

Nikolina MALETA, PhD
Assistant Professor
University of Mostar
Faculty of Law
nikolina.maleta@pf.sum.ba

Cvija JURKOVIĆ, PhD
Assistant Professor
University of Mostar
Faculty of Law
cvija.jurkovic@pf.sum.ba

Ivan TOMIĆ, LL.M., Teaching assistant
University of Mostar
Faculty of Law
ivan.tomic@pf.sum.ba

NORMATIVE FRAMEWORK OF COMPULSORY INSURANCE IN TRAFFIC WITH REFERENCE TO THE DECISION OF THE CONSTITUTIONAL COURT OF BIH IN CASE U-7/22

***Summary:** Compulsory insurance in traffic in Bosnia and Herzegovina is regulated by entity laws. In the Republic of Srpska, a comprehensive law regulating mandatory traffic insurance was adopted in 2015, and in the Federation of Bosnia and Herzegovina in 2020. As one of the significant novelties in the normative framework of the regulation of compulsory traffic insurance, the Law on Compulsory Traffic Insurance of the Federation of Bosnia and Herzegovina introduces Framework Criteria for determining the amount of compensation based on a contract on compulsory traffic insurance. The framework criteria represent a legally regulated system for determining the amount of monetary compensation due to death, physical injury or property loss as a result of physical injury or death caused to third parties in traffic accidents. The purpose and goal of the introduction of these criteria and their legal regulation is to enable the equality of injured persons when exercising their right to compensation while respecting the principle of individualization and the uniqueness of each specific case.*

Framework criteria, i.e. certain articles of the Law on Compulsory Insurance in FBiH, which prescribe the age of the injured person as the basis for determining the amount of compensation, were the subject of examination before the Constitutional Court of Bosnia and Herzegovina. In this paper, the authors analysed the relevant decision U-7/22 of the Constitutional Court of BiH and tried to additionally explain the elements on which the Court bases its explanation of the decision in the merits. In addition to the above, the practice of the European Court of Human Rights in disputes in which the subject of decision was discrimination on the same or similar grounds was analysed in order to compare the compatibility of the legal reasoning and argumentation of the Constitutional Court of BiH with the practice of the European Court of Human Rights.

***Key words:** compulsory traffic insurance, compensation for damage, Constitutional Court of Bosnia and Herzegovina, European Court of Human Rights, age discrimination*