

abstract

The donation, is a type of endowment contract or act, and the donor is charitable to the donee, and it is absolutely obvious by all means of law, equity and morality that the compensation from the receiver should be nothing less charitable and in recognition to the good deed, nevertheless the donee or the benefiter of the donation sometimes act in ingratitude to the donor by word or deed.

And since the legislator has expected that kind of situations that lead to some form of conflict, he organized the matter of ingratitude towards the donor, granting a protective aspect suiting the generosity of this one, thus it is not right for the donor to be harmed by his own donation.

Moreover, for keeping the legal status of the donee, as it is not enough just to claim the ingratitude for the donation to be revoked because the judge has his word in the matter. Therefore, what is the reality of the ingratitude? And does its notion has an origin in the Islamic doctrine, and a historic origin? Or it's no more than a just a moral obligation? Which the law has given an obligation force to leave it in the crossroads of morality and law.

Consequently, if the ingratitude is confirmed, will that lead to effects in some form? Will it affect the rights and obligations, of the parties of the contract? and this decision may have repercussions on third parties also, whom may have dealt with the donee whether in good or bad faith, and we have demonstrated what the legislator has provided as means of protection for the third parties to keep them from the effects of the ingratitude, if they are worthy of the legal protection, and how to conserve the acquired rights in the period of between the conclusion of the contract and judgment on the ingratitude, by a final judiciary judgment, because the appreciation of the existence of the ingratitude was not left to the donor.

The ingratitude has a law suit that protects the donor if he ever faces it, and have demonstrated the basis and the grounds of this suit, and the extent of the judge's power of assessment to decide on the existence of the said ingratitude, and the orientations of the modern judiciary practices, with also showing the difference in the prescription period between the different

legislations, and we provided each legislator's position the reasons they opted for that.

Finally, we concluded this dissertation with a conclusion that contains the most important results of our research, and our recommendations and suggestions and their practical and scientific value.