

## **Abstract**

This rigorous work deals with the testamentary succession which is complemented with a new institute within the law of succession regulation – fideicommissum. The content of the work is divided into five main chapters whereas it is proceeded from general interpretation of law of succession taking into account history because above all the law of succession it one of the branches of the Civil Law which was a subject of great changes within the re-enactment of the Civil Law and it is getting back to the institutes which the existing legal regulation did not know. The introduction addresses explanation of basic terminology within the matter of law of succession; it elaborates fundamentals, principles and functions of the law of succession and its categorization within the legal regulation. A part of the work which is dedicated to the historical interpretation focuses on regulation of the testamentary lineage in the Roman law and then analyzes testament regulation within the General Civil Code, Civil Code No. 141/1950 Sb. and preceding Civil Code No. 40/1964 Sb. Subsequently the main topic is elaborated in detail that is testamentary succession pursuant to current legislation in the Civil Code No. 89/2012 Sb. The introduction of this chapter focuses on the term testament itself, presumptions of its validity, in what formats can the testament be written and then the collateral clauses in testament – thus conditions, time or order documentation and also testament executioner occupation - are approximated. A part of this chapter is the Central Register of Testaments which certainly can be considered as a progress in this matter and it constitutes of certainty to the testator. Furthermore the matter of disinheritance is addressed and it is often a part of the last making document. The closure of the fourth chapter disserts on how the testament can be cancelled and additionally a comparison with foreign – French in particular - legal regulation is included. The conclusion of the rigorous work itself addresses testamentary succession which is a secondary objective of the work. First, the general or vulgar substitution is analyzed and then the trust resulting from fidei-commissum. The objective of this work is to approximate the issue of last making - testament writing not only from the layman aspect but above all from the professional aspect. The work aims to point out changes which this institute underwent within the historical development framework, how it works in current practice and what its next development will be in connection with the novelization of this branch and private law in general.

After that the main topic is elaborated in detail – testamentary succession taking into account the fideicommissum institute, and namely not only the legal regulation, knowledge from professional experience but also the jurisprudence.