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Abstract:

The aim of the article is to present the institution of divorce in French law after the 2004 amendment of the Divorce Law. The French Civil Code has been a subject to multiple amendments since 1st January 1976 when the first, contemporary regulation concerning divorce was introduced. The amendment of 2004 has become a foundation for significant reconstruction of the institution. The purpose of the new regulation was to mitigate the conflict of interests between spouses as well as to simplify the proceedings. Also, the ratio legis behind the amendment was to enable the court to decide upon all marital rights and obligations during one divorce action regardless of the grounds for the divorce.

The paper consists of four parts. The first section of the article is an introductory part where the author describes evolution of divorce in French law. The second part is divided into subsections where the author presents four separate grounds for the divorce; namely – unanimous petition, the, so called, accepted divorce, irretrievable breakdown of marriage and, last but not least, fault of the marital breakdown. In the third part the author analyzes financial consequences of the divorce. In particular, the author concentrates on the following issues: common place of residence, debts, compensatory payments, damages as well as marital increments. The final, fourth, part of the article is a presentation of the role of a notary public in divorce proceedings.