

Nullity of Dispositions upon Death

Abstract

This thesis addresses the issue of nullity of dispositions upon death, a critical topic in inheritance law. Among these dispositions, the primary focus is on wills, as they represent the most common form of disposition upon death. The aim of the thesis is a comprehensive analysis of legal regulations, case law, and doctrinal opinions on this issue, with an emphasis on the reasons and consequences of the nullity of legal acts and related procedural matters. The thesis examines not only substantive aspects but also procedural issues, particularly the status of participants in probate proceedings and the courts' approach to assessing the validity of wills.

In the initial chapters, the thesis provides a basic characterization of dispositions upon death and nullity. It then focuses on the most common reasons for nullity of such legal acts, both practically significant ones, such as lack of form or mental incapacity, and theoretically intriguing ones, such as the testator's error or lack of legal capacity.

The subsequent part of the thesis deals with the consequences of nullity of dispositions upon death. The author highlights that the nullity of a legal act often leads to outcomes inconsistent with the testator's genuine intent, which can negatively affect legal certainty and fairness. In this context, *de lege ferenda* measures are proposed to allow limited legal effects for invalid legal acts in cases where the testator's intent is unequivocally expressed.

Attention is also devoted to probate proceedings, which are presented as a unique type of procedure intertwining substantive and procedural aspects. The thesis analyzes the courts' approach to evaluating the validity of wills and informing participants of their rights and obligations.

The thesis further identifies several shortcomings in the legal framework and judicial practice, for example, regarding the status of statutory heirs in probate proceedings or the interpretation of nullity of disinheritance declarations. These shortcomings are supported by examples from case law and supplemented with proposals to improve the legal framework, which could enhance the efficiency of proceedings and legal certainty.

In conclusion, the thesis summarizes the key findings and emphasizes the importance of evaluating the nullity of dispositions upon death in light of the principle of *favor testamenti* and ensuring a fair arrangement of inheritance relationships. The thesis provides an overview of the current state of legal regulation and its application in practice, while also offering suggestions for further development, thereby contributing to the professional discourse in the field of inheritance law.

Keywords:

Nullity of last will, favor testamenti, disputes over inheritance