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Summary of the doctoral dissertation entitled *Institution of guardianship over adults under 25 in the Roman law*

The doctoral dissertation in question (consisting of the introduction, four chapters, and conclusion) analyzes the issue of the institution of guardianship over adults under the age of twenty-five (minors) in the Roman law, as well as other protective measures granted to this group of people in order to secure them against the adverse effects of legal acts.

Due to their young age and, consequently, their lack of experience, minors received assistance in taking legal actions. In practice, they were granted the *actio legis Laetoriae*, the *exceptio legis Laetoriae*, facilitated access to the *restitutio in integrum*, and a curator (*cura minorum*). The effect of the work constitutes the answer to the question whether the role of the curator was important in the Roman law and society.

The reflections regarding the problem formulated in the title include the legal characteristics of guardianship over minors from 192 BC (namely since the introduction of the age category of minors) until the Justinian times.

As part of the introduction to the doctoral dissertation, the subject of research was discussed, including the reasons for introducing the age category of mature persons under twenty-five into the Roman law, state of research, source text basis, as well as research methods.

The first chapter discusses the introduction of the age category of minors, and characterizes other age categories in force in the Roman law. There was reviewed the *lex Laetoria*, under which the *actio legis Laetoriae* was introduced, along with supplementing the protection over minors by introducing the possibility of applying a demurrer to the edict: the *exceptio legis Laetoriae*. Attention was also drawn to the limitations caused by the extensive protection of minors, signalled by Plautus in his comedies.

The next chapter is devoted to issues related to *restitutio in integrum*. The measure itself and the conditions for its granting both for minors and for persons over the age of twenty-five, as well as the procedure in the event of exceeding the age limit were characterized. At the same time, it was pointed out that the protection for minors

was not absolute, as they were held fully accountable for dishonest conduct while concluding contracts, or for committed delicts and crimes, similarly to mature people over twenty-five years of age. Additionally, attention was paid to the coherence of the provisions on *restitutio in integrum* with the principle of *ignorantia iuris nocet*.

The following chapter is dedicated entirely to the person of a curator, and the institution of guardianship, including issues related to the duties of curators, reasons for placing minors under guardianship, establishment and commencement of guardianship, as well as its termination. It also lists the reasons for a curator to resign from their function, and the rules of conduct in relation to dishonest curators. Minors could use the help of curators both in relation to individual activities, specific type of activities, as well as managing all affairs; their role could also consist in advising the minor on the appropriate solution. It has been shown that the role of a curator was essential in the Roman law and society. The entities entitled to apply for a curator of a minor were also discussed, along with the resulting consequences, as when a third party applied for appointing such a person, being responsible for the affairs conducted by a curator granted at their request.

The last chapter examines issues related to the marriage of minors, and as a result, it discusses the subject of engagement, property relations between the fiancés, as well as marriage itself. It also reviews questions related to adultery and its legal consequences. Interestingly, with regard to engagement and marriage itself, minors were treated similarly to people who already turned twenty-five. At the same time, they were entitled to some protection and assistance in the field of property relations related to marriage, and thus in relation to dowries and donations.

In the conclusion, the considerations contained in the work are summarized.

Summing up, this work was aimed at examining the scope of minor protection, as well as the role of the curator in connection with the protection of minors. At the same time, efforts were made to emphasize that the protection of persons under the age of twenty-five was very extensive and affected the possibility of challenging legal actions, also providing procedural conveniences, but on the other hand, it was not absolute. It should be remembered that minors were mature citizens, and the protective functions and assistance granted resulted only from the lack of experience that should be possessed by persons who already turned twenty-five.

The analysis of individual issues allowed for the formulation of a summary at the end of each chapter. In the conclusion section of the dissertation, the summary of the above considerations allowed for recognizing that the role of the curator was vital not only in the Roman law but also in Roman society.

Key words:

Guardianship, minors, guardianship over minors, adults under 25, *lex Laetoria*, *actio legis Laetoriae*, *exceptio legis Laetoriae*, *restitutio in integrum*.