

Summary doctoral dissertation

Civil law effects of violation of moral norms between close relatives

The subject of the doctoral dissertation are ethical issues of six legal institutions selected on the basis of family and social criteria: revocation of a donation, conversion of the life annuity right into a pension for life, termination of life annuity contract, unworthiness of alimony, unworthiness of inheritance, as well as disinheritance. The issues raised in the dissertation are significant due to the fact that the ethical analysis of civil law institutions so far carried out in science either refers only to general theoretical considerations devoted to the study of the relationship between law and morality, or includes narrowly defined issues, in particular the principles of community life. The issues determined by the scope of the research are multifaceted, and function on the border of three sections of civil law: contract law, inheritance law and family law.

The main purpose of the study is not only a dogmatic analysis of selected civil law institutions, but also verification of the hypothesis whether the legal structure of each of the six civil law institutions is based on the common values protected by law, and therefore to what extent the legal norms are affected by the moral norms in the existing law (*de lege lata*).

The above research purpose was the basis for formulating the following research problems. Firstly, what moral values justify the studied legal institutions and whether any of them are specific in respect to others? Secondly, which (if any) of the indicated institutions are more saturated with ethical values? Thirdly, what impact, in the aspect of ethically reprehensible behavior, do the criminal law provisions have on the application of the provisions of the Civil Code and the Family and Guardianship Code? Fourthly, is the sanction for reprehensible behavior the same in all the examined institutions? Fifthly, do the common values underlying the surveyed institutions justify to state in their context that common application of the provisions of the Civil Code and the Family and Guardianship Code is necessary? Sixthly, are the applicable legal provisions effective enough to protect the party affected by grossly ethically reprehensible behavior, or is it necessary to amend the applicable legal provisions in this respect?

The doctoral dissertation consists of five chapters, preceded by an introduction and crowned with the final conclusions.

The *First chapter* is a substantive introduction to detailed considerations. The significance of the concepts of morality and ethics, as well as assessment and evaluation statements, values and goodness was determined, and a catalog of basic ethical principles and

values have been presented in it. The subject of the description was the relationship between law and morality in both the content and the functional aspects, as well as the issues regarding indefinite phrases, including general clauses, which occur in the examined legal institutions.

The *Second chapter* deals with the analysis of the effects of civil law violation of moral standards based on revocation of the donation, while the *Third chapter* covers the issue of replacing the life sentence with life annuity and termination of the life contract as the civil law effects of human behavior violating moral standards. Within their framework, those elements - among others - of the legal relationship, respectively resulting from the donation agreement and the life annuity agreement, which show specific features towards other obligatory relations have been indicated. Then, the definition elements of the premises for the application of the discussed institutions were determined, i.e. gross ingratitude, relationship preventing direct contact between parties and an extraordinary case. Previously adopted criteria for moral evaluation of human behavior were used in this respect and the behaviors constituting the basis for the application of the discussed institutions were exemplified. The legal effects of the donor's declaration of intent regarding revocation of the donation, as well as a court judgment exchanging all or some rights covered by the contents of the right to annuity into a lifetime pension and a judgment terminating the life annuity contract have also been discussed.

The *Fourth chapter* contains considerations regarding the problems - complicated and significant in terms of practice - of the consequences of revocation of the donation, conversion of the right to annuity for pension for life and termination of life annuity contract in the sphere of statutory joint property regime. These issues are important since the legal consequences of the morally reprehensible behavior of the subjects of these civil law relations acquire specific features when exhibited by a spouse remaining in the system of statutory property regime.

The last, *Fifth chapter* concerns the issue of civil law consequences of violation of moral norms on the basis of unworthiness of alimony, unworthiness of inheritance and disinheritance. For each of these institutions, comments were made in order to capture their essence and distinguish their features from the others. Similar to the case of the contract of donation and the contract of annuity, the defining elements of condition for the examined legal institutions were indicated and the types of behavior constituting the basis for their application exemplified.

The culmination of the thesis are *Final Conclusions*, containing general conclusions formulated on the basis of the conducted research, the research problems contained in the *Introduction* included.