

## **Summary of the doctoral dissertation ‘Regime of separate property with compensation for possessions gained’**

This doctoral dissertation constitutes the in-depth analysis of the regime of separate property with compensation for possessions gained. In the dissertation, there has been analysed the development of the marital law with particular consideration of the agreements related to concluding the marriage. In the dissertation, there have been collected the views of the doctrine’s representatives illustrating the inadequacies of the applicable regulations and there have been suggested statutory changes which would allow promulgating the regime of separate property with compensation for possessions gained in Poland.

In the dissertation, the analysis of the legal text was the leading research method, covering the regulations of the historical, applicable and draft normative acts. The method of analysis of the legal text has been completed, among others, by the analysis of the academic achievements included in the national and foreign literature, as well as in the Polish and foreign courts’ judicial decisions within the scope required to execute the purposes of the research. It was necessary to use the comparative law to present the regulation of the regime of separate property with compensation for possessions gained in a complex way, to present the redaction and systemic inadequacies and the possible interpretation issues, as well as to suggest the new regulations of the regime.

In the first chapter, there have been discussed the regulations and views of the representatives of doctrine regarding the marital property agreements. The chapter constitutes, in fact, the starting point to compare the regime of separate property with compensation for possessions gained with other property agreements and it introduces the necessary conceptual network applied in the further part of the dissertation.

The second chapter constitutes the attempt to find the concept of compensation for possessions gained in the historical development of the marital property relations and it is of the nature of a historical introduction.

In the third and fourth chapter, there has been presented well-functioning and commonly applied statutory regime in Germany - *Zugewinnngemeinschaft* and the French contractual regime - *la participation aux acquêts*.

In the fifth chapter, there have been presented the draft unifications of the marital law in Poland after regaining independence.

The sixth chapter has been dedicated to the meaning of the term ‘possessions gained’ and it presents broadly the ways of its calculation, indicating also the interpretation issues.

The subject of the seventh chapter is to present the legal complexities existing in two situations: when the compensation for possessions gained is due to reasons other than a spouse’s death and when the compensation for possessions gained is due to one spouse’s death.

The last chapter includes the conclusions *de lege lata* and the postulates *de lege ferenda*, which come down to postulating fundamental changes in order to eliminate the doubts occurring in practice, which in the applicable redaction of regulations, have not been considered and due to which the regime of separate property with compensation for possessions gained is, principally, of no practical meaning. In this chapter there have been presented and discussed the concepts of changes with an indication of the content of the suggested regulations.