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Summary of doctoral dissertation

„The impact of dematerialisation of money on the concept of monetary performance”

In conduct of civil law transactions, a monetary performance is one of the basic types of performance in obligation relationships. Increasingly, it takes a non-cash form due to the electronization of trading and the development of modern payment technologies. It is possible to observe the process of dematerialisation of money consisting in the gradual deprivation of money of its material form. The legal essence of the concept of money detached from the coins and banknotes that were once immanently associated with it. The dissertation concerns the impact of dematerialisation of money on the concept of monetary performance, including its definition, rules and its legal nature.

The first chapter contains a historical overview of the money institution and a description of the dematerialisation of money. In order to emphasize the interpretative context of the legal concept of money, an outline of the economic, psychological and sociological approach to money was presented, as well as the mutual relations between these approaches and the legal understanding of money.

The second chapter deals with the legal concept of money and the meaning of terms such as cash, legal tender, payment instrument, sum of money, monetary unit, banknotes and coins, currency. The main part of this chapter is the presentation of views on the definition of money presented in Polish jurisprudence and doctrine, including those in the field of financial and civil law, as well as the most important concepts of representatives of foreign doctrine. The second chapter is surmounted with considerations regarding the essence of money and a proposed definition.

The third chapter contains a description of the forms of money distinguished in legislation or in the doctrine, i.e. cash and non-cash money, including bank money, electronic money. The forms of money were evaluated in terms of the formulated definition of money. The study also described whether virtual currencies can be considered as a dematerialized form of money. The last part of chapter covers the characteristics of the dematerialisation of money from the legal perspective and its impact on the determination of the legal nature of dematerialized forms of money.

The fourth chapter defines a monetary performance and describes the principles of performance as well as the problem of breaching a monetary obligation in the light of dematerialisation of money. Particular attention was paid to the methods of cash and non-cash payments, together with the assessment of whether and to what extent the debtor is free to choose the method of cash payment. The analysis also covers the differences in the moment and place of cash and non-cash cash payments. It was considered how the dematerialisation of money influences the understanding and consequences of the non-performance or improper performance of a monetary obligation.

The fifth chapter deals with the legal nature of the performance of monetary obligations in the context of dematerialisation of money. The considerations were conducted in the light of theories defining the nature of the performance of monetary obligations - the contractual theory, limited contractual theory, the theory of intentional performance, the theory of real performance. This part of the work presents the views on the diverse nature of cash and non-cash monetary obligations, as well as their assessment taking into account the existing classification of civil law events.

The considerations were concluded with an indication of the consequences of dematerialisation of money in civil law transactions and an assessment of the existing monetary obligations regulations, which served to formulate *de lege ferenda* postulates. The dematerialisation of money influenced the concept of monetary performance mainly in relation to its scope, rules of performance and legal nature.