

## **ABSTRACT V ANGLICKÉM JAZYCE**

The aim of my thesis was to carry out a detailed analysis of one of the most important institutions of the law of succession - testament. My secondary objective was to compare briefly the Czech legislation of testament with the legislation of Germany, which was one of the sources of inspiration for the Czech recodification works. Legislation of this institute after the adoption of the Civil Code significantly transformed and strengthened the testing freedom of the testator. Testament is one of the three forms of testamentary disposition that make it possible for the testator to decide how his property is going to be managed after his death.

The first of the six chapters deals generally with law of succession, explains the key terms, concepts and important leading principles. Furthermore this chapter presents various prerequisites of inheritance and generally characterizes and defines the institute of testament.

In the second chapter, I am aiming to outline the historical development of testament which roots can be tracked back to Roman law. In the following subchapters I am describing the legislation changes of this institution in our country with particular attention to the ABGB, another important source of inspiration, and also to the form of the institute in the period of socialism following the adoption of the Civil Code in 1950.

The core of my thesis lays in the third chapter, which is dedicated to a detailed analysis of testament. Following subsections deal with the eligibility of the testator to create a testament, the effects of fault or various forms of testaments, including privileged forms. Further I am explaining the content requirements of testament, with special attention to side clauses of testament or the possibility of stating alternate succession and trust succession, as well as the restriction on testator's freedom to create testament by the claims of non-negligible heirs who are entitled to a mandatory part of the patrimony. The remaining subsections describe the revocation of the testament, disinheritance and allocation of the patrimony.

In the following fourth chapter is defined the concept of legacy, which allows the testator to allocate to a person individual things from the patrimony or establish in his or hers favor a right. In addition, this chapter describes ways of establishing or revoking the legacy.

While in the fifth chapter I am briefly defining the essence of two other types of testamentary dispositions, the inheritance contract and the postscript, and pointing out the main differences between those and testament, the last chapter is dedicated to a comparison of Czech and German testament legislation and introduces some institutes that are unknown to Czech law of succession.