

Death and legal family formats in Finland

by Rainer Hiltunen ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 6 – Death)

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Disclaimer

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The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper 64(2016)*, www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Finland

The answers concerning Finland can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Finland by Rainer Hiltunen (Section 1)

Income, troubles and legal family formats in Finland by Aija Valleala (Section 2)

Parenting and legal family formats in Finland by Aija Valleala (Section 3)

Migration and legal family formats in Finland by Rainer Hiltunen (Section 4)

Splitting up and legal family formats in Finland by Rainer Hiltunen (Section 5)

Death and legal family formats in Finland by Rainer Hiltunen (Section 6)

So this paper is based on **Section 6 (Death)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

6.1 Tenancy continuation

6.2 Property at death

6.3 Inheritance

6.4 Inheritance tax

6.5 Survivor’s pension

6.6 Wrongful death

6.7 General background regarding death

In the following pages of this paper, first the answer to question 6.7 is presented, followed by the answers to questions 6.1 to 6.6.

6.07 - General background regarding death (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding death, then please do so here.

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Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Death and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section6.pdf](#) (please use this full citation when citing any information from this table).

Section: **6 - Death**

Question: **6.01 - Tenancy continuation**

When the partner who holds the rental contract dies, does the other partner then have a right to continue to rent the home?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1995	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Yes, but 1995	2015 Yes, but 2002
?			N/A 0000	?	Doubt 1995
					?
References to legal sources: Art. 46(2) of Act on Residential Leases 31.3.1995/481.		References to legal sources: Art. 46(2) of Act on Residential Leases 31.3.1995/481.		References to legal sources: Art. 46(2) of Act on Residential Leases 31.3.1995/481.	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: The term used in the act: "spouse" is open to interpretation. Currently it is most likely to be interpreted to include both different and same-sex cohabiting partners.	

Jurisdiction: **Finland**

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Section: **6 - Death**

Question: **6.02 - Property at death**

When one partner dies, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship? (In other words: would the surviving partner be deemed to own 50% of these possessions, while the other 50% are subject to relevant rules of inheritance law?)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1930	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 No, but 2011	2015 No, but 2011
			N/A 0000	No 0000	No 0000
References to legal sources: Art. 100 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 8(2) of Act on Registered Partnerships 9.11.2001/950 referring to Art 100 of Marriage Act 13.6.1929/234.		References to legal sources: Art. 6 of Act on the Dissolution of the Household of Cohabiting Partners 14.1.2011/26.	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: According to art. 6 of the Act on the Dissolution of the Household of Cohabiting Partners a property which is not clearly owned by one of the partners can be deemed to be joint property.	

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Death and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section6.pdf](#) (please use this full citation when citing any information from this table).

Section: **6 - Death**

Question: **6.03 - Inheritance**

When one partner dies without testament, is the other partner then an inheritor?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2002	2015 No 0000	2015 No 0000
			N/A 0000		
References to legal sources: Art. 1(1) in chapter 3 of Code of Inheritance 5.2.1965/40.		References to legal sources: Art. 8(2) of Act on Registered Partnerships 9.11.2001/950 referring to art 1(1) in chapter 3 of Code of Inheritance 5.2.1965/40.		References to legal sources:	
Explanations and nuances: Only if the deceased did not have any descendants.		Explanations and nuances: Only if the deceased did not have any descendants.		Explanations and nuances:	

Jurisdiction: **Finland**

Source: **R. Hiltunen**, "Death and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section6.pdf](#) (please use this full citation when citing any information from this table).

Section: **6 - Death**

Question: **6.04 - Inheritance tax**

Is the surviving partner exempted from paying inheritance tax (or required to pay less than a mere friend would have to pay)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 No, but 1995	2015 No 2002
			N/A 0000	No 0000	N/A 0000
References to legal sources: Art. 11(1) of Inheritance and Gift Tax Act 12.7.1940/378.		References to legal sources: Art. 8(2) of Act on Registered Partnerships 9.11.2001/950 referring to art. 11(1) of Inheritance and Gift Tax Act 12.7.1940/378.		References to legal sources: Art. 11(1) of Inheritance and Gift Tax Act 12.7.1940/378.	
Explanations and nuances: The tax is lower.		Explanations and nuances: The tax is lower.		Explanations and nuances: Lower tax as described in art. 11(1) of Inheritance and Gift Tax Act is required from cohabiting partners who were married before, but divorced later or who have a joint child.	

Jurisdiction: **Finland**

Source: **R. Hiltunen, "Death and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section6.pdf](#) (please use this full citation when citing any information from this table).**

Section: **6 - Death**

Question: **6.05 - Survivor's pension**

When one partner dies while being employed, is the surviving partner then normally entitled to a survivor's pension?

(For example on the basis of statutory law, and/or on the basis of a collective labour agreement or arrangements of the employer.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 No 0000	2015 No 0000
			N/A 0000		
References to legal sources: Art. 78 of State Pension Act 22.12.2006/1295.		References to legal sources: Art 8(2) of Act on Registered Partnerships 9.11.2001/950 referring to art. 78 of State Pension Act 22.12.2006/1295.		References to legal sources:	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Finland**

Source: **R. Hiltunen, "Death and legal family formats in Finland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FI-Section6.pdf](#) (please use this full citation when citing any information from this table).**

Section: **6 - Death**

Question: **6.06 - Wrongful death**

In case of wrongful death of one partner, is the other partner then entitled to compensation from the wrongdoer?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2002	2015 Yes, but 2006	2015 Yes, but 2006
			N/A 0000	? 0000	? 0000
References to legal sources: Art. 6 of Crime Damages Act 29.12.2005/1204.		References to legal sources: Art. 6 of Crime Damages Act 29.12.2005/1204.		References to legal sources: Art. 6 of Crime Damages Act 29.12.2005/1204.	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: The term used in Crime Damages Act: "close person" is open to interpretation. As it is used instead of term "spouse" or "relative" and not narrowly defined in travaux préparatoires it is likely to be interpreted to include also cohabiting partners.	