

Abstract

This thesis deals with changes in the scope of autonomy of the testator's will in the period from 1 January 1812 until the present days. Using the descriptive and analytical method and comparative method, the aim of this thesis is to explicate development of individual institutes of the law of succession, by means of which the testator could or in particular can manifest his/her autonomy. This thesis is divided into five main parts, which are further divided into chapters and subchapters. The first part of the thesis represents an introductory excursus to the issue of the law of succession and the stress is put on basic principles of the law of succession and historical development thereof. The second part deals with manifestations of autonomy of the testator's will under effectiveness of ABGB. Attention is paid to individual institutes of the law of succession and development thereof, special part deals with a testament as the most important manifestation of the freedom of disposition. Interpretation of individual institutes is presented in particular in the light of the comments and judicature of the period of the First Czechoslovak Republic. The third part deals with manifestations of autonomy of the testator's will under effectiveness of the Civil Code of 1950. The third part endeavors to describe discontinuous conception of individual institutes of the socialistic law of succession in comparison with ABGB. The fourth part of the thesis deals with manifestations of autonomy of the testator's will under effectiveness of the Civil Code of 1964. This part is divided into three chapters that inform the reader on development of the law of succession in the period from 1 April 1964 to 31 March 1983, then in the period from 1 April 1983 to 31 December 1991 and finally in the period from 1 January 1992 to 31 December 2013. This division was made for the reason that the original conception of the Civil Code of 1964 differed substantially from its final wording as of 31 December 2013. The law of succession in the period of effectiveness of the Civil Code of 1964 may not be viewed uniformly since during its almost a fifty-year effectiveness legal regulation of the law of succession changed considerably. Main focus of this thesis lies in the fifth part, which deals with manifestations of autonomy of the testator's will in the Civil Code of 2012. Aim of this part of the thesis is partly to provide relevant explication of individual institutes of the law of succession, by means of which the testator may manifest his/her freedom of disposition and partly to compare all four Codes, which are dealt with herein. Conclusion of this thesis tries to explicate basic development of autonomy of the testator's will in the given period and it provides also some reflections *de lege ferenda*.