

Summary

Vetitum in canonical cases for the declaration of nullity of marriage

The Church legislator in canon 1058 of the Code of Canon Law of 1983 declares the fundamental principle of the natural right to contract marriage (*ius connubii*). However, in the wording of the canon, a reservation has been added that for some people this right can be limited. The Church legislator states a lot of restrictions like that and among the most important are matrimonial impediments, defects of matrimonial consent or limitations resulting from the canonical form.

The subject of the doctoral dissertation is about one of such limitations referred to as *vetitum*, i.e. a judicial prohibition of entering into a new marriage. The aim of the dissertation is to show the judicial *vetitum* and to indicate its fundamental importance in the protection of marriage and people wishing to get married. The main thesis of the dissertation can be defined as follows: the limitation of the natural rights to get married through the judicial *vetitum* results from the Church's deep concern for the sanctity and dignity of the sacramental marriage, the good of the spouses and the Church community. The limitation, therefore, *ius connubii* is justified by the desire to protect the most important values.

The problems discussed in the dissertation were presented in three chapters, preceded by a list of abbreviations, a bibliography and an introduction.

Chapter I of the dissertation contains the necessary theoretical introduction which shows the origin and definition of the marriage in canonical terms, its essential properties and aims, the role of matrimonial consent, the natural right to contract marriage and the principle of *favor matrimonii*. The second part of this chapter contains a description of particular forms of limiting *ius connubii* by the Church with showing the *ratio legis* of such action as the protection of marriage. This part introduces one of the protection measures which is a judicial prohibition of the marriage – *vetitum*.

Chapter II of the dissertation presents the definition and nature of *vetitum* and its history. The reasons of attaching the prohibition were presented there, competent persons and cases in which the attaching of the prohibition is required by the legislator or left to the court's decision. There were indicated reasons of repealing the *vetitum*, the repealing procedure, the competent persons for this, the most important problems related to the repeal of the prohibition and the legal and factual consequences of repealing the *vetitum*. The place of the judicial prohibition in the documentary process and in the briefer matrimonial process before the bishop were also presented.

In Chapter III, the scientific reflection on the issue of the *vetitum* has been enriched by presenting practical actions related to attaching and repealing the *vetitum* in canonical cases for the declaration of nullity of marriage conducted in the Bishop's Court of Siedlce. The main problems that arise from the use of the *vetitum* and attempts to solve them were indicated.

Vetitum remains a mean often used in court practice, although the understanding of its meaning is still insufficient and superficial. This incomprehension concerns both theoretical issues as well as the application of a judicial prohibition in tribunal practice. In conclusion of dissertation, the main deductions from the research and the postulates of *de lege lata* and *de lege ferenda* were presented.