

CONSTITUTIONAL PRINCIPLES IN PUBLIC ADMINISTRATOR'S DECISION-MAKING UNDER THE CASE LAW OF THE SUPREME ADMINISTRATIVE COURT OF LITHUANIA

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Abstract: This paper serves few purposes. First, it examines the principles of public administration in Lithuania. Good administration principle is analysed as constitutional principle relying on the case law of the Supreme Administrative Court of Lithuania. Second, it explores impact of the decisions of Constitutional Court of the Republic of Lithuania to the contemporary judicial review of Lithuanian administrative courts. Therefore, one of the latest rulings of the Supreme Administrative Court of Lithuania related to the spelling of names and family names in the passports of citizens of the Republic of Lithuania will be reviewed.

Key words: constitutional principle, good administration, public administration

1 INTRODUCTION

The Law on Public Administration was adopted in Lithuania in 1999.¹ This act is important because of several reasons.

First, it establishes the notion of public administration. Article 5 of the Law on Public Administration governs five main spheres of the activity of public administration entities. These five spheres are: administrative regulation (adopting of administrative acts, namely regulatory), control of subordinate entities and supervision of non-subordinate entities, provision of administrative services (licensing, authorizing, submission of information, provision of consultations, etc.), administration of the provision of public services (services in the sphere of education, healthcare, science, culture, sport, etc.), internal administration of public administration entity.

Second, Article 4 of the Law on Public Administration establishes system of public administration entities in Lithuania. It is composed of state administration entities and entities of municipal administration. State administration bodies are institutions of executive power and independent regulatory bodies. There are 59 municipalities in Lithuania and all of them have their own organs of municipal administration.

Third, Article 8 of the Law on Public Administration governs general requirements for individual administrative acts. They are: an act should be based on objective data (facts) and the provisions of legal acts, if sanctions are applied by the act then reasons should be established, rights and duties should be clearly established or granted in the act, an act must be signed by a competent authority. Each person to whom an act is designated or whose rights and duties are directly affected, not later than within three working days of its adoption, should be notified in writing about the adoption of

¹ Law on Public Administration, 17 June 1999 No VIII-1234, Vilnius.

Principles Public Law Constitutional Administrative

Zoltán Szente, Konrad Lachmayer



Principles Public Law Constitutional Administrative:

The Unity of Public Law David Dyzenhaus, 2004-03-17 This book tackles the important topic of the relationship between three parts of the public law regime in a common law jurisdiction the common law of judicial review or the unwritten constitution the written constitution and public international law Thematic coherence is ensured by the fact that the papers were presented at a conference in early 2003 and then extensively revised and by a general focus on a path breaking decision of Canada's Supreme Court Baker The book thus contains a highly productive exchange between an international group of scholars on such themes as the rule of law judicial deference the separation of powers the role of human rights in common law reasoning on immigration and security matters and the nature of legal authority , **The Principle of Effective**

Legal Protection in Administrative Law Zoltán Sente, Konrad Lachmayer, 2016-08-05 This collection presents a comparative analysis of the principle of effective legal protection in administrative law in Europe It examines how European states consider and enforce the related requirements in their domestic administrative law The book is divided into three parts the first comprises a theoretical introductory chapter along with perspectives from International and European Law part two presents 15 individual country reports on the principle of effective legal protection in mostly EU member states The core function of the reports is to provide an analysis of the domestic instruments and procedures Adopting a contextual approach they consider the historical political and legal circumstances as well as analysing the relevant case law of the domestic courts the third part provides a comparative analysis of the country reports The final chapter assesses the influence and relevance of EU law and the ECHR The book thus identifies the most important trends and makes a valuable contribution to the debate around convergence and divergence in European national administrative systems The Open Access version of this book available at <https://www.taylorfrancis.com/books/principle-effective-legal-protection-administrative-law-zoltan-sente-konrad-lachmayer-e-1043249781315553979> has been made available under a Creative Commons Attribution Non

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Syrett, John Alder, 2021-04-14 This textbook provides a thorough and accessible introduction to the basic principles of United Kingdom Constitutional and Administrative Law including Human Rights Law It has been revised and updated to reflect recent developments both legal and political The fundamental concepts of UK Constitutional and Administrative Law are explained in a clear engaging succinct style making them straightforward for students to understand so they build up their knowledge of the subject systematically and thoroughly This book is also an essential starting point for more advanced law students and a valuable source of legal context for political science students alike Both authoritative and accessible it enables the reader to appreciate the nature and complexity of this most fundamental part of our legal system New to this Edition Updated content on Brexit in particular the changing relationship between Government and Parliament as reflected in the various votes which have taken place over the past few years Questions about the nature of parliamentary proceedings the role and independence of the Speaker of the House of Commons and the prerogative power to prorogue Parliament Issues more tangentially related to Brexit such as the process for appointment of a new Prime Minister and arrangements in hung parliaments Important issues in relation to the position of the devolved governments and legislatures vis vis Westminster and more broadly on the implications for creation of a written constitution The continuing utility or otherwise of the Fixed Term Parliaments Act 2011

Questioning the Foundations of Public Law Michael A Wilkinson, Michael W Dowdle, 2018-05-17 In 2010 Martin Loughlin Professor of Public Law at the LSE published *Foundations of Public Law* an account of the foundation of the discipline of public law with a view to identifying its essential character The book has become a landmark in the field and it has been said notably by one of its major critics that it now provides the starting point for any deeper inquiry into the subject The purpose of this volume is to engage critically with *Foundations* conceptually comparatively and historically from the viewpoints of public law private law political social and legal theory as well as jurisdictional perspectives including the UK US India and Continental Europe Scholars also consider the legacy and continuing relevance of *Foundations* in the light of developments in transnational law global law and regional integration in the European Union

Synergies and Fragmentations of Public and Private Laws- A Global Perspective Prof. (Dr.) Maruthi T.R., 2024-08-06 About the Book The study of law is a deep intellectual endeavor that requires thorough exploration and comprehension of its core principles and their application across various legal systems *Comparative Perspectives on Public and Private Laws A Student Handbook* engages with the complexities of law examining the key distinctions between public and private law and their significant roles within the legal framework The handbook offers a comprehensive look into the origins and differences between public and private law providing readers with a solid grounding to understand this dichotomy's many aspects Challenging traditional views the book delves into the evolving separation of powers and the transformation of natural law illuminating the dynamic relationship between legal principles and societal changes In the context of globalization it explores how interconnected legal systems are and the challenges posed by a more integrated world It also presents alternative methods of

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The Making and Re-Making of Public Law
 Jason NE Varuhas, Sarah Fulham-McQuillan, Eoin Carolan, 2025-04-17 This volume originates from the fourth Public Law Conference held in Dublin in 2022 Leading scholars and judges from across the common law world presented papers on the making and re making of public law across country studies historical studies and studies of contemporary and future issues The book has three broad categories of contribution country studies which consider the evolution of public law within a particular jurisdictional context historical studies which shed light on the foundations of public law and studies of contemporary and future issues namely populism COVID 19 protection of Indigenous peoples and the public private divide

Law, 2013-08-26 No detailed description available for Law *Current Problems in the Protection of Human Rights* Katja S Ziegler, Peter M Huber, 2013-03-01 While the legal systems of the United Kingdom and Germany differ in essential respects the current process of constitutionalisation is well recognised on both sides of the Channel Constitutionalisation manifests itself in the evolution of a constitution and the influence of existing constitutional principles on the ordinary law Human rights law provides one of the best examples of this process and the aim of this book is to provide a comparative UK German perspective on recent developments First it addresses human rights questions which arise in both jurisdictions in a similar way such as the tension between liberty and security absolute rights such as human dignity and the prohibition of torture and the question how conflicts between human rights are to be resolved and conceptualised A second theme considers the impact of human rights on different areas of law in particular administrative law criminal law labour law and private law generally Finally a third theme focuses on the intersection of national supra and international human rights law in particular after the entry into force of the EU Charter on Fundamental Rights The book thus reveals convergent and divergent answers to similar problems examines differences in the impact of human rights on the legal systems under consideration and traces parallel and distinct debates over and sensitivities about human rights as well as sensitivities that arise in multi layer situations in the

UK and Germany

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