



CC Art. 14

Effects of Incapacity on Juridical Acts

TITLE 01 — PERSONS · CHAPTER 04 — INCAPACITY AND PROTECTIVE MEASURES

- 1** Juridical acts performed by a person declared totally incapable without representation by their guardian are void. However:
 - a. Acts of daily necessity performed by the incapable person, such as purchases of food, clothing, or essential supplies, may be upheld if they were performed on reasonable terms and were not prejudicial to the person's interests.
 - b. The competent authority may, in exceptional circumstances, validate a void act if annulment would cause disproportionate hardship and the act was not manifestly unfair to the incapable person.
- 2** Juridical acts performed by a person declared partially incapable without the assistance of their curator, in matters for which assistance is required, are voidable at the instance of the incapable person, the curator, or any party entitled by law to invoke the defect.
- 3** Juridical acts performed before a declaration of incapacity may be annulled if it is established that:
 - a. The person was, at the time of the act, in a condition that would have warranted a declaration of incapacity; and
 - b. The other party knew or ought to have known of that condition; or
 - c. The act was manifestly prejudicial to the person and the terms of the act, viewed objectively, indicate that the person's impaired state was exploited.
- 4** The right to annul a juridical act on the ground of incapacity is extinguished:
 - a. Three years after the declaration of incapacity, for acts performed before the declaration.
 - b. Three years after the revocation of the declaration, for acts performed during the incapacity.
 - c. In all cases, by express or tacit ratification once full capacity has been restored.



- 5 Annulment of a juridical act on the ground of incapacity does not affect the rights of third parties who acquired rights in good faith and for value before the annulment. A third party acts in good faith if they did not know and had no reason to know of the incapacity or of the defect in the act.
- 6 Upon revocation of a declaration of incapacity, the person recovers full capacity to act. Acts performed after revocation are not affected by the former incapacity.
- 7 The incapable person is liable to restore any enrichment obtained under an annulled act, to the extent that the enrichment subsists or has been applied for their benefit.

DOCUMENT INFORMATION	
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