Comorients and co-deceaseds – de cujus succesione agitur

Veronica Gisca [1] **Tonu Renata [2]**

[1] PhD, associate professor, Academy of Economic Studies of Moldova, gisca.veronica@ase.md,

ORCID: 0000-0002-0781-1995

[2] Undergraduate, Academy of Economic Studies of Moldova, tonu.renata@ase.md ,

ORCID: 0009-0002-7687-943X

Abstract: When talking about inheritance law, the subjects entitled to inherit are the essential element of the legal relationship. They, in turn, must meet certain legal conditions in order to inherit: capacity, dignity and vocation. The relatives of the deceased, regardless of whether the family relationship results from marriage, out of wedlock or adoption, as well as the surviving spouse, are called to inheritance.

Persons with a reciprocal or unilateral vocation of succession who died without it being possible to establish whether one survived the other are presumed to have died concurrently (comorients and co-deceaseds). The inheritance of each comorient or co-deceased is collected by his/her own heirs and no deceased is entitled to the inheritance of the other or the other deceased. However, the rule does not apply if it is shown that at least a fraction of a second has elapsed between the death of one deceased and the other.

Thus, it follows, that successors, in order to be able to inherit, must have physical capacity, that is, exist at the time of opening of the inheritance.

In a legal sense, comorients are two or more persons who died in the same circumstance and under such conditions that it cannot be established whether one survived the other, since they are deemed to have died at once, and there is mutual inheritance between the persons concerned. Co-deceaseds are natural persons with unilateral or reciprocal succession capacity, legal or testamentary, who died in simultaneous but different circumstances, so that the order of death cannot be established.

Thus, the distinction between comorients and co-deceaseds is dictated by the circumstances of death, which may be similar or different.

Key words: comorient, co-deceased, succession vocation, inheritance, survived.