

Selected issues of inheritance law according to Act No. 141/1950 Coll., Civil Code, in comparasion with recent legislation

Abstract

The thesis deals with selected issues of inheritance law according to Act No. 141/1950 Coll., Civil Code (hereinafter referred to as "CC 1950"), and compares them with the current legislation. The Civil Code 1950, which came into force on 1 January 1951, significantly reformed the form of the existing (then) inheritance law, excluding a number of legal institutes from the legal system in order to simplify the legal regulation. For example, the legal institutes of the contract of inheritance, fideicommissary substitution, donation mortis causa, codicil, etc. were abandoned. The current legal regulation, i.e. Act No. 89/2012 Coll., the Civil Code (hereinafter referred to as the "CC 2012"), which is partly inspired by the General Civil Code promulgated by Imperial Patent No. 946/1811 Coll., restores some of the previously abandoned legal institutes. It must be admitted, however, that in some essential matters of inheritance law the recent legislation also follows the tradition established by the CC 1950, in particular as regards the issue of the moment of transfer of rights and obligations from the testator to the heirs.

Attention is paid to the nature of the rights and obligations that are transferred, the issues of a forced heir, legacy, refusal of inheritance, as well as the area of titles of inheritance, disposition mortis causa, etc.

The structure of the thesis itself is divided into four parts, the first part discusses the legal principles of inheritance law, the second deals with the death of a person and the transfer of rights and obligations from the testator to the heir, the third focuses on the issue of the heir and the possibilities of his interference in the field of inheritance law, the fourth deals with inheritance titles, disposition mortis causa and other legal institutes of inheritance law. Finally, the findings of the analysis and comparison of the selected legislation of the CC 1950 and the CC 2012 are summarised.

Thus, the subject work provides a comparison of selected legal institutes of inheritance law, which are critically examined in the thesis. However, it also offers *de lege ferenda* considerations regarding possible changes to the legal regulation *pro futuro*.

Keywords: inheritance law, Act No. 141/1950 Coll., Civil Code, Act No. 89/2012 Coll., Civil Code