

Inheritance contract and donation *mortis causa*

Abstract

This thesis presents, defines and examines two institutes of obligation-inheritance law, namely the inheritance contract and donation *mortis causa*, in the Czech law. Author deals with the most burning issues which are associated with these legal institutes.

Thesis is divided into ten main parts. Each part is being divided into chapters and subchapters then. The first part aims to provide a brief introduction to the law of inheritance. Parts two to five are oriented to the historical genesis with a main focus to the present domestic legislation. Attention is also devoted to special regulations of the inheritance contract of spouses and registered partners. The sixth part presents, defines and puts the institute of donation *mortis causa* into the historical context. Donation *mortis causa* is a subject of the research in the Roman law and especially in the Czech law. Thesis analyzes donation *mortis causa* in both of its modalities occurring in the Czech law. The part seven deals with the Roman-law institute *quarta Falcidia*, due to its relations with the inheritance contract, donation *mortis causa* and legacies. The part eight is focused on the issues related to the inheritance contract and donation *mortis causa* with international element. Attention of this part is devoted to matters of applicable law mainly from the European union's legislation point of view. The goal of the ninth part is a brief excursion through some foreign law-systems of the inheritance contract and donation *mortis causa*. The final part is focused on the relationship between the inheritance contract and donation *mortis causa* and their comparison by means of a correlation table.

In the thesis, author points out the problematic interpretation of the the old-new law institutes causing high legal uncertainty of the contracting parties in the present Czech law. The final conclusions therefore suggest some changes *de lege ferenda* mainly relating to the contractual form and the legal capacity to conclude the inheritance contract and donation *mortis causa*.

Key words

Inheritance law, inheritance contract, donation *mortis causa*