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THE LEGAL NATURE AND LIMITS OF THE INSURER'S LIABILITY FOR DELAY IN THE PAYMENT OF INSURANCE INDEMNITY – BETWEEN GENERAL RULES ON DEBTOR'S DELAY AND THE SPECIFICITIES OF THE INSURANCE CONTRACT

Abstract: *This paper analyses the legal nature and the limits of the insurer's liability for delay in the payment of insurance indemnity, starting from the problem of ambiguity regarding the moment when delay occurs and the extent to which general rules of the law of obligations apply. A particular challenge arises from the fact that the insurer's obligation, although having the characteristics of a monetary obligation, differs from classical contractual obligations due to the specific nature of the insurance contract.*

The paper examines the relationship between general rules on debtor's delay and specific rules deriving from the nature of the insurance contract, with particular emphasis on the procedure of determining the validity of the claim and the amount of damage. In this context, the limits of the insurer's liability are analysed, including situations in which delay does not result in liability.

The aim of the paper is to determine to what extent general rules on debtor's delay can be applied to the insurer's obligation and where the limits of such application lie. The contribution of the paper lies in a more precise distinction between general and special rules, as well as in the formulation of guidelines for their proper application in both theory and practice.

Keywords: *insurer's liability, delay, insurance contract, insurance indemnity.*