SUMMARY

The concept of supplementary claims applies to claims regulated in Art. 224-225 of the Civil Code. Generally, it can be said that they result from unauthorized possession of a thing, although for their creation it is necessary to fulfill additional conditions. Their name derives from the tradition of Roman law, according to which the return of things as a result of a vindicative claim was cum omni causa. The main function of these claims is to supplement the vindicative claim. The recovery of the item from the unauthorized owner does not allow to compensate the total loss suffered by the owner resulting from deprivation of the possession of the item. The possibility of submitting a supplementary claim increases the scope of the entitled person's protection. The regulations on supplementary claims make it possible to claim remuneration for the use of things, return of benefits or payment of their value and compensation for damage due to consumption, deterioration or loss of things. These claims are related to the vindication claim, but at the same time they maintain their constructive distinctiveness and autonomy.

At the will of the legislator, the scope and principles of settlements related to the protection of property rights are appropriately applied in the law of inheritance. This applies to the inheritance protection and to the unauthorized possession of the objects of bequests and special bequests.

The main goal of the dissertation is a comprehensive analysis of the institution of supplementary claims in inheritance law. The consideration also covers the scope of application of the provisions on settlements between the owner and the owner-like possessor of things on the basis of legal succession relations. The relation of the analyzed claims to claims arising from other liability titles was also assessed.

The basic research method used in the work is the dogmatic-legal method. Basically, undertaken considerations are based on the analysis of the norms of applicable law and the opinions of legal doctrine and judicature. The dissertation also uses the comparative legal and historical-legal methods, although to a lesser extent.

The doctoral thesis consists of an introduction, six chapters and an ending.

The first chapter explains in a general way the concept of supplementary claims in the law of succession. The analyzed claims are also presented from a historical perspective, including their origins on the level of Roman law and their formation in the decree of the Law of Inheritance. Then, analogous solutions regarding mutual settlements between the heir or

legatee and the unauthorized holder were introduced, functioning on the level of the legal orders of three selected European Union countries, i.e. France, Germany and Austria.

The second chapter focuses on the legal and factual basis of supplementary claims in Polish inheritance law. It was therefore necessary to indicate that the need to make settlements for supplementary claims may arise on the grounds of a claim for inheritance protection and for the execution of the legacy. Then, in order to analyze the facts in which the analyzed claims arise, it was necessary to present the characteristics of "main" claims, namely: protection of inheritance, the realization of the bequest and realization of the special bequest. Subsequently, the substantive requirements for individual supplementary claims were discussed. Particular attention was paid to the importance of good and bad faith of the debtor and the related scope of responsibility.

The third chapter discusses the scope of settlements for supplementary claims and outlays under Polish inheritance law. First, the claim for remuneration for the use of things was analyzed, including the concept and material scope of the remuneration and the factors influencing its amount. Subsequently, the claim for the return of benefits or payment of their value was characterized. The concept and material scope of the claim are explained, and then the factors influencing the determination of the value of the benefits are described. Next, the concept and material scope of compensation for consumption, deterioration or loss of property are described, and the factors affecting the value of compensation are specified. The opposing claims of the holder for the return of the expenditure were also discussed, recognizing that it would allow for a comprehensive presentation of the method of settlements through the prism of not only the rights of the owner, but also the obligations incumbent on him.

The legal nature and functions of supplementary claims are presented in the fourth chapter. The ways of their expiry were also discussed. As far as the nature of supplementary claims is concerned, particular attention was paid to their peculiar relationship with the mining claim. On the one hand, the claims in question are significantly related to the debt collection claim, on the other hand, they are characterized by juridical independence and independence, which affects the further fate of these claims, including the possibility of their separate pursuit.

Chapter five analyzes the issues related to the pursuit of supplementary claims in inheritance law. Therefore, the issue of the burden of proof in the implementation of these claims was signaled. Then the parties to the proceedings were characterized, who have a capacity to sue and capacity to be made a defendant. Subsequently, the issue of the maturity of supplementary claims was addressed, as well as the related issue of limitation of these claims.

Chapter six analyzes the ratio of supplementary claims regulated in the inheritance law to claims arising from other titles. Discussion of this issue was preceded by an explanation of the concept of concurrence of rules in civil law. In order to highlight the existing differences, it was justified to present the views of the doctrine and judicature. The analysis covers the possibility of overlapping of the discussed claims with claims arising from *rei vindicatio*, from unjust enrichment, from a specific legal relationship, from a tort and agency without authority. Against this background, the author presents his own assessment of the relation of supplementary claims in the law of inheritance and the norms regulating them to the norms and claims resulting from other titles, together with the justification of the position expressed.

At the end of the work, the considerations are summarized and conclusions are presented in the context of the assumed research theses.