

Anisa RUHOTINA, PhD.
Senior Teaching and Research Assistant
University of Sarajevo – Faculty of Law
a.ruhotina@pfsa.unsa.ba

EXEMPTION OF REAL ESTATE FROM ENFORCEMENT UNDER THE LAW OF THE FEDERATION OF BOSNIA AND HERZEGOVINA – NOVELTIES, CHALLENGES OF APPLICATION, AND RISKS OF ABUSE

Summary: *The most significant novelty introduced by the 2025 Amendments to the Enforcement Procedure Act of the Federation of Bosnia and Herzegovina, in addition to the abolition of the third hearing for the sale of real estate, relates to the exemption of real estate from enforcement. While previous legal solutions were rather restrictive, providing that only agricultural land up to 5,000 m² was exempt from enforcement, the 2025 amendments have significantly expanded the scope of such exemptions. Accordingly, the debtor's only home is now exempt from enforcement, as is real estate in cases where the total amount of the claim, based on an enforceable or authentic document, is less than one third of the market value of the property.*

The reasons for adopting these amendments lie in the need to ensure more effective protection of the right to a home and the right to property. However, the way in which this protection has been legally regulated raises several concerns. Namely, within a legal framework that still does not contain a general principle on the protection of the enforcement debtor, the 2025 amendments introduce a broad and almost absolute model of protection through exemptions from enforcement, indicating a normative discontinuity and a lack of a systematic approach. Such a normative solution, which provides an almost utopian level of protection to the debtor through broadly defined exemptions, does not exist in this form in the Republika Srpska, the Brčko District of Bosnia and Herzegovina, nor in most legal systems of the former Yugoslav countries.

Considering the above, the aim of this paper is to analyse the new legal framework concerning the exemption of real estate from enforcement in the law of the Federation of Bosnia and Herzegovina, to examine its practical implications, and to identify challenges in its application, including potential risks of abuse.

Keywords: *exemption from enforcement, enforcement against real property, protection of the enforcement debtor, right to a home, proportionality.*