JOURNAL OF MODERN SCIENCE

2/62/2025

www.jomswsge.com

DOI: 10.13166/jms/207408

BARTOSZ STRÓŻEWSKI

WSGE University of Applied Science in Józefów, Poland

*ORCID iD: 0000-0002-1057-3983*

# ENFORCEMENT LAW IN ANCIENT ROME

 

## Abstract

The subject of this article is Roman enforcement law. It has undergone numerous changes and evolutions over the centuries, with differences evident in the approach to execution on the person and property of the debtor. These changes were the result of socio-economic as well as political demands that influenced the shaping and development of this system. After a period of harsh and brutal enforcement, physical punishment began to be eliminated and more humane, economic methods were introduced, allowing the creditor to seize part of the debtor's assets to satisfy their claims. Over time, special mechanisms were also developed to repair debtors' assets, which allowed them to settle their debts by means other than solely by way of security in rem. Roman enforcement law reached a higher level of development and maturity in the late imperial periods. Such developments led to greater protection of debtors and more effective safeguarding of creditors' interests. The epochal changes in Roman enforcement law on the person and property of the debtor reflected not only the changing moral standards of society, but also the result of the continuous development of the law.

The purpose of this paper is to characterise Roman enforcement law. This law has played a vital role in the creation of modern legal systems, particularly civil law.

**Keywords:** *Roman law, enforcement proceedings, execution on person, execution on property, Lex Poetelia, Roman trials*

## Streszczenie

Przedmiotem artykułu jest rzymskie prawo egzekucyjne. Przez wieki ulegało ono licznym zmianom i ewolucjom, a różnice były widoczne w podejściu do egzekucji na osobie i majątku dłużnika. Zmiany te były wynikiem potrzeb społeczno-ekonomicznych, a także politycznych, które wpływały na kształtowanie i rozwój tego systemu. Po okresie surowej i brutalnej egzekucji, zaczęto eliminować kary fizyczne i wprowadzać bardziej humanitarne, ekonomiczne metody, umożliwiające wierzycielowi przejęcie części majątku dłużnika, w celu zaspokojenia swoich roszczeń. Z czasem powstały również specjalne mechanizmy naprawcze majątku dłużników, które pozwalały im na regulowanie swoich zobowiązań w inny sposób niż wyłącznie za pomocą zabezpieczenia rzeczowego. Rzymskie prawo egzekucyjne osiągnęło wyższy poziom rozwoju i dojrzałości w późnych okresach cesarskich. Tego rodzaju zmiany doprowadziły do większej ochrony dłużników oraz bardziej skutecznego zabezpieczania interesów wierzycieli. Zmiany epokowe w rzymskim prawie egzekucyjnym na osobie i majątku dłużnika były odzwierciedleniem nie tylko zmieniających się standardów moralnych społeczeństwa, ale także wynikiem ciągłego rozwoju prawa.

Celem opracowania jest charakterystyka rzymskiego prawa egzekucyjnego będącego fenomenem na skalę światową. Prawo to odegrało bardzo ważną rolę w tworzeniu współczesnych systemów prawnych, a szczególnie prawa cywilnego.

**Słowa kluczowe:** *Prawo rzymskie, postępowanie egzekucyjne, egzekucja na osobie, egzekucja majątkowa,* Lex Poetelia, *procesy rzymskie.*

## 1. Introduction

In the days before society was formed into state organisations, the protection of an individual's interests came down to the use of physical force by the affected party themselves. Execution was in the nature of private revenge and aimed at destroying the person of the debtor by killing, selling or outlawing them. If necessary, the aggrieved party was assisted by relatives or neighbours. This is how customary execution law was created (Stefko, 1927, p.459). It was shaped in everyday practice, influenced by immediate and pressing political, social or economic needs.

Execution in Rome varied in each type of procedure, and there were three: the legislature procedure (regulated by the Law of the Twelve Tables), the formula procedure and the cognitio procedure. Piotr Krajewski notes that *The ancient Romans very quickly came to the conclusion that the administration of justice must pass from the hands of the wronged party into the hands of persons or institutions not directly involved in the conflict* (Krajewski, 2004, p.127). This is due to the fact that self-help posed a threat to social order. As state organisation grew in importance, self-help began to be reduced, being replaced by state aid. The citizens were able to assert their legitimate claims and pursue them through enforcement.

## 2. Types of Roman procedure

The oldest type of judicial procedure was the legis actiones procedure (*per legis actiones),* which was in force throughout the republican period and depended for its effectiveness on the precise utterance of precise verbal formulas prescribed by law. Any breach of this form resulted in the loss of the claim. Such a procedure concerned only Roman citizens (Diliberto, 1992, p. 204) and was based on laws that did not regulate all areas of life.

Formula procedure (*per formulas*) emerged in the 3rd century B.C., when the formalistic legis actiones procedure was not allowed, for example in disputes between Romans and foreigners. At this time, property enforcement, where the debtor's property mass was enforced, became an increasingly common form. The formula procedure was, contrary to its name, less formalised and was an instruction to the judge under which conditions they should award and under which conditions they should release the defendant. The formula procedure gradually came to be used also in cases between Roman citizens, until it was completely legalised around the middle of the second century B.C. (*lex Aebutia*), as the only type of ordinary procedure (*ordo*) and remained in force until the beginning of the Dominate. There was a two-phase nature to the formula procedure (as well as to the earlier legis actiones procedure), and enforcement proceedings in the form of a trial took place before an official (Bürge, 1999, p. 65). The proceedings were divided into two parts, i.e. *in iure* and *apud iudicem*. Due to an excess of duties, the king did not deal with the above proceedings on their own, however, tried to keep the stages under control. The *in iure* stage took place before a consul and later before a praetor, while the *apud iudicem* stage took place before a unitary judge. The *in iure* stage ended with the formation of the dispute (*litis contestatio*) by identifying the parties to the procedure, the subject matter of the dispute and the procedural formula (Litewski, 1999, p. 394), which gave the private judge the authority to rule. At this stage, the defendant had to enter into a dispute, deny or acknowledge the plaintiff's claim, as a result of which enforcement could proceed. The defendant could also adopt an indifferent attitude – *indefensus* – and then the praetor could, at the request of the plaintiff, apply *missio in bona*, i.e. put the plaintiff in possession of the debtor's property (*in possessione esse*) (Talamanca, 1990, p. 700). Then, a public announcement (*proscriptio*) had to be made to notify the other creditors of the execution. The procedure could end at this stage by the swearing of an oath by either party – *iusiurandum*. The declaration of the dispute resulted in the consummation of the action, i.e. a definitive end to the litigation on the same title. Unfortunately, with the expiry of the old obligation, any security, such as a lien, also disappeared. The second phase of the *apud iudicem* proceedings took place before a unitary judge – unus iudex, whose task was to apply

the procedural formula to the specific case (Krajewski, 2004, p. 128). The judge examined the evidence presented by the parties and was limited by the content of the formulas. The abrogation of the formula procedure came in 342 A.D., when the cognitive procedure was introduced. This procedure was initially used to protect claims not covered by the ordinary process, and in provinces later conquered where the ordinary (formula) procedure had not taken hold. The cogitation procedure took place before an imperial official. The court summons in the legis actiones and formula procedures were private. It was made in public in front of the defendant's house. If they resisted, the plaintiff could forcibly bring them to the praetor, unless the defendant had previously provided monetary security in the form of a *vadimonium*, which corresponded to a modern property surety. Failure to appear at the trial resulted in the loss of the security (Krajewski, 2004, p. 128). This type of proceeding was held in front of the emperor and judges delegated by them. According to P. Krajewski, *As part of the cognitive procedure, the episcopalis audientia rescript procedure developed. The aggrieved party could also pursue their case administratively by requesting an interdict from the praetor (interdictal proceedings) or by requesting restitution (restitutio in integrum). In addition, justice could be sought by applying for missio in bona, cautiones or stipulationes* (Krajewski, 2004, p. 127).

## 3. An epochal change in enforcement

In Roman law, enforcement was first directed against the person of the debtor, who became part of the creditor's estate, then enforcement action was directed against the debtor's estate, while prohibiting the killing of debtors and their sale outside Tiber (cf. Volterra, 1961, p. 210; Rotondi, 1912, p. 230-231; Litewski, 1988, p. 31; Pugliese, 1991, p. 85). Personal execution on the debtor existed in Roman law first, even before the Law of the Twelve Tables; the second was regulated in the Law of the Twelve Tables, by solving the problem with the *Lex Poetelia Papiria*, and during the late Republic and under the Emperors. The cruelty of the early enforcement law was particularly severe among the Romans. *Partes secanto* was characterised by exceptional harshness and involved division. 'It is generally assumed that the body

of the debtor was shared' (Zabłoccy, 2000, p. 26). In the literature there are also more sceptical voices. Fr Francis Lonchamps de Bérier casts doubt on the notion that 'creditors actually shared the fragments of an insolvent debtor' (Dajczak/Giaro/Lonchamps de Bérier, 2014, p. 178). Historians say that abuses of this law were the most common cause of turmoil and rebellion in Rome. To better understand the creditor and debtor law of the time, it is necessary to look at it through the prism of the prevailing economic and business conditions in Rome. Ruined by constant wars and indebted to the richer classes of society, the plebeians began to demand shares in the land continually captured from the enemy. They also wanted political rights and legal protection from the arbitrariness of patrician officials. The Roman citizen-soldier, subject to military service, could not take care of his crops, farm or supplies, which were depleting. Not only did they have to stock up on food, necessary equipment and weapons, but they were also obliged to pay their tax obligations and their loans, which put them into debt, and they were later covered with loans. When the remaining assets were not enough to secure further debts, all they could offer was a pledge on their own person as a guarantor for the repayment of the loan. If the debtor did not pay their debts on time, the creditor had the right to 'seize' the debtor and transport them into slavery. There were many thousands of such prisoners in ancient Rome, and in fact every patrician dwelling was a private prison for debtors who, arrested without trial, were used as slave labour to pay off their debts. For the most part, these were not swindlers or people who could not manage their property, but citizen-soldiers, men of courage whose indebtedness was the result of a flawed system that required them to leave their homes and estates to join the army on a compulsory basis (Obenchain, 1928). Examining the debtor-creditor relationship, it can be concluded that the 'debtor's body' was often the only effective means for the satisfaction of a debt (Rosenberg, 1996, p. 2-3). It had no enforcement value, yet it had it indirectly, since by their own labour the debtor could physically work off his obligations. The *Lex Poetelia* law, which was later introduced, spared debtors physical suffering (cf. Peppe, 2009, p. 130-136).

In historical development, enforcement evolved from personal enforcement to property enforcement, which was considered to be more beneficial for

both litigants. The *Lex Poetelia* only allowed the debtor to work off the debt, satisfying the creditor's claim.

## 4. Enforcement actions in the legis actiones and formula processes

The plebeians started seeking to write down, and thus clarify, the common law, which in its previous form had been interpreted and applied by patrician priests and secular holders of power to the detriment of the plebeians. Thus began the work of editing the Law of the XII Tables.

This law gave rise to a proper course of action (Rosenberg, 1996, p. 2-3). The debtor was given thirty days to voluntarily pay the debt awarded or ordered in the judgment (Osuchowski, 1981 p. 142; cf. Albanese, 1987, p. 36 et seq.). At the end of this period, the creditor could bring the debtor to the praetor and there perform a formal *manus iniectio* on them. This was a symbolic act of 'laying a hand' on the debtor, i.e. taking them under their authority, accompanied by the utterance of a prescribed formula (cf. Rozwadowski, 2003, p. 156), which included the justification for the action taken (cf. Albanese, 1987, p. 37). At that moment, the debtor lost the possibility of their own action and became, as it were, the object of execution. The legitimacy of this procedure could only be challenged by the so-called *vindex*, who performed a symbolic act of 'spurning the hand' (*manum depellere*) and questioned the legitimacy of the execution being carried out (Ibid. p. 46 et seq.). In this way, he exonerated the debtor from liability, but took on double liability themselves if, in a suit against them, their intervention was found to be unjustified.

If no *vindex* was found, the praetor merely established the validity of the enforcement action and authorised the creditor to continue the enforcement (*addictio*) (Kaser, Hackl, 1996, p. 138). The creditor conducted it on their own and could take the debtor with them and imprison them (Flach, 1994, p. 124 et seq.). The Law of the XII Tables regulated the treatment of debtors in detail, specifying the weight of leg chains. Litewski mentions chains weighing up to 15 pounds (Litewski, 1994, p. 366). In contrast, according to Maria and Jan Zabłoccy interpretation (Tab. III, 3), the law stated differently: 'let [him]

bind [him] with rope or chains weighing not less than 15 pounds, or, if he wishes, let him bind with heavier ones' – suggesting that 15 pounds was the minimum rather than the maximum weight (Zabłoccy, 2000, p. 25). Within sixty days, it was possible for the debtor to be bought out by other persons or by some other arrangement of the parties. At the end of the term of imprisonment, there was an obligation to take the debtor out, on three consecutive market days to the *comitium* where the praetor officiated, with the creditor publicly announcing the ransom amount due (Pugliese, 1991, p. 77 et seq.; Uhlenbruck, 2007, p. 2). After these actions (if they were ineffective), the creditor could keep the debtor with them to work off the debt, sell them into slavery 'outside the Tiber' (*trans Tiberium*), that is, outside the then state border, to enemies, and could even kill them (cf. Litewski, 1988, p. 31 et seq.; Pugliese, 1991, p. 85 et seq.). The provisions of the Law of the Twelfth Tables also allowed several unsatisfied creditors to kill the debtor and share their corpse (Litewski, 1988, p. 365-366). The personal execution was so harsh that the debtor usually divested themselves of their assets, just to avoid losing their freedom. However, this form of execution proved insufficient when the state expanded, and it became easier for the debtor to hide.

Enslavement for debt was gradually eased thanks to the *Lex Poetelia* law of 326 B.C. Shackles were henceforth only allowed to be imposed on criminal debtors. Personal execution, on the other hand, was relaxed by, among other things, reducing the requirement for *vindex* intervention in favour of the admissibility of the debtor's own defence. Eventually, *vindex* was retained only with *manus iniectio* (Litewski, 1988, p. 365) on the basis of a judgment and in the case of a guarantor who asserted their claim against the principal debtor. The effect of *manus iniectio* for enforcement purposes remained the possibility of imprisoning the debtor and using their labour. The *addictus* was in the position of a 'semi-free' person (Kolanczyk, 2007, p. 124).

The property execution began with the praetor's decision to put the creditor in possession of the debtor's property (*missio in bona*) and was accompanied by a public announcement of the execution (*proscriptio*). The aim was to protect the debtor's assets from dissipation and to notify other creditors of the opening of proceedings. Indeed, asset enforcement was universal not only because it covered all of the debtor's assets, regardless of the amount of

the debt, but also in the sense that, although caused by one creditor, it was intended to lead to equal satisfaction of all. The administration of the seized assets was performed by one of the creditors or a separate curator.

The *missio in bona* itself was already a strong means of pressure on the debtor and their relatives to satisfy or settle with creditors. To this end, a period of thirty days from the declaration of execution was allowed for living debtors and fifteen days for estates of deceased debtors. If these deadlines passed without success, infamy was imposed on the debtor (cf. Sitek, 2003, p. 136-145) and the creditors proceeded to the second, decisive phase of the execution, which consisted in the creditors, on the authority of the praetor, electing from among themselves a representative (*magister bonorum*) (Carrelli, 1944, p. 312), who compiled a statement of the debtor's assets and encumbrances and sold all the property by private auction (Pugliese, 1991. p. 333) to the one who offered the highest percentage to satisfy the creditors (*venditio bonorum*) (Kolańczyk, 2007, p. 157-158). The acquisition of a debtor's property was usually a profitable economic operation, and a special category of speculators engaged in this practice, either acting on their own account or substituted by others who preferred to remain in hiding.

## 5. Enforcement actions in the cognitio extra ordinem procedure

In contrast to the formula process, in which execution was carried out by the creditors themselves on the authority of the praetor, in the cognitio procedure the execution of judgments passed entirely into the hands of the state authorities. The former enforcement process on the basis of *actio iudicati* was replaced by the ordinary judicial decision on the admissibility of enforcement (cf. Litewski 1988, p. 99 et seq.; Andolina, 1968, p. 52 et seq.), after which the enforcement itself was already conducted by the judicial *executor* (*exsecutor*). Thus, the institution of the bailiff was born in ancient Rome. The state was showing an increasing tendency to intervene in the legal sphere, so that the settlement of legal disputes was no longer based on the agreement of the parties before a judge, who was merely an arbitrator. Such settlements now

depended on the powers of the administrative apparatus. Officials had the power to settle a dispute, to make and to implement a decision. And although the cognitio procedure, did not have as much influence on the development of Roman private law as the formula procedure had, it allowed litigation to be conducted in a simpler and more convenient form and ideally suited the type of state created by Diocletian and his successors.

The first step in a civil court trial was a statement by the plaintiff (or their representative) outlining the factual and legal grounds of the case against the defendant and filing a motion to commence trial (*postulatio simplex*). After a preliminary assessment of the case, the judge would serve a summons on the defendant together with the plaintiff's statement. This form of summons was referred to as *litis denuntiatio* and confirmed by the authority of the judge, based on their official authorisation (*denuntiatio ex auctoritate*) (cf. Sadowski 2018, pp. 163-167). The defendant notified of the plaintiff's claim could, within ten days, respond in writing *(libellus contradictionis e*t responsioni*s*) and confirm their appearance before the court. If they failed to appear in court after three consecutive summonses, the judge could accuse them of insubordination and order them to be brought by force. The summoning of the defendant was done on the basis of a statement of claim filed by the plaintiff (*libellus conventionis*) with the competent court, to which they had previously presented evidence in the case. On the day of the trial, the parties or their legal representatives, as well as any witnesses, would take the oath and proceed to present the relevant facts. The credibility of the witness's testimony was directly linked to their social status. Acknowledgement of the action by the defendant (*confessio*) was of particular importance as a means of evidence but did not necessarily involve the termination of the proceedings. The presiding judge had a great deal of discretion in assessing the evidence. The trial ended with a judgment given by the judge in writing and announced publicly in the presence of all concerned (cf. Litewski, 1988, p. 392). In contrast to a formula procedure, in the cognitio procedure the judge could sentence the losing party to a punishment other than the payment of damages (*condemnatio pecuniaria*). The judge could, for example, order the handing over of a specific object. After the publication of the court's decision, the plaintiff could not initiate another action against the defendant for the same thing. The defendant could

object if they had evidence that the same case had been finally resolved in another trial. Decisions of the judge could be appealed (*appellatio*) to higher courts, up to the Praetorian Prefect. In important and exceptional cases, an appeal to the emperor was possible. The higher court could uphold the decision of the lower court, overturn it or change it, but did not refer the case back to the lower court for reconsideration (Mousourakis, 2007, p. 174-175).

Enforcement in the cognicio procedure was much simpler than in a formula procedure. If the defendant was convicted, he had to comply with the verdict within two months (or four months in Justinian's time) after the final judgment. If the losing party did not comply with the judgment, the plaintiff had the right to notify the relevant authorities with a request for coercive enforcement. Enforcement could be carried out in two ways: by confinement in a public prison (as the law prohibited execution on the debtor's person in a private prison) or by seizure of the debtor's property (Litewski, 1988, p. 422). Court officials seized the debtor's property, which constituted a lien (*pignus incausa judicati captum)*. If the debtor did not comply with the court's decision within two months, the seized property was sold to the creditor. If there were several creditors, the property of the insolvent debtor was sold off in individual parts (*distractio bonorum*). The auction was organised by the administrator-curator of the property (*curator bonorum*) (Mousourakis, 2007, p. 175; Bojarski, 1994, p. 71).

It should be emphasised that there is a dispute in the Romanist literature as to whether a judgment was subsequently issued in a cognicio procedure in the event of recognition of a claim. W. Litewski represents the view that no judgment was issued and under certain conditions it was possible to carry out execution on the basis of recognition of a claim in cognicio proceedings. Indeed, the rule *Confessus pro iudicato est* meant that recognition of a claim was equated with an adjudicatory judgment. The acknowledgement of a claim had the effect of clarifying the pending case and ending the dispute between the parties, the judge was therefore bound by the content of the acknowledgement (Litewski, 1971, p. 7). This is confirmed by the texts on cognicio proceedings (cf. Püschel, 1924, p. 144 et seq.) There are divergent views in the literature stating that in Justinian law the acknowledgement of a claim precluded the issuing of a judgment, or that it was necessary even then (Litewski, 1971, p. 6)

The debtor was seized as many assets (in order: movables, immovables, receivables) as were needed to satisfy the creditors (*pignus incausa judicati captum*) – if this measure of leverage did not have an effect within a certain period of time, the seized assets were sold and the creditors were satisfied. The voluntary surrender of assets to creditors (*cessio bonorum*) protected, as in the past, the insolvent debtor from personal execution and infamy (Bartoletti, 1968, p. 259-267; Giuffrè, 1984, p. 90-93). This way of saving oneself from the dangerous effects of normal execution became a frequent phenomenon in times of great economic hardship, which was precisely what the Dominate was. A debtor who became insolvent through no fault of their own and voluntarily surrendered assets to satisfy creditors was treated more leniently. They were not subject to the subjugation to civic honour (*infamy*) associated with regular enforcement and could not be subjected to personal execution (Litewski, 1999, p. 395, 423). He was also left with the necessities of life (*beneficium competentiae*).

The principle of conducting execution on only a part of the property sufficient to satisfy the creditors' claims (*distractio bonorum*) developed in relation to persons of the senatorial state, the immature and the mentally ill. This type of execution, known as syngular property execution, became the normal way of enforcing any claim in the cognicio process. The seizure of all the debtor's assets was, moreover, used exceptionally, in cases of insolvency and bad will on the part of the debtor. It led to lengthy and cumbersome proceedings that ended with a single sale of assets. Personal execution was the ultimate means of pressure only against the poorest strata of the population. Private imprisonment for debt was banned in 388, but mighty creditors continued to use it in practice (Kułryowicz, Wiliński, 2013, p. 75-76).With the consolidation of state power, the nature of enforcement changed, in particular the aforementioned targeting of the debtor's assets. The development of the state and of the law and the judiciary led to enforcement also being covered by the court. Developed in place of self-help, judicial enforcement has since constituted the legal avenue of enforcement by the creditor (Carrelli, 1944, p. 302-316). It underwent transformations in terms of enforcement bodies, form and scope of action (Berutowicz, 1974, p. 386).

Thus, already in ancient Rome, the action of the state began to spread control over arbitrary activity and to reduce it progressively in favour of its

own organised means of legal protection. Litigants who did not want to resort to self-help did not yet necessarily have to demand state assistance. In the cognicio process, execution was performed by *apparitores*, i.e. court officials.

## 6. Compromise and arbitration

The private law method of dispute resolution was arbitration. It was the parties' chosen alternative to proceedings before state courts. In arbitral (also called amicable) judiciary, the settlement of a dispute was entrusted to a private person (Marszałkowska-Krześ, 2003, p. 393). The word *compromissum* was used to designate this agreement, while the term *arbiter* was used for the person who was to resolve the dispute (cf. Broniewicz, 2006, p. 395; Wojciechowski, 2008).

As Rafał Wojciechowski points out:

> *an arbitration agreement could be reached by any person legally entitled to bind themselves. The parties to this agreement had to be mature and of sound mind. (…) If they did not meet this condition, they had to be accompanied by persons having legal custody over them. (…) Persons entering into an arbitration agreement should be able to freely dispose of their property, as their rights to things may be challenged as a result of the arbitration proceedings*. (Wojciechowski, 2008, p. 400) (Trans. B.S.)

The performance of the accepted function of arbitrator (*receptum arbitri*) was ensured by the praetor by means of official pressure, and the enforcement of the arbitrator's award was guaranteed to each other by the parties themselves by oath or promise to pay a contractual penalty. This penalty was subject to the party who evaded the enforcement of the arbitrator's award. 'Compromise' enabled people of good will to resolve a dispute quickly and gently, but also to avoid the scrutiny of public opinion in the regular process. The latter option was eagerly taken advantage of by wealthy people who usually avoided publicity in their property cases (Kolańczyk, 2007, p. 84).

## Conclusion

The concept of Roman enforcement law evolved with socio-economic changes from personal execution (*manus iniectio*) during the period of XII tablets law, followed by later forms of property enforcement (*venditio bonorum, missio in bona*) and finally more formalised and rationalised mechanisms of coercive satisfaction of creditors during the Justinian law period. Roman law and its continuing influence today are a worldwide phenomenon. It has played a crucial role in the creation of modern legal systems, particularly civil law. The reception and influence on modern legal systems relates in particular to private law. The legal thought of the Roman legists permeated many other systems, between 533 and 535 A.D., thanks to the codification of Roman law by order of Emperor Justinian and the creation of the so-called *Corpus Iuris Civilis*, the most important part of which became a systematically compiled extract of more than 2,000 works by fourty of the most eminent jurists, known as *Digesta seu Pandectae* (cf. Kolańczyk, 2007, p. 53, 84). Roman law is the foundation of European legal scholarship, the basis of modern civilian dogmatics and an international means of communication for jurists (Kuryłowicz, 2003, p. 23). It provides the essential concepts and principles that form the basis of today's enforcement proceedings.

## *References*

Albanese, B. (1987). *Il processo privato Romano delle 'legis actiones'*. Palermo-Palumbo.
Andolina, I. (1968). Introduzione alla teoria del titolo esecutivo. Milano.
Bartoletti, V. (1968). Un papiro inedito in tema di cessio bonorum (a cura di Arnaldo Biscardi), in: A. Giuffrè (ed.) Antologia giuridica romanistica ed antiquaria, vol. I. Milan.
Berutowicz, W. (1974). Postępowanie cywilne w zarysie. Warszawa.
Broniewicz, W. (1995). Postępowanie cywilne w zarysie. Warszawa.
Broniewicz, W. (1995). Postępowanie cywilne w zarysie. Warszawa.
Bürge, A. (1999). Römisches Privatrecht. Rechtsdenken und gesellschaftliche Verankerung. Eine Einführung. Darmstadt.
Carrelli, O. (1944). Ancora sull' origine della bonorum venditio, 10/1944. ‹‹SDHI››.
Diliberto, O. (1992). Materiali per la paligenesi delle XII Tavole. Cagliari.
Flach, D. (1994). Die Gesetze der frühen römischen Republik. Text und Kommentar (In Zusammenarbeit mit S. von der Lahr). Darmstadt.
Giaro, T., Dajczak, W., Longchamps de Bérier, F. (2018). Prawo rzymskie: u podstaw prawa prywatnego. Warszawa.
Giuffrè, V. (1984). Sulla cessio bonorum ex decreto Caesaris, 30/1984. ‹‹Labeo››.
Jamiołkowski, J. (2000). Geneza instytucji syndyka masy upadłości, 5/2000. PE.
Kaser, M., Hackl, K. (1996). Das römische Zivilprozessrecht. München.
Kolańczyk, K. (2007). Prawo rzymskie, ed. 5. Warszawa.
Krajewski, P. (2004). Organizacja wymiaru sprawiedliwości, in: Sitek B., Krajewski P. (ed.), Rzymskie prawo publiczne. Olsztyn.
Kuryłowicz, M., Wiliński, A. (2013). Rzymskie prawo prywatne. Warszawa.
Litewski, W. (1971). Studia nad rzymskim postępowaniem kognicyjnym, 53/1971. ZNUJ CCLXXVII. Prace Prawnicze.
Litewski, W. (1988). Rzymski proces cywilny, 123/1988. ZNUJ. Prace Prawnicze.
Litewski, W. (1999). Rzymskie Prawo prywatne, ed. IV. Warszawa.
Mousourakis, G. (2023). A legal history of Rome. Access 15.10.2023 from http://advancedenglishb.pbworks.com/f/A_Legal_History_Rome.pdf
Obenchain, R. (1928). Roman Law of Bankruptcy, 3 Notre Dame L. Rev. 169a. Access 15.10.2023 from http://scholarship.law.nd.edu/ndlr/vol3/iss4/1
Osuchowski, W. (1981). Rzymskie prawo prywatne. Warszawa.
Peppe, L. (2009). Riflessioni intorno alla esecuzione personale in diritto romano, 53/2009. Annali del Seminario Giuridico dell'Universitàdi Palermo.
Pugliese. (1991). Istituzioni di diritto romano. vol. II. Il processo formulare. Torino.
Püschel, W. (1924). Confessus pro iudicato est: Bedeutung des Satzes für den römischen Formularprozess, zugleich ein Beitrag zur Erklärung der Lex Rubria. Heidelberg.
Rosenberg, J.M. (1996). Postępowanie upadłościowe w prawie rzymskim, 12/1996. Przegląd Upadłościowy – Gazeta Sądowa.
Rozwadowski, W. (2003). Gai Institutiones. Poznań.

Sadowski, P. (2018). Wezwanie do sądu (in ius vocatio) w rzymskim procesie cywilnym, in: Fajgielski, P., Tunia, A. (ed.), Informacja w postępowaniach sądowych i administracyjnych. Lublin.

Sitek, B. (2002). Proces świętego Pawła. Przyczynek do studiów nad rzymskim procesem karnym na pograniczu [w:] Wielokulturowość polskiego pogranicza. Ludzie – idee – prawo [red.] A. Lityńskiego i P. Fiedorczyka, Materiały ze Zjazdu Katedr Historycznoprawnych, Augustów 15-18 września 2002 roku, Białystok 2003, s. 163-177.

Sitek, B. (2003). Infamia w ustawodawstwie cesarzy rzymskich. Olsztyn.

Sitek, B. (2003). Wymierzanie infamii za przestępstwa wojskowe. Przyczynek do studiów nad rzymskim procesem karnym. Studia Prawnoustrojowe UWM 2(2003), s. 5-13.

Sitek, B. (ed.). (2004). Rzymskie prawo publiczne. Olsztyn.

Sitek, B. (2012). Ewolucja instrumentów prawnych gwarantujących porządek publiczny w Rzymie republikańskim. Krajobraz po mistrzostwach Europy 2012 (pp. 399-416). Wydawnictwo WSGE.

Sitek, B. (2013). Professio mensoria. Rzymskie korzenie zawodu geodety. In: Brzęka, W., Ćmiel, S., Novikovej, K. (Eds.), Funkcjonowanie administracji publicznej - historia i stan obecny (pp. 172-185). Wydawnictwo WSGE.

Sitek, B. (2019). Non capitur, qui ius publicum sequitur. Journal of Modern Science, 40(1), 149-162. Wydawnictwo WSGE. https://doi.org/10.13166/jms/106150

Stefko, K. (1916). Rzut oka na historyczny rozwój prawa egzekucyjnego in: Księga pamiątkowa ku czci Bolesława Orzechowicza, vol.2. Lwów.

Talamanca, M. (1990). Instituzioni di diritto romano. Milano.

Volterra, E. (1961). Istituzioni di dirritto romano. Rome.

Wojciechowski, R. (2008). Compromissum według glosatorów i komentatorów, 305/2008. Prawo, Studia Historycznoprawne.

Zabłocka, M., Zabłocki, J. (2000). Ustawa XII Tablic. Tekst. Tłumaczenie. Objaśnienia. Warszawa.

Zabłocki, J. (1999). Rozważania o procesie rzymskim in: 'Noctes Atticae' Aulusa Gelliusa. Warszawa.