

POPULAR SCIENTIFIC ABSTRACT OF THE PROJECT

The purpose of the project is to reconstruct the historical and up-to-date justification (*ratio legis*) to protect family interest against the testator's arbitrariness in disposing of his property *mortis causa*. It concerns two fundamental for family and particularly succession law notions – i.e. „family solidarity” and „family interest that deserves protection”. There are no doubts that this justification has been changing and its traditional understanding does not correspond any more to the current needs. The need to be protected on the one side collides with the necessity to ensure the autonomy of the testators themselves. Both opposing values require to be appropriately defined and balanced so as to correspond to the requirements of the times. Therefrom appears the necessity to analyse thoroughly the solutions applied in the world (from one side of the same model: legitim, reserve, maintenance systems and many intermediate, mixed systems, from the other side the supplementing institutions, such as: disinheritance, the right to live in the household after the death of the testator, renunciation of inheritance, renunciation of legitim), to set out the spectrum of available legal figures, their values and limitations, but first of all to find out the *ratio legis* identifiable in these legal systems. It is this justification that gives rise to most doubts and encounters various answers. In many states, an intense discussion is on with reference to this issue. Interesting legal research is undertaken. In Poland, the urgent need to reconstruct *ratio legis* is quite rarely signalled, in particular, when another challenge is before the system of justice, however, the discussion has not been started, yet. And at that time, this deeply theoretical problem projects on many practically important answers.