

Abstract

The subject of my diploma thesis is to show in detail and describe the basic institutes of inheritance with regards to the autonomous will of the testator, according to the Civic Code after the recodification in force since 1.1.2014. With regards to significant and extensive changes of the means, with which the testator can manage the treatment of the inheritance mortis causa, I considered this subject relevant and that is why I chose it. I tried to supplant a wholesome view of the possibilities open to testators in case they decide to change the division of their property out of the lawful hereditary succession.

The thesis is divided into six chapters that contain the history of inheritance in our country, basic terms, reasons for the creation of the current codex, institutes governing the transition of the estate to the legal successor and the largest part explains the inheritance titles according to the changes brought about by the alteration of the civil law.

In the first part of the text, I describe the historical development and basis of inheritance laws in the period since the last decade of the reign of the Habsburg dynasty, until the adoption of the Civic Code in 2012, since it is valuable to have at least some idea about the circumstances leading to the current way of inheritance.

The second chapter explains the basic legal terms used in the area of § 1475 and following of Act n. 89/2012, Coll.

The next part is dedicated to the process of adoption of the new legislation, its purpose and meaning, immanent principles and, above all, legal proceedings that influence the fate of the property of the deceased, except for the reasons for inheritance.

The fourth and probably the most important part of this diploma thesis is about inheritance titles as necessary requirements for the transition of the inheritance and about their mutual relations. Namely, there are the law that was not given much space due to respecting the subject of the thesis, last will and the contract of inheritance.

In the last two chapters I only complete the list of possibilities reflecting possible wishes of the testator. That is to bequeath a part of the inheritance to a third person to the detriment of the persons acquiring the heritage, and of course, disinheritance, as means of taking away rights to inherit of an inalienable heir.