

Abstract

The principle of autonomy of will is considered to be the crucial principle controlling all private relationships of human life. People in the sense of individuals of private law have opportunity to form their private relationships according to their free will thanks to the autonomy of will, even while within certain predetermined limits. The principle of autonomy of will is closely related to the principle of non-mandatory rule in private law and to the principle of equality, the principle of *pacta sunt servanda* and to the principle according to a person acts lawfully unless there is a legal rule prohibiting or curtailing that behaviour.

The purpose of my thesis is to classify the term autonomy of will in its historical context and its definition in the context of other principles and institutions of private law. The importance of this principle is further illustrated by the specific expressions autonomy of will in our legal system.

My thesis is composed of a general part and a special part. The general part is divided into three chapters. Chapter One deals with the historical appearance of autonomy of will from ancient times to modern history, ie from primary manifestations of autonomy of will in the contractual relationships of people to its international establishment. In the chapter Two of the general part I deal with adjustment of autonomy of will on our territory from 1811 until the time after the Velvet revolution. In this part I focus on specifics of the historical periods and particular adjustments in respect of the autonomy of will with some concrete cases in excursions as separate sections. In chapter Three I give attention to an explanation of the term of autonomy of will and further in subsections I focus on its inclusion into the system of principles of private law and on establishment of autonomy of will into our legal system, along with its limits.

The special part is consisted of chapter Four, along with several subchapters which involve particular institutes of private law in which autonomy of will plays an important role. Greater part of this section refers to inheritance freedom especially to the regulation in Civil Code in force from 1 January 2014 which returns to the regulation of inheritance some institutes such as inheritance contract.