

na praznina ostavlja mogućnost bračnim partnerima da prilikom podjele bračne stečevine tvrde da su imali usmeno zaključen ugovor o podjeli bračne stečevine. Ugovor o nasljeđivanju postaje ugovor koji više nema svoju svrhu. Odnosno nepostojanje forme, mogućnost jednostranog raskida dovodi do toga da ovaj ugovor ne pruža nikakvu pravnu zaštitu.

Boris KREŠIĆ, PhD., Associate Professor
Faculty of Law, University of Tuzla
boris.kresic@unitz.ba

Ervina HALILOVIĆ, PhD., Assistant Professor
Faculty of Law, University of Tuzla
ervina.halilovic@unitz.ba

Ena MORANKIĆ, MLL, PHD student
Faculty of Law, University of Tuzla
ena_115@hotmail.com

INHERITANCE AND PROPERTY CONTRACTS BETWEEN MARITAL PARTNERS IN BOSNIA AND HERZEGOVINA

Summary: Contemporary family and inheritance law, both in other countries as well as in Bosnia and Herzegovina (BiH), has been reformed in many segments. By standardizing the contractual property-legal regime in the family legislation in BiH, spouses are given the opportunity to regulate their property-legal relations through a marriage contract while an inheritance contract leaves the option to appoint the heir of the entire existing and future property of the testator.

Introduction of marriage and inheritance contracts in the positive legislation, although only in one entity of BiH and in Brčko District, with a relatively small number of legal regulations is certainly one of the reasons for many questions asked, both theoretical and practical, which need to be answered. Bearing in mind the importance of these institutes, the authors of this paper attempt to answer some of these questions so as to contribute to prospective reforms of these institutes as well as to improve the existing practice. The authors pay special attention to the legal features of these contracts, conditions required for their conclusion, and their legal consequences. They also point to certain problems that may appear in practice as well as to the ambivalent meaning of certain norms.

Key words: marriage contract, inheritance contract, marital/extramarital partners.