-stt-krata-m-puidoko-kabinete-vertina-priestaringai-jei-tai-teisybe-tai-labai-negerai/222215 (access: 5.5.2022).

[40] Basic Law for the Federal Republic of Germany of 8 May 1949, https://www.gesetze-im-internet.de/gg/BJNR000010949.html (access: 11.5.2022).

[41] Act of 1 October 1980 – Rules of Procedure of the German Bundestag, https://www.gesetze-im-internet.de/btgo_1980 (access: 5.5.2022).

[42] The Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure is responsible for the internal affairs of the Parliament. This committee is the guardian of members' immunity, the purpose of which is to protect them from unjustified criminal prosecution, preserve the ability of the Parliament to function effectively and maintain its standing. See Deutscher Bundestag, Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, https://www.bundestag.de/en/committees/a01 (access: 5.5.2022).

[43] L. Lammers, S. Lehmann, *Immun gegen Durchsuchungen?*, "Juristische Arbeitsblätter" 2015, pp. 526–534.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

criminal procedure is not the protection of a separate member of the Parliament, but the protection of the whole Parliament.[44] If a search is carried out in the office of a member of the Parliament, his or her activity as a representative of the Nation is terminated; therefore, the permission of the Bundestag is required; however, this procedure is not applied if a search is carried out in the home of a parliamentarian.[45] It should be noted that, in other European countries (e.g. Austria, Italy, Latvia, Romania), permission by the Parliament for the implementation of coercive measures of criminal procedure is also required.[46] The experience of Estonia is a little different: the constitutional status of the members of the Estonian Parliament (*Riigikogu*) is governed by the Constitution and the Status of Members of the *Riigikogu* Act. In accordance with Articles 62 and 76 of the Estonian Constitution,[47] a member of the Estonian Parliament has immunity, but may bear criminal responsibility on a proposal of the Chancellor of Justice (*Õiguskantsler*)[48] and with the consent of the majority of the members of the *Riigikogu*. However, under the provisions of the Code of Criminal Procedure, if it is necessary to conduct a search of the office of a member of the Parliament, or a seizure or an inspection of the means of communication or documents, the consent of all the members of the *Riigikogu* is not necessary, but only the consent of the Chancellor of Justice and the Prosecutor General is required; if a physical examination is needed, the decision of the Chairman of the Tallinn Circuit Court is required.[49] Among other things, the study on the immunity and guarantees of parliamentarians in all EU Member States, conducted in 2020 by the EU Policy Department for Citizens' Rights and Constitutional Affairs,

[44] Judgment of German Federal Constitutional Court of 17 December 2001, 2 BvE 2/00.

[45] H. Schulze-Fielitz, *Artikel 46. Indemnität und Immunität*, [in:] *Grundgesetz-Kommentar*, ed. G. Dreier, Berlin 2015, p. 1197.

[46] E. Pavy, *Handbook on the Incompatibilities and Immunity of the Members of the European Parliament*, Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies, 2021.

[47] Constitution of the Republic of Estonia of 28 June 1992 (State Gazette Riigi Teataja 1992, no. 26, item 349).

[48] The Estonian Chancellor of Justice (*Õiguskantsler*) is an independent supervisor of the provisions of the Estonian Constitution and a defender of the rights of persons. This institution aims to ensure that public authorities fulfil their obligations in order to put into practice the principles of the rule of law and democracy, as well as to properly implement human rights and freedoms. One of the main functions of the Chancellor is the right to make proposals to the Parliament to allow criminal charges to be brought against top state officials, including parliamentarians. The Chancellor of Justice is appointed to office by the *Riigikogu* on a recommendation of the President. The constitutional status of the members of the Estonian Parliament is regulated by the Estonian Constitution and the Status of Members of the *Riigikogu* Act. For more, see M. Dąbrowski, *Immunitet parlamentarny w Estonii*, [in:] *Immunitet parlamentarny…*, p. 100.

[49] E. Pavy, *op. cit.*, p. 89.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

shows that immunity, as a general rule, includes the protection of members of the parliament while they are in office.[50]

The question raised whether immunity protects a member of the Seimas in Lithuania from a search has not so far been conclusively answered in Lithuania, as no final decisions have yet been adopted by the courts in that case. However, it should be assumed that the immunity of a member of the Parliament cannot be fully equated with the immunity of a judge. The sanctions applied by the law enforcement authorities to a member of the Parliament must not be authorised solely by the representatives of the judiciary, because this violates the principle of the separation of powers, and the judiciary can, without "any checks", influence the legislative power. Moreover, based on the doctrine previously developed by the Constitutional Court of Lithuania and the practice of foreign states, it should be maintained that a search conducted at the workplace of a member of the Parliament interrupts not only the activity of the representative of the Nation, but it may also affect the proper implementation of the functions of the whole Parliament. Therefore, it should be considered that the permission of the lowest-ranking judge alone to carry out a search in the office of a member of the Seimas is insufficient to ensure the guarantees of the activity of a member of the Seimas or the activity of the whole Seimas.

CONCLUSIONS

The present study has showed that the constitutional status of a member of the Seimas in Lithuania is regulated by constitutional provisions, also by a more detailed statutory regulation (e.g., regulation laid down in the Statute of the Seimas), as well as by the extensive constitutional doctrine on this issue. Under the Constitution of the Republic of Lithuania, the constitutional status of a member of the Seimas obliges the legislature to establish such a legal regulation that would ensure the continuous exercise of the constitutional powers of a member of the Seimas as a representative of the Nation. In this way, the continuity of the activity of the whole Seimas as the legislative power is ensured. Looking even deeper into the matter and analysing parliamentary immunity as one of the elements of the constitutional status of a member of the Seimas leads to the constitutional provisions, constitutional jurisprudence and scientific doctrine wherein it is held that immunity must be understood not as a privilege, but as a special guarantee, aimed to ensure the possibility for a member of the Seimas, freely and without hindrance, together with other members of the Seimas, to perform the constitutional functions of the Seimas and all the powers of a member of the Seimas as a representative of the Nation. Parliamentary immunity in Lithuania is understood as the prohibition

[50] *Ibidem*, p. 25.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

to hold a member of the Seimas criminally liable, or detain him or her, or restrict his or her liberty otherwise, without the consent of the Seimas. This prohibition primarily relates to the fact that the activity of a member of the Seimas must be uninterrupted. The Constitution, as well as the jurisprudence of the Constitutional Court interpreting it, declares and sometimes requires the inviolability of a member of the Seimas; whereas if it is necessary to restrict it, the obligation is established to obtain the consent of the Seimas, since the guarantee of the immunity of a member of the Seimas in the state also implies the proper implementation of the principles of the separation of powers and a state under the rule of law.

In order to answer the question raised in the introduction whether immunity protects a member of the Seimas from a search, this study has analysed both the constitutional and ordinary regulation in Lithuania and the selected foreign states, as well as the relevant constitutional jurisprudence and scientific literature. The analysis has shown that, in the absence of a clear legal regulation at the national level as regards the conducting of a search of a member of the Seimas, the Lithuanian law enforcement authorities have followed the doctrine formulated by the Constitutional Court regarding the immunity of judges and, by applying analogy, they believe that a search or other procedural coercive measures do not require the consent of the Seimas. However, the legal theory and practice of other EU Member States indicate that the permission of the lowest-ranking judge alone to carry out a search in the office of a member of the Seimas is insufficient; taking such a measure requires the consent of the Parliament or at least approval by another institution that remains outside the judiciary and is not subordinate to the judiciary.

REFERENCES

Literature

Butzer H., *Immunität im demokratischen Rechtsstaat*, Berlin 1991, **DOI: https://doi.org/10.3790/978-3-428-47305-2**.

Dąbrowski M., *Immunitet parlamentarny w Estonii*, [in:] *Immunitet parlamentarny w wybranych państwach europejskich*, eds. S. Grabowska, J. Juchniewicz, Rzeszów 2017.

Grabowska S., Juchniewicz J. (eds.), *Immunitet parlamentarny w wybranych państwach europejskich*, Rzeszów 2017.

Juškevičiūtė-Vilienė A., Valainienė O., *Immunitet parlamentarny na Litwie*, [in:] *Immunitet parlamentarny w wybranych państwach europejskich*, eds. S. Grabowska, J. Juchniewicz, Rzeszów 2017.

Lammers L., Lehmann S., *Immun gegen Durchsuchungen?*, "Juristische Arbeitsblätter" 2015.

Nevera A., *Baudžiamosios jurisdikcijos taikymo Lietuvos Respublikos piliečiams, kurie pagal nacionalinius įstatymus naudojasi imunitetu, problemos*, "Jurisprudencija" 2006, vol. 79(1).

Pavy E., *Handbook on the Incompatibilities and Immunity of the Members of the European Parliament*, Policy Department for Citizens' Rights and Constitutional Affairs, Directorate-General for Internal Policies, 2021.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

Schneider H.P., Zeh W., *Parlamentsrecht und Parlamentspraxis*, London 2011.
Schultz-Bleis C., *Die parlamentarische Immunität der Mitglieder des Europäischen Parlaments*, Berlin 1995, **DOI: https://doi.org/10.3790/978-3-428-48285-6**.
Schulze-Fielitz H., *Artikel 46. Indemnität und Immunität*, [in:] *Grundgesetz-Kommentar*, ed. G. Dreier, Berlin 2015.
Sinkevičius V., *Lietuvos Respublikos Seimas*, [in] *Lietuvos konstitucinė teisė*, ed. E. Jarašiūnas, Vilnius 2017.
Sinkevičius V., *Seimo nario imunitetas: kai kurios teorinės ir praktinės problemos*, "Socialinių mokslų studijos" 2009, vol. 1(1).
Sinkevičius V., *Teisėjų imuniteto konstitucinis turinys*, [in:] *Lietuvos teisė 2020: Esminiai pokyčiai*, eds. L. Jakulevičienė, V. Sinkevičius, part 2, Vilnius 2020.
Šileikis E., *Alternatyvi konstitucinė teisė*, Vilnius 2003.
Šileikis E., *Imunitetas ir administracinio poveikio priemonės*, "Teisė" 2000, vol. 34.

Online sources

Deutscher Bundestag, Committee for the Scrutiny of Elections, Immunity and the Rules of Procedure, https://www.bundestag.de/en/committees/a01 (access: 5.5.2022).
Griežė D., *Žinomi advokatai STT kratą M. Puidoko kabinete vertina prieštaringai: jei tai teisybė, tai labai negerai*, https://tiesa.com/tiesa-lietuva/zinomi-advokatai-stt-krata-m-puidoko-kabinete-vertina-priestaringai-jei-tai-teisybe-tai-labai-negerai/222215 (access: 5.5.2022).
Hoppe T., *Immunität – Schutzfunktion und Abgeordnetenprivileg*, https://www.bundestag.de/webarchiv/textarchiv/2012/39112646_kw22_wforum-208634 (access: 5.5.2022).
Merkevičius R., *"Nepatinka Puidokas" ar "reikia "pasodinti" Masiulį ar Gružulį" nėra Konstitucijos interpretavimo metodai*, https://www.teise.pro/index.php/2021/06/12/r-merkevicius-nepatinka-puidokas-ar-reikia-pasodinti-masiuli-ar-gruzuli-nera-konstitucijos-interpretavimo-metodai (access: 5.5.2022).
Miškinis V., *Teisininkai: Seimo nario imunitetas nuo kratų neapsaugo, bet Konstitucija galėjo būti pažeista*, https://www.delfi.lt/news/daily/lithuania/teisininkai-seimo-nario-imunitetas-nuo-kratu-neapsaugo-bet-konstitucija-galejo-buti-pazeista.d?id=87432375 (access: 5.5.2022).
Sinkevičius V., *Seimo nario imunitetas – nuo ko jis saugo? Mykolo Romerio universiteto naujienos*, https://www.mruni.eu/lt/naujienos/detail.php/prof-vytautas-sinkevicius-seimo-nario-imunitetas-nuo-ko-jis-saugo/229004/149#.WS0eE3lgGUk (access: 4.4.2022).
Veidas.lt, *Ar Seimo nariams, ministrams ir teisėjams būtina teisinė neliečiamybė?*, https://www.veidas.lt/ar-seimo-nariams-ministrams-ir-teisejams-butina-teisine-nelieciamybe (access: 10.5.2022).
Vyriausioji enciklopedijų redakcija, *Tarptautinių žodžių žodynas*, https://www.zodziai.lt/reiksme&word=imunitetas&wid=8396 (access: 10.5.2022).

Legal acts

Act of 1 October 1980 – Rules of Procedure of the German Bundestag, https://www.gesetze-im-internet.de/btgo_1980 (access: 5.5.2022).
Act of 18 July 1992 – Law on Elections to the Seimas of the Republic of Lithuania (Lietuvos aidas, 1992, no. 139-0).
Act of 25 February 1994 – Statute of the Seimas of the Republic of Lithuania (Official Gazette, Valstybės žinios 1994, no. 15-249).
Act of 9 April 2002 – Code of Criminal Procedure of the Republic of Lithuania (Official Gazette, Valstybės žinios 2002, no. 37-1341).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 23/11/2026 01:01:00

Act of 21 April 2022 – Republic of Lithuania Law amending Article 56 of the Constitution of the Republic of Lithuania (Register of Legal Acts, 21.4.2022, no. 8144).
Act of 21 April 2022 – Republic of Lithuania Law amending Article 74 of the Constitution of the Republic of Lithuania (Register of Legal Acts, 2022, no. 8143).
Basic Law for the Federal Republic of Germany of 8 May 1949, https://www.gesetze-im-internet.de/gg/BJNR000010949.html (access: 11.5.2022).
Constitution of the Republic of Estonia of 28 June 1992 (State Gazette Riigi Teataja 1992, no. 26, item 349).
Constitution of the Republic of Lithuania of 25 October 1992 (Official Gazette, Valstybės žinios 1992, no. 33-1014).

Case law

Conclusion of the Lithuanian Constitutional Court of 3 June 2014, Register of Legal Acts 2014, no. 7164.
Judgment of German Federal Constitutional Court of 17 December 2001, 2 BvE 2/00.
Ruling of the Lithuanian Constitutional Court ruling of 8 May 2000, Official Gazette Valstybės žinios 2000, no. 39-1105.
Ruling of the Lithuanian Constitutional Court of 25 January 2001, Official Gazette Valstybės žinios 2001, no. 10-295.
Ruling of the Lithuanian Constitutional Court of 13 May 2004, Official Gazette Valstybės žinios 2004, no. 81-2903.
Ruling of the Lithuanian Constitutional Court of 25 May 2004, Official Gazette Valstybės žinios 2004, no. 85-3094.
Ruling of the Lithuanian Constitutional Court of 1 July 2004, Official Gazette Valstybės žinios 2004, no. 105-3894.
Ruling of the Lithuanian Constitutional Court of 27 April 2016, Register of Legal Acts 2016, no. 10540.
Ruling of the Lithuanian Constitutional Court of 24 February 2017, Register of Legal Acts 2017, no. 3068.
Ruling of the Lithuanian Constitutional Court of 3 March 2020, Register of Legal Acts 2020, no. 5178.

ABSTRAKT

W opracowaniu przeprowadzono badanie zakresu immunitetu posła litewskiego parlamentu (*Seimas*). Jak wiadomo, parlamentaryzm jest uznawany za wartość w demokratycznym społeczeństwie i kulturze politycznej. W celu prawidłowej realizacji idei parlamentaryzmu konstytucja i ustawy powinny wprowadzać gwarancje dla członków parlamentu, umożliwiające im pełnienie funkcji przedstawicieli narodu bez ingerencji i przeszkód. Konstytucja Republiki Litewskiej jednak tylko skrótowo stwierdza, że poseł jest nietykalny. Z tego względu w niniejszym opracowaniu przeanalizowano orzecznictwo konstytucyjne i doktrynę Litwy oraz innych państw członkowskich Unii Europejskiej, koncentrując się na pojęciu i znaczeniu immunitetu członka parlamentu. Wyniki badania wskazują, że immunitet parlamentarny na Litwie ma charakter szczególny i jest zakreślony szerzej niż immunitet sędziowski. Wyniki opisanych badań mogą mieć wpływ także na rozwój studiów nad parlamentaryzmem w litewskim i zagranicznym prawie konstytucyjnym.

Słowa kluczowe: konstytucja; immunitet członka parlamentu litewskiego; kontrola; przeszukanie