

Dr. Slobodan Panov*

Oliver Antić, *Serbia&Montenegro: Family Law and Inheritance Law (Law of Succession)*,

International Encyclopedia of Laws (ed. R. Blanpain), Kluwer Law International, Alphen aan den Rijn 2006, p. 294.

To the benefit of comparative lawyers and to the honor of the author's home institution, the University of Belgrade Faculty of Law, the study on family and inheritance law of the then united Republic of Serbia and Montenegro by Oliver Antić was released by the prestigious Kluwer Law International publishing house.

Oliver Antić has been teaching civil law at the University of Belgrade Faculty of Law since 1975, when he was elected as a junior faculty member. He is a tenured professor since 1996. Among other duties, he has served as a Dean of the University of Belgrade Faculty of Law (1998–2000), and as a Director of the Institute for Comparative Law in Belgrade (1997–2001). He spent a semester at the University of Michigan Law School (1987–1988) as Fulbright scholar. He was engaged in drafting numerous laws in Serbia, especially the existing Law on Inheritance of the Republic of Serbia (2003). Therefore, it was the right choice of the publisher to offer him to present the expertise in family and inheritance law of his country.

The author offers a complete overview of the legal system of Serbia and Montenegro, as well as of its roots and history. In the introductory part he depicts in the main lines evolution of law since the first Serbian Kingdom began to emerge in 12th century; informs the readers about the famous Serbian medieval tsar *Dushan's code* of 1349 and 1354; mentions prestigious 19th century legal tradition marked by the *Serbian Civil Code* of 1844 (belonging to the group of the first civil codifications in Europe) and *General Property Code for for the Principality of Montenegro* of 1888 modeled by famous scholar of the time, Valtazar Bogišić;

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norms of the Serbian Orthodox Church; ineffective attempts to codify civil law of the Kingdom of Yugoslavia before the Second World War. He is ending the general introduction with the development of private law and legislation after the Second World War, which had changed thoroughly the social and legal system.

The main topic of this book is, of course, development of contemporary family and inheritance law. In the first part of the book, the author analyzes present-day family law of Serbia and Montenegro, its sources and main institutions. This volume represents the first profound academic elaboration of family law of Serbia and Montenegro in English since the new Family Act of Serbia was adopted in 2005. The author offers detailed analysis of the concept of marriage, principles of marriage law, termination of marriage. He also draws attention to influences of some concepts of the common law marriage, showing his comprehensive knowledge of comparative law. In addition, the author examines relations between parents and children, protection of the child without parental care, as well as matrimonial property relations and protection against domestic violence. This part of the book contains not only description of the new legislation, but it often takes an opposing standing, criticizing some solutions and suggesting different approach. The author offers complex analysis of all the institutions of the existing rules of family law and its differences to the earlier family law legislation, and explains characteristics of the newly introduced legal institutions (such as marital agreement, family violence, and new corpus of children rights).

In the second part of this volume, the author scrutinizes the main topics of inheritance law in a concise but overwhelming manner. The analysis starts with legal sources of inheritance law, requirements for inheriting and basic principles of inheritance law, intestate succession, the rules on wills and testamentary succession, inheritance law contracts, liability of heirs for debts, and procedural inheritance aspects. Overall impression of that part of the book is that it is written in exceptionally analytic, knowledgeable, profound and reliable manner. No wonder, as the author has reputation of leading Serbian scholars in the field of inheritance law.

Previous books and manuals of the author written on the numerous civil law topics, gave him the highest reputation among Serbian civil lawyers, and qualified him to draft the contemporary Inheritance Act of Serbia of 2003, as well as to participate in the Commission for drafting the new Civil Code of Serbia. His abundant and influential comments of court decisions were quoted and accepted not only in Serbia, but in other ex-Yugoslav countries as well. His entire activity shaped Serbian legal system in many ways, but the field of inheritance law is the one where his contribution was the most influential. Therefore, it is understandable that

the book reveals not only the overview of the legislation, but also the author's specific approach and understanding of inheritance issues. Cautious conservatism as a permanent striving for harmony of moderation, courage and wisdom are reflected in the affirmation of the centuries-long civil law formulas and values, with moderate adjustment to the modern needs. One may say that the author's method may be compared to the scientific routine of his Belgrade forerunners, law professors such as Živojin Perić, Lazar Marković or Mihailo Konstantinović. Similarly, the author inclines to steady and firm roots of classical legal theory, applying the same stable and constant methodology both in the parts (Family law, Inheritance law, Property law and law of Obligations) and in whole (Civil law).

The book is a valuable guideline for a comparative scholar who wants to get acquainted with the legal system of Serbia and Montenegro, countries which formed a state union at the time when the legislation in inheritance matters was enacted in Serbia. Although the state union of Serbia and Montenegro is now dissolved, their legal systems – and particularly the rules of family and inheritance law – are still quite close to each other, so the book did not lose its actuality and significance. It is especially important for those interested in the Serbian legal system, as it contains a thorough analysis of Serbian contemporary family and inheritance law. The book is also precious for those who are interested in general legal topics connected to the law of inheritance and some of its controversial institutions. It shows all the intellectual capability of the author, his excellent insight in legal theory and literature, and his readiness to be innovative. Therefore, in many instances it is not only a book about the particular legal system of Serbia and Montenegro, but a unique study of fundamental issues and institutions of inheritance and family law. Therefore, this book will be very useful to those who are working on current legislations in family and inheritance law in their countries. And, of course, the book may serve as an important signpost to comparative lawyers, as the influence of the author in Southeastern European law of inheritance crosses the borders of his own country.