

Scientific objective of the project and justification of the research

Under Polish succession law, only persons that are legally related through birth, adoption or marriage to a deceased can inherit after him or her on intestacy (when there is no valid will or when it concerns the disposal of only a part of the estate). Thus, only the descendants (children, grandchildren, etc.) and ascendants (parents and grandparents), the spouse, and stepchildren of a deceased inherit under statutory law (articles 931-934¹ of the Civil Code of 1964). Other persons can inherit only based on a valid testamentary disposition. Thus, **persons in unformalized relationships** – a working term coined to describe persons sharing accommodation as well as emotional and financial bonds without being married to each other – **do not inherit from each other on intestacy under Polish succession law**. Such persons do not have intestate rights regardless of the duration of their relationship, their economic and/or emotional (inter)dependency, or, even, their having or expecting a child together. This is true also for sexual minorities who – so far – do not have the possibility of legally formalizing their relationships in Poland.

Polish law contrasts with the laws of some European countries. **Certain European jurisdictions provide persons in unformalized relationships with intestate rights or intestate claims against each other's estate. The number of these jurisdictions is slowly growing.** For example, in 2017, persons living in a marriage-like relationship became intestate heirs in Austria and in the Brčko District of Bosnia and Herzegovina.

In addition, the increasing number of households featuring persons in unformalized relationships further justifies considering the adoption of legal rules ensuring intestate succession for persons in unformalized relationships in Poland. The number of marriage-like relationships in Poland grew by 400 percent between 2011 and 2021 (GUS 2023).

The aim of the proposed research is to answer the question: **Should – and if so, which – legal provisions be introduced in Poland to provide persons in unformalized relationships with intestate rights or claims?**

Structure of the research

The proposed research will be carried out **in three stages**. **The first** one will consist of collecting and systematizing data about legal rules providing persons in unformalized relationships with intestate succession in European countries. **The second** stage will involve verifying whether persons in unformalized relationships should be provided with intestate rights or intestate claims in Poland. The answer to this question will be based on public opinion polls and an analysis of the provisions of law in force in Poland. **The third** stage will consist of designing legal provisions providing persons in unformalized relationships with intestate rights or intestate claims. These provisions will comply with the law in force in Poland.

Research results

The results of the research will be published in a scientific monograph dedicated to the proposed rules of intestate succession for persons in unformalized relationships in Poland and in five scientific articles discussing, among other topics, the intestate succession rules for persons in unformalized relationships in Europe and the socio-legal arguments for and against their introduction under Polish succession law. In addition, the research results will be presented at various international conferences and webinars focused on the legal situation of persons in unformalized relationships. The findings will also be disseminated among scientists and policymakers participating in the deliberations of codification commissions of various countries (particularly in Poland) and made available to international organizations dealing with succession law. Furthermore, the results will be continuously published on social media by the members of the research team.