

Statutory inheritance

Abstract

This thesis discusses the legal regulation of inheritance law with emphasis on the institute of statutory inheritance, from the point of view not only of Czech law but also in comparison of the individual legal institutes with their foreign regulation. The aim of this thesis is to answer the question whether the current Czech legislation can provide a prudent, safe and predictable framework for the valid adjustments of property relations of the decedent and the participants of the inheritance proceedings after the death of the decedent

The submitted thesis is structurally divided into three larger parts which further separate into a total of fifteen chapters. The first part of the thesis briefly discusses the gradual historical evolution of inheritance law and its codification on the territory of Czech lands and of historically related countries. The first part also includes the introduction of the purpose of inheritance law and its controlling principles, formulated at the beginning of the 20th century by the outstanding Czech lawyer Prof. Emanuel Tilsch.

The individual institutes such as statutory classes of heirs, forced heirship or escheat are logically organised and described in detail from a historically-comparative perspective as well as from the perspective of foreign regulations in further parts of the thesis, in particular in chapters five to thirteen. From the foreign regulations, these institutes are compared in particular with German, Austrian, French and Québec regulations, which have been anchored in the legal codes of these countries (BGB, ABGB, Civil Code or Civil Code du Québec) for tens to hundreds of years.

The last two chapters of the thesis briefly discuss inheritance law with an international aspect, because due to the modern world globalization the existence of a cross-border aspect, which significantly influences the relations of the heirs and the entire estate, is currently quite common in inheritance law. The fifteenth chapter of the thesis is, for the same reason, dedicated to the EU inheritance regulation, i.e. Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession

The conclusion of the thesis indicates that the current Czech legal regulation of inheritance law encompassed in the Czech Civil Code is not easily understandable and applicable in practice for the general public, and it naturally includes a number of confusing

provisions and application inaccuracies. Given the undisputable importance of inheritance law in society, the simplification of the regulation of inheritance law and its more appropriate adaptation to the needs of modern society appears to be a key requirement.

Key words: inheritance law, statutory inheritance, statutory classes of heirs, inheritance titles, inheritance law with an international aspect