

Substantive premises of a divorce
-Critical analysis and *de lege ferenda*
postulates

The objective of the dissertation is a critical analysis of legal regulations specifying the substantive premises of a divorce. It strives for providing an answer to the question: whether regulations which have been put in place in Poland for over half a century require a reform? As indicated within the title of this dissertation, the author does not reject the existence of a need for changes and, while analysing individual premises, strives to diagnose and point out deficiencies of the norms in place in order to subsequently present the proposal for new solutions.

Doctoral dissertation consists of 7 chapters. The first chapter revealed historical evolution of Polish divorce law. Second chapter contains a conducted analysis of positive premise of a divorce which, in the light of the regulations in force at present, signifies "irretrievable and total breakdown of matrimonial life between the spouses". Within the third chapter the author presented the problems related to negative premise, which prevents dissolution of marriage in a situation where the good of mutual minor children of spouses might suffer due to it. Whilst, fourth chapter is devoted to the premise which considers admissibility of divorce on condition of whether its decree is compliant with the principles of social co-existence. Within the fifth chapter the author presented the problems related to the divorce impediment which limits the possibility of dissolution of a marriage on demand of spouse exclusively guilty of marital breakdown. Sixth chapter discusses the premises for divorce in English-Welsh, Chilean, Estonian, Finnish, Spanish, Columbian, German, Portuguese and Romanian law.

The final chapter outlines *de lege ferenda* postulates. In the light of the above postulates, spouses who do not have any minor joint children might get a divorce before the head of the register office, subject to mutual consent. In all other cases a divorce would be granted by court on the basis of marital breakdown clause. The author suggests maintaining the premise of child's good. He is however in favour of repealing provisions which consider admissibility of divorce on condition of its decree being compliant with the principles of social co-existence. Furthermore, the author is of the opinion that without any limitations a marriage could be allowed to be terminated on demand of spouse exclusively guilty of marital breakdown and suggests introducing provisions on financial liability for a culpable breach of marriage obligations.

