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## SUMMARY OF THE DOCTORAL DISSERTATION

The topic, as well as the subject of this dissertation, is the donation in Polish district law in the Second Republic and in the Code of Obligations of 1933. The dissertation was written under the supervision of prof. dr hab. Leonard Górnicki.

The dissertation deals with the obligatory aspects, so the influence that the donation had within the family relations, inheritance law and tax regulations is basically out of the scope of consideration. The temporal scope of the dissertation covers the period from the regaining of Poland's independence in 1918 to the entry into force the Civil Code of the 1964 (k.c.).

As far as the state of research in the field of donation in the district Polish law of the Second Republic and in the Code of Obligations is concerned, despite the existence of various bibliographic positions, in which the issues of contract law in the Second Republic have been addressed, there is no synthesising study of the institution of donation under the rule of the extra-civil codes and the Polish Code of Obligations.

The aim of the dissertation is a comprehensive analysis of the donation contract under the codes in force after the time of Poland under the partitions and the Polish Code of Obligations. First, the historical development of donation, including a donation in former Poland, is examined, followed by the provisions concerning the donation contract in the codes in force after the time of Poland under the partitions j, i.e. the Napoleon Code - Code Napoleon, Code civil des Français - (KN) and the Civil Code of the Kingdom of Poland, the Austrian Civil Code of 1811. - Allgemeines Bürgerliches Gesetzbuch - (ABGB), the German Civil Code of 1896. - Bürgerliches Gesetzbuch - (BGB) and in Volume X, Part 1 of the 1832 Russian Empire Laws. - Swod zakonov Rossijskoj impierii (T. X part 1). Only then were the regulations of donation in the Polish Code of Obligations analysed in detail. In addition to this, the legal doctrine on donation and the case law on donation, both according to the the codes in force after the time of Poland under the partitions and the Code of Obligations, were also analysed.

As has been proven, the concept and legal construction of the donation contract in the codes in force after the time of Poland under the partitions, so that the legal effects of the donation contract differed from one state district to another. This hindered civil law transactions in the reborn Polish state. The Code of Obligations overcame this district particularism not only by unifying the provisions related to donation but also by introducing into its provisions some issues from the general part of civil law which were particularly important for the functioning of contract law. These concerned declarations of intent, the calculation of time limits, the institution of representation, and power of attorney. This was intended to enable uniform civil law transactions throughout the state, thus giving all contracts, including donation contracts, the same legal effects. This represented a huge advance compared to the individual district codes.

In this thesis, has been shown - by comparing district legislation and the k.z. and by analysing selected case law - that the Polish legal regulation of donation was mainly based on the solutions adopted in the provisions of the German Civil Code and partly on the provisions of the Swiss Law on Obligations of 1911. (ZGB OR). To a lesser extent, the solutions adopted in the Austrian Civil Code, in the Napoleonic Code, and in the Ordinance of the Laws of the Russian Empire were used.

The work consists of an introduction, three chapters, and a conclusion. The work is crowned by a bibliography and a table of contents. This division follows directly from the realisation of the dissertation's objectives. The layout of the dissertation is intended to allow for an accurate compilation of the legal regulations on the donation contract in non-Russian laws and the Code of Obligations.

The introduction defines the subject, as well as the temporal scope of this dissertation. This is followed by a presentation of the aim of the thesis, the research questions and the thesis of this thesis. The research methods and the state of research in the field of donation in the Polish district law of the Second Republic and in the Code of Obligations are also discussed.

The first chapter discusses issues concerning the historical approach to donation, taking into account Roman law and its influence on European codifications, including those of the partitioned states, which had a bearing on the regulation of donation on Polish soil. The chapter analyses in detail the historical development of donation in former Poland. Individual subchapters are devoted to donation in the Crown, a mutual donation in Lithuania in the 15th and 16th centuries, and donation in the codification projects of the second half of the 18th century.

The second chapter presents the donation contract in the various the codes in force after the time of Poland under the partitions. Subsequently, the provisions, doctrine and selected case law from the Polish lands concerning donation in the Napoleonic Code, the Civil Code of the Kingdom of Poland, the Austrian Civil Code, the German Civil Code and in the Laws of the Russian Empire are analysed.

The third chapter shows the donation contract in the Polish Code of Obligations. The chapter begins with an analysis of the work of the Codification Commission on donation. This is followed by a detailed examination of the provisions on donation in Articles 354-369 of the Code of Obligations. Subsequently, the general provisions, the obligations of the donor, the fulfillment of the benefit charged to the recipient and the revocation of the donation are discussed. Jurisprudence, mainly decisions of the Civil Chamber of the Supreme Court, has also been used with the individual articles of the Code. In addition, the further fate of the donation in the Code of Obligations between 1945 and 1964 was analysed, due to the validity of the Code until the Civil Code of 1964 came into force.

The conclusion verifies the research thesis and describes this dissertation's main findings.

Jużo Bawał