



The results of the work of the Polish-Czechoslovakian Legal Cooperation Commission pertaining to the legal situation of children – the Polish perspective

Ewa Jurczyk-Romanowska / e-mail: ewa.jurczyk@uni.wroc.pl
Instytut of Pedagogy, University of Wrocław, Poland

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The paper presents the changes of family law regulations in Poland after World War II which aimed to adapt the first unification of the regulations that had taken place in 1945–1946 to the social reality. That is why in 1948 the Polish-Czechoslovakian Legal Cooperation Commission was established. The Commission was to develop a project of regulations to be introduced in Poland and in Czechoslovakia. The results of the works of the Commission include: Act on family law (went into effect on January 1, 1950 in Czechoslovakia) and the Family Code (went into effect on October 1, 1950 in Poland). Both the legal acts were highly similar in their structure as well as the employed legal solutions. In her paper the author concentrates on the regulation of the legal situation of children in Poland's Family Code, because it is her belief that this regulation aimed to make equal the legal situation of legitimate and illegitimate children. These problems were regulated in an identical way in both countries.

Key words: Polish-Czechoslovakian Legal Cooperation Commission; parentage of a child; parental authority; legitimate and illegitimate children; codification of family law; unification of family law

Introduction

When in 1918 Poland regained independence creating a unified legal system for the entire country became one of the basic priorities. The system was to function instead of the theretofore in force regulations of the foreign governments that had occupied Poland during the Partitions. However, the differentiation of the regulations of family law persisted the longest. It was only after the end of World War II that the pre-war novelisation projects were developed and in 1945–1946 four legal acts

regulating the problems of relations between family members were passed. They included: Marriage Law¹, Family Law², Guardianship Law³, Marriage Property Law⁴. The enumerated legal acts regulated the problems connected with the legal and formal aspects of starting a family and the functioning of families in the state of Poland, because it needs to be emphasised that until 1945 there was no coherent regulation pertaining to this area. In this way the four edicts replaced the legal regulations introduced after 1918, including the acts establishing selected institutions of family law, as well as the acts regulating the relationships between the Republic of Poland and various religious organisations, and the theretofore in force regulations of the earlier Civil Code of the Kingdom of Poland, Austrian Civil Code, Vol. 10 pt. 1 of the Collection of Laws⁵. The construct defining the legal situation of children in 1946 was based on pre-war projects⁶, which were to a great extent inadequate because of the social changes that Poland has undergone after WWII. The stigmatization of illegitimate children that was sanctioned with the edict of 1946, refusing married mothers the right to sue for

¹ Edict of 26. 09. 1945, *Prawo małżeńskie* [Marriage Law], Dz. U. 1945 Issue 48 pos. 270, introduced by the edict of 25. 09. 1945 *Przepisy wprowadzające prawo małżeńskie* [Regulations introducing the marriage law], Dz. U. 1945 Issue 48 pos. 271.

² Edict of 22. 01. 1946, *Prawo rodzinne* [Family Law], Dz. U. 1946 Issue 48 pos. 52, introduced by the edict of 22. 01. 1946 *Przepisy wprowadzające prawo rodzinne* [Regulations introducing the family law], Dz. U. 1946 Issue 48 pos. 53.

³ Edict of 14. 05. 1946, *Prawo opiekuńcze* [Guardianship Law], Dz. U. 1946 Issue 20 pos. 135, introduced by the edict of 14. 05. 1946 *Przepisy wprowadzające prawo opiekuńcze* [Regulations introducing the guardianship law], Dz. U. 1946 Issue 20 pos. 136.

⁴ Edict of 29. 05. 1946, *Prawo małżeńskie majątkowe* [Marriage Property Law], Dz. U. 1946 Issue 31 pos. 196, introduced by the edict of 29. 05. 1946 *Przepisy wprowadzające prawo małżeńskie majątkowe* [Regulations introducing the marriage property law], Dz. U. 1946 Issue 31 pos. 197.

⁵ Cf. edict of 25. 09. 1945 *Przepisy wprowadzające prawo małżeńskie* [Regulations introducing the marriage law], Dz. U. 1945 Issue 48 pos. 271, edict of 22. 01. 1946 *Przepisy wprowadzające prawo rodzinne* [Regulations introducing the family law], Dz. U. 1946 Issue 48 pos. 53, edict of 14. 05. 1946 *Przepisy wprowadzające prawo opiekuńcze* [Regulations introducing the guardianship law], Dz. U. 1946 Issue 20 pos. 136, edict of 29. 05. 1946 *Przepisy wprowadzające prawo małżeńskie majątkowe* [Regulations introducing the marriage property law], Dz. U. 1946 Issue 31 pos. 197. The enumerated edicts include a detailed list of legal acts or parts thereof, revoked with the 1945-1946 reform of family law.

⁶ Radwański, Z. (1985): *Problemy kodyfikacji prawa rodzinnego* [Problems of the codification of family law]. In Błęszyński, J. – Rajski, J. (eds.): *Rozprawy z prawa cywilnego. Księga pamiątkowa ku czci Witolda Czachórskiego* [Discourses in Civil Law. Book in the Memory of Witold Czachórski]. Warszawa: Państwowe Wydawnictwo Naukowe, p. 49.

a denial of paternity, establishing the legal relationship of a child with the mother and her family exclusively, defining the father's role in merely economic terms, and constructing the regular denial of a child's parentage from a marriage with the burden of proof placed on the mother were all an expression of the inequality of the roles of a child's parents. Because of the aforementioned inadequacy of the legal regulations to social life the works on a new legal act were soon undertaken. The act was to be a comprehensive regulation of the problems of the family in Poland.

The works of the Polish-Czechoslovakian Legal Cooperation Commission

In July 1948, the Permanent Polish-Czechoslovakian Commission was established. Its aims included the defining of the basic institutions of the future codes of both the countries⁷. The works of the Commission were not based on a formal agreement between the states, which is why its decisions were not binding for the legislative⁸. However, the stance of the Commission regarding the development of substantively coherent Polish and Czechoslovakian projects of family law codes was commonly accepted. As a result, at the beginning of 1949 Poland and Czechoslovakia initiated a cooperation aimed to uniformly regulate the problems of family law in their own internal acts⁹. The cooperation resulted in the project of a family code drafted in December 1949 in Polish and Czech. An act on family law was penned on its basis in Czechoslovakia on December 7, 1949. It went into effect on January 1, 1950. In Poland the Family Code was passed on June 27, 1950, and it went into effect on October 1 of the same year¹⁰. Both the legal acts were

⁷ Szer, S. (1966): *Prawo rodzinne* [Family Law]. Warszawa: Państwowe Wydawnictwo Naukowe, p. 9.

⁸ Winiarz, J. (1985): Kodyfikacja prawa rodzinnego i opiekuńczego PRL [Codification of family and guardianship law of the People's Republic of Poland]. In Bleszyński, J. – RAJSKI, J. (eds.): *Rozprawy z prawa cywilnego. Księga pamiątkowa ku czci Witolda Czachórskiego* [Discourses in Civil Law. Book in the Memory of Witold Czachórski], Warszawa, PWN, p. 78.

⁹ Szer, S. (1949): Współpraca polsko-czechosłowacka w dziedzinie prawa cywilnego [Polish-Czechoslovakian cooperation in civil law], *Demokratyczny Przegląd Prawniczy*, Issues 8–9.

¹⁰ Ignatowicz, J. (2000): *Prawo rodzinne* [Family Law]. Warszawa: Państwowe Wydawnictwo Naukowe, p. 24; Act of 27. 06. 1950. Kodeks rodzinny [Family Code], Dz. U. 1950, Issue 34, pos. 308.

based on the same social assumptions, they included similar or identical definitions, and they even included a similar number of editing units (the project – 90 articles, the Czechoslovakian act – 90 paragraphs, Polish Family Code – 91 articles)¹¹. The fundamental rules introduced by the regulation included: (1) secularity of marriage, (2) equality of men and women, (3) taking marriage and the family under state protection, and (4) equality of legitimate and illegitimate children. The last aspect is particularly important to the author of this paper. It should be noted that inasmuch as in the problems connected with the secularity of the institution of marriage, divorce premises, the names of the wife and the husband, adoption, and child support there were certain minute differences between the regulations¹², the problems connected with parentage were regulated in an almost identical way, which is why the legal situation of children was made equal in both countries, regardless of the marital status of their parents.

The Polish-Czechoslovakian Legal Cooperation Commission made the decision to remove all differences between the legal position of legitimate and illegitimate children, starting the exclusion of the terminological differentiation between “legitimate/illegitimate children” that was to be found in the Family Law of 1946, as well as the structural differentiation reflected in the regulation of their legal status in two separate departments. The Commission used the term “parents” and “children” in constructions pertaining to the institutions of a child’s parentage and parental authority. In the further part of the paper I present the regulations connected with these institutions¹³, and the discussion is based on the method of exegesis of the legal text in the form of the Family Law of 1946¹⁴.

¹¹ Szer, S. (1964): Współpraca polsko-czechosłowacka w zakresie kodyfikacji prawa rodzinnego (próba oceny) [Polish-Czechoslovakian cooperation in the codification of family law (an attempt of an evaluation)]. In Osuchowski, W. – Sośniak, M. – Walaszek, B. (Eds.): *Rozprawy prawnicze. Księga pamiątkowa dla uczczenia pracy naukowej Kazimierza Przybyłowskiego* [Discourses in Law. Book in the Memory of the Scholarly Work of Kazimierz Przybyłowski]. Kraków–Warszawa, Państwowe Wydawnictwo Naukowe, p. 355., Act on family law, Dec 7th 1950, Family Code, Dz. U. 1950, Issue 34, pos. 308.

¹² Szer, S. (1949): Współpraca polsko-czechosłowacka w zakresie kodyfikacji... op. cit., pp. 356–359.

¹³ Detailed description of the presumptions of parentage in Polish family law after WWII, active and passive legitimisation in the institution of proceedings is presented in Jurczyk-Romanowska, E. (2013): Instytucja pochodzenia dziecka w polskim prawie rodzinnym w latach 1946–1965 [Institution of parentage in Polish family law in the years 1946–1965]. *Wychowanie w Rodzinie* vol. VII (1/2013), pp. 295–330.

¹⁴ Edict of 22. 01. 1946, Prawo rodzinne [Family Law], Dz. U. 1946 Issue 48, pos. 52, introduced by the edict of 22. 01. 1946 Przepisy wprowadzające prawo rodzinne [Regulations introducing the family law], Dz. U. 1946, Issue 48, pos. 53.

The legal situation of children in the Family Code of 1950

In relation to the establishment of paternity in the Family Code the term “presumption of paternity” is employed instead of “presumption of a child’s parentage from a marriage”, however, the construction of the discussed institution remained the same: “a child born during marriage or within three hundred days of its annulment or dissolving is considered the child of the mother’s husband”¹⁵. Simultaneously, in accordance with the former regulation, the problem of the conflict of presumptions was solved: “If a child is born within three hundred days of the annulment or dissolving of marriage, but after the mother enters into a new marriage, it is presumed that it is the child of the second husband”¹⁶ (Fig. 1). In such a case the legislator only specifies the definition that “there is a doubt as to the parentage of the child from either of the marriages”¹⁷, pointing to the precise duration of three hundred days after the dissolving of the first marriage¹⁸.

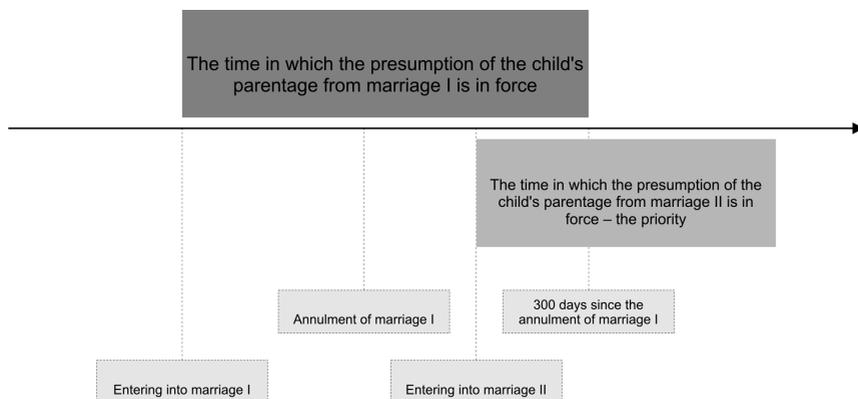


Fig. 1. A diagram presenting the exclusion of the probability of regular denial of the presumption of a child’s parentage from a marriage (the burden of proof lies on the mother’s husband). Source: Jurczyk-Romanowska, E. (2013): *Institucja pochodzenia dziecka w polskim prawie rodzinnym w latach 1946–1965* [Institution of parentage in Polish family law in the years 1946–1965]. *Wychowanie w Rodzinie*, vol. VII 1, p. 302.

¹⁵ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 42 par. 1.

¹⁶ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 42 par. 2.

¹⁷ Edict of 22. 01. 1946 Prawo rodzinne [Family Law], Dz. U. 1946 Issue 6, pos. 52, Art. 15 par 2.

¹⁸ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 42 par. 1.

The mother's husband had the right to institute the proceedings aimed to deny paternity, which could be instituted within 6 months of receiving the information about the wife having the child¹⁹, therefore, the time for the institution was made two times longer. A legal representative of the husband could also institute the proceedings if the father was fully incapacitated²⁰. However, the inheritors of the mother's husband could no longer institute the proceedings, which had been made possible by the Family Law of 1946. The proceedings were instituted against the mother and the child²¹. In the same way as in the Family Law of 1946, two types of denial were defined: regular denial, if the child was born within 180 days of the entering into marriage, and the denial in which it is required that a positive improbability of the wife's husband being the child's father be demonstrated, if the child was born between 180 days of the entering into marriage and 300 days since its dissolving (Fig. 2). The construction of regular denial was also slightly altered. In the Family Code it is stated that "to deny the presumption of paternity it is sufficient for the husband instituting the proceedings to deny paternity to declare that he is not the father of the child, unless he had an intercourse with the mother of the child between the 300th and 180th day before it was born or he had known that the mother was pregnant before entering into marriage"²². Therefore, having an intercourse with the mother within the period defined in the act or the knowledge about the pregnancy should exclude the possibility to use regular denial and only make it possible to use the denial with demonstration of improbability of paternity. That is why the burden of proof lay with the father. That is contrary to the previous regulation, where the Family Law stated: "it is sufficient to deny, even if the denial is not made probable, that the father had an intercourse with the mother of the child between the 300th and 180th day before it was born"²³. If the latter was the case then the necessity of making probable the paternity lay with the second side of court proceedings, that is, the mother and the child. Absolving the mother of the necessity of making probable the circumstances of the intercourse with the husband in the defined time was undoubtedly an expression of the improving legal situation of women in family law, however, what was even more important in this context was art. 51, in which for the first time the mother was granted the right to institute

¹⁹ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 48.

²⁰ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 48.

²¹ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 50.

²² Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 49 par. 2.

²³ Edict of 22. 01. 1946 Prawo rodzinne [Family Law], Dz. U. 1946, Issue 6, pos. 52, Art. 6 par. 2.

proceedings for the denial of paternity of her husband within 6 months of the birth of the child²⁴. Therefore the married woman did have this right, even if a man other than her husband was the father of the child. Regardless of the entity instituting the proceedings the denial of paternity was not possible after the child's death²⁵.

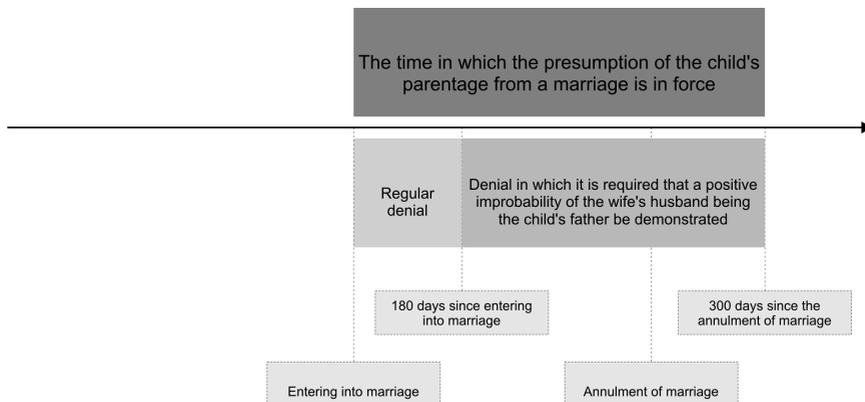


Fig. 2. A diagram presenting the two ways of the denial of the presumption of a child's parentage from a marriage; Source: Jurczyk-Romanowska, E. (2013): *Institucja pochodzenia dziecka w polskim prawie rodzinnym w latach 1946–1965* [Institution of parentage in Polish family law in the years 1946–1965]. *Wychowanie w Rodzinie*, vol. VII 1, p. 301.

In the Family Code of 1950 it was stated that the legal relationship between the father and the child could only be established in three ways: as the result of the employment of the presumption presented above, by the recognition of the child by the father, or by the establishment of paternity by a court. This regulation unified the system of presumptions, the circumstances necessary for its establishment and the available institutions of "legalisation", "recognition", and "equalisation" present in the previous act.

After the Family Code went into effect in 1950 a man could use the institution of the "recognition of the child" before the registry official or before the guardianship authority, however, it was always necessary for the mother to agree, unless the mother was dead, incapacitated or it was not possible to communicate with her due to substantial obstacles. Nevertheless, in the latter situation, after the obstacle was removed and

²⁴ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 51.

²⁵ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 52.

within 6 months of acquiring the information about her child being recognised, the mother could demand that the recognition be annulled, if the man was not the child's biological father²⁶. It needs to be noted that in the case of the former regulation the mother did not virtually have this right, and the recognition of the child was a one-party declaration of will that could even be included in one's last will²⁷. That is why, as a result of the passing of the new legal regulation mothers gained new rights connected with the formal paternity of their children. Another new solution was the inclusion of the *nasciturus*, i.e. the unborn child, in the institution of the recognition of the child²⁸. That was yet another step towards the decreasing of the social stigmatisation of illegitimate children. The new act also gave the father the right to annul the recognition of the child due to a fault in the declaration of will, which was defined in a much broader manner than the theretofore employed circumvention. The right, however, could only be invoked if he was not in fact the child's father, and within 6 months of the act of recognition²⁹.

The mother and the child had the right to institute court proceedings to establish paternity. In such a situation the presumption that the man who had an intercourse with the mother between the 300th and 180th day before the birth of the child was made³⁰, therefore, the construct of the presumption from 1946 was retained (Fig. 3).

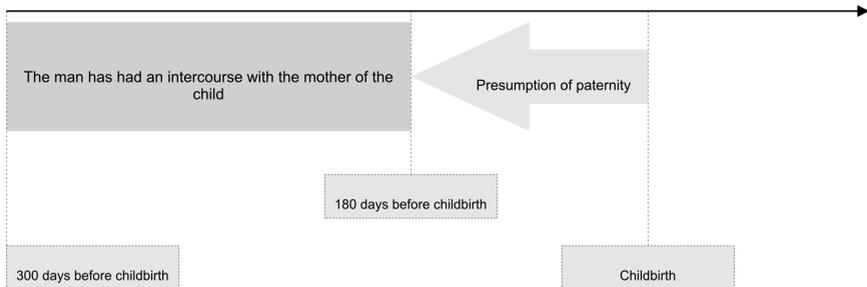


Fig. 3. A diagram presenting the presumption of paternity of an illegitimate child; Source: Jurczyk-Romanowska, E. (2013): *Institucja pochodzenia dziecka w polskim prawie rodzinnym w latach 1946–1965* [Institution of parentage in Polish family law in the years 1946–1965]. *Wychowanie w Rodzinie*, vol. VII 1, p. 303.

²⁶ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 44.

²⁷ Edict of 22. 01. 1946 Prawo rodzinne [Family Law], Dz. U. 1946, Issue 6, pos. 52, Art. 64 par 2.

²⁸ Act of 27.06.1950, Kodeks rodzinny [Family Code], Dz. U. 1950, 34. 308, Art. 45.

²⁹ Act of 27.06.1950, Kodeks rodzinny [Family Code], Dz. U. 1950, 34. 308, Art. 46.

³⁰ Act of 27.06.1950, Kodeks rodzinny [Family Code], Dz. U. 1950, 34. 308, Art. 47.

The above analysis and the comparison of both the regulations suggest that the main change was related to the equalisation of legitimate and illegitimate children. This was reflected in the fact that their legal status became the same, including the regulations pertaining to their relationships with parents and to parental authority. Nevertheless, the construction of presumptions and the institutions of recognition and establishment of paternity in court remained relatively similar, with the exclusion of the rights of women and the prolonging of the period in which the institutions could be employed from 3 to 6 months. With one exception³¹, the regulation remained unchanged until 1965, when the Family and Guardianship Code³² was passed. This act is still in force in Poland, as amended. The aforementioned exception pertained to granting the child the right to institute the proceedings to deny its parentage from a marriage within three years of its coming into full age. In the proceedings to deny paternity the child was against the mother's husband, and in the case if he was dead or his whereabouts unknown, against the guardian established by the guardianship authority³³. Before the coming of full age the mother was the legal representative of the child in denial of paternity proceedings³⁴.

In the new regulation of the family law the greatest changes were made in the discussed institution of paternity and the dualism of the situation of legitimate and illegitimate children proposed in 1946, which was removed altogether from the Family Code of 1950. As a result, the consequences of the use of the legal presumptions of paternity were changed. From then on paternity was a relationship with the mother as well as the father, at the same time making it obligatory for both the parents to take care of the child and its possessions, its physical and spiritual development, and to try to raise and educate it so it could be prepared to work for the good of the society, according to its talents³⁵. It can be assumed that the last requirement was a clear expression of the political tendencies in the contemporary Poland. Both the parent were obliged to take up the responsibilities connected with providing for and raising the child. In the 1950 act a new regulation stating that fulfilling

³¹ Edict of 03. 06. 1953 O zmianie kodeksu rodzinnego [On the amendment to the family code] Dz. U. 1953 Issue 31, pos. 124.

³² Act of 25. 03. 1964 Kodeks rodzinny i opiekuńczy [Family and Guardianship Code].

³³ Edict of 03. 06. 1953 O zmianie kodeksu rodzinnego [On the amendment to the family code] Dz. U. 1953, Issue 31, pos. 124 art. 52.

³⁴ Edict of 03. 06. 1953 O zmianie kodeksu rodzinnego [On the amendment to the family code] Dz. U. 1953, Issue 31, pos. 124 art. 52.

³⁵ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950, 34. 308, Art. 35.

these parental duties could be fully or partly done through individual efforts made to raise the offspring³⁶. By removing the duality of children's legal situation the Family Code made it clear that the child ought to have its father's surname. It was only when the father remained unknown that the child was given the mother's surname³⁷. This regulation aimed to reduce the social stigmatisation of illegitimate children.

In the Family Code of 1950 it was also stated that until the child becomes of full age it remains under parental authority³⁸, which included the parents' rights and duties in guiding the children, representing them, and managing their possessions. Yet another indication pertaining to parental authority was the duty to take into account the good of the child and the good of the society³⁹. The latter is characteristic of the socialist system. In the case of any contentions between the parents it was necessary to relate to the opinion of guardianship authorities. This was connected with the problems of upbringing, representation, or managing the child's possessions⁴⁰. The guardianship authorities were also to solve contentions related to:

- limitation of parental authority – in the situation when the parents failed to properly fulfil their obligations,
- suspension of parental authority – in the case of a temporary obstacle in executing the authority,
- termination of parental authority – in the case of permanent obstacles in executing the authority, or in the case when the authority is abused or in the case when parental obligations are grossly neglected⁴¹.

It needs to be emphasised that according to the 1950 regulations both parents had the parental authority regardless of whether the child was legitimate or illegitimate. The decision terminating the authority of one of the parents was only made on the basis of his or her behaviour towards the child and the parent's life situation. There were no legal regulations that related the parental authority to one's marital status or any actions taken before an official or in court. Parental authority belonged to the mother and the father *ex lege*.

³⁶ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 39.

³⁷ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 36.

³⁸ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 53.

³⁹ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 54.

⁴⁰ Act of 27. 06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 55–58.

⁴¹ Act of 27 .06. 1950, Kodeks rodzinny [Family Code], Dz. U. 1950. 34. 308, Art. 60–61.

Recapitulation

When analysing the results of the work of the Polish-Czechoslovakian Legal Cooperation Commission from a historical perspective its evaluation is necessarily ambivalent. On the one hand, issuing one legal act regulating all the problems of marriage and family was an advantage. What is more, most of the proposed institutions were developed in the Family and Guardianship Code of 1964, which is still in force, with necessary amendments, of course. Most of the amendments pertaining to the legal situation of children were only introduced after the year 2000, that is, 50 years after the legal act analysed in the present paper was passed. When introducing the new regulation the Codification Commission declared: "... the attempt to develop such a grand act as family and guardianship law by two socialist countries together needs to be positively evaluated because it has been an opportunity for a fruitful exchange of experiences"⁴². The unification of the legal systems of two states in relation to a particular aspect of social relations excludes the possibility of a conflict of laws, which makes the legal exchange between the states more effective.

It is also from the social perspective that the changes in family law, especially those pertaining to the legal situation of children, were of crucial importance. That was because the legal bases for a social stigmatisation of illegitimate children were eliminated, and parental authority was awarded *ex lege* to both the parents, while at the same time it was made possible to limit, suspend, or terminate the authority if it was or could not be properly exercised.

Nevertheless, there was a number of evident shortcomings of the legal norms of the Family Code of 1950. One of them was certainly the laconism of the regulations. J. Winiarz claimed that "it is necessary for the legislative to keep certain proportions. There should not be too much casuistry, however, while avoiding casuistry one should not go to the extreme of lacking to sufficiently address the matter that needs to be regulated. And that was the case with k.r.⁴³ of 1950. That is why it is not an unjustified belief of many lawyers that the k.r. is a specific type of legal act which has few regulations and quite a few loopholes"⁴⁴.

⁴² *Uzasadnienie projektu kodeksu rodzinnego i opiekuńczego z 1962 r.* (1962) [Justification of the project of the family and guardianship code of 1962]. Warszawa, p. 40.

⁴³ K.r. – Kodeks rodzinny [Family Code].

⁴⁴ Winiarz, J.: op. cit., p. 79.

To recapitulate – many of the legal constructs employed in 1950 are still in force in today's Poland⁴⁵, however, due to the laconism of the forms and regulations of the Family Code it was necessary for the law to undergo further legislative processes. As a result, the practise of the organs executing the law was made into a legal act. This took place in 1964 following a few years of debates, both formal, within the Civil Law Department of the Codification Commission, and journalistic, in jurisprudential periodicals.

⁴⁵ Jurczyk-Romanowska, E.: *op.cit.*, pp. 295–330.