

Research and interpretation of statutory inheritance and testamentary succession of the Civil Code

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Abstract: The Inheritance Law of the People's Republic of China (hereinafter referred to as the Inheritance Law) promulgated in 1985 plays an important role in coordinating the civil legal acts existing in the family. However, with the development and progress of the times, some laws and regulations can no longer serve the current era and show a lag. In order to make up for this shortcoming, China officially implemented the Civil Code of the People's Republic of China (hereinafter referred to as the "Civil Code") on January 1, 2021, which incorporated this part of the inheritance into the Civil Code, and the "Civil Code Inheritance" (hereinafter referred to as the "Inheritance Edition"), retaining the essence of the "Inheritance Law", respectively from the general provisions, statutory inheritance, testamentary inheritance and bequest, The four parts of inheritance treatment have been revised, which is in line with the spirit of today's legislation, conforms to the trend of the times, makes China's inheritance legislation more perfect, protects citizens' private property, stabilizes the relationship between family members, promotes national development, and stabilizes social order. In order to make better use of laws and regulations in judicial practice and to make inheritance cases more fairly and legally resolved, legal inheritance and testamentary succession are studied.

Keywords: Inheritance, Legal Succession, Testamentary Succession

I. Research and interpretation of the "General Provisions" in the Inheritance Compilation

1.1 Overview of General Provisions

In China, the scope of adjustment of inheritance is the civil legal relationship arising from inheritance, of which Article 1119 of the Civil Code stipulates the scope of adjustment of the inheritance part. This law and regulation respectively elaborates on inheritance and civil relations, inheritance refers to the legal system in which a natural person dies and a surviving person who has a family relationship with him acquires his property in general; a civil relationship is a civil legal relationship, not a criminal legal relationship, an administrative legal relationship, and other legal relationships. What is protected is the inheritance right of natural persons, i.e. legal persons and unincorporated organizations do not enjoy the inheritance rights of the deceased." Article 13, paragraph 2, of the Constitution stipulates that

the State shall protect citizens' rights to private property and inheritance in accordance with the law, and shall combine citizens' rights to private property with the right to inheritance. It is believed that the right of inheritance falls within the protection of the right of private property, so the Constitution protects the right of inheritance by protecting the right of private property.^[5]The inheritance rights of the heirs and the rights of the deceased are protected by the Constitution, which is in line with the legislative spirit and core gist of the Constitution of our country. The right of inheritance is protected by the Constitution, and on the one hand, it protects the property rights of citizens and improves the property protection system within the family. It not only guarantees the public economy, but also greatly guarantees the important position of the non-public economy in our country, and the property relations within the family are also a manifestation of the non-public economy. On the other hand, from ancient times to the present, China attaches great importance to the concept of family, the concept of family members, and the right of inheritance is protected by the Constitution to further promote family harmony, maintain the relationship between family members, and make the property within the family run and distribute by itself, which also reflects that the civil law is a private law, which greatly protects the legitimate rights and interests of citizens.

1.2 Study of the time of succession in the General Provisions

Regarding the starting time of inheritance, the first paragraph of Article 1121 of the Civil Code stipulates that inheritance begins at the time of the death of the decedent; in judicial practice, there will also be cases where persons with mutual inheritance rights die at the same time, and the second paragraph of this Law provides for such situations: if several persons who have a mutual inheritance relationship die in the same event, if it is difficult to determine the time of death, it is presumed that there are no other heirs who died first. If there are other heirs to inherit and have different generations, it is presumed that the elder died first; if they are of the same generation, they are presumed to have died at the same time and do not inherit from each other. What is the underlying logic of this regulation? " First of all, several persons who have a relationship of inheritance with each other die in the same event, and there are other heirs, and if their generations are different, it is presumed that the elder died first and the younger died later, so there is a normal inheritance relationship, that is, if the elder dies first, the younger heir who died in the same event can inherit his estate, and if the younger heir also dies, his other heirs will inherit his estate; second, if the person who died in the same event is of the same generation, he is presumed to be of the same generation They die at the same time, so that they do not inherit each other, and their inheritance is inherited by their respective heirs. The provision of such a presumption rule is based on decades of judicial experience as the basis of legislation, and is also fully in line with the requirements of the law of inheritance."^[9]It is generally believed that the system of presumption of time of death is fundamentally aimed at protecting the legitimate rights and interests of the heirs and effectively reducing the situation in which the inheritance of the deceased cannot be inherited and belongs to the state. The relationship between family members and between citizens and society is maintained.

As for the provisions of Article 1122 of the Civil Code on the scope of inheritance, the core content is the legal property of the person left behind in the event of natural death. First of all, the inheritance must be personal. When part of the estate is the joint property of the husband and wife, the property should

be dissolved first. Second, the inheritance must be legitimate. "Legal" here refers to property acquired in accordance with the law, which can be inherited according to its nature.

Articles 1123 and 1124 of the Civil Code stipulate the manner of inheritance and the acceptance of abandonment. According to the principle of autonomy of civil law, the decedent has the right to dispose of his property by way of will and bequest; heirs also have the right to choose to accept and renounce. The right of inheritance belongs to a branch of civil rights, and the capacity for civil rights stipulated in the general provisions of the Civil Code is the right granted by law to natural persons, and the right of inheritance is the same as the right to life and personality, and they cannot give up their rights at will. However, does the provision in the Inheritance Part that the right of inheritance may be renounced, is this in conflict with the general provisions that the capacity for civil rights cannot be waived at will? The general view is that there is no conflict between the two. The renunciation of the right of inheritance can be given after the commencement of the inheritance and before the division of the estate, while the inheritance section protects the rights for this period. The "shall not arbitrarily renounce one's rights" mentioned in the General Provisions section refers to the fact that the inheritance rights enjoyed by the heirs shall not be waived at will before the inheritance has begun. In judicial practice, the heir renounces the inheritance in writing before the death of the decedent, but participates in the inheritance after the death of the decedent. The heir's renunciation of the right of inheritance is before the commencement of the inheritance, and the civil rights may not be waived at will, so the written promise made is invalid, and the heir still has the right to inherit. However, it is valid to participate in the inheritance after the death of the decedent, because the heir has not expressly renounced the inheritance after the inheritance has begun, and therefore the inheritance is valid. When hearing such cases, attention should be paid to the time when the heirs renounce their inheritance rights, so as to accurately and efficiently resolve such inheritance disputes.

There into, The Civil Code also has provisions on the loss of inheritance rights. "Academics divide the loss of inheritance rights into two concepts: broad and narrow. Among them, the loss of inheritance rights in a broad sense includes the absence of heirs and the cancellation of heirs; the loss of inheritance in the narrow sense only includes the absence of heirs. According to the relevant provisions of China's Civil Code, the loss of inheritance rights in China refers to the absence of heirs.^[1] Article 1125 specifies in detail the circumstances under which the right of inheritance is lost: (1) Intentional killing of the decedent; (2) Killing other heirs for the purpose of competing for an inheritance; (3) Abandoning the decedent or abusing the decedent; (4) Forging, forging, concealing, or destroying a will, where the circumstances are serious; (5) Where the circumstances are serious, fraud, coercion, or other means are used to compel or prevent the decedent from making a will, modifying or withdrawing the will. It can be seen from the laws and regulations that the legislator adopts the broad sense of loss of inheritance rights, because the legislator strictly restricts the acquisition of property in an attempt to harm the deceased and does not violate ethics and morals. These five acts seriously endangered the personal rights, health and other rights of the decedent, and violated the principle of public order and good customs. However, there are several views on the "intentional killing of the decedent" in the first paragraph of this Law: first, the heir kills the decedent due to intentional acts, which is equivalent to "self-harm", seriously undermines family harmony, has a negative impact on society, and should lose the

right of inheritance; Secondly, the defensive acts that lead to the death of the decedent need to be studied in light of the specific circumstances: (1) For the legitimate defensive acts that cause the death of the decedent and do not lose the inheritance rights, the defensive acts are not illegal and subjectively not intentional; (2) For the death of the decedent caused by excessive defense, a comprehensive analysis is required, and the judgment should be made based on the subjective aspects of the heir. Whether there is a deliberate mentality. However, paragraphs 2 and 3 of this Law also stipulate the circumstances of relative loss of inheritance right, that is, if the heir has committed the acts in items 3 to 5 of the preceding paragraph, he has indeed repented, and the decedent has expressed forgiveness or is listed as the heir in a later will, and the heir will not lose the right of inheritance. If the bequest commits the acts provided for in paragraph 1 of this article, he loses the right to receive the estate. There in to Zhang San deliberately killed his father in his eagerness to inherit his father's inheritance, but failed, and repented. Since Zhang San's act was to intentionally kill the decedent, which did not fall under items 3 to 5 of the first paragraph, Zhang San's inheritance rights were not restored. From this article, the legislator protects the legal interest of the right to life of the decedent. Violations of the right to life are never condoned, and this embodies the principle of protecting human rights. The right to life is an important human right and must not be infringed upon by any person or organization. It is generally believed that the rights and interests of the deceased and the loss of legal inheritance rights protected by legislators are in line with the spirit of legislation, the basic principles of civil law, and the core values of socialism with Chinese characteristics. However, in judicial practice, even if there is an absolute reason for the loss of inheritance rights, some heirs can obtain part of the property of the decedent through testamentary inheritance or statutory inheritance, but other heirs are not aware of it. In view of this phenomenon, from the perspective of legal publicity, publicity should be strengthened through community law popularization and network dissemination; from the perspective of inheritance relations, it is necessary to regulate and restrict the heirs who have lost their legal inheritance rights, so as to reduce legal disputes arising from inheritance. In judicial practice, in such cases, the inherited property shall be returned, and if it cannot be returned or its value is reduced, it may be auctioned and sold for another legal heir to inherit it in accordance with the order of succession. This practice not only conforms to the laws of our country, but also makes our laws better reflected in practice.

II. Research and interpretation of "legal inheritance" in the inheritance section

2.1 Overview of Statutory Succession

Statutory inheritance refers to a inheritance method that inherits the inheritance of the decedent in accordance with the scope of heirs, the order of inheritance, and the share of inheritance directly stipulated by law.

2.2 Interpretation of the order of succession in "Legal Succession"

Article 1126 of the Civil Code of China provides for equality of inheritance rights. The position of the legislator is very clear that legal succession is not based on gender, but on the basis of inheritance status. This negates the primogeniture inheritance system under China's ancient feudal system and conforms to the basic principles of legislation.

Articles 1127 and 1129 set out the order of legal succession. The first order is spouse, children, parents, widowed sons-in-law and daughters-in-law who fulfill their primary maintenance obligations.

Among them, the term "children" as used in this Law includes legitimate children, illegitimate children, adopted children and stepchildren. Among them, the widowed son-in-law and daughter-in-law who fulfill the main maintenance obligation are included in the first order of heirs, which is a continuation of the fine traditional culture of "filial piety" in China, which fully reflects the preservation of the essence of traditional Chinese culture in the inheritance editor, and organically integrates the excellent traditional concepts of ancient and modern times, with distinctive Chinese characteristics. In China's judicial practice, the widowed daughter-in-law Chen has been taking care of the elderly and seriously ill Ma, and her two children, and inherited a part of the inheritance after Ma's death. This case embodies the idea of "family-oriented" in China, the widowed daughter-in-law has always fulfilled her obligations and done her best, and the law protects the legitimate rights and interests of the widowed daughter-in-law who are conscientious and conscientious. In traditional China, families live together, respect the old and love the young, and the family is a safe haven for social security and a strong backing for preventing social risks.

2.2.1 Comparison of the legal order of inheritance at home and abroad

The legal order of succession in the United States is spouse and children first, parents and siblings second, and grandparents and other close relatives last. First, the U.S. legal system focuses on personal liberty and the protection of private property, and it is essentially spouses and children who live with the deceased. Therefore, in kinship, the spouse and children are the closest to the deceased and are therefore inherited by the spouse and children first. China attaches greater importance to public ownership and social welfare protection. In addition to spouses and children as first-order heirs, China also includes parents, widowed daughters-in-law, and sons-in-law, who fulfill the obligation to support first-order heirs. It is generally believed that "among them, the widowed daughter-in-law mainly supports her parents-in-law and son-in-law." It is also listed as a first-in-line heir. This shows that the legal status of all heirs is equal, and there is no situation where the deceased is biased. Therefore, all heirs, regardless of their relatives, have equal rights to inherit the estate and must not be ranked behind each other. These factors can all affect the legal arrangements and practices of inheritance. Second, there are differences in the priority of wills between China and the United States. In the United States, wills are the main basis for dealing with inheritance, while in China, laws and regulations clearly stipulate the scope, order of succession, and share of legal heirs. In some cases, a will may also need to meet the requirements of the law. Therefore, for the inheritance of family wealth, it is necessary to make reasonable planning on the premise of complying with the laws and regulations of different regions. Finally, the scope of heirs who do not have a will is also different between the two countries. In China, first-order heirs include spouses, children, and parents. Second-order heirs will involve siblings, grandparents, or maternal grandparents. However, in the absence of a will, the legal obligation to support relatives in the United States can participate in the inheritance. This needs to be analysed and dealt with on a case-by-case basis.

2.2.2 Provisions on legal inheritance of children, parents, and siblings in China

Paragraphs 2, 3 and 4 of Article 1127 of the Civil Code stipulate that children include legitimate children, adopted children and stepchildren; parents include biological parents, adoptive parents, and stepparents; siblings include siblings of the same father and half-siblings, brothers or half-brothers,

adopted siblings, and dependent stepsisters. As can be seen, the legislator has a very broad definition of the scope of heirs. As long as they are related to one of the immediate family members, they are entitled to inheritance. The internal logic is that the principle of civil law protection and the legitimate rights and interests of the parties, such as illegitimate children, stepchildren, and stepparents, cannot be presumed to have no obligation to support and no right of inheritance because the father or mother has an illegitimate child born of illegal cohabitation with another person or because the obligation to support the child is not clear in the divorce of the parties. The legitimate rights and interests of the child cannot be harmed by the fault of one of the parties. With regard to the relationship between the adoptive child and the adoptive parents, when applying for the registration of adoption, the establishment of an adoptive relationship and the establishment of a fictitious blood relationship have greatly ensured social stability and family harmony. The couple considered the adopted child to be their biological child, and the child also had the right to inheritance. To sum up, the interpretation of children, parents and siblings also confirms China's principle of actively protecting human rights and fairness, and it is also the application of China's excellent ethical and moral norms by legislators when legislating, reflecting the temperature of legislation.

2.2.3 Subrogation under Article 1128 of the Civil Code

“ As an important supplement to China's legal inheritance system, the subrogation system reasonably distributes the inheritance of the deceased among the heirs' branches in the family in accordance with the usual handling of private property in ancient China, so as to realize the function of supporting the elderly and children, and realize the inheritance of social property within the family. ”

^[4]Subrogation includes the following four meanings: (1) Subrogation can only occur in legal succession; (2)Subrogation occurs when the decedent's children or siblings die before the decedent; (3)Subrogated heir is a direct descendant of the decedent's children or the children of his or her siblings; (4)The share inherited by the subrogated heir is the share that the subrogated heir should inherit.

"Including brothers and sisters in the scope of subrogated persons can ensure the circulation of private property within the blood family, reduce the situation of no inheritance of inheritance, and at the same time promote the development of kinship relations, strengthen exchanges and communication between relatives, and guide people to attach importance to family affection, encourage relatives to support each other, support each other, support the elderly, and watch over together."^[10]

There are two theories of subrogation: the doctrine of inherent rights holds that it is the inherent right of the subrogated heir to participate in the inheritance, and the subrogated heir inherits the inheritance of the deceased according to his own rights. The right of inheritance of the subrogated heir is not premised on the inheritance right of the subrogated heir, as long as the subrogated heir cannot inherit. Subrogation can be done by subrogation. The doctrine of representation holds that the inheritance inherited by the decedent is not based on its inherent rights, but participates in the inheritance on behalf of the subrogated heir, that is, the subrogated heir can only obtain the corresponding share of the subrogated heir if the subrogated heir enjoys the right of inheritance. When the heir to the throne loses the right of inheritance, he or she is subrogated.

Mrs. Chen had a son, Chen, and Chen had a son, Chen Xiao, who died before Mrs. Chen. In this case, combined with laws and regulations, China's legislation adopts the theory of representation, that is,

Chen Xiao inherited Mrs. Chen's estate based on Chen's inheritance rights. This greatly guarantees the reasonable distribution of the property of the decedent, and the view of the theory of representation is essentially that the direct descendants of the heir inherit the inheritance right of the heir, rather than directly inheriting the property of the decedent over the heir. The general view is that if the analysis is based on the theory of inherent rights, the grandson of the decedent inherits the property of the decedent over the heirs of the decedent. Combined with the above case analysis, that is, according to the analysis of the inherent power theory, Mrs. Chen's grandson Chen Xiao can inherit the inheritance as the heir. According to Article 1127 of the Inheritance Code, the (foreign) grandchildren are not included in the legal heirs, and if the inherent power theory is adopted, then the underlying logic of subrogation is contrary to the legal heirs stipulated in Article 1127. Therefore, the adoption of the doctrine of representation is a better option for legislators. In judicial practice, to determine whether a natural person has the right to inherit by subrogation, it is necessary to examine whether the subrogated heir has lost the right of inheritance to the heir. Only then can we improve the efficiency of adjudication and jointly promote the progress of the rule of law in society.

2.3 Interpretation of inheritance distribution rules

Articles 1130 and 1131 of the Civil Code of China provide for the rules for the distribution of estates. Circumstances of multiple divisions of inheritance: China's civil law stipulates that two categories of persons may be appropriately divided into multiple divisions. First, those with insufficient working capacity embody China's principle of protecting vulnerable groups, protecting basic human rights and improving citizens' happiness. Second, they can fulfill the main maintenance obligations of the decedent or jointly bear them with the decedent. The living conditions reflect the principle of consistency of rights and obligations in China. There are many aspects of the inheritance as a reward for caring for the deceased. The discretion of the estate is based on the fact of maintenance and gives legal subjects other than the actual heirs the right to claim an appropriate share of the estate. Article 14 of the Inheritance Law divides the subjects of rights into two categories, namely, those who are unable to work and have no source of livelihood and those who rely on the dependents of the deceased to support them. The discretionary division of the estate will include non-heirs who have a dependency relationship with the decedent within the scope of the distribution of the estate, with priority over statutory inheritance. This is undoubtedly a major breakthrough in the inheritance method of blood relations and the internal circulation of family property between in-laws, making the inheritance methods more diversified and embodying the principle of consistency of rights and obligations. Effectively combine social and personal interests. The existence of this right is based on the idea of posthumous maintenance, the theory of the presumption of the will of the deceased, "the legislative orientation of the protection and encouragement of the weak, and compensation for the act of maintenance, which is of great significance for solving the problems of the protection of rights and interests arising from the new family structure and family form." The relevant provisions in the current Succession Title also draw on the relevant provisions of the Inheritance Law, and are reservations for the beneficiary part.

“Article 14 of the Inheritance Law of the People's Republic of China promulgated in 1985 formally stipulates the discretionary system of inheritance in the form of law, and the subsequent Opinions on the Implementation of the Inheritance Law also make some provisions on the application of this article.

The system is based on the theory of posthumous maintenance and reward for maintenance behavior, which guarantees the right of heirs other than heirs who meet certain conditions to receive the inheritance based on the relationship of support or maintenance, and expands the scope of beneficiaries of the estate. The Civil Code amends the provisions of the system of discretionary power of inheritance, abolishes the strict conditions of "no ability to work and no source of livelihood" required by those who rely on the support of the deceased, and expands the scope of "persons who rely on the support of the deceased", giving full play to the role of the inheritance." [2]

III. Research and interpretation of "testamentary succession" in the "Inheritance Edition"

3.1 General provisions on testamentary succession

Article 1133 of the Civil Code of the People's Republic of China stipulates that a natural person may make a will to dispose of his personal property in accordance with the provisions of this Law, and may appoint an executor. A natural person may make a will designating his or her personal property to be inherited by one or more legal heirs. A natural person may make a will to donate his or her personal property to organizations and individuals other than the state, collectives, or legal heirs. A natural person may establish a testamentary trust in accordance with the law.

Through this law, it can be seen that China's testamentary bequest system fully gives every natural person who makes a will full rights. The disposition of property is not limited to family members, but also extends to those who can share the property. It is a high degree of expression of the principle of autonomy. The legitimate rights and interests of the decedent are fully protected so that they can follow the wishes of the decedent. This also reflects that the Civil Code is a private law that protects the legitimate rights and interests of citizens, that is, "it can be prohibited by law".

3.2 Form and validity of the Will

Articles 1134 to 1139 of the Civil Code stipulate several forms of wills, namely, self-written wills, written wills, printed wills, audio and video wills, oral wills and notarized wills.

There are not many countries in the world that adopt the form of audio and video wills. In addition to China, South Korea also uses audio and video wills as a form of will (Article 1067 of the Civil Code of Korea).

3.2.1 Determination of the validity of the will

By reading the law, it can be concluded that all wills except self-written wills need to be witnessed by witnesses, and their fundamental purpose is to ensure the authenticity, reliability and fairness of the will. The use of legal means to prevent the decedent from handling the estate protects the common interests of the heir and the decedent. In judicial practice, the decedent can make several wills, which are all legal and valid. At this point, there is the question of determining the validity of the will. Paragraph 3 of Article 1142 of the Civil Code of the People's Republic of China stipulates that if there are several wills that conflict with the contents, the final will shall prevail. However, this does not mean that only the final will is valid and the others are invalid, but there are several wills that are legally valid except for oral wills.

3.2.2.1 The difference between the validity of oral wills and other wills

Article 1138 of the Civil Code of China stipulates that the testator may make an oral will in a crisis situation. An oral will should be witnessed by two or more witnesses. After the critical situation is

eliminated, if the testator can make a will in writing or in the form of an audio or video recording, the oral will is invalid. As can be seen from this law, the conditions for the validity of an oral will are more stringent, and can only be established when the condition is critical, because the situation is urgent. It is generally accepted that an oral will is an emergency measure to dispose of property in an emergency. When it encounters a critical situation, a will should be made in other ways to ensure the fairness of the will. Reliable and reasonable. When the decedent's oral will is no longer valid after the crisis situation is eliminated, the decedent can continue to use the previous valid will, or choose to create a new will. This is a voluntary principle given by law to the decedent.

3.2.2.2 Issues that need to be paid attention to in judicial practice of oral wills

In judicial practice, it is easy to confuse an oral will with an oral distribution agreement, for example, when the decedent gathers the heirs together to distribute his estate in an emergency. In addition, if the decedent is in an emergency, inform the two nurses of the distribution of their estate. How can we distinguish between an oral distribution agreement and an oral will? In both cases, the condition of "in case of emergency" is satisfied, and the variable is the "class of persons" to whom the decedent is informed of the distribution of the estate. It can be seen that the two nurses were informed of the oral will. Although they are all unilateral expressions of intent of the decedent, their legal nature is different. In practice, the heirs or witnesses of the will should explain in detail to the court to avoid the parties falling into difficulties in adducing evidence due to misunderstanding of the oral will and the oral distribution agreement.

3.2.3 Conditions for witnesses to a will

The testamentary witness is a necessary condition to ensure the authenticity and fairness of the will, and there are strict requirements for the will. Article 1140 of the Civil Code stipulates the negative conditions for witnesses to make a will: (1) Persons with no capacity for civil conduct, persons with limited capacity for civil conduct and other persons with incapacity; (2) Heirs and legatees; (3) Persons who have an interest in the heirs or legatees.

3.3 Wills are invalid

Article 1143 of the Civil Code of the People's Republic of China stipulates that a will made by a person who lacks or has limited capacity for civil conduct is invalid. The will must express the true intention of the testator, and the will made by fraud or coercion is invalid. A forged will is invalid, and if the will is tampered with, the tampered content is invalid. It can be seen from this law that after the will is invalid, the property involved in the will should be inherited in the order of legal succession. Before his death, a man appointed two lawyers to write a will on his behalf, and the lawyer wrote the will according to the man's will, but there was no audio or video recording throughout the whole process, and the witness had no evidence to prove that the will was the man's true expression of his will, so the will was invalid. Testamentary succession, as an important form of inheritance, reflects the testator's freedom of will. Whether a will is valid or not, the most important thing to respect is the true will of the testator, so as to avoid the invalidity of the will due to defects in the testator's witnesses.^[6]

Conclusion

Throughout the text, an important constituent element of statutory inheritance and testamentary succession is whether the parent-child relationship is established, which affects the accuracy of

judgments in such cases in judicial practice. The presumption of paternity is also an important factor in judging inheritance. Article 1073 of the Civil Code stipulates the relevant content of the confirmation of paternity. "Parents or adult children have the right to request the confirmation of parentage, and parents also have the right to request the denial of parentage. From this, two points are evident: first, parentage determination involves the plaintiff initiating a lawsuit to seek a judicial alteration of parent-child identity, with a strict approach taken towards the filing of such suits to prevent undue interference by public authority into private civil rights; second, in China, the eligible plaintiffs for parentage determination are explicitly enumerated, and only those who qualify have the right to request the court's confirmation or denial of the presumption of parentage."^[7]This does not violate the principle of equality between civil subjects, and it is an important means to maintain family harmony and maintain a balance in the relationship between parents and children. Both parties can file a lawsuit for the confirmation of paternity, which can reduce the fragmentation of the family in society and thus maintain social stability. and the principle of protecting the right to inherit private property in the event of inheritance between parents and children.

Before the promulgation of the Civil Code, China used the Inheritance Law to regulate people's inheritance relationships. Compared with the Inheritance Law, the Succession Section of the Civil Code has certain changes in some contents: (1) The scope of heirs has been expanded. With the implementation of the Civil Code, nephews, nieces, nephews and nieces can also inherit the property of the decedent in accordance with the law, more effectively avoid the outward flow of private property, expand the scope of inheritance, effectively protect the relationship between relatives, and promote family harmony. (2) The Civil Code adds printed wills and audio and video wills. Printing a will is easy to preserve, not easy to be damaged or lost, and the establishment of a will by way of audio and video recording provides a new way to set up a will for the decedent who is unable to write. Both printed wills and audio and video wills can protect the decedent's willingness to dispose of personal property, and fully reflect the principle of autonomy of will under civil law. (3) The Civil Code newly stipulates the testamentary forgiveness system, and the inheritance rights lost by a momentary mistake can also be won back through reform. The main reason for the relative loss of inheritance rights stipulated in the Civil Code is that the relative cause of loss is not an act that seriously endangers the decedent compared with the absolute cause of loss. At the same time, it is also necessary to fully reflect the excellent traditional Chinese culture, and the addition of the testamentary forgiveness system to the Civil Code is an extension and protection of the fine traditional virtues.^[8]The above content is the research and interpretation of legal inheritance and testamentary succession in the inheritance of the Civil Code. This paper analyzes the general provisions, statutory succession and testamentary succession in the Inheritance Compilation, understands the deep connotation of legislator's legislation from various aspects, and at the same time uses cases to explain the law, applies laws and regulations to practice, and achieves the combination of theory and practice.°

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