

sigurnosti i sprječavanju mogućih zloupotreba. Nadalje, trebalo bi *de lege ferenda* unijeti izmjene da se po uzoru na ZPP BD propiše kao posebna pretpostavka za donošenje presude zbog propuštanja obveza tužitelja da uz tužbu dostavi dokaze koji se po svojoj prirodi mogu dostaviti. Jer samo u situaciji kada sud ima pred sobom dokaze navedene u tužbi, može kvalitetno provjeriti materijalno pravnu pretpostavku za donošenje presude zbog propuštanja i donijeti pravilnu odluku.

LEGAL CONSEQUENCES OF FAILURE TO SUBMIT STATEMENT OF DEFENSE

Summary: *One of the many novelties brought by the Civil procedure Act of the Federation of Bosnia and Herzegovina from 2003, in order to increase the efficiency of the trial, is that the delivery of the lawsuit and summoning defendant to file a statement of defense has become a mandatory sub point at the stage of preparation of the main hearing, while the delivery of the statement of defense became the duty of the defendant. The court will deliver a copy of the lawsuit with its attachments to the defendant in order of filing a written statement of defense, and in the summons to court it will forewarn him to the legal consequences of failure to act. However, procedural law does not oblige any party to hold a particular court order, so the defendant can be active at his choice and take civil action, i.e. to oppose the prosecutor's request, acknowledge the factual allegations and demands of his opponent, or remain passive, that is defend himself by failing to take civil action in order to protect his interests.*

The aim of this paper is to analyze the institute of the statement of defense, with special attention given to the failure of civil action for submitting a written statement of defense, which results in procedural decision – a default judgment, which accepts the claim without discussion and evidence. The legal nature of the default judgment is generally explored, possibility of accepting and the possibility of its rebuttal are considered. Historical development of it will be considered beforehand. It will also point to the solutions in a comparative law.

Key words: *lawsuit, statement of defense, default judgment, request for the return to status quo ante, appeal*