

Popular science abstract

The research aims to identify trends and existing legislative solutions related to the protection of the legitimate interests of the elderly in selected legal systems, including Poland, in terms of their ability to participate in civil and legal transactions and in the area of support institutions. The research is aimed at proposing an optimum model of protecting the interests of the elderly in Poland on the basis of the examined legal orders, as well as at creating new solutions adequate to the deepening and dynamic demographic phenomenon of the ageing of Polish society.

Similarly as in some countries, also in Poland the norms applicable to the elderly were created at a time when the demographic situation was different from the present one. Currently, there is a growing percentage of elderly people in society, which generates or increases the existing problems related to the participation of seniors in civil law transactions. This observation is accompanied by a positive phenomenon of the desire of contemporary seniors to remain as active as possible in civil law transactions despite the limitations of old age.

The regulations in force in Poland do not create a coherent system of legal protection of the elderly and their interests. To a large extent they are only fragmented and rudimentary. The experience of some countries indicates the possibility of introducing effective and at the same time specialised tools for the protection of the interests of the elderly, allowing them to participate in civil and legal transactions, containing both the element of their protection as the weaker party and at the same time not resulting in their stigmatisation. The aim of modern regulations should be to provide sufficient support for seniors so that they can actively participate in social life for as long as possible. A systemic change in the Polish legal system is therefore desirable.

The presented assumptions, however, are not aimed at privileging the position of the elderly in legal transactions at the cost of others, but at balancing the interests of all its participants so that the position of the weaker party is appropriately strengthened and the balance of parties disturbed by the problems of old age is restored. Consequently, the proposed solutions would counteract discrimination against the elderly.

Consequently, the result of this Project will be to propose an optimal model of protection of the interests of the elderly in Poland. The results of the work will include the development of a monograph entitled "The capacity to participate in the trade". The project's results will include the development of a monograph entitled "The capacity to participate in civil and legal transactions of older people. Support institutions - a legal perspective", as well as articles and papers that will form the basis for a discussion on this topic in a wider circle of Polish legal doctrine. Moreover, the analysis of international trends and institutions of protection of the elderly in foreign law will provide valuable material for future work on the standards of protection of the elderly in the convention form. Such a research direction will undoubtedly have an impact on the development of civil law in Poland, as well as in the world.