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A summary of the doctoral dissertation entitled:
„Social and economic functions of perpetual usufruct taking into account other long-
term rights use of land”
drafted under supervision of prof. zw. dra hab. Tadeusz Smoczyński

The doctoral dissertation deals with the issue of the functioning of the right of perpetual usufruct, the attractiveness of this right in a democratic state, and checking whether the allegations and defects formulated in relation to this law justify its abolition.

The aim of the doctoral thesis is to find justification for the existence of the right of perpetual usufruct and to assess the partial elements of the construction of the discussed law, comparing the solutions from the original wording of the Act of 1961 with the current legal status.

Taking into account the above-mentioned research goal, the main research problem was formulated: is the right of perpetual use a legal institution that still fulfills its function in the democratic and free-market system?

The work consists of an introduction, seven chapters, bibliographies and attachments in the form of questionnaires.

The first chapter presents the institution of perpetual usufruct and other forms of long-term use of land in the historical aspect. The subject of considerations in this chapter includes forms of land use rooted in Roman law (emphyteus and superficies), then legal regulations are presented during feudalism and during the partitions of Poland, ending with the evolution of land use legislation in 1945-1961.

The second chapter presents the problem of functioning of the perpetual usufruct right as a new form of using public (state) land, introduced into the Polish legal system by the Act of 14.07.1961 on the management of areas in cities and housing estates. The purpose of this right, content, subjects, object and manner of its establishment as well as its protection were presented.

The third chapter presents the institution of perpetual usufruct after the entry into force

of the Civil Code of 1964. The form of this law, the purpose and content, as well as the objective and subjective scope, as well as the protection of the right of perpetual usufruct have been approximated.

The fourth chapter presents perpetual usufruct and other forms of long-term use of land as part of a free market economy system. The acquisition of real estate by foreigners was approximated. The scale of demand and usefulness in the socio-economic aspect other than ownership of forms of using public real estate were presented. In addition to perpetual usufruct, the use, lease, rental, leasing and timesharing of properties were approximated and the possibilities of meeting the social and economic needs by the institutions were assessed.

The fifth chapter presents a draft law on development as a form of long-term use someone else's land.

The sixth chapter presents the problem of transforming the right of perpetual usufruct into the right of ownership of real property, from 1989 to the current legal status.

The seventh chapter contains remarks *de lege ferenda* referring to the right of perpetual usufruct and presents criticism of this right. The issue of the consequences of the liquidation of the right of perpetual usufruct was discussed. Proposals for changes in legislation proposed for retaining the right of perpetual usufruct in the catalog of rights in rem have also been presented as a result of searching for the optimal form of property right.

The main objective of the work was carried out on the basis of bibliography, both domestic and foreign. The legal texts were also used extensively in legal studies, also in historical terms. Surveys were also conducted among various communes in Poland regarding the opinion on the liquidation of perpetual usufruct.