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Ustalenie nierównych udziałów w majątku wspólnym małżonków w postępowaniu cywilnym

Determination of unequal shares in the joint property of spouses in civil proceedings

The dissertation deals with the issue of determining the existence of unequal shares in the joint property of spouses in civil proceedings. It was established that there are eleven types of proceedings in which the existence of unequal shares can be established. These types of proceedings include: proceedings for the division of joint property, proceedings for the division of inheritance, proceedings for the liquidation of joint ownership, proceedings initiated by an independent action to determine the existence of unequal shares, mediation, conciliation, proceedings before an arbitration court and the relevant bankruptcy proceedings. A systematization of the disjointed normative matter relating to the problem of determining unequal shares in the joint property was made. An analysis has been carried out of the possible substantive rulings that may be made as a result of the recognition of a request to determine the existence of unequal shares in the joint property. The matter of possible legal remedies available against court rulings establishing the existence of unequal shares in the joint property has been arranged. It concludes with a postulate de lege ferenda, in terms of amending the provisions of substantive law, in order to broaden the possibility of claiming the determination of the existence of unequal shares in the joint property in divorce proceedings.

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