

Legacy

Abstract

This thesis examines the issues concerning a bequest, as a concept in inheritance law according to Czech legislation contained in Act No. 89/2012 Sb., the Civil Code. The reintroduction of the bequest to Czech inheritance law occurred after more than 50 years, so this concept is relatively unknown to the general public. A bequest that is governed by the principle of singular succession is a departure from the fundamental principle of inheritance law in the Czech Republic, namely universal succession. The restoration of this traditional concept of inheritance law brings many issues, both in theory and application, to which this thesis endeavours to find answers and point to weaknesses in the legal regulation.

In this thesis, the historical interpretation in the parts dealing with the legal regulation contained in the legal regulations preceding the current Civil Code was used in particular, starting with the Roman-law legislation, through the medieval inheritance law to the general Civil Code, the government's draft of the Civil Code of 1937 and of the Civil Codes after the February 1948 Revolution. Due to the continuity of the current legal regulation from the General Civil Code and the Roman-law legislation, the thesis incorporates a comparative method where appropriate. In the *de lege lata* section, the thesis focuses on using the interpretation of teleological, grammatical and descriptive interpretations, on positive legislation, in the widest possible scale, including links with the concept of donation in case of death and procedural issues related to the status of the legatee in the inheritance proceedings. In closing, the thesis does not avoid a critical attitude towards current legislation, which is incomplete in many places and often incomprehensible and complicated for the general public, with *de lege ferenda* considerations. It is in the *de lege ferenda* section where the thesis contains proposals for solutions to the obscure points of legislation, such as a legal amendment that even some members of the professional community deem necessary and urgent.

The thesis answers many theoretical as well as practical questions regarding a bequest, using appropriate case interpretation. At the very conclusion of the thesis, the bequest is considered to be an appropriate inheritance concept, which follows from a long-standing legal tradition, and there is no doubt that this concept will be adopted by the general public over the years. Speeding up this process would be certainly supported by simplification and improvements in accuracy so that the bequest is easier to understand by the legally less informed members of society.

Keywords: Legacy, Legatee, singular succession, Law Of Inheritance, Civil Code