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Abstract:

The paper deals with difficulties in the interpretation of the legal provisions of Polish private law, in which the term “management” occurs. No general legal definition of the term has been coined in the Polish law. However, some scholars and courts proceed on the assumption that all instances of “management” are based on the same legal structure. In particular, there are frequent references to the management of joint property of the spouses and the management of the common property. The view put forward in this article is that each case of a “management” regulation should be treated separately. Differences should be emphasized, especially between the provisions that govern the actions taken on behalf of someone else (as it is in the case of Article 29 of Polish Family and Guardianship Code) and the provisions governing the commonality of rights.