

ABSTRACT
of the doctoral dissertation entitled
„Exclusion of parents' autonomy in managing the property of a minor child”.

The general purpose of the dissertation is to present the management institution of the child's property in the context of limiting the autonomy of parents in its implementation through excessive interference of the guardianship court. The basic research assumption is an attempt to demonstrate that the regulation of the institution of the management of the child's property is characterized by generality and vague conditions in terms of the application of standards, causes far-reaching arbitrariness, constitutes almost unlimited state interference in the performance of the management of the child's property by parents, overburdens the courts, does not keep up with the current socio-economic conditions, and consequently makes civil law transactions involving minors extremely burdensome.

Within the scope set by the research objective, in the research process, a critical analysis of the provisions of national and international law was made based on the linguistic, systemic, purposeful and functional interpretation, through the use of three main research methods: formal-dogmatic, historical-descriptive and comparative. The findings of the research were the starting point for formulating *de lege lata* conclusions for years and proposing – in the form of *de lege ferenda* conclusions – an optimal model of regulation, constituting a reasonable compromise between the protection of the child's property interests, the necessary decision-making autonomy of parents and ensuring certainty and safety of trade with minors in the era of dynamic economic development.

The dissertation consists of five chapters. The first chapter („The formation of the institution of the management of the property of a minor child in Polish law”) presents the genesis of the institution of the management of the child's property. Historical materials from the Central State Archive in Warsaw (Archive of New Files) were included, inter alia, the transcripts of legislative works on the discussed regulation over several decades and the views of science and court rulings issued against them.

The second chapter („Characteristics of the management of the child's property”) contains the characterization of the management of the child's property as an attribute of parental authority, both in terms of subjective and objective. The following part sets out the rules for the administration of the child's property. The comparison of the discussed institution with other management institutions appearing in civil law was also considered important in the context of the research objectives.

The third chapter („Representation of the child by parents in the performance of the management board”) is the characteristics of the statutory representation of parents in management performance. The issue of the role of the notary public in the management of the child's property by statutory representatives in legal activities carried out with his/her help was considered. The subject of further analysis were: the premises of the decisions of the guardianship court limiting the autonomy of parents in management performance of the child's property, the issue of the responsibility of parents for the management of the child's property and the sanction of defective representation of the child in management performance.

The fourth chapter („Exclusion of parental autonomy for the benefit of the probation officer and the administrator”) is devoted to normative constructions depriving parents with the full parental authority of the management of the property of their child. In particular, the issues of the conditions for the application of these standards and their functioning in practice have become the subject of findings. Considerations also include the characterization of the amended institution of the guardian representing the child, as well as the guardian and administrator exercising the management of assets excluded under the donation or will.

In the fifth chapter („Exclusion of parental autonomy in activities exceeding the scope of ordinary management”), the criteria for qualifying the nature of the activities of the management of the child's property as falling within the ordinary management or exceeding it were analysed. The research also included the grounds for granting the state authorities permission to manage the child's assets on a comparative basis. Then, the legal nature and content of the court's permission to perform an action exceeding the scope of ordinary management were clarified. It was also considered necessary to analyse the statistical data of the courts relating to the institution in question.

The dissertation is completed with the conclusion, containing the last collective approach to all the postulates put forward in the dissertation. The general legislative postulate is a comprehensive amendment of the provisions concerning the management of the child's property, in a precise, exhaustive, commonly understood and in accordance with the principles of the legislative technique, which would undoubtedly determine the state's interference in the management of the child's property and would eliminate the contradictions of related norms.