

Abstract v anglickém jazyce

The aim of the thesis is to compare legal regulations of testament in the Czech and German legislation. A *maiori ad minus* methodical procedure is used in the thesis. After general characteristics of testament, the work is focused on the regulation of testament in Roman law, which significantly influenced the current legislation in the Czech and German law. Furthermore, the attention is paid to the regulation of testament on the Czech territory during 20th century, especially to the Czech Civil Code 40/1964.

Subsequently, the thesis characterizes the current legal regulation of testament in the Czech Civil Code 89/2012 in detail. This analysis is mainly based on legislation, expert commentaries and literature, judgment and internet resources.

After processing the Czech regulation of testament, the thesis changes its area of interest to the regulation of the German legislation of testament. At this chapter similar methodological procedure and legal resources were used.

The comparison of testament in the Czech and German legal system showed following conclusion: although the legal regulation of testament is very similar, especially due to the historical roots of Czech and German law, several significant differences have been revealed, e. g. the concept of capacity to dispose, the forms of testament etc. The German Civil Code regulates the testament in a greater detail and deals with some terms that the Czech law doesn't know, e. g. the common testament of married couple; that the Czech law doesn't explicitly regulate, e. g. *Teilungsanordnung*; that the Czech law uses in another sense, e. g. *Nichtigkeit* etc. German legislation regulates more extensively the interpretation of testament. Apart from these differences there are many similarities between the Czech and German Civil Code, e. g. the concept of disinheritance, determination of heirs, testamentary succession, substitution, freedom of disposition etc.

The comparison of the Czech and German legislation of testament enables to recognize the systematics, the characteristics and the concept of testament in two different civil codes. The thesis evaluates and compares the current legislation in the law system of the Czech Republic and Germany. The thesis can be beneficial for further comparison of law of inheritance, especially testament, or it can be inspirational for the legal regulation of testament in other countries.