

## SPECIFIC FORMS OF CONSENT IN THE FIELD OF LIBERALITIES

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**Abstract.** *By lege lata, the consent represents one of the validity conditions which each and every juridical act must meet. Yet, when it comes to the field of liberalities, the consent evinces a series of specific features. While on the one hand the dolus (fraudulent and deceiving intent) – which is one of the vices of consent – basically takes the form of misleading behaviour or suggestion, on the other hand, when it comes to the will, only the testator's consent must abide by the specific validity requirements provided by law. Thus, the present work aims to carry out a brief analysis of the validity conditions applying to the consent, and also to point out the specific forms taken by the latter, by lege lata, in terms of liberalities.*

**Keywords:** consent; vices of consent; dolus; misleading behavior; suggestion.

### 1. A general presentation of consent

#### 1.1. The definition of consent

The consent represents a ground condition of the juridical act, general and essential at the same time, which consists in expressing the decision to conclude the act in question[1]. Specialized juridical literature has assigned the following two meanings to the term “consent”: a) unilateral manifestation of will, that is the will expressed by one of the parties involved in the bilateral or multilateral juridical act, or by the author of the unilateral act; b) will agreement between the parties, in the case of bilateral or multilateral juridical acts.

#### 1.2. Validity conditions applying to consent

In order to be valid, the consent must totally meet the following conditions[2]: a) it must be given by a person with adequate reasoning faculties; b) it must be expressed with the intention to produce legal effects; c) it must be stated; d) it must not be altered by any vice of consent.

##### 1.2.1. The consent must be given by a person with adequate reasoning faculties

The relative presumption concerning the existence of mental judgment, which is fully necessary for concluding juridical acts, applies only for persons with full

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