

Abstract

The law of succession is a branch of civil law that deals with devolution of property rights and duties of a decedent to his heirs. The new Civil Code that came into force in 2014 brought considerable changes in the field of the law of succession. Finally, the legal regulation pays proper attention to the law of succession and testate succession. After more than sixty years, there were restored legal institutions such as Clauses of lesser importance in a testament (condition, determination of time or a mandate), inheritance contract, privileged wills, legacy, vulgar substitution or fideicommissum. Not only because of these institutions can a testator finally organize freely and according to his own will his property situation mortis causa.

The purpose of my diploma thesis is to analyze the testate succession according to the Czech Civil code that became effective on the 1st of January 2014. The thesis is divided into two parts.

The first part is split into five chapters that deal with individual prerequisites of succession. The prerequisites of succession are as follows: the death of a testator, the existence of a decedent's estate, the capacity of an heir to inherit, the legal ground of succession and the acceptance/non-refusal of inheritance. Meeting all prerequisites of succession is crucial to come to the devolution of the decedent's estate to heirs.

The second, core part that is subdivided into seven chapters deals with the testament itself. At the beginning the testament and its purpose are described. The first chapter focuses on the capacity of a testator to make dispositions mortis causa. The second chapter handles effects of error in the expressed decedent's will. The third chapter depicts both essential and optional content elements. The fourth chapter deals with all possible forms of testament. The fifth and sixth chapter focuses on a forced heir and his protection along with so called negative testament. Finally, the last chapter describes options of cancellation of testament.

At the end of the diploma thesis I summarize findings and state my opinion that the biggest advantage of the new legal regulation of testate succession is the enhancement of the autonomy of the testator's will.