

Inheritance proceedings in the Czech Republic and Austria

Abstract

This rigorous thesis entitled "Inheritance proceedings in the Czech Republic and Austria" focuses on the analysis of legal regulation of probate in both mentioned countries and also on their comparison.

The aim of this work is not a detailed description of all institutes related to probate, but rather a comprehensive overview of the proceedings in both countries. Furthermore, this thesis focuses on pointing out the problems occurring in notary practice in connection with inheritance proceedings, which in some respects are brought about by unclear legal regulation as well as certain changes and news in society, which are also manifested in court proceedings. Part of this thesis is also the proposal of possible legislative solutions to the mentioned problems.

The work itself is divided into three main parts, namely Inheritance proceedings in the Czech Republic, Inheritance proceedings in Austria and a Comparison of probate proceedings in the Czech Republic and in Austria.

The first part of this thesis focuses on the historical development of notaries in our country, its current status and legal regulation. Subsequently, the probate proceedings are described in general terms, including the principles applied in it, its participants and also the Institute of the Judicial Commissariat. This section also analyzes the currently valid legal regulation regarding probate proceedings in our territory, pointing out the problems that occur, and also indicating possible legislative solutions.

The second part of this thesis focuses (among other things) on the history of notary activity, the professional organization and the current state of notarial practice in Austria. Furthermore, the currently valid legal regulation of probate proceedings is described.

The third part of this thesis focuses on the comparison of the adjustments of the two mentioned states, while pointing out significant similarities and differences between them.

Furthermore, throughout the work, the advantages of the Austrian regulation are highlighted, which could also be used in our legal system.