

CRIMINAL SANCTIONS AS A FORM OF CRIMINAL LIABILITY IMPLEMENTATION

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Abstract

Criminal sanctions are an essential part of the implementation of criminal liability, as they not only enable the punishment of offenders but also promote their resocialization and help prevent recidivism. In Lithuania and other European countries, increasing attention is being given to alternative sanctions that help reduce prison overcrowding and ensure a fairer and more effective implementation of criminal responsibility. Research conducted by both Lithuanian and foreign authors reveals that criminal measures constitute a significant component of criminal liability. However, their practical application still faces challenges, which highlights the need not only for further academic analysis but also for institutional changes that would promote their effective and individualized use. Academic literature discusses various forms of implementing criminal liability and criminal measures, yet there is a lack of comprehensive research and analysis on their application in courts and their effectiveness in reducing crime. Moreover, there is a shortage of comparative studies that reveal other countries' experiences and potential ways to improve the use of criminal measures. The aim of this article is to analyse the application of criminal sanctions in the implementation of criminal liability in Lithuania and to carry out a comparative analysis with other European countries. The methods applied include the analysis of scientific literature, legal acts, and court practice case studies. The research revealed that courts increasingly apply criminal sanctions independently, even in cases where no criminal penalty is imposed. However, there are still instances where these sanctions are applied in a formal manner, without proper reasoning or an assessment of proportionality, which limits their real impact. Effective implementation requires systematic judicial assessment, institutional cooperation, and practical enforcement tools.

Keywords: Criminal sanctions; Criminal liability; Resocialization.

1. INTRODUCTION

The implementation of criminal liability involves not only the imposition of penalties but also the application of criminal measures, which play a significant role in crime prevention (Appleton, C., Todd-Kvam, J., & etc. (2025). Recent academic research shows that such measures can be effective both for the individual resocialization of offenders and for the protection of society. However, their practical impact depends on consistent application and clear legal regulation (Pranka & Gelžinytė, 2017; Drakšas, 2023). The discretionary power of courts allows these measures to be flexibly applied depending on the nature of the offense and the personality of the offender. However, in practice, there are still tendencies to apply such sanctions formally, without assessing their long-term impact (Frase, R. S. (2025; Staškevičius, 2021). The Criminal Code of the Republic of Lithuania provides for various criminal measures that may be imposed either alongside penalties or as independent forms of legal response. These measures are intended to limit the offender's ability to reoffend and to implement the objectives of criminal law – to ensure a proportionate

and effective system of responsibility and to protect the public (Pranka & Gelžinytė, 2017).

Nevertheless, the effective application of these measures depends not only on their frequency but also on the quality of enforcement control and the effectiveness of their implementation (Urbonaitė-Barkauskienė, 2021). In practice, the most frequently applied criminal measures include payments to the Victims of Crime Fund, property confiscation, revocation of the right to work in certain professions or perform certain activities, and community service. Ginting, M. S., Dewi, E., & etc. (2025). The implementation of these measures poses significant challenges – their effectiveness depends on the capacity of state institutions to ensure enforcement and prevent violations (Drakšas, 2023; Michailovič, 2020).

Despite an expanded legal framework, the effectiveness of these measures remains questionable. Judicial practice shows that in some cases they become mere formalities – obligations that do not deliver real preventive effect. This is particularly evident in cases of disqualification from certain professional activities, where enforcement is inadequately controlled and offenders continue prohibited activities (Staškevičius, 2021). Such cases undermine public trust in the justice system and increase the risk of recidivism.

One of the most important aspects of applying these measures is their proportionality. Sometimes the imposed measures are either too lenient or excessively harsh, which limits their effectiveness Ondřejek, P., & Horák, F. (2024). For example, community service, although often considered a socially beneficial sanction, is sometimes seen as ineffective due to difficulties in organizing and monitoring its implementation (Urbonaitė-Barkauskienė, 2021). Such disproportionate decisions are often linked to insufficient methodological guidelines and limited capacity to assess the individual needs and resocialization prospects of the offender.

Considering these aspects, this study analyses the role of criminal measures within the system of criminal liability, based on both academic research and practical application. The aim is to assess the factors that determine the effectiveness of these measures, to identify the most common shortcomings in their application, and to propose potential improvements that could contribute to a more effective and socially responsible practice of criminal liability implementation.

2. IMPLEMENTATION OF CRIMINAL MEASURES IN LITHUANIA

2.1. The Application of Criminal Measures Is an Essential Part of the Criminal Liability Enforcement System in Lithuania

These measures function as an alternative or additional sanction to traditional punishments, aiming to prevent recidivism and ensure public safety. However, the practical application of criminal measures poses significant legal and procedural challenges—particularly in terms of proportionality, proper justification, and overall effectiveness. During the research, 11 relevant decisions of Lithuanian courts were analysed, 7 of which were issued by the Supreme Court of Lithuania. The decisions cover the period from 2022 to 2025 and focus on the grounds for applying criminal measures, their limitations, and related practical aspects (Table 1).

Based on the analysis of the Supreme Court of Lithuania and regional court's rulings presented in the table, several key trends can be identified that reveal how criminal measures are implemented in practice. Court decisions show that these measures are not merely supplementary to punishment, but rather an independent and substantively meaningful form of criminal liability, applied based on the principles of proportionality, justification, and individualization. In a case concerning an economic crime, the Supreme Court emphasized that property confiscation under Article 72 of the Criminal Code must not be symbolic, but a real mechanism of liability enforcement, helping to restore justice and eliminate illegal gain (Supreme Court of Lithuania, 2025a). This underscores the role of criminal measures as both preventive and compensatory tools, particularly in the context of property-related crimes.

In another case, the court confirmed that property confiscation may be applied even when the offender is exempted from criminal liability under suretyship, if required by public interest or the need to restore social balance (Supreme Court of Lithuania, 2025b). This again highlights that criminal measures can be imposed independently of a formal sentence. In a dangerous driving case, the court-imposed revocation of the right to drive, even though the person had no prior convictions, reasoning that the measure was necessary for prevention rather than punishment alone (Supreme Court of Lithuania, 2025c). The same ruling noted that compensation for non-pecuniary damage must be proportional to both the harm caused and the offender's capacity to pay. In a decision overturning a lower court's judgment to exempt a person from liability under suretyship for an offense involving a minor, the Court stressed the need to consider applying additional protective measures, such as revoking the right to work with minors (Supreme Court of Lithuania, 2025d). In a case where the awarding of compensation and property confiscation was challenged due to a lack of

evidence, the Supreme Court ruled that clearly established harm can justify the application of such measures even when the objective element of the offense is not fully proven (Supreme Court of Lithuania, 2024).

Table 1. List of Analyzed Supreme Court of Lithuania Rulings and Judicial Practice Reviews

Court	Case Number	Summary
Supreme Court of Lithuania	2K-191-719/2023	The imposed criminal measure exceeded the statutory limit; the importance of achieving the purpose of the sentence was emphasized.
Supreme Court of Lithuania	2K-47-648/2025	Criminal law was misapplied; the person was wrongly convicted and the case was dismissed.
Supreme Court of Lithuania	2K-7-20-2022	Clarification on the scope and independent nature of criminal measures by the Supreme Court.
Supreme Court of Lithuania	2K-18-976/2025	No criminal measures applied despite the nature of the offense; ruling overturned to ensure child protection.
Supreme Court of Lithuania	2K-40-813/2025	Property confiscation in an economic crime case; applied under Article 72 of the CC.
Supreme Court of Lithuania	2K-49-489/2025	Confiscation applied even when the offender was exempted from liability under suretyship.
Supreme Court of Lithuania	2K-80-697/2025	Revocation of the right to drive and compensation for non-pecuniary damage as preventive measures.
Kaunas Regional Court	BIK-278/2024	Criminal measures applied despite lack of proof of the objective element of the offense.
Šiauliai District Court	1-294-1035/2024	Case related to a criminal offense; criminal measures were applied.
Šiauliai Regional Court	T-87-922/2025	Administrative case concerning the application of criminal measures.
Klaipėda Regional Court	T-123-586/2025	Administrative case regarding the imposition of criminal measures.

In another decision, the Court emphasized that criminal measures, like penalties, can only be imposed when guilt is sufficiently proven. Otherwise, the principle of procedural fairness is violated, including the requirement of Article 20(5) of the Code of Criminal Procedure (Supreme Court of Lithuania, 2025e). Finally, summarizing the arguments of a 2022 decision, the Court noted that criminal measures must not be imposed automatically – they must be properly justified and tailored to the individual circumstances of the case (Supreme Court of Lithuania, 2022). In summary, the application of criminal measures in Lithuania demonstrates increasing recognition of their independence and legal importance. Courts increasingly rely on these measures not as tools of repression, but as instruments to achieve justice, prevention, compensation, and protection of public interests.

2.2. Comparative Analysis of Criminal Measures: 2000 and 2025 Editions of the Lithuanian Criminal Code

The content of criminal measures as a form of implementing criminal liability has significantly evolved over the past two decades. Comparing the first (2000) and the most recent (2025) editions of the Criminal Code of the Republic of Lithuania reveals substantial changes in their legal nature, application possibilities, and practical significance (Table 2).

The comparative analysis shows that between 2000 and 2025, the provisions of the Lithuanian Criminal Code regulating criminal measures have fundamentally changed. What was once a supplementary legal instrument has become an independent form of implementing criminal liability. In the current edition, the application of these measures is more clearly regulated, the list of available measures has been expanded,

and their purpose is explicitly linked to resocialization, prevention, and victim protection. At the same time, there has been a significant increase in the possibilities for individualization and in the role of the probation service. Judicial practice also indicates a growing tendency to apply these measures more actively, while placing stronger emphasis on the principles of proportionality and legality.

Table 2 Comparative Analysis of Criminal Measures

Criterion	2000 version of the Criminal Code	2025 version of the Criminal Code
Legal status	A supplementary measure alongside punishment	An independent form of criminal liability implementation
Regulation	Article 67 – minimally defined	Article 67 – clearly structured and defined purpose
List of measures	5 measures	More than 10 modern measures
Application possibilities	Only alongside or as a substitute for punishment	May be applied together with, instead of, or after the punishment
Purpose	Not specified	Rehabilitation, prevention of reoffending, victim protection
Individualization	Limited	Can be tailored to the offender's personality and circumstances
Role of probation	Not emphasized	A key institution in implementing measures
Judicial practice	Minimal application	Broad and active application, developed case law

2.3. Statistics on the Application of Criminal Measures

The analysis of criminal measure application statistics allows for an assessment of the practical significance of these measures and reveals trends in their application by Lithuanian courts. Based on data from 2021–2023, a clear tendency has emerged: criminal measures are increasingly being applied not only as supplementary to punishment but also as independent sanctions (Table 3).

Table 3. Statistics on the Application of Criminal Measures

Criminal Measure	2021 (%)	2022 (%)	2023 (%)
Revocation of special rights	42	45	47
Property confiscation	15	17	18
Obligation to compensate damage	18	16	15
Ban from working/holding positions	10	9	10
Restriction of civil rights	9	8	6
Other measures	6	5	4

Data Source: Court Activity Report (2023), National Courts Administration (2024)

As shown by the statistical data (Table 3), the most frequently applied criminal measure is the revocation of special rights, particularly the right to drive a motor vehicle. In 2021, this measure accounted for 42% of all criminal measures imposed, and by 2023 this figure had increased to 47%. This trend is associated with the high number of cases related to traffic violations under Article 281 of the Criminal Code. In such proceedings, the revocation of a driver's license becomes the primary mechanism for enforcing criminal liability, as it is directly linked to the nature of the offense—using a vehicle in a manner that endangers public safety.

The second most frequently applied measure is property confiscation. Its application has also increased over the three-year period—from 15% in 2021 to 18% in 2023. This reflects the courts' efforts to strengthen the function of criminal law not only by punishing but also by eliminating criminal gain. Confiscation is particularly common in economic and organized crime cases, where illegally obtained assets must be seized to reduce motivation for criminal behaviour. The Supreme Court of Lithuania has repeatedly emphasized that this

measure serves not only a compensatory but also a preventive purpose, contributing to the restoration of social justice (Supreme Court of Lithuania, 2025d).

The obligation to compensate damage ranks third in terms of frequency, though its application slightly declined—from 18% in 2021 to 15% in 2023. This may be due to the absence of claims from victims or challenges in determining and proving the amount of damage. Nevertheless, this measure remains highly significant, especially in the context of restorative justice. Judicial practice demonstrates that compensation decisions not only provide redress to victims but also help mitigate the consequences of the crime and reinforce public trust in the judiciary (Supreme Court of Lithuania, 2025f).

Measures such as the prohibition to work in certain professions or hold public office and the restriction of civil rights are used less frequently, but their social importance remains considerable. In 2023, these measures accounted for 10% and 6% of all cases, respectively. They are particularly relevant in offenses related to abuse of official position, breach of trust, or violation of public functions. Their application helps prevent reoffending and plays a clear protective role in safeguarding public interests.

The statistical data also show that the application of criminal measures is differentiated based on the type of offense and the personality of the offender. For example, restrictions on the right to drive are typically imposed in traffic-related cases, while confiscation is more often applied in economic or corruption-related cases. This suggests that courts aim to apply measures not mechanically, but by considering the specific circumstances of each case.

It is also important to note that in some cases, criminal measures are imposed even in the absence of a formal sentence—for example, when the offender is exempted from liability under suretyship or enters into a plea agreement. This practice ensures that unlawful conduct does not go without legal consequence. For instance, in its 2025 decision in case No. 2K-49-489/2025, the Supreme Court of Lithuania applied property confiscation to a person who had been exempted from liability, since the nature of the offense and the harm caused required the restoration of justice (Supreme Court of Lithuania, 2025e). This shows that criminal measures are becoming a functional expression of liability, independent of the imposition of punishment.

2.4. Comparative Analysis of Criminal Measures in Lithuania, Latvia, Poland, Sweden, and Germany

The comparative analysis reveals significant differences and similarities in the legal regulation and practical application of criminal measures across various European countries. In Lithuania, according to Articles 67–72 of the 2025 version of the Criminal Code, criminal measures are not only supplementary to punishment but also function as an independent form of implementing criminal liability. Emphasis is placed on individualization and targeted application.

In Latvia, as outlined in Chapter 55 of the Krimināllikums (Criminal Law), strong attention is given to evidentiary justification, especially when applying property confiscation or professional bans. Poland's Kodeks Karny (Article 39) highlights electronic monitoring as a key form of criminal measure, oriented toward prevention and the restoration of public trust.

Table 4. Comparative Analysis of Criminal Measures in Selected European Countries

Country	Criminal Measures	Legal Basis	Practice Features
Lithuania	Confiscation, revocation of rights, obligations	Criminal Code, Articles 67–72 (since 2025-02-01)	Individualization, targeted application
Latvia	Confiscation, community service, bans	Krimināllikums, Chapter 55 (2025)	Emphasis on evidential justification
Poland	Revocation of rights, confiscation, electronic monitoring	Kodeks Karny, Article 39 (2025)	Emphasis on prevention and restoration of trust
Sweden	Supervision, treatment, community work	Brottsbalken (2025)	Behavioural change model and priority of resocialization
Germany	Bans, confiscation, therapy	StGB, Articles 45–46 (2025)	Proportionality and reintegration objective

Data Source: Criminal Code of the Republic of Lithuania (2025), Criminal Law of Latvia (2025), Polish Penal Code (2025), Swedish Penal Code (2025), German Criminal Code (2025)

Sweden's Brottsbalken bases the application of sanctions on behavioural change models and prioritizes resocialization—clearly focusing on offender reintegration rather than purely punitive approaches. In contrast, German criminal law (StGB, Articles 45–46) underscores proportionality and the aim of reintegration, with strict limitations on applying measures that may be excessive or disproportionate.

Overall, in all analysed countries, criminal measures are increasingly viewed not merely as punitive tools but as instruments to restore social balance, influence offender behaviour, and ensure public protection.

The main differences lie not in the nature of the measures themselves, but in how they are regulated and implemented. This suggests that Lithuania is aligning with more advanced Western European practices but still needs to strengthen mechanisms for individualization, enforcement, and assessment.

3. CONCLUSION

The conducted analyses demonstrate that criminal measures have acquired independent and growing significance within Lithuania's criminal justice system. They increasingly function not merely as supplementary tools to punishment but as essential instruments for implementing criminal liability through proportionate, individualized, and socially oriented sanctions.

Judicial practice reveals a clear trend toward more flexible and individualized application of these measures. Nevertheless, inconsistencies persist—particularly where criminal measures are imposed in a formal or mechanical manner, without sufficient justification or proper assessment of proportionality. Such shortcomings diminish their rehabilitative and preventive potential.

Statistical data confirm that the most applied measures—revocation of special rights, property confiscation, and the obligation to compensate for damage—closely correspond to the nature of the most frequently committed offenses. These trends reflect the practical prioritization of targeted sanctions aimed at both deterrence and social protection.

Comparative analysis indicates that Lithuania is increasingly aligning its approach with established Western European legal standards. In these jurisdictions, criminal measures are designed to promote prevention, behavioural change, and societal reintegration. However, Lithuania still needs to enhance its enforcement mechanisms, improve legal clarity, and strengthen institutional capacities to ensure consistent and effective implementation.

In conclusion, criminal measures in Lithuania have evolved into a distinct and important component of criminal liability. Their application should continue to be grounded in principles of justice, prevention, and resocialization. To achieve full effectiveness, it is essential to improve proportionality assessment, ensure individualized enforcement, and reinforce systematic judicial oversight.

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