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LEGAL REGULATION AND PROBLEMATIC ASPECTS OF THE ACQUISITION OF FULL CIVIL CAPACITY BY MINORS IN LITHUANIA

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Abstract. *Lithuanian civil law provides two exceptional mechanisms through which a person may acquire full civil capacity before reaching the age of majority: emancipation and the acquisition of full civil capacity through marriage. Although both institutions grant a minor the legal status of a fully capable person in civil legal relations, their practical application raises a number of legal issues. The legal framework does not clearly define the criteria for determining a "sufficient basis" for emancipation or what constitutes "other important reasons" for reducing the marriageable age, leaving significant discretion to the courts. In addition, questions arise regarding the legal significance of opinions provided by the State Child Rights Protection and Adoption Service and the relationship between full civil capacity and other branches of law.*

This article analyses the legal regulation governing the acquisition of full civil capacity by minors, Lithuanian judicial practice concerning emancipation and the reduction of the marriageable age, and the legal consequences of acquiring full civil capacity before reaching adulthood. Particular attention is paid to the criteria developed in judicial practice, the evidentiary significance of opinions submitted by child rights protection authorities, and the legal implications of full civil capacity outside the sphere of civil law.

The research demonstrates that the concepts of a "sufficient basis" and "other important reasons" are primarily developed through judicial practice and assessed on a case-by-case basis. The findings further indicate that, although opinions of the State Child Rights Protection and Adoption Service constitute an important source of information in proceedings concerning emancipation and the reduction of the marriageable age, they are not binding upon the courts. Finally, the study confirms that an emancipated minor, or a minor who acquires full civil capacity through marriage, is treated as an adult in civil legal relations; however, this status does not extend to criminal, administrative, or constitutional law, where the age criterion remains decisive.

Keywords: *full civil capacity, emancipation, marriageable age, minors, civil law, Lithuania.*

Introduction

In Lithuanian civil law, minors may acquire full civil capacity before reaching the age of majority through emancipation or marriage. Although these institutions are regulated by law, their practical application raises a number of legal uncertainties. When deciding on emancipation or the reduction of the marriageable age, courts assess factors such as the minor's maturity, independence, financial situation, and other relevant circumstances. However, the legal framework does not clearly define which criteria should be considered decisive. Consequently, judicial practice plays an important role in interpreting and applying these legal provisions.

Another problematic aspect concerns the role of opinions provided by the State Child Rights Protection and Adoption Service. In proceedings regarding the reduction of the

marriageable age, the submission of such an opinion is mandatory. Nevertheless, the law does not specify its legal significance or the extent to which courts should rely on it. In emancipation proceedings, obtaining such an opinion is not required by law. Therefore, it is relevant to examine whether these opinions are provided in practice and how they are assessed by courts.

The acquisition of full civil capacity before the age of majority also raises questions regarding its significance beyond civil law. Although an emancipated minor or a minor who acquires full civil capacity through marriage is treated as an adult in civil legal relations, the legal implications of this status in criminal, administrative, and constitutional law remain open to discussion.

The object of this article is the legal regulation of the acquisition of full civil capacity before reaching the age of majority and the problematic aspects arising from its application.

The aim of the article is to analyse the legal regulation governing the acquisition of full civil capacity by minors, to examine the criteria developed in judicial practice, and to identify the main legal issues associated with the application of this institution.

The research is based on the methods of document analysis, case law analysis, historical analysis, linguistic analysis, logical analysis, and generalisation. Document analysis is used to examine national and international legal acts as well as academic literature related to the acquisition of full civil capacity by minors. Case law analysis is employed to evaluate Lithuanian judicial practice concerning emancipation, the reduction of the marriageable age, and the legal consequences of granting full civil capacity to minors. Historical and logical analysis are applied to examine the development, content, and interpretation of the relevant legal norms and concepts, as well as their relationship with other branches of law. Finally, the method of generalisation is used to summarise the research findings, identify the principal problematic aspects of the legal regulation, and formulate the conclusions of the study.

Legal regulation of the granting of full civil capacity to persons who have not reached the age of majority

Under Lithuanian civil law, full civil capacity is generally acquired upon reaching the age of majority, namely eighteen years of age. In exceptional cases, however, a person may acquire full civil capacity before reaching adulthood through emancipation or marriage.

Full civil capacity may be defined as a legal status enabling a natural person to independently acquire and exercise civil rights and assume civil obligations without additional restrictions. A fully capable person may independently conclude contracts and other legal transactions, exercise rights, assume obligations, and bear legal responsibility for the consequences of their actions.

Persons who have acquired full civil capacity benefit from the presumption of capacity. According to this principle, adult individuals are presumed capable of acting independently unless otherwise established by law or a court decision.

Civil legal capacity and civil capacity may be restricted only in cases expressly provided for by law (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania). Consequently, parties participating in civil legal relations may reasonably rely on the assumption that an adult acts independently and on their own behalf. The freely expressed will of such a person therefore produces legal consequences for all parties involved.

Marriage as a ground for acquiring full civil capacity

The concept of marriage is multifaceted and may be examined from legal, moral, religious, and social perspectives. For the purposes of this article, marriage is analysed from a legal perspective, as it constitutes one of the grounds upon which a minor may acquire full civil capacity before reaching the age of majority. The conditions, limits, and legal consequences of this institution are established by law and further developed through judicial practice.

At the European level, the right to marry is guaranteed by Article 12 of the European Convention on Human Rights, which provides that men and women of marriageable age have the right to marry. However, the exercise of this right is governed by national law (Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms). Consequently, States retain discretion to determine the conditions for entering into marriage, provided that the essence of the right to marry is preserved.

The European Court of Human Rights has emphasised that the interpretation of the right to marry must take account of the historical and social context in which the Convention was adopted. States may therefore establish formal and substantive requirements for marriage, including requirements relating to registration, monogamy, or restrictions based on family relationships. Any limitations imposed must pursue a legitimate aim, remain proportionate, and not impair the very essence of the right to marry (Guide on Article 12 of the European Convention on Human Rights: Right to Marry).

In Lithuania, family relations are primarily regulated by Book Three of the Civil Code, entitled *Family Law*. The Civil Code establishes the principles governing family relations, the conditions for entering into and dissolving marriage, as well as the rights and obligations of spouses. Family relations are also governed by the Constitution of the Republic of Lithuania, international treaties, and other legislation. The Government and other public authorities may adopt legal acts relating to family law only where expressly authorised by the Civil Code (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

The Constitution of the Republic of Lithuania defines marriage as a free agreement between a man and a woman registered by the State and recognises the principle of equality between spouses. Similarly, the Civil Code defines marriage as a voluntary agreement between a man and a woman to create legal family relations in accordance with the procedure established by law. Article 3.26 of the Civil Code further provides that spouses enjoy equal rights and assume equal civil responsibilities towards one another and towards their children (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

Lithuanian law establishes several conditions for the validity of marriage. Marriage may be concluded only between persons of the opposite sex and must be based on the free and genuine consent of both parties. Any defect in consent, including coercion, threat, fraud, or other unlawful influence, may constitute grounds for declaring a marriage invalid. The law also requires compliance with the principles of monogamy and prohibits marriage between close relatives (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

One of the most significant legal requirements concerns the marriageable age. As a general rule, persons wishing to marry must have reached the age of majority, namely eighteen years of age. This requirement serves to ensure that individuals entering into marriage possess a sufficient level of maturity and are capable of independently assuming the legal consequences arising from family status.

Article 3.14 of the Civil Code establishes the general rule that marriage may be concluded only by persons who have reached the age of eighteen. Through this provision, the Lithuanian legislature complies with international obligations requiring States to establish a minimum age for marriage. In particular, the 1962 United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages requires States Parties to establish and maintain a minimum legal age for marriage (Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages).

Although the age of eighteen constitutes the general threshold for marriage, Lithuanian law provides for exceptions. Through simplified judicial proceedings, a court may reduce the marriageable age by up to two years, thereby permitting marriage from the age of sixteen. In cases of pregnancy, the court may authorise marriage even where the applicant has not reached the age of sixteen (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

The current regulation developed gradually. Prior to 1 July 2001, family relations were governed by the Marriage and Family Code of the Lithuanian Soviet Socialist Republic. That Code established a general marriageable age of eighteen years but allowed executive committees of district and city councils to authorise marriage from the age of seventeen (Kudinavičiūtė-Michailovienė, 2004, p. 5). Following the entry into force of the Civil Code on 1 July 2001, the marriageable age could be reduced by up to three years, allowing marriage from the age of fifteen. In cases of pregnancy, the age threshold could be reduced even further (Civil Code of the Republic of Lithuania). Since 2010, the current version of Article 3.14 has limited the ordinary reduction to two years while preserving the possibility of further reduction in cases of pregnancy (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

The principal legal consequence of a minor's marriage is established in Article 2.5(2) of the Civil Code. Where a person under eighteen years of age is lawfully permitted to marry, that person acquires full civil capacity from the moment the marriage is concluded. If the marriage is subsequently dissolved or declared invalid for reasons unrelated to the age of the spouses, the full civil capacity already acquired is retained. Consequently, the person remains fully capable under civil law despite the termination or invalidity of the marriage (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

A minor seeking to marry before reaching the age of majority must apply to a court for authorisation. The purpose of this procedure is to ensure the protection of the best interests of the child. Article 3.14(4) of the Civil Code requires the court to hear the views of the minor's parents, guardians, or custodians and to assess the minor's mental and psychological condition, level of maturity, financial circumstances, and other relevant factors underlying the request to marry.

The participation of the State Child Rights Protection Authority is mandatory in such proceedings. The Authority must submit an opinion indicating whether the reduction of the marriageable age is appropriate and whether it serves the best interests of the minor (Rules on the Registration of Civil Status Acts and Approval of Forms of Civil Status Records and Other Documents). This mechanism seeks to ensure that permission to marry is granted only where it is consistent with the welfare and lawful interests of the child.

In conclusion, marriage constitutes a statutory exception to the general rule that full civil capacity is acquired upon reaching the age of majority. Where a court authorises a minor to marry, full civil capacity arises from the moment of marriage and is retained even if the marriage subsequently ends. The application of this institution requires an individual

assessment of the minor's maturity, circumstances, and best interests, with particular regard to the views of parents and the opinion of the Child Rights Protection Authority.

Emancipation as a basis for acquiring full civil capacity

Within Lithuanian civil law, civil capacity is defined as the ability of a natural person, through their own actions, to acquire civil rights and assume civil obligations. As a general rule, full civil capacity is acquired upon reaching the age of majority, namely eighteen years of age. Emancipation constitutes an exception to this principle. Article 2.9 of the Civil Code provides that a minor who has attained the age of sixteen may, under certain conditions, be recognised by a court as fully capable, that is, emancipated (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

The institution of emancipation is based on the principle that, although the individual remains a minor in terms of age, they are treated as fully capable in civil legal relations. An emancipated minor acquires the same civil rights and obligations as an adult and may independently participate in civil legal relations, conclude legal transactions, manage property, and bear responsibility for their actions, except where legislation expressly establishes age-related restrictions (Kudinavičiūtė, 2002, p. 120).

Emancipation is a relatively recent institution in Lithuanian law. It was introduced by the Civil Code that entered into force on 1 July 2001. Prior to that date, Lithuanian legislation did not provide for the possibility of recognising a minor as fully capable through a court decision. Full civil capacity could only be acquired upon reaching the age of majority or through marriage. Neither the Civil Code of 1964 nor any other legal mechanism established an equivalent institution.

Pursuant to Article 2.9 of the Civil Code, a minor who has reached the age of sixteen may be recognised as fully capable upon the application of the minor, their parents, guardian, curator, or a guardianship authority. Such recognition may be granted only where there are sufficient grounds to conclude that the minor is capable of independently exercising civil rights and fulfilling civil obligations. In all cases, the minor's own consent constitutes a mandatory condition for emancipation (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

This provision establishes several essential criteria for emancipation. First, only persons who have attained the age of sixteen may apply for emancipation. Second, the application may be submitted not only by the minor but also by their parents, guardian, curator, or the competent guardianship authority. Third, the court must determine whether the minor possesses a sufficient degree of maturity and independence to participate autonomously in civil legal relations. Finally, emancipation may be granted only where the minor personally expresses a wish to acquire full civil capacity.

Applications for emancipation are examined in accordance with civil procedure rules. In assessing whether emancipation is justified, the court evaluates not only the formal statutory requirements but also the factual circumstances of the case. Relevant considerations may include whether the minor has stable employment, possesses financial management skills, lives independently from their parents, complies with legal obligations, and demonstrates sufficient social and personal maturity.

The Civil Code also provides for the possibility of revoking emancipation. Upon the application of the parents, curator, or guardianship authority, a court may revoke the recognition of full civil capacity if it becomes evident that the emancipated minor, while acting independently, causes harm to their own rights and interests or to those of other persons.

The acquisition of full civil capacity through emancipation produces significant legal consequences. Once a minor is recognised as fully capable, parental authority in relation to the representation of the child and the exercise of the child's rights comes to an end. The emancipated person thereafter exercises rights and fulfils obligations independently. Emancipation also constitutes a legal ground for the termination of guardianship or curatorship. Consequently, the powers of the guardian or curator and the supervisory functions of the competent authorities cease (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

Significant consequences also arise in the sphere of property relations. Since parents manage the property of their minor child under the legal institution of usufruct, emancipation terminates this right. Upon acquiring full civil capacity, the minor becomes entitled to the return of their property together with any fruits and income derived from it (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania). Furthermore, an emancipated minor may independently manage, use, and dispose of property and conclude legal transactions without the consent of parents or guardians.

Emancipation also affects maintenance obligations. As a general rule, an emancipated minor is no longer entitled to parental maintenance. The enforcement of previously awarded maintenance ceases from the moment full civil capacity is acquired, and the individual becomes responsible for their own financial affairs, except where legislation expressly provides otherwise.

In conclusion, emancipation constitutes a statutory exception to the general rule that full civil capacity is acquired upon reaching the age of majority. Through a court decision, a minor who has attained the age of sixteen may acquire the legal status of a fully capable person, provided that sufficient maturity and independence are demonstrated. The institution produces significant legal consequences in the areas of parental authority, guardianship, property relations, and maintenance obligations. At the same time, questions arise concerning the scope of emancipation and the legal significance of this status outside civil law, which requires further analysis.

The scope of emancipation and its relationship with other branches of law

Although emancipation grants a minor full civil capacity, the legal effects of this status are primarily confined to the sphere of civil law. Article 1.1 of the Civil Code of the Republic of Lithuania defines the scope of civil-law regulation and distinguishes private-law relations from public-law relations. The Civil Code regulates property relations, personal non-property relations connected with such property relations, and family relations. Relations arising from the exercise of public authority, including taxation, administrative and criminal sanctions, public finance, and other public-law matters, are generally governed by special legislation. Labour relations are likewise regulated by special legal acts, while the Civil Code applies only subsidiarily (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

Consequently, the concepts of legal capacity and civil capacity determine a person's status only within civil law. The acquisition of full civil capacity does not automatically alter a person's status in constitutional, criminal, administrative, or other branches of public law. Therefore, although an emancipated minor may independently conclude legal transactions, manage property, and assume civil liability, age-based restrictions established in other areas of law continue to apply.

An exception may be observed in labour law. Legal doctrine generally recognises that an emancipated minor who has acquired full civil capacity may act not only as an employee but also as an employer. This conclusion follows from a systematic interpretation of Article 21 of the Labour Code of the Republic of Lithuania and Article 2.9 of the Civil Code. Article 21 of the Labour Code provides that an employer may be a natural person whose legal capacity and civil capacity are determined under civil law (Labour Code of the Republic of Lithuania). Since Article 2.9 of the Civil Code allows a minor who has attained the age of sixteen to be recognised as fully capable, an emancipated minor who is not subject to any specific labour-law restrictions satisfies the requirements applicable to an employer who is a natural person. Consequently, such a person may participate in labour relations both as an employee and as an employer.

A similar conclusion may be drawn in the field of succession law. Article 5.15 of the Civil Code provides that a will may be made only by a legally capable person who understands the significance and consequences of their actions. Since emancipation grants full civil capacity, an emancipated minor may execute a will under the same conditions as an adult testator. The Supreme Court of Lithuania has expressly confirmed this position, stating that the subject of a will, as a unilateral legal transaction, may also be an emancipated minor or a minor who has acquired full civil capacity through marriage (Supreme Court of Lithuania, Case Law Review on Inheritance Matters No. 47). These examples demonstrate that emancipation extends beyond ordinary civil transactions and enables a minor to participate independently in legal relations that require full civil capacity.

The situation differs significantly in constitutional law. Although an emancipated minor is treated as an adult in civil legal relations, political rights remain subject to constitutional age requirements. Article 34(1) of the Constitution of the Republic of Lithuania provides that citizens who have reached the age of eighteen on election day possess the right to vote. The same provision identifies persons declared legally incapable by a court as an exception to this rule (Constitution of the Republic of Lithuania). Consequently, emancipation does not confer electoral rights, as the right to vote arises only upon reaching eighteen years of age (Kudinavičiūtė, 2002, p. 120).

The distinction becomes even clearer with regard to passive electoral rights. Article 56 of the Constitution provides that a member of the Seimas may be elected only if the individual has reached the age of twenty-one and satisfies the other constitutional requirements (Constitution of the Republic of Lithuania). Accordingly, eligibility to stand for election is determined by constitutional criteria relating to age, citizenship, and residence rather than by the scope of a person's civil capacity (Puodžiūtė, 2023, p. 564).

A similar approach applies in criminal law. Article 13 of the Criminal Code provides that criminal liability generally arises for persons who had reached the age of sixteen before committing a criminal offence and, in certain exceptional cases, for persons who had reached the age of fourteen (Criminal Code of the Republic of Lithuania). The Criminal Code contains no special provisions concerning emancipated minors or minors who have acquired full civil capacity through marriage. Consequently, emancipated minors remain subject to the same rules of criminal liability as all other minors.

This approach is reinforced by Article 80 of the Criminal Code, which establishes that the special rules governing juvenile criminal liability are intended to ensure that liability corresponds to the offender’s age and social maturity, to limit the use of imprisonment, and to prioritise educational and rehabilitative measures. The decisive criterion is therefore the person's age and level of development rather than the existence of full civil capacity.

The same principle is reflected in criminal procedure. Article 271 of the Code of Criminal Procedure defines a minor as a person who has not reached the age of eighteen at the time a

procedural act is performed (Code of Criminal Procedure of the Republic of Lithuania). The provision does not distinguish between ordinary minors and emancipated minors. Consequently, all procedural safeguards established for minors, including special interviewing procedures and additional protective measures, apply equally to emancipated persons until they reach the age of eighteen.

Administrative law follows the same logic. Article 6(1) of the Code of Administrative Offences provides that administrative liability may be imposed only on a person who had reached the age of sixteen before committing an administrative offence. Article 6(3) further provides that the specific features of juvenile administrative liability are regulated in Chapter VII of the Code, which employs the concept of a minor without reference to civil capacity or emancipation status.

Article 42 of the Code defines the purpose of juvenile administrative liability as ensuring that responsibility corresponds to the offender's age and social maturity while combining sanctions with educational and preventive measures (Code of Administrative Offences of the Republic of Lithuania). Thus, as in criminal law, age and social maturity remain the decisive factors.

The primacy of age-based regulation is also evident in other areas of public law. The Law on Road Traffic Safety establishes minimum age requirements for obtaining driving licences of different categories. For example, a Category B driving licence may generally be obtained only upon reaching the age of eighteen (Law on Road Traffic Safety of the Republic of Lithuania). Likewise, compulsory military service is governed by statutory age requirements rather than by civil capacity. The Law on Military Conscription provides that compulsory military service applies to citizens within a specified age range, while younger individuals may participate only under the conditions established by law (Law on Military Conscription of the Republic of Lithuania).

In conclusion, emancipation constitutes an exceptional legal mechanism through which a person who has not yet reached the age of majority may acquire full civil capacity. However, the legal effects of emancipation are primarily confined to civil law. While an emancipated minor may independently conclude legal transactions, manage property, make a will, act as an employer, and assume civil obligations, the acquisition of full civil capacity does not automatically extend to constitutional, criminal, administrative, or other public-law relationships. In these fields, age continues to constitute the primary criterion determining legal status, rights, obligations, and the scope of legal protection.

Judicial practice concerning the granting of full civil capacity to minors

Criteria for granting full civil capacity to minors

Under Lithuanian civil law, a minor may acquire full civil capacity on two principal grounds: through emancipation or by entering into marriage before reaching the age of majority. Although both institutions constitute exceptions to the general rule and produce the same legal consequence - the acquisition of full civil capacity by a minor - they serve different purposes and are governed by different legal regulations. Accordingly, the criteria applied by courts in each case must be analysed separately.

In the context of emancipation, Article 2.9 of the Civil Code of the Republic of Lithuania establishes the legal framework governing the acquisition of full civil capacity by a minor. A person seeking emancipation must be a minor who has attained the age of sixteen. An

application may be submitted by the minor, their parents, guardian, curator, or a child protection authority; however, the minor's own consent is mandatory in all cases.

The law further provides that emancipation may be granted where there is a "sufficient basis" for allowing the minor to independently exercise civil rights and fulfil civil obligations (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania). However, the provision does not define the content of this concept. This legislative ambiguity may be regarded as problematic, as it grants courts broad discretion and leaves the practical interpretation of the requirement largely to judicial practice.

An analysis of Lithuanian case law from 2020-2025 demonstrates that courts consistently apply three principal criteria when interpreting Article 2.9 of the Civil Code. First, the applicant must have attained the age of sixteen. Second, the minor must personally express a wish to acquire full civil capacity, as emancipation cannot be granted without the applicant's consent. Third, there must be a sufficient basis to conclude that the minor is capable of independently exercising civil rights and fulfilling civil obligations.

Judicial practice indicates that the requirement of a sufficient basis is assessed primarily through the minor's degree of independence, financial responsibility, and ability to assume responsibility for their actions. Courts place particular emphasis on the applicant's social and economic independence. Accordingly, they evaluate whether the minor is employed, engaged in education or vocational training, involved in economic activity, and capable of responsibly managing income and property. Even where a minor is not currently employed or studying, courts may consider previous engagement in such activities and realistic future plans relating to employment or education (Ruling of the Marijampolė District Court of 26 January 2021 in Civil Case No. e2YT-265-670/2021; Ruling of the Marijampolė District Court of 18 August 2022 in Civil Case No. 2YT-4604-670/2022).

Where available, courts also consider references issued by educational institutions. Such references commonly contain information regarding the minor's responsibility, discipline, social maturity, independence, and ability to function within an educational environment. Judicial practice demonstrates that these assessments are regarded as relevant indicators of the applicant's overall maturity and readiness to assume the rights and obligations associated with full civil capacity (Decision of the Vilnius Regional District Court of 9 July 2025 in Civil Case No. e2YT-8831-604/2025).

Another important consideration concerns the minor's ability to manage financial affairs. Courts examine the applicant's assets, sources of income, and the manner in which financial resources are used and administered. They also assess whether the minor can rely on moral and material support from family members when necessary. Findings regarding financial responsibility are frequently based on parental statements and on assessments provided by the State Child Rights Protection and Adoption Service (Ruling of the Marijampolė District Court of 18 August 2022 in Civil Case No. 2YT-4604-670/2022).

In addition, courts take into account the views of the parents and the conclusions of the Child Rights Protection Division. These sources provide information regarding the minor's family environment, relationships with parents, actual place of residence, ability to manage financial matters, and overall level of independence. Such information assists the court in determining whether the applicant possesses a sufficient degree of maturity to independently exercise and protect their lawful interests (Marijampolė District Court, Decision of 16 July 2024 in Civil Case No. 2YT-6102-329/2024; Marijampolė District Court, Decision of 6 March 2025 in Civil Case No. e2YT-581-831/2025).

Judicial practice further demonstrates that the existence of administrative offences or other legal violations does not automatically preclude emancipation. Courts assess such

circumstances within the broader context of the applicant's behaviour and overall maturity. For example, in Civil Case No. e2YT-581-831/2025, the court established that the applicant had committed several legal violations, including the consumption of alcoholic beverages. Similarly, in Civil Case No. e2YT-8831-604/2025, the applicant had been held administratively liable for driving a vehicle without the required driving licence. Nevertheless, after evaluating the applicants' overall maturity, independence, family circumstances, and ability to manage personal affairs, the courts concluded that these violations did not outweigh the evidence supporting emancipation and granted both applications (Marijampolė District Court, Decision of 6 March 2025 in Civil Case No. e2YT-581-831/2025; Vilnius Regional District Court, Decision of 9 July 2025 in Civil Case No. e2YT-8831-604/2025).

Courts also consider circumstances specific to the individual case. In Civil Case No. e2YT-8831-604/2025, the court attached particular significance to the fact that the applicant was raising a young child, actively participated in the child's upbringing and care, purchased essential items for the child, and paid child support to the child's father. The court further noted that the applicant had independently applied to the State Guaranteed Legal Aid Service for secondary legal aid. These circumstances were regarded as evidence of responsibility, maturity, and an ability to independently participate in legal relations, thereby supporting the conclusion that the applicant was capable of exercising full civil rights and obligations (Vilnius Regional District Court, Decision of 9 July 2025 in Civil Case No. e2YT-8831-604/2025).

The analysed case law indicates that Lithuanian courts have developed a comprehensive and multifactorial assessment model when deciding whether to grant emancipation. Although certain factors are considered more frequently than others, each application is assessed individually, and the final decision is based on the totality of the evidence and circumstances presented in the case.

A similar issue arises in proceedings concerning the reduction of the marriageable age. Article 3.14 of the Civil Code establishes a separate set of requirements that must be assessed by the court before a minor may acquire full civil capacity through marriage. The court must hear the views of the minor, the minor's parents, guardians, or custodians, assess the minor's mental and psychological condition and financial circumstances, and evaluate any other important reasons that may justify the reduction of the marriageable age. The provision expressly identifies pregnancy as one such reason. In addition, the State Child Rights Protection Authority must submit an opinion regarding whether the reduction of the marriageable age is appropriate and consistent with the best interests of the minor (Law on the Approval, Entry into Force and Implementation of the Civil Code of the Republic of Lithuania).

Although pregnancy is expressly recognised by law, Article 3.14 does not define what other circumstances may constitute "important reasons." As a result, the practical content of this concept has largely been developed through judicial practice.

The analysis of Lithuanian case law from 2020-2025 demonstrates that pregnancy constitutes the primary factor considered by courts when deciding whether to reduce the marriageable age. Courts consistently regard pregnancy as an important reason justifying such a reduction, particularly where marriage is considered capable of providing a stable family environment for the future child and safeguarding the interests of both the applicant and the unborn child (Panevėžys District Court, Ruling of 3 November 2020 in Civil Case No. 2SP-9898-783/2020).

Judicial practice further indicates that the existence of an already born child may likewise constitute an important reason for reducing the marriageable age. In Civil Case No. e2SP-3767-724/2025, the court relied on documentary evidence confirming that the child had already been born and that the father had acknowledged paternity and was registered on the birth certificate.

The court concluded that these circumstances demonstrated the existence of an actual family relationship and that granting permission to marry would contribute to safeguarding the child's interests and ensuring a stable family environment (Utena District Court, Ruling of 21 May 2025 in Civil Case No. e2SP-3767-724/2025).

Another significant factor concerns the stability of the relationship between the prospective spouses and their preparedness to establish a family. Courts assess whether the parties intend to raise the child together, whether they are already cohabiting or plan to establish a common household, and whether they demonstrate sufficient maturity to create and maintain a family unit (Šiauliai District Court, Ruling of 6 May 2022 in Civil Case No. 2SP-5839-457/2022).

The opinions of parents, guardians, or custodians also play an important role. Courts examine whether these persons support or oppose the application and consider their views regarding the minor's maturity, independence, and ability to cope with family responsibilities. The availability of practical and financial support from family members is likewise taken into account (Plungė District Court, Ruling of 31 March 2020 in Civil Case No. e2SP-1343-514/2020).

Financial circumstances constitute another relevant criterion. Courts evaluate not only the financial situation of the applicant but also that of the future spouse or the future father of the child. Judicial practice demonstrates that courts consider the ability and willingness of both parties to contribute to family life and to provide for the needs of the child. For example, in Civil Case No. e2SP-663-913/2021, the court noted that although the future father of the child was temporarily unemployed, he received social benefits and engaged in the resale of vehicles. The evidence demonstrated that he used his income to support the applicant, purchase items for the expected child, contribute to rent and utility payments, and meet household expenses. These circumstances supported the conclusion that the future family would possess sufficient material resources (Utena District Court, Ruling of 8 February 2021 in Civil Case No. e2SP-663-913/2021).

The opinions submitted by the State Child Rights Protection Authority are also of considerable importance. These opinions typically address the applicant's level of independence, approach to pregnancy, ability to manage financial resources, family environment, and overall readiness to establish a family. The authority further assesses whether reducing the marriageable age would be consistent with the minor's best interests (Panevėžys District Court, Ruling of 15 January 2020 in Civil Case No. e2SP-800-1005/2020; Šiauliai District Court, Ruling of 18 December 2023 in Civil Case No. e2SP-16927-1031/2023; Šiauliai District Court, Ruling of 20 December 2024 in Civil Case No. e2SP-19914-1051/2024).

In addition, courts take into account information concerning the applicant's family environment and social circumstances. In Civil Case No. e2SP-16927-1031/2023, the State Child Rights Protection Authority noted that case management measures had previously been applied within the family; however, these measures were unrelated to the applicant herself. The family was nevertheless described as orderly and stable. The authority concluded that the family unit the applicant intended to establish would be sufficiently mature and capable of raising a child. The court relied on this assessment and observed that there was no evidence suggesting that the applicant's psychological or mental condition impaired her ability to understand the consequences of marriage (Šiauliai District Court, Ruling of 18 December 2023 in Civil Case No. e2SP-16927-1031/2023).

Finally, courts evaluate the applicant's mental and psychological condition. This assessment is based on the entirety of the evidence presented and focuses on whether the applicant understands the legal and practical consequences of marriage and parenthood and is

capable of assuming the associated responsibilities (Telšiai District Court, Ruling of 22 November 2022 in Civil Case No. 2SP-6368-1079/2022).

The analysed case law demonstrates that judicial practice has not established a fixed list of "other important reasons" within the meaning of Article 3.14 of the Civil Code. Instead, courts assess each application individually and determine whether the totality of circumstances justifies reducing the marriageable age.

In conclusion, both exceptions through which minors may acquire full civil capacity are based not merely on age requirements but also on a range of substantive criteria. In emancipation proceedings, courts primarily assess the applicant's independence, financial responsibility, social maturity, educational and employment situation, and ability to manage personal affairs. In proceedings concerning the reduction of the marriageable age, particular importance is attached to pregnancy or the existence of a child, the stability of the relationship, preparedness for family life, financial circumstances, and the best interests of the minor.

A common feature of both institutions is that courts do not rely solely on formal statutory requirements. Judicial practice demonstrates that the granting of full civil capacity depends on a comprehensive assessment of the minor's maturity, independence, financial circumstances, family environment, and ability to assume responsibility for legal consequences. Consequently, both the concept of a "sufficient basis" under Article 2.9 of the Civil Code and the concept of "other important reasons" under Article 3.14 have been developed primarily through judicial interpretation rather than through detailed legislative regulation.

The significance of child rights protection authority opinions

The case law analysed in the previous section demonstrates that opinions issued by the Child Rights Protection Authority are submitted both in proceedings concerning the emancipation of minors and in cases involving applications for the reduction of the marriageable age. However, an explicit statutory requirement to obtain such an opinion exists only under Article 3.14 of the Civil Code of the Republic of Lithuania, which governs proceedings for the reduction of the marriageable age. Nevertheless, the analysed case law indicates that opinions of the State Child Rights Protection Authority are also regularly obtained and taken into account in emancipation proceedings. This suggests that such opinions are regarded as significant in practice when determining whether full civil capacity should be granted to a minor.

Under Article 3.14 of the Civil Code, the Authority is required to provide its opinion on the appropriateness of reducing the marriageable age and to indicate whether such a decision would serve the lawful interests of the minor. However, the law does not regulate the legal force of the Authority's opinion or expressly specify the extent to which it is binding upon the court. This gives rise to a legal question concerning the evidentiary significance of such opinions and the extent to which courts are required to rely on them when making decisions. As a result, the practical role of these opinions can be understood only through an analysis of judicial practice.

An analysis of civil cases reveals circumstances in which courts rely on the conclusions of the Child Rights Protection Authority as well as situations in which they depart from them. In Civil Case No. 2SP-7964-1005/2018, the court examined an application for the reduction of the marriageable age. The Child Rights Protection Authority submitted an opinion stating that granting the application would not be appropriate and would not serve the lawful interests of the minor applicant. The Authority based its opinion on the applicant's repeated absconding from a foster care institution, persistent behavioural problems, involvement in incidents that resulted in pre-trial investigations, and the ineffectiveness of previously applied supervision

measures. The Authority also noted that placement in a socialisation centre had failed to produce positive changes in the applicant's behaviour.

After assessing both the Authority's opinion and the other circumstances of the case, the court dismissed the application. In its reasoning, the court emphasised that the mere fact of pregnancy could not, by itself, constitute a sufficient basis for reducing the marriageable age. The court concluded that, in light of the applicant's overall behaviour and circumstances, granting the application would not be consistent with the applicant's lawful interests (Panevėžys District Court, Ruling of 16 July 2018 in Civil Case No. 2SP-7964-1005/2018).

A different approach can be observed in Civil Case No. 2A-37-775/2024, which concerned an application for emancipation. In that case, the regional division of the State Child Rights Protection and Adoption Service submitted an opinion opposing emancipation. The Authority argued that emancipation would not be appropriate and would not serve the applicant's best interests. Its assessment was based on a history of legal violations within the family, the application of case management measures, and the applicant's behavioural record, which included smoking, alcohol consumption, and administrative sanctions. The Authority also noted that the applicant had concealed her pregnancy for a prolonged period, had failed to attend medical examinations, and lacked sufficient parenting skills. Although the first-instance court took the Authority's opinion into account, after assessing all of the evidence in the case it concluded that the applicant was committed to completing her education, demonstrated motivation to prepare for motherhood, and intended to care for and raise her child. The court found that the applicant possessed a sufficient degree of independence and maturity and therefore granted the application for emancipation (Kaunas Regional Court, Ruling of 4 January 2024 in Civil Case No. 2A-37-775/2024).

The Child Rights Protection Authority appealed the decision and requested that the application be dismissed. However, the appellate court upheld the decision of the first-instance court and rejected the appeal. In doing so, it referred to established Supreme Court case law, according to which the evidentiary value of information submitted in judicial proceedings must be assessed by the court according to its own inner conviction, formed through a comprehensive and objective evaluation of all relevant circumstances of the case (Kaunas Regional Court, Ruling of 4 January 2024 in Civil Case No. 2A-37-775/2024).

The analysed cases demonstrate that the opinions of the Child Rights Protection Authority may have a significant influence on judicial decision-making. In some cases, courts rely heavily on such opinions and reach conclusions consistent with the Authority's assessment. In other cases, courts depart from the Authority's position where the totality of the evidence supports a different conclusion. Consequently, the Authority's opinion cannot be regarded as determinative of the outcome of proceedings.

Accordingly, although the opinions of the Child Rights Protection Authority carry considerable weight in proceedings concerning emancipation and the reduction of the marriageable age, they do not possess predetermined evidentiary force. Courts base their decisions on the totality of the evidence and on their own assessment of the circumstances of the case. The analysed case law demonstrates that the Authority's opinion performs a significant informational and advisory function. However, the final decision remains within the exclusive competence of the court, which must independently determine whether granting full civil capacity would serve the lawful interests of the minor.

Relationship between full civil capacity granted to minors and criminal law

When analysing the institution of full civil capacity granted to minors, the question arises as to how such a person should be treated in criminal law and criminal procedure. This issue is relevant because legislation does not clearly define the significance of full civil capacity outside civil law. As a result, uncertainty may arise as to whether a minor who has acquired full civil capacity should still be treated as a child or minor in criminal-law relations.

This issue was examined in detail by the Supreme Court of Lithuania in Criminal Case No. 2K-64-654/2024. The case concerned the status, for the purposes of criminal law and criminal procedure, of a minor victim who had acquired full civil capacity on the basis of marriage.

The cassation court first explained the concept of civil capacity and the exceptions that allow minors to acquire full civil capacity before reaching the age of majority. Civil capacity was described as the ability of a natural person to independently acquire and exercise rights, assume obligations, and bear responsibility for failure to fulfil them. As a general rule, this ability arises in full when a person reaches the age of eighteen. The Court noted that Lithuanian civil law provides two exceptions to this rule. A minor may acquire full civil capacity either by entering into marriage before reaching the age of majority or through emancipation under Articles 2.5(2) and 2.9 of the Civil Code of the Republic of Lithuania (Supreme Court of Lithuania, Ruling of 22 February 2024 in Criminal Case No. 2K-64-654/2024).

However, the cassation court emphasised that minors who have acquired full civil capacity are not regarded as adults in criminal law. This conclusion was based on the legal concept of a child. Under the Law on the Fundamentals of Protection of the Rights of the Child, a child is a person under the age of eighteen, unless otherwise provided by law. Criminal law and criminal procedure do not provide an exception under which a person who has acquired full civil capacity may be treated as an adult for criminal-law purposes.

The Court also relied on international and European Union legal acts concerning trafficking in human beings, sexual exploitation of children, and sexual abuse. These instruments define a child as a person under the age of eighteen. The Court stressed that the state may not establish lower standards of child protection than those arising from its international obligations. It also referred to the jurisprudence of the Constitutional Court, according to which Lithuanian law may not narrow international human rights protection standards, although it may provide broader protection.

The cassation court further observed that, in cases concerning criminal offences involving the sexual exploitation of children, the concept of a child has consistently been linked to the age threshold of eighteen years. Therefore, there is no basis for creating an exception for emancipated minors or minors who have acquired full civil capacity through marriage. The Court also noted that even in civil law, full civil capacity does not grant all rights and obligations linked by law to a specific age. Examples include the duty to perform mandatory military service, electoral rights, and the right to drive vehicles. Accordingly, full civil capacity cannot in itself alter a person's status in criminal law (Supreme Court of Lithuania, Ruling of 22 February 2024 in Criminal Case No. 2K-64-654/2024).

The ruling also addressed earlier cassation practice. The Court noted that an older ruling had suggested that a child victim of certain criminal offences is any person under eighteen years of age, "unless the institution of emancipation has been applied to them". However, the Court clarified that case law develops over time, taking into account later international instruments and more recent judicial practice. In the ruling under analysis, the Court clearly held that, despite the reduction of the marriageable age and the conclusion of marriage, a victim who was

under eighteen years of age had to be regarded as a child and a minor for the purposes of criminal law. Thus, the earlier connection between emancipation and the loss of child status in criminal law is no longer relevant (Supreme Court of Lithuania, Ruling of 22 February 2024 in Criminal Case No. 2K-64-654/2024).

This interpretation also has direct consequences in criminal procedure. In the case under analysis, the victim was seventeen years old during the pre-trial investigation. She was questioned without applying the special procedural rules for minor victims, including the participation of a psychologist and a representative of the child rights protection authority. The cassation court recognised this as a procedural violation. However, it considered the violation to be formal and not affecting the lawfulness of the judgment, because later questioning, carried out after the victim had reached adulthood, confirmed the same essential facts.

Nevertheless, the Court's reasoning confirms an important principle. A person under the age of eighteen who has acquired full civil capacity must still be treated as a minor in criminal proceedings. Therefore, such a person must be afforded the procedural safeguards applicable to minors, including additional protective measures during questioning and other procedural actions (Supreme Court of Lithuania, Ruling of 22 February 2024 in Criminal Case No. 2K-64-654/2024).

In conclusion, the cassation ruling clearly defines the limits of full civil capacity granted to minors in relation to criminal law and criminal procedure. A minor who has acquired full civil capacity through marriage or emancipation is treated as equivalent to an adult only in civil legal relations. In criminal law and criminal procedure, such a person remains a child and a minor until reaching the age of eighteen.

This means that, in criminal law, the decisive criterion is not the scope of civil capacity but the person's age. The status of a child is linked to the need for special protection and cannot be denied merely because the minor has acquired full civil capacity in civil law.

Conclusions

Under Lithuanian civil law, full civil capacity is generally acquired upon reaching the age of majority. However, the law provides for two exceptions: emancipation and the acquisition of full civil capacity through marriage. Although both institutions result in the acquisition of full civil capacity by a minor, they differ significantly in their legal nature, conditions of application, and objectives. Therefore, they cannot be regarded as equivalent legal mechanisms.

Judicial practice demonstrates that decisions concerning emancipation and the reduction of the marriageable age are based on a comprehensive assessment of individual circumstances. In emancipation cases, particular attention is paid to the minor's independence, ability to manage financial affairs, employment or educational status, and social maturity. In cases concerning the reduction of the marriageable age, courts focus on the minor's maturity, preparedness for family life, the existence of pregnancy or the birth of a child, and the circumstances of the prospective family. The statutory concepts of a "sufficient basis" and "other important reasons" are not precisely defined by law, and their content is therefore developed through judicial practice on a case-by-case basis.

Although the opinions of the State Child Rights Protection and Adoption Service play an important role in proceedings concerning emancipation and the reduction of the marriageable age, they do not possess predetermined evidentiary force. Judicial practice demonstrates that courts assess such opinions together with all other evidence in the case and may depart from them where the totality of circumstances supports a different conclusion. Consequently, the

Authority's opinion performs an important informational and advisory function but is not binding upon the court.

The granting of full civil capacity to a minor produces legal consequences primarily within the sphere of civil law and does not alter the individual's status in criminal, administrative, or constitutional law. The case law of the Supreme Court of Lithuania confirms that an emancipated minor, or a minor who has acquired full civil capacity through marriage, is treated as an adult in civil legal relations. However, for the purposes of other branches of law, such a person remains a minor until reaching the age of eighteen and continues to be subject to the special legal rules applicable to minors.

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