



CC Art. 2

Capacity

TITLE 01 — PERSONS · CHAPTER 01 — NATURAL PERSONS

- 1 Every natural person has, from birth, passive capacity: the capacity to hold rights and bear obligations.
 - 2 Active capacity, that is, the capacity to perform juridical acts and to exercise rights independently, is governed by age, soundness of mind, and such other conditions as this Code prescribes.
 - 3 Full active capacity is attained upon reaching the age of majority as defined in this Code, or upon emancipation.
 - 4 Full active capacity entitles a person to perform all juridical acts recognised by law, including the capacity to enter into contracts, dispose of property, marry, exercise parental authority, and commence legal proceedings.
 - 5 Certain juridical acts require special capacity or additional conditions beyond full active capacity; these include:
 - a. Acts of suretyship and guarantee, which require that the person understand the nature and extent of the obligation assumed.
 - b. Renunciation of rights, which must be express and informed.
 - c. Such other acts as the law may specify.
 - 6 Restrictions on the capacity to act may be imposed only by law and only to the extent necessary for the protection of the person concerned or of third parties. A restriction shall be construed narrowly and shall not extend beyond its stated purpose.
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- 7** Any juridical act performed by a person lacking the requisite capacity is voidable at the instance of that person, their legal representative, or any other party entitled by law to invoke the defect. However:
- a. The other party to a voidable act may not invoke the incapacity of the person with whom they dealt.
 - b. A voidable act may be confirmed, expressly or tacitly, once the ground of incapacity has ceased.
 - c. The right to annul a voidable act is extinguished after a period of three years from the date on which the incapacity ceased or was discovered, unless the law provides otherwise.

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