

Abstract

Legal regulation of testamentary succession in the Czech republic and Italy

The transmission by inheritance is connected, as the law of succession in general, to death of a natural person. The testamentary succession in particular is conditioned by the existence of the last will created by the testator. The purpose of my thesis is to analyse and compare the legal regulation of testamentary succession in the Czech republic and Italy. In this thesis I'm trying to point out on one side on the similarity of those regulations and on other side on their differences.

The thesis is divided into introduction, seven chapters and conclusion. The first chapter defines the testamentary succession as one of legal titles of inherit. The second chapter deals with the last will in general, in particular with the testamentary capacity of testator, content of the last will, forms of testament, substitution of successors and revocation of the last will.

The third chapter describes contracts of succession in general as another kind of title of succession beside law and last will. It is subdivided into four parts. The first one is dedicated to the theory created by Italian jurisprudence of acts „*inter vivos, post mortem*“, the second one donation *mortis causa* and the third part focuses on the Italian particular form called family contract. The last part of this chapter is dedicated to the new Czech regulation by new Civil Code that permit to make a contract of succession.

In the fourth chapter there are outlined the typical differences of singular and universal succession and in particular it is dedicated to the devise as regulated by the Italian Civil Code and the new Czech Civil Code. The following chapter contains regulation of incapacity of successors in Czech republic and Italy. In this chapter the almost identical regulation in both codes is pointed out.

The sixth chapter gives attention to unpretermitted heirs, that I consider one of the most interesting part of the law of succession. This chapter is subdivided into three parts as subjects, shares of unpretermitted heirs and the regulation of unpretermitted heirs in the connection to the succession by law in Italy.

The last chapter is connected with the previous one because deals with the disinheritance. The attention there is concentrated on the Czech regulation because

disinheritance in Italy it is not permitted and not regulated by Civil Code. This fact points at an important dissimilitude of both legal regulations.

In the conclusion of my thesis I point at the fact that the actual Czech Civil Code is quite different than the Italian one as in part it still presents the status enacted during socialist regime. In the Italian code there are principles clearly inspired by the traditional Roman law. The new Czech Civil Code that should become effective on the 1.1.2014 is characterized by the return to some traditional legal principles and this fact means also approach in certain areas of the Czech and Italian regulation of testamentary succession.