

Summary of the dissertation – English

The doctoral dissertation titled "**Dissolution of Marriage in Poland. *De lege ferenda* proposals**" provides a comprehensive analysis of the current legal regulations regarding the dissolution of marriage in the Polish legal system, with a particular focus on divorce procedures. The purpose of this dissertation is to evaluate the existing legal framework and propose specific reforms that could improve the functioning of the divorce law system. The aim of the dissertation is to formulate legislative proposals that address the needs of modern society, such as the increasing number of divorces, changing family structures, and the need to better protect the interests of children and spouses.

In the first part of the dissertation, a detailed analysis of the historical development of the institution of marriage and divorce in Poland is presented. This analysis is essential to understanding the changes that have occurred in marriage and divorce laws over the years. While these regulations initially reflected the needs of a traditional society, today they often prove inadequate in addressing contemporary realities. Marriage, once considered a fundamental and indissoluble social institution, is now often viewed as a more flexible emotional relationship. As a result, an increasing number of marriages are ending in divorce, necessitating the adaptation of legal regulations to these changing conditions.

The analysis of current divorce regulations, found in the Family and Guardianship Code and the Code of Civil Procedure, reveals numerous issues that contribute to the length and complexity of divorce procedures. The dissertation thoroughly examines these problems, highlighting the challenges faced by spouses seeking to dissolve their marriage in Poland. The length of divorce proceedings and their high costs are among the most significant issues, placing a considerable burden on the parties involved. Even in cases where both parties agree on the terms of the divorce, the procedures can take months or even years, leading to additional tension and negatively affecting children, who often become witnesses to the conflicts between their parents.

The dissertation also addresses the issue of the requirement to establish fault, which is a frequent element of divorce proceedings in the Polish legal system. The need to determine fault often leads to an escalation of conflicts between spouses, negatively affecting the entire process. Instead of focusing on a quick and efficient dissolution of the marriage, the parties are often forced into prolonged legal battles, further burdening the courts.

In the next section of the dissertation, a comparative analysis of divorce systems in other European countries, such as Spain, Romania, and Estonia, is conducted. These countries have implemented more flexible divorce procedures, adapted to modern social realities, including the option of notary divorces. In these countries, such solutions have proven to be an effective way to shorten the duration of divorce proceedings, reduce costs, and relieve the courts. The author suggests that such a solution could be adopted in Poland, which could significantly improve the functioning of the Polish divorce system.

The *de lege ferenda* proposals formulated in the dissertation indicate the need for significant changes in Polish divorce law. One of the key proposals is the introduction of notary divorces in cases where the spouses agree on the divorce and do not have minor children. According to the author, this solution would allow for a significant acceleration of divorce procedures, lower costs, and reduce the formalities associated with divorce. Notarial divorce, as demonstrated by

examples from other countries, allows for a quick and efficient dissolution of marriage in situations where there is no need for extensive evidence proceedings.

Another proposal is the introduction of mandatory mediation in contested cases, which could help ease conflicts between spouses and lead to faster divorce proceedings. Mediation, as a form of alternative dispute resolution, could help spouses reach an agreement on key issues such as property division, alimony, and child custody, significantly reducing the number of court cases and shortening the duration of divorces. Mandatory mediation could also enhance the protection of children's interests, who are most vulnerable to the negative effects of prolonged and contentious divorces.

The dissertation also proposes simplifying divorce procedures in cases where the spouses have reached an agreement on property division and child custody. The author suggests that courts should be able to approve such agreements without the need for lengthy evidence proceedings, which would significantly speed up the entire process. Faster resolution of issues related to alimony and child custody is essential for better protecting the interests of children, who are often the victims of conflicts between divorcing parents.

The dissertation emphasizes that the introduction of the proposed changes could significantly relieve the courts, reduce divorce costs, and limit the negative effects of divorce on children. Introducing notary divorces and mandatory mediation would reduce the formal burden on the parties involved, which is particularly important in situations where divorce is inevitable, and the parties agree on the terms of its execution.

In conclusion, the dissertation demonstrates the urgent need for reforming divorce law in Poland. While current regulations aim to protect the permanence of marriage, they often fail to keep pace with changing social realities and the needs of citizens. The proposed legislative changes could improve the functioning of the divorce law system, shorten the duration of proceedings, and better protect the interests of children and spouses. The introduction of notary divorces and mandatory mediation represents steps toward a more flexible and just system that responds to the challenges of modern society.

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