

Streszczenie w języku angielskim

This doctoral thesis aims to show the difficult task faced by Polish civilians after the end of World War II in the context of the need to develop provisions traditionally considered as a general part of civil law. Poland, in the face of rapid changes, with changed borders, migrations of millions of people and diverse laws from the period of the Second Polish Republic, had to develop new and modify existing legal regulations. Among them, the key issue was the unification and codification of civil law. The work of the pre-war Codification Commission, interrupted in 1939, was a significant help and a point of reference for the efforts started anew in 1945. However, due to the lack of final decisions regarding the shape of the general part of the future civil code, post-war lawyers were to make binding decisions in this regard.

The time range of this dissertation covers the years 1945-1964, i.e. the period from the beginning of the unification of the provisions concerning the general part of civil law after World War II, to the codification of the provisions making up the first book of the Civil Code adopted in 1964. The work aims to show the course and final the results of efforts undertaken by Polish codifiers to regulate the general part of civil law. The source basis for the work are archival materials from the Archives of New Records in Warsaw.

In my doctoral thesis, I mainly use the historical and legal method in a descriptive approach, and also the formal and dogmatic method. After the end of World War II, Poland found itself in the Soviet sphere of influence, which also extended to civil law. Ideological pressures to create laws that include to the general part (general provisions) occurred throughout the period of work on the unification and codification of civil law. However, they occurred with varying intensity and effects on the content of the proposed regulations. The aim of this work is also an attempt to indicate to what extent the policy of the time had an impact on the content of the norms that make up the general part (general provisions) of civil law.

In this dissertation, I put forward the following research theses: 1) the starting point for the unification of the provisions concerning the general part of civil law after World War II in Poland were the classical models, resulting from the model contained in the BGB, while later, due to ideological influences, Polish codifiers in they largely relied on the model of the general part in the Soviet version; 2) Ultimately, however, as a result of criticism from the community and public discussion, the general part of the Civil Code of 1964 departed from the Soviet solutions and shows a large degree of independence.

As an additional (supplementary) thesis, it should be treated that despite the indicated changes in the codification concepts, the existence of the general part (or general provisions) did not raise any doubts at any stage of the work, and no alternative proposal in this regard appeared.

The almost twenty-year period of work on civil law has been divided (according to the chronological and substantive criterion) into chapters showing the individual stages of work on the provisions that will make up the future general part of the Civil Code. Chapter I is devoted to the influence of the codification pattern developed in the Second Polish Republic and post-war political and socio-economic conditions on the concept of codification of the general part of the Civil Code after World War II. In addition, this chapter describes the work on unified law (in particular on personal law and general provisions of civil law from 1946), which, as a rule, was a continuation of the pre-war achievements of the interwar Codification Commission. In Chapter II I focused on the codification intentions and concepts as well as the plan and organization of this stage of work. Chapter III concerns the first, interrupted attempt at codification in the years 1947-1949. a draft of the general part of the future civil code, still maintaining continuity with the pre-war law. Since the breakthrough of 1948, there has been an increasingly clear departure from the existing patterns. The effect of these works was the general provisions of civil law of 1950, discussed in the next chapter, i.e. Chapter IV, which, however, was nevertheless largely based on the draft of the general part of 1947-1948. codification. Chapter V was devoted to the continuation of efforts to adopt a new Civil Code. They resulted in the most ideologized projects from the period 1951-1955 (still largely referring to the general provisions of the civil law of 1950), which, due to critical assessment, did not become binding law. It was only the work of the more independent Codification Commission, established in 1956 (which in the case of the general part was based on the draft of 1955), which was described in the last chapter VI, led to the adoption of the code in 1964. Drafts from the 1960s were important intermediate stages - 1962 and public discussion. The general part of the Civil Code largely departed from the concept of the first half of the 1950s and was characterized by a significant degree of independence, which in the future enabled it to adapt to the new socio-economic conditions after 1989.

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