

This diploma thesis deals with the legal regulation of disinheritance, with regard to historical context. The thesis focuses primarily on the analysis of the grounds for disinheritance. Disinheritance is an institute that serves as a counterbalance to the legal protection of forced heirs, subsisting in their right to a forced share. If a deceased decides to deprive a forced heir of the protection guaranteed by the heir's right to inherit, i.e., to exclude the forced heir from his or her right to a forced share or restrict the forced heir in his or her right, the deceased may do so exclusively on the grounds defined by law. The current law provides for six disinheritance grounds: failure to provide necessary assistance in need, failure to show real interest, conviction for a crime, permanent unrestrained life, incapacity to inherit, and indebtedness or prodigality. The purpose of this diploma thesis is to provide a comprehensive explanation of the institute of disinheritance while emphasising in particular the legal provisions concerning each of the grounds for disinheritance, and through such explanation, to assess the current law and propose amendments, if any, *de lege ferenda*. The diploma thesis is divided in four chapters, with each chapter being split in sub-chapters. Chapter I defines the key terms closely related to the institute of disinheritance. Chapter I deals with the legal provisions on a forced heir and his or her right to a forced share, and in general terms with the institute of disinheritance and institute of incapacity to inherit, and analyses the differences and relations between them. Chapter II, as the most significant chapter of this diploma thesis, discusses in detail the statutory grounds for disinheritance as provided for in the current law, and describes the historical development of such grounds. In conclusion, it mentions grounds for disinheritance which are purely historical. Chapter III is concerned with the essential elements of a declaration of disinheritance as required by law and other related matters. As well, it takes into consideration the new options arising from the current law. Chapter III analyses the formal elements and the required contents of the declaration of disinheritance, the issue of the capacity to make a declaration of disinheritance, and the option of conditional disinheritance. The final chapter focuses on the consequences of disinheritance. It discusses the effects of both valid and invalid disinheritance and potential disputes concerning the validity of disinheritance, and also the impacts that disinheritance may have on the descendants of a forced heir.