

Abstract

Legacy of current law of succession

This master's dissertation focuses on the traditional legacy of Roman law institute which, through the law no. 89/2012 of the Civil Code, has found its way back to the Czech legal system. The text of the paper is divided into two main parts which are not split equally by what they cover, however, the aim of the dissertation determined such division.

The first part the dissertation outlines the historical foundations for the nowadays' form of the legacy. In short, the shape of the Roman law is covered in the introduction as an essential ground for further law adjustments. A comparison of two, from these days' perspective most important sources of law modification – the legacy's modification of the ABGB, and the modification of unimplemented government proposal of civil code of 1937 - follow. The comparison is replenished by an overview of the diminishing legacy's modification of civil code of 1950, and of the final legacy's refusal in civil code of 1964.

The second part of the dissertation covers the in-force legal form of the Civil Code. The current form of the legacy is elaborated, following the taxonomy of the law. There is an emphasis put– alongside on the general description of the set issue – upon the dealing with chosen conflict situations which arise from the form. Further, the paper aims to show the variety of possibilities for application of the legacy in situations where a testator decides to operate with their assets in case of their death.

Four years have passed since the legal code's recodification and it's connected changes in the inheritance law, valid in the times when this dissertation was being created. For this reason, the legal modification of the legacy can be judged in a more complex and comprehensive way.

The re-introduction of the legacy's institute can be, without a doubt, considered a beneficial and practical change in the inheritance law which, however, has been from the public's perspective largely ignored, unfortunately. The topic of the master's dissertation was chosen primarily for the sophisticated nature of the legal modification of the legacy's institute and the need for pointing this out and for highlighting it.

Key words: legacy, law of inheritance, inheritance