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LITIGATION CONSORT OF THE PARTIES OF AN EXECUTIVE PROCEEDING IN THE THIRD PARTY EXCLUSIVE CLAIM

Summary: *The issue of passive procedural legitimacy in a third party exclusive claim is an important procedural issue in practice. The admissibility of the requested legal protection depends on it. If a third party includes both parties of the enforcement procedure in his claim, the dilemma arises as to what types of litigation consorts are established. Domestic entity legislators in Bosnia and Herzegovina do not provide an answer to any of these dilemmas.*

The aim of the paper is to determine whether, is it possible to identify the types of the litigation consort of the defendants, even in the absence of explicit regulation of the conditions under which the parties of the enforcement procedure can be included in the third party exclusive claim. The paper also aims to present present current doctrinal and jurisprudential positions and arguments and, based on them, to provide an answer to the dilemma posed. The paper confirms the hypothesis that some types of litigation consort can be concluded through systematic interpretation, while this is not possible for all types.

Keywords: *third party objection, third party exclusive claim, necessary litigation consort, unique litigation consort, material and formal litigation consort.*