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Title: Pojęcie nieruchomości ziemskiej w rozumieniu dekretu PKWN z dnia 6 września 1944 r. o przeprowadzeniu reformy rolnej / The notion of “land estate” under the decree of 6 September 1944 on the introduction of the land reform

Source: Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)
year: 2016, vol: XXV, numer 3, pages: 565-589

Keywords: Land estate, Land reform, Nationalization, Reprivatisation, Land restitution

Discipline: Law (Private Law, Civil Law)

Language: Polish

Document type: Article

Publication order reference: Warsaw

Abstract:

The decree of land reform of 1944 was a major nationalization act in Poland. The decree provided the seizure of all “land estates” whose area exceeded 50 or 100 hectares (depending on the part of the country). The decree itself did not define the notion of “land estate” nor did any legal act in force at the time.

Since any reprivatisation law has not been passed in Poland after 1989 transition, the former land owners (or their heirs) challenge the nationalization of given properties on a case-by-case basis, claiming that the seizure of the land violated the provisions of the decree. The courts and administrative organs verify if a particular real estate fulfilled the criteria of nationalization, *inter alia* if it was a “land estate”. Thus, the research problem is meaningful for the application of law nowadays.

The case-law adopted the definition of “land estate” presented in the resolution of Constitutional Court of 19 September 1990, stipulating that “land estate” is an estate which can be used for agricultural purposes. The paper shows that this definition is based on insufficient interpretation of the decree and does not take into account the usage of the term “land estate” in legal acts which were in force in 1940s.

The paper invokes a large number of acts using the term “land estate” from which the author draws a conclusion that “land estate” is an estate situated outside the town (as an opposite to “urban estate”). This understanding of the term is confirmed by the grammatical and teleological interpretation which shows that the decree’s scope was not narrowed to purely agricultural land.