

## **Management of another person's affairs without a mandate in the Code of Obligations – a real need or conservatism?**

*Negotiorum gestio*, i.e. management of another person's affairs without a mandate, as a source of obligations was developed in the Roman law. This unique solution, unknown to other ancient laws, provided a response to the specific needs of everyday life. At present benevolent intervention in another's affairs exists in the legal systems which belong to the civil law tradition. In common law only its fragmentary substitutes can be noticed.

Management of another person's affairs without a mandate was introduced to the Polish legal system into the Code of Obligations in 1933. Then this regulation, with little changes, was entered into the existing Civil Code of 1964. Although, after eighty years of its presence in the Polish law our society is still unfamiliar with *negotiorum gestio*; and the examination of judicature and legal doctrine often shows a lack of understanding of this institution and of broader reflection thereon. As a result of the above, the following question may be raised whether the introduction of *negotiorum gestio* to the Code of Obligations was the result of deep analysis concerning social needs or rather the result of conservatism.

In this paper the author answers this question by analyzing the causes of the introduction, the shape and the utility of benevolent intervention in another's affairs in the Code of Obligations. At the end the regulation is evaluated as a potential tool for the protection of altruism, taking into consideration the achievements of the humanities and social sciences.

**Keywords:** *negotiorum gestio*, management of another person's affairs without a mandate, altruism, the Code of Obligations, the Roman law