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THE REFLECTIONS OF THE PRINCIPLE OF DEMOCRACY IN THE JURISPRUDENCE OF THE CONSTITUTIONAL COURT OF LITHUANIAN REPUBLIC

Summary

Lithuania's chosen geopolitical orientation is expressed by commonality of certain values based on the membership in NATO and the European Union. Respect for democracy is one of the most fundamental among those values. However, despite the certain pressure to recognise the very value, even some of the essential elements of democracy are being interpreted quite differently. An expressive example may be a determination whether the most important political issues affecting the life of the community should be addressed directly by the citizens themselves, or (sometimes even *only*) by political elite of the community legitimised by the way of election.

Therefore (even if we agree to share the same values), one thing is the prevailing consensus and even pressure regarding (at least) the obligatoriness of "democratic rhetoric", and quite another – the specific contents of the concepts of democracy and democratic practices. The various aspects of democratic theory are not analysed in this study more systematically on the basis of this difference. The attention is rather given to the certain requirements or attributes to the principle of democracy and to democratic regime as they are ascribed in the jurisprudence of the Constitutional Court of the Republic of Lithuania. Thus the study is not pointed at things that are certainly noteworthy in the discourse of *democratic theory*, but they were not formulated or at least mentioned (maybe just not yet?) in the jurisprudence of Constitutional Court: consensus democracy, economic democracy, inclusive democracy, and even (*wow, it turns out after more than two decades of Court work it is possible!*) liberal democracy.

In this text the author starts to consistently structure and systemise the more or less examined democracy related issues mentioned in the final acts of the Constitutional Court (principal concept of democracy, constitutional democracy, parliamentary democracy, participatory democracy, a pluralistic democracy, direct democracy, representative democracy, etc.). Carefully, sometimes even captiously, he analyses the content assigned to them. The author seeks not only to deliver (describe) the Constitutional Court's jurisprudence on democracy, but also to evaluate its evolution, consistency, logical validity, while in more "suspicious" cases, its relation with the scientific doctrine of democracy. Investigating the recent Constitutional Court's jurisprudence that clearly transforms the sovereignty paradigm formed in the acts adopted two decades ago, considerable attention is paid to the limitation to address some of „the most significant issues concerning the life of the State and the Nation” by referendum.