

**The summary of the doctoral dissertation “Renunciation of the Legitime in Polish Law”
by Michał Poborski:**

The doctoral dissertation by Michał Poborski, entitled “Renunciation of the Legitime in Polish Law”, constitutes a comprehensive monograph examining a newly introduced institution of inheritance law within the Polish legal system. The work presents the subject in both historical and comparative perspectives, with particular reference to German and Austrian law. The dissertation explores the origins of the protection afforded to close relatives in inheritance law, the modern model of the legitime (also known as the “forced share”) under Polish law, as well as the legal structure and effects of the agreement on the renunciation of the legitime. The principal objective is to determine whether the amendment to the Civil Code introducing the agreement on renunciation of the legitime was necessary and whether this legal construction is justified within the framework of the Polish legitime system.

Chapter I – historical and axiological foundations for the protection of close relatives of the decedent, including discussion of the concept of the legitime as a restriction on testamentary freedom in light of constitutional principles and international law.

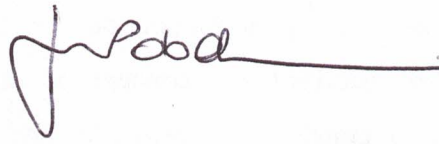
Chapter II – detailed analysis of the construction of the right to the legitime in Polish law: the circle of entitled persons, the calculation of the amount, the effect of inter vivos dispositions such as donations, the treatment of legacies and exclusions, and the limitation of claims.

Chapter III – comparative analysis of the regulation of the legitime and of agreements on renunciation in German law (BGB) and Austrian law (ABGB), together with an examination of relevant case law; discussion of the significant reform of Austrian inheritance law enacted in 2015.

Chapter IV – analysis de lege lata of Polish provisions on renunciation of the legitime, including the parties to the agreement, its subject matter, form, legal consequences, the possibility of partial renunciation, intertemporal aspects, and defects of declarations of intent.

Chapter V – proposals de lege ferenda, addressing the advantages and disadvantages of Polish solutions as compared with foreign regulations, potential directions for the reception of foreign models, as well as arguments in favour of the superiority of the domestic construction.

The dissertation adopts the formal-dogmatic method (analysis of statutory provisions, case law, and legal scholarship), supplemented by comparative analysis with German and Austrian systems. The author stresses that the renunciation of the legitime is a novel institution, previously unknown to the Polish Civil Code, and developed in response to societal needs and evolving legal practice. The agreement concerned is neither a dispositive nor an obligational act but constitutes a distinctive negative contract, exceptional in terms of its admissibility and legal consequences in comparison with other inter vivos and mortis causa acts. The work underscores key distinctions between the Polish model and the continental “reserve” system, asserting that the Polish regulation—structured as a monetary claim—better addresses social and economic realities, while simultaneously giving rise to practical limitations and risks for notarial and judicial practice. The dissertation concludes with an assessment of the potential reception of foreign solutions while underlining that the issue of renunciation of the legitime, due to its innovative and evolving nature, merits further scholarly inquiry within Polish inheritance law.

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