

REVISTA INTERNACIONAL DE DERECHO ROMANO

Iván Siklósi: *A nemlétező, érvénytelen és hatálytalan jogügyletek elméleti és dogmatikai kérdései a római jogban és a modern jogokban* (Theoretical and Dogmatical Questions of the Inexistence, Invalidity, and Ineffectiveness of Juridical Acts in Roman law and in Modern Legal Systems), ELTE Eötvös Kiadó, Budapest, 2014, 452 págs.

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The recently published book of Dr. Iván Siklósi, PhD, assistant professor of the Faculty of Law of the University “Eötvös Loránd” is a precious contribution to the disputed dogmatical and terminological questions of inexistence, invalidity, and ineffectiveness of juridical acts (in this regard the terms “act in law”, “act in the law”, “juristic act”, “legal act”, and “legal transaction” are also used in English terminology) – in German: *Rechtsgeschäft*, in Roman law and in modern legal systems. An imposing doctoral thesis, defended in 2013, served as the basis of this elegantly produced work.

Regarding the various interpretations of the above-mentioned concepts, the author’s main purpose has been— following a brief historical analysis of the concepts of juridical act and that of the concept of contract—to clarify and to systematize the concepts of inexistence (existence), invalidity (validity), and ineffectiveness (effectiveness) of juridical acts. In addition, special scientific problems related to these concepts are treated (e.g. the applicability of the modern concept of the inexistence of contract in Roman law; the *raison d’être* of the dogmatical construction of contractual inexistence; the formation of the modern concepts of nullity and annulment and the applicability of these legal categories in Roman law; the problems of elimination of the causes of invalidity in Roman law as well as in its subsequent fate; the dogmatical questions of partial invalidity; the theoretical problems of the ineffectiveness of juridical acts; the dogmatic problems of the revocation of will).

As for the structure and content of the book, following the Introduction (Chapter I) on the topic, purpose, and methods of the book, in Chapter II the author analyses some important questions related to the concept of juridical act and contract in Roman law and in the doctrine as well in the codes both in Europe and outside Europe.

In Chapter III the author is dealing with the problems of inexistence of the contract in Roman law and in modern (contemporary) legal systems. On the basis of numerous

relevant sources of Roman law (*fontes iuris Romani*) the author inquires whether the modern concept of inexistence of contract was applicable in Roman law, and differentiates between inexistence and invalidity. In addition, the legal consequences of the inexistence of contracts in Roman law and in its subsequent fate are also dealt with.

In Chapter IV some dogmatical and terminological questions related to invalidity of contracts are investigated. In this chapter the modern (contemporary) concept of invalidity of juridical acts, its applicability to Roman law related research, the formation and development of the distinction between nullity and annulment, the disputed questions of the elimination of the causes of invalidity, and the problems of partial invalidity are treated.

In Chapter V the author is dealing with some theoretical, dogmatical, and terminological problems of ineffectiveness of juridical acts with special regard to the revocation of will from the point of view of legal doctrine.

Finally, in Chapter VI of the book the most important conclusions and the possible utilization of the scientific results are summarized.

The work is supplemented by a detailed English language summary, a list of abbreviations, a list of the most relevant sources, and a multilingual bibliography.

We hope that the system of concepts developed in this book can be useful for lawyers working both in theory and practice, and not only for civil lawyers but also for the experts of other legal branches (e.g. constitutional law, administrative law, law of civil procedure).