

ABSTRACT (resumé – anglická verze)

Testament and its legal regulation in the history, present and de lege ferenda

This thesis is concerned with historical development of legislation of the testament as a probate title in our country. It analyzes the different legal regulations and delivering a comprehensive look at this institute from past to present and thanks to the new civil code in to the future. Its aim is to bring will to the general public as a significant Heritage title respecting the will of the testator and allowing him to choose his heirs or their inheritance shares otherwise than as provided for in the rules of inheritance law. Since the new Civil Code returns to our inheritance law some traditional institutions, it is beneficial for better understanding to be also familiar with their historical adapting and development. Thesis in each historical period approximates the form of the testament with its most relevant features that enable easier comparisons between treatments.

The first part is presented form of testament by the law of Roman. It wasn't only laid the foundations of this institute, but continental law at all therefore his conception of wills and inheritance law cannot be ignored. First chapter closer the Roman law requirements for persons deceased and heirs (testamentary capacity), but also testament to the form and its content. Next chapters deal with various historical periods and treatment of testament contained in a variety of legal works, especially in the civil codes various paying in our country since the 19th century. It is gradually introduced in the medieval testament modification Provincial and municipal laws and regulations in code Civil paying the most significant in our country, General Civil Code, where was inspired the new inheritance law modification. This Code devoted considerable attention to the latest acquisition, in addition to rules concerning the form, content or even cancellation of testament is dedicated to the protection of absolute bar to their heirs and disinheritance. Their law was the will of the testator wills greatly reduced. Next chapters deal with the codes created during the period of communism. Civil Code from 1950 (so-called secondary code) and our current Civil Code from 1964, despite the amendment after 1989 devoted wills and inheritance law little attention, some institutes such as link or inheritance contract then canceled altogether. Quality nor quantity adjustment thus could not be compared with the general civil code. The need of recodification was obvious, so they began to prepare the new Civil Code, which was validly accepted and from 2014 becomes effective. The last chapter therefore gives an overview of the latest adjustment, which we expect in the near future. However, the rules were not

repeated, which is retained in the new adaptation of the current Civil Code, this chapter presents only new institutes. Often their planned recovery raises different opinions. They are also listed, so everyone could form their own opinion on this issue.