

Heir's Capacity

Abstract

The main purpose of the law of succession is to regulate the transfer of the estate from testator to the heir and also to regulate problems that may be connected with the transfer and as well to regulate the question of who is eligible to acquire the estate. This master thesis deals and focuses on the question of heir's capacity. In particular, it deals mainly with the issue and question of heir's incapacity and its legal reasons in the Czech legislation. The aim of this thesis is to analyze the current legal regulation of the legal institute of heir's incapacity and its legal reasons in the Czech legislation and at the same time to compare it with other legal institutes such as disinheritance, waiver of inheritance, refusal of inheritance and renunciation of succession right, as these legal institutes also cause the loss of succession law. The thesis is divided into 4 chapters, which are subsequently systematically divided into subchapters and points. The first chapter provides a brief explanation of the general interpretation of the concept of law of succession and its principles, which are important for this diploma thesis. At the same time, the concept of inheritance titles is explained in the first chapter, because knowledge of inheritance titles is important for the understanding of other chapters of this thesis. The second chapter focuses on the current legal regulation of heir's capacity, where there is a detailed analysis of who is eligible heir. The second part of this chapter examines in detail the reasons of heir's incapacity while also analyzing the individual legal reasons. The third chapter is focused on comparison with other legal institutes, which cause loss of inheritance law. This chapter focuses mainly on legal institutes such as disinheritance, waiver of inheritance, refusal of inheritance and renunciation of succession right. The fourth chapter contains a comparison of the Czech legal institute of heir's incapacity with the German legislation, as it was also an inspiration for the Czech legislation of succession law.

Key words:

Law of Succession - Heir's Incapacity - Reasons of Heir's Incapacity