

Alienation of inheritance - Abstract

This diploma thesis deals as first only with issues of alienation of inheritance under § 1714 – 1720 of Civil Code. The diploma is about reintroduced institute standing in the boundary of obligational and inheritance law, which is related to aleatory contracts such as insurance, bet, game and lottery, and which was known by the law of First republic, and which roots are dated to the old Rome age, but which is by the present professional public almost undiscovered. The objective of this diploma thesis was describe to professional and laical public rules, principles of workings of this law institute. The diploma thesis in great details analyses present legislation and pays attention to all variants of application of this law institute in praxis. The diploma thesis further compares present legislation with her precursor, which was originated to the beginning of the 19th century together with Austrian ABGB, and as well describes judicature of Supreme Court based on this theme. Author of this diploma submits on hypothetical scenarios possible variations of use of this law institute and all of its variable versions consisting primarily on aleatory or not aleatory of concluded contract, further finds weak points of present legislation and proposes its novelization to level up this legislation in praxis of this law institute.