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PUBLIC FAITH AND CHARACTER OF NOTARY DOCUMENTS - TRADITION AND MODERN NOTARY IN BOSNIA AND HERZEGOVINA

Summary: In this paper, authors analyze the role of tabellion in the Roman era and later Byzantine solutions, the appearance of notaries (tabularia) in the Lombard and Frankish legal systems and the notary in Croatian medieval statutes and practice. In particular authors analyze the question of whether notaries should be considered public officials, persons whose acts enjoyed public faith (fides publica) or drew up documents that received public faith through verification by examiners and vice-dominos. The role of medieval church chapters as places whose documents enjoyed public faith, the probative power of documents and the role of a bailiff - a private person appointed as a witness to a legal transaction by the public authority - is also considered. It is concluded that notarial documents in Croatian areas received public trust only with the certification of an examiner or vice-domino. This points to the influence of the Roman-Byzantine tradition and Croatian, i.e. Slavic law through the institution of bailiffs.

In Bosnia and Herzegovina, the Law on Notaries of the Federation of Bosnia and Herzegovina (2002) introduced the tradition of the Latin notary into the legal system. The notary is one of the most important institutes of modern law, which does not have a long tradition in Bosnia and Herzegovina. With the adoption of entity laws and the Law on notaries of Brčko District, the tradition of Latin notary is being implemented in Bosnia and Herzegovina, which made the public faith and character of notaries in Bosnia and Herzegovina an important tool in the transitional approach to the European standards of providing legal services.

Keywords: tabellio, notary, bailiff, public faith, Bosnia and Herzegovina,