

Author: Karol Stryjski

Title: Niejednolitość personalna prawa właściwego / Interpersonal conflicts of laws

Source: Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)

Year: 2018, vol. XXVII, number 3, pages: 755-788

Keywords: interpersonal law, conflicts of laws, private international law, ununified systems

Discipline: Private Law, International Private Law

Language: Polish

Document type: Article

Publication order reference: Jagiellonian University, Faculty of Law and Administration, Private International Law Department, ul. Olszewskiego 2, 31-007 Kraków

Abstract:

The article analysis the method of indication of applicable law when law indicated by rule of private international law occurs to be ununified. The author examines an ununification of law on basis of personal criterium i.e. whereunder people of different faiths or ethnicities are governed by different systems of substantive private law within one country. Today, there are still tens of states with more than one system of personal law, especially in Africa and Asia. Increasing number of migrants influences the rising share of transnational legal relationships, including those adjudicated by Polish courts. Among interpersonal conflicts of laws, the cases based on family and succession law are the most common in practice. The article presents several examples of personally ununified legal systems, marks out the types of interpersonal conflicts of laws which may arise and explains – from the Polish courts perspective - the way in which a court should proceed to resolve the problem of personally ununified law if it applies in given case.