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48-page pamphlet entitled New Yugoslav Law, Bulletin on Legislation in the Federative People's Republic of Yugoslavia, published by the Association of Jurists of the Federative People's Republic of Yugoslavia, Belgrade. This bulletin contains four chapters as follows:

1. Editorial Comment
2. Notes on the Laws of Family Legislation
3. Legislation and Comments
4. Summary of Contents of Juridical Publications

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23

NEW YUGOSLAV LAW

BULLETIN ON LEGISLATION
IN THE FEDERATIVE PEOPLE'S REPUBLIC OF YUGOSLAVIA

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EDITORIAL NOTES / NOTES ON THE LAWS OF
FAMILY LEGISLATION / LEGISLATION AND
COMMENTS / SUMMARY OF CONTENTS OF JURIDI-
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BEOGRAD
1951

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PUBLISHED BY THE ASSOCIATION OF JURISTS OF THE FPR OF YUGOSLAVIA

Editorial Offices: Moskovska ulica 82, Beograd IV, P. O. Box 179,

Telephone 41-910.

NEW YUGOSLAV LAW

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EDITORIAL NOTE

In this issue the Bulletin presents a summary of the new Yugoslav Family Legislation. The latter is first of all composed of four federal laws. Heading the list is the Basic Marriage Law, which was enacted soon after the FPRY Constitution took effect (1946). A year after its promulgation the FPRY National Assembly was able to proceed to the development of the system of family legislation on new bases by enacting the Basic Guardianship Law and the Adoption Law. Finally, at the fourth session of the FPRY National Assembly, late in 1947, the Basic Law on Parents' and Children's Relationships was also brought into being. These laws incorporate the basic norms regulating and consolidating marriage, guardianship, adoption and the relationships between parents and children. They constitute the principal components of our new Family Legislation and the component parts of the future federal marriage and family code.

Apart from the foregoing, in 1949-50 the national assemblies of people's republics were responsible for the enactment of three supplementary laws related to the same domain, viz. the Law on the Convalidation of Previously Unrecognised Marriages, the Law on the Discharge of Guardianship and the Law on Property Relationships Between Marital Partners.

The Family Legislation of the Federative People's Republic of Yugoslavia, as expressed and consolidated under the laws referred to, embodies a series of novel features which set it apart from the family legislation of former Yugoslavia.

In former Yugoslavia the norms serving to regulate the question of marriage, guardianship and relationships between parents and children were treated as a part of the Common Law, or even of Civil Law. In the juridical system of that state the Family Legislation occurred as an ingredient of Common Law or Civil Law, as a component, that is, of that legal arm which as a rule regulates the property rights and the personal relationships of citizens. In so far as it escaped ecclesiastical tutelage, marriage was conceived as a purely private affair of citizens. The marriage provisions in capitalist states are devised to regulate the question of property relationships between spouses, the "ownership régime" and similar. The same characteristics are basically inherent also in other institutions coming under family legislation, such as adoption, the relationships between parents and children, etc. Here the guardianship emerges in all its elements as a system of protection of the offspring's property rights.

NEW YUGOSLAV LAW

The relationships between parents and children, too, comprise the inhuman principles of absolute and tyrannical "paternal authority" and the all too often egoistical and heartless concern for the subject of property relationship rather than for the child's personality itself.

Our new Family Legislation has been modelled upon fresh and different principles, upon principles which are an elaboration of the basic premises on marriage and family laid down in the FPRY Constitution and which correspond to the social and state order of a people's democracy founded on people's authority and the building of socialism, on a principled congruity between the personal and collective interests. As a result of this, the first new Yugoslav law from the province of Family Legislation, the Basic Marriage Law, was passed as an independent law. Not only was it technically separated from the system of Civil Law but it also contains new concepts of matrimony as a vital social institution of the people's community. While leaving fully intact the civic liberties for the establishment of matrimonial relations and of a joint conjugal life, our Marriage Law, which in that direction elaborates the FPRY Constitution, confirms the principle that marriage enjoys the protection of the state and that all legal marriage issues fall under the competence of the state. All our other laws from the province of Family Legislation are similarly designed as an elaboration of the basic premises of the Constitution for the safeguarding of the family and the special concern of the state for minors. For this reason, all such laws have been developed with the clear perspective that the norms governing family legislation are not of a civil-juridical type but that they pursue the specific object of regulating the new, progressive and humane matrimonial and family relationships in a people's state. Owing to the momentous significance of matrimony and family in their bearing on the life and development of our citizens and our youth, the Family Legislation in the new Yugoslavia has emerged as a separate branch of our general positive legal system. It is with due regard for this that our theory on the state and the law, as well as the curriculums of our faculties of law, accord to Family Legislation the rank and importance of a separate and independent branch inside the general juridical system of the Federative People's Republic of Yugoslavia.

Another notable feature of this legislation is that the most important of its laws are in the nature of federal legislation and as such contain unified norms for the regulation and consolidation of marriage and family in the entire territory of Federative People's Republic of Yugoslavia. Notwithstanding her state centralism, in former Yugoslavia there existed a great variety of juridical regulations applying to marriage and family which consisted of extremely differing ideological elements, ranging from the most primitive, patriarchal and paternal conception of the family to the rationalist-capitalistic ideas on marriage and family as a juridical property community. This varying and contradictory ideological material was regulated not only by means of state legal provisions, but also by

EDITORIAL NOTE

the canonical prescriptions of different creeds. All this combined to encroach, inter alia, on the citizens' freedom of conscience, to rule out full equality between the sexes and to introduce not merely heterogeneity but truly chaotical conditions in the legal order. The uniform regulation of marriage and family issues on new, progressive and democratic lines over the whole territory of the state has produced a consolidation of the freedom of conscience and worship of our citizens, it has established full equality between women and men and has done away with a host of archaic, contradictory, retrograde and humiliating institutions and elements inherent in the old bourgeois family legislation of pre-April Yugoslavia. At the same time our new Family Legislation was instrumental in reinforcing the unity of our legal order, a unity of added importance where the regulating of our citizens' matrimonial and family relationships is concerned.

However, the uniform regulation of basic marriage and family issues does not denote a complete equalisation in all matters pertaining to this sphere or disregard for certain specific circumstances and features existing in our people's republics. Already in the FPRY Constitution the marriage and family legislation was duly classed as basic legislation encompassing basic issues, and supplementary questions were left to be regulated in the independent jurisdiction of our people's republics. Consequently, all the federal laws on marriage and family, with the exception of the Adoption Law, are in effect basic federal laws. Individual aspects of marriage, guardianship and relationship between parents and children, especially in cases where the people's republics display some specific features of their own, have already been covered by supplementary legislation of the people's republics themselves.

The laws setting forth the new Yugoslav Family Legislation include a series of advanced solutions which for decades have been advocated by democratic movements and progressive reformers and thinkers. On the other hand, the foreign reader is bound to be struck also by the adoption of some new and original solutions which had been made possible by the profound social and spiritual transformation our country had been through, and which owe their rise to the consistently democratic and socialist ideology and culture gradually being realised on the accomplishments of their national revolution by the Yugoslav peoples.

All this at the same time goes to explain the fact that both individual experts and scientific circles abroad have been taking an interest in the new Yugoslav Family Legislation. It is hoped that the present number of the Bulletin may serve to meet this interest.

NOTES ON THE LAWS OF FAMILY LEGISLATION

THE BASIC MARRIAGE LAW

1. — The novelty and importance of the Basic Marriage Law consists in the first place in that it enforces civil marriage in the whole territory of Yugoslavia.

It is perfectly conceivable and undisputable that, in so vital a sphere of national life and its citizens' relationships as represented by marriage, a new and progressive people's republic should have been prompted to introduce the type of order and principles which would correspond to the level of political, social and cultural development it has attained. By virtue of this Law the complete jurisdiction concerning marriage, which for historical reasons had been under the tutelage of ecclesiastical institutions, is now transferred to the competency of the state. Marriage is regulated by the state through its legislation, and the first relevant and basic law in this connection is the one here under consideration. The contracting of marriage and the settlement of all the other relationships referring to matrimony are matters which have passed under the jurisdiction of the state and the competent organs thereof.

Apart from these general considerations for the introduction of compulsory civil marriage, which received such distinct and indubitable support during the all-nation discussion on the Constitution both among the people and in the Constitutional Assembly itself, the Constitution of the Federated People's Republic of Yugoslavia, too, has proceeded to set down the basic marriage principles. In its Article 26, paragraphs 1, 2 and 3, the Constitution expressly decrees that:

"Matrimony and the family are under the protection of the state. The state regulates by law the legal relations of marriage and the family.

"A marriage is valid only if contracted before the competent state organs. After the marriage, citizens may go through a religious wedding ceremony.

"All matrimonial disputes come within the competence of the people's courts."

These basic norms of the Constitution have been elaborated by this Law. But the Marriage Law represents the realisation and confirmation of yet other basic principles of our Constitution. It is beyond dispute that the principle of freedom of conscience and the separation of the church from the state (Art. 25 of the Constitution) can be safeguarded only through the introduction of compulsory

NOTES ON THE LAWS OF FAMILY LEGISLATION

civil marriage and by withdrawing in this province the competence of all the other institutions. Similarly, the principle of equality of our citizens "irrespective of nationality, race and creed" (Art. 21) meets with corroboration and realisation under this Law as well. Any attribution of importance to the religious moment and to variations in creed would assuredly jeopardize the equality of our citizens. Further, the equality between men and women achieved during the liberation struggle has been sanctioned by the Constitution in all spheres of cultural, political and social life here. In former Yugoslavia, there were many gross violations of that equality especially where marriage was concerned, the result being that women frequently found themselves in a subordinate position. It was, therefore, up to our new legislation, the legislation of a new and progressive state, to make secure the woman's position and ensure her equality with men.

It is worth recording that the marriage legislation previously in force represented the most puzzling juridical tangle imaginable. In former Yugoslavia (1918-1941) and up to the Liberation, there were six juridical territories possessing differing common law legislation. In respect of marriage, these variations gave rise to complications because in the majority of our people's republics the religious solemnisation of marriage was compulsory and, in view of the existing multiplicity of creeds, this fact went to produce a veritable chaos in the sphere of marriage law. Beside the lay-civil law we also had the ecclesiastical marriage law; side by side with the competency of regular county courts we also had the competency of ecclesiastical courts. Inside one and the same republic, as was the case with Serbia, there existed a considerable difference between the lay-state law and the ecclesiastical one, especially after the enactment of the Marriage Regulations of the Orthodox Church. Our new Marriage Law spells the end of the chaos which reigned thus far.

With the introduction of uniform regulations prescribing compulsory civil marriage our people's republic has not only made manifest its profound and justified concern for this vital institution of national life, but has even proceeded to resolve an issue which in other states had been moved and settled by bourgeois revolutions and civic democratic political forces. Even at the end of the 18th century the ideologists of the French Revolution established that marriage was a "bourgeois society" institution and that it belonged within the exclusive jurisdiction of the state.

For historical reasons our people's republic has been called upon to solve many issues which are otherwise settled by civic revolutions elsewhere in the world. One such issue is the laicization of marriage, that is, the introduction of civil marriage. But, even though with delay, the introduction of compulsory civil marriage in the new Yugoslavia has been brought about not only in positive fashion but even with a higher degree of consistency and more equitably, being carried out as it was in a people's republic, in a superior and more progressive type of democratic state.

NEW YUGOSLAV LAW

These, then, were the fundamental causes which occasioned the need for the enforcement of civil marriage and the new Basic Marriage Law in the Federated People's Republic of Yugoslavia.

2. — The second basic feature of this Marriage Law occurs in the form of the advanced matrimonial régime it sets up. To some extent our new Marriage Law stands out as a specific creation. It unquestionably benefits by the experience of progressive countries in that direction, but simultaneously it was drafted with due regard for our reality, the degree of social and cultural development of our peoples, as well as respect for certain of their customs and traditions. All this has gone into the elaboration of our Law.

The principal novelties and specific marks presented by this new matrimonial regime are mainly as follows:

Firstly, in so far as the concept of marriage itself and its substance is concerned, the point of departure of our Law is that matrimony is an important aspect of joint life between men and women. Further, matrimony, as the core of the family, has to be a sufficiently stable union so as to preclude any anarchism and disorder in family relationships. At the same time, however, it must be a harmonious union which does not impair the freedom, individuality and unobstructed development of the citizens' own personality.

The basic concept of matrimony under this Law is hence contrary both to the canonical conception of marriage as an everlasting and "undissolvable" union and to the liberal-bourgeois formula of marriage being "a contract between two parties of opposite sex." Our Law rejects the first view because of its disregard for reality which is conducive to hypocrisy and torment and refuses to recognise the second due to its frigid neutrality which breeds commercialism and inequality in matrimonial relationships. The view our Law takes is that marriage is a "lawfully regulated joint life between man and woman." And, considering the general effects of such a union on the life of the family and of the people's community, it subjects it to a system both severe in its humaneness and charged with responsibility and liabilities in its progressive liberality. The type of marriage system set up under our law is modelled on scientific concepts of matrimony and it meets the requirements and tasks faced by our people's community in this phase of the Yugoslav society's historical development.

Secondly, the equality of spouses as regards rights and obligations is fully endorsed. On the strength of its being best suited to the object of marriage, i. e. the creation of a harmonious joint life between man and woman, this type of equality has been applied both to the spouses' mutual relations and to their relations toward their children. This signifies a vast accomplishment of democracy and it is the subject of an explicit provision of our Constitution, which ensures complete equality between men and women in all domains of social life.

As for the personal matrimonial relationships, the Law lays stress on the principle of mutual cooperation and both-sided free

NOTES ON THE LAWS OF FAMILY LEGISLATION

agreement between the conjugal partners. They make joint decisions on domestic issues and the location of their common residence. The wife is enabled to preserve her individuality also in that she may keep her own family name. Extending the reciprocity of rights and cooperation between spouses to all the basic matrimonial relationships, the Law decrees that paternal authority be equally shared by the father and mother. The latter also exercise identical rights and duties toward their children.

In the matter of matrimonial property relationships the Law lays down the separation of property held by the respective partners at the moment of contracting marriage as the legal régime, since only in this way could the full conjugal equality of the wife be safeguarded, an equality coinciding with the economic and legal status enjoyed by women in the society of today. Making due allowance for the fact that during coverture the wife may contribute to the family budget not only as a manual or intellectual wage-earner outside her home but that she also contributes to the upkeep of the household, the education of children, etc. by her housewife's chores, the property accruing during matrimony is ruled to be the joint property of the husband and wife and the régime of community is applied to it.

Thirdly, on the subject of conditions to marry the Law is guided by medical considerations, the circumstances of our people's social and cultural development and the experience of progressive countries. The chief material condition to marry is the free will of the prospective parties, who have to be of age, i. e. not younger than 18. At the same time, however, opportunity is provided for the court to approve or sanction such marriages which, for medical and other considerations, may be stable even though contracted between individuals still under 18.

As regards kinship as a hindrance to marriage, the Law adopts the view, otherwise beyond dispute in contemporary society, that direct consanguinity alone, between parents and children, grandfather and grandmother and grandchildren respectively, etc., should be an absolute obstacle to valid marriage. Equally absolutely barred as being within the prohibited degrees of consanguinity are marriages in the so-called lateral line up to the third degree, or, explicitly, between the following: brother and sister, step-brother and step-sister, uncle and niece, aunt and nephew. Only a relative ban exists in connection with marriages within the fourth degree of the lateral line, such as first cousins and step-brothers' and step-sisters' children, and, upon consideration of prevailing popular concepts and usages, the court may grant marriage licenses in such cases. The same applies to relatives through the next of kin of wife in the first degree who may also be granted approval by the court to marry.

This Law has been instrumental in introducing uniformity with respect to conditions to marry in our country where widely varying regulations hitherto held sway. On the one hand, the Orthodox Church had a harsh system applying to consanguinity as a condition to marry while the remaining religious communities had other views

NEW YUGOSLAV LAW

on the subject and prohibited marriage only up to the third degree of consanguinity in the lateral line, on the other. Our new system complies both with modern medical concepts and the own notions of our people; approving at the same time certain departures in actual practice subject to the customs and traditions prevalent in individual parts of the country.

Fourthly, in the matter of conditions for the cessation of marriage our Law considers that only such marriages which lack the basic conditions for their existence, meaning the agreement of two individuals of opposite sex to contract marriage and the latter being solemnized before the competent state organ, shall be treated as non-existent marriages, i. e. uncontracted ones. Any other marriage is subject either to nullity on the grounds of explicitly specified causes under the law or else divorce may be granted by court decision.

In the question of conditions for divorce the Law follows the basic concept that marriage should be made a stable and concurrently harmonious union. Hence, the Law, while enumerating certain special and generally approved cause for divorce on the one hand, also contains a general provision most broadly formulating the same causes in such a way as to enable petitioning for divorce even "when, due to incompatibility or lasting disagreement, or irrepressible hostility, or for any other reason whatever the marital relations are so upset as to render joint life of spouses unbearable." The court is thus given wide scope for considering and admitting as causes for divorce even such facts which were hitherto rejected in divorce proceedings. There is a special provision to the effect that joint conjugal life shall be deemed unbearable subject to both parties petitioning for divorce in agreement. This makes it possible to take into account the real conditions existing between husband and wife. It is a fact that even until now, in so far as they failed to obtain a divorce in fraudem legis, couples proceeded to a factual separation by agreement for reasons not recognised by law, or else one party deserted the other due to the impossibility of getting on together. The Law provides for such situations to be legalized through a proper divorce arranged in court.

As for the consequence of divorce upon children, the basic attitude adopted by the Law centres on their protection and the main responsibility for their welfare is vested in the court. The fact that child protection forms the focal circumstance in divorce proceedings brings out still further the humaneness and seriousness of the new divorce system.

Fifthly, on the subject of form the contracting of marriage should take the Law, conforming to the Constitution, appoints the people's committee in charge of registers as the competent state agency in relation to marriage contracts. The solemnisation of marriage before the people's committee, represented in the person of its President or a committee member on such occasions, is not tantamount to plain registration of marriage vested with nothing beyond a de-

NOTES ON THE LAWS OF FAMILY LEGISLATION

claratory significance, but truly personifies a substantive and constitutive element. Aside from that, the Law makes provision for appropriate solemnity of the ceremony by calling upon the President of the particular people's committee to read to the newly-weds Chapter I of the Law concerning the rights and duties of spouses. In addition to that, it is left to the legislation of individual people's republics to include also the observance of certain popular customs within the marriage ceremony.

3. — The Law under reference was enacted on the basis of powers granted to the National Assembly under the FPRY Constitution (Article 44, point 23) to pass basic legislation in the sphere of marriage law. In its entirety the Law is of a new — basic — type. It is a Law on the basis of which the assemblies of individual people's republics are entitled to supplement the marriage régime in their own territories adapting it to meet the customs, features and traditions of each people while at the same time safeguarding the unity of the fundamental principles of marriage legislation in the territory of the Federal People's Republic of Yugoslavia as a whole.

In so far as the application of foreign legislation is concerned, the Law adopts in principle the points of the Hague Convention in a spirit of reciprocity and international solidarity. The conditions for the marriage of foreign nationals are evaluated in the light of the legislation in force in their own countries. At the same time, however, our organs in charge of marriage contracts shall observe the provisions of our Law when considering the obstacles issuing from the existence of previous marriages, consanguinity, mental deficiency and incapacity for reasoning, as well as the form of marriage itself. On the other hand, marriages contracted by our nationals abroad in compliance with the legislation prevailing there shall be treated as valid as regards form, barring cases where both parties are our citizens having their domicile in the Federated People's Republic of Yugoslavia (Clause 84).

Finally, while placing marriage and conjugal relations within the jurisdiction of state organs the Law does not deprive the spouses of the possibility of going through a religious wedding ceremony after contracting marriage. Such a wedding, of course, is a matter of personal relationships and ideas of each couple and it involves no juridical consequences whatever. Consistently with this clause of our Law, a religious wedding ceremony may not be performed unless the necessary evidence is available of the parties having previously contracted a valid marriage.

4. — In this important and delicate province of national life the Marriage Law thoroughly elucidates and applies the principles of our Constitution relating to the equality of citizens, the equality of women with men "in all fields of state, economic and social-political life," the separation of the church from the state, the freedom of consciousness and the protection extended to marriage and the family by the state. Democratic and modern in its essence, this

NEW YUGOSLAV LAW

Law has been instrumental in introducing order, the requisite uniformity and humaneness into such vital and day by day relationships of citizens as typified by marriage and marital relations.**

THE BASIC LAW ON THE RELATIONSHIPS BETWEEN PARENTS
AND CHILDREN

The Basic Law on the Relationships Between Parents and Children forms a final legislative act in the development of the new Yugoslav system of family legislation.

The new Yugoslav family legislation sees in the correct upbringing of children an undertaking which concerns the society at large and the aim of which is to safeguard by its norms the preparing and qualifying of children to become useful members of the social community. While not overlooking the property interests of children, it primarily proceeds to protect their persons and establishes the necessary presumptions for their correct upbringing and professional education. In order to realise the aims set, the provisions of the Basic Law on the Parents' and Childrens' Relationships were in the first place drafted to protect the children's interests, with safeguards of the parents' rights from which simultaneously issues forth their duty of looking after the person and the privileges and interests of their minor children.

The basic presumptions for the solving of particular issues posed by this Law are contained in the general principles of the FPRY Constitution. The legal institutes from the sphere of family

* Initially the Basic Marriage Law lacked special provisions on marriage contracts involving domestic and foreign citizens respectively in the territory of the Federated People's Republic of Yugoslavia. This gap was eliminated by the Law Supplementing the Basic Marriage Law of April 28, 1948 ("Official Gazette of the Federated People's Republic of Yugoslavia," No 36 of May 1, 1948).

Considering the part played by marriage as a social institution enjoying the protection of the state, also the fact that marriage exercised an influence on the personal status of citizens, the new Clause 24a provides for alternative decisions concerning marriage contracts in our territory between domestic and foreign citizens subject to the type of category within which such foreign citizens are included.

An obstacle to marriage between domestic and foreign citizens respectively occurs in cases where the latter, either on business, official errand or in a private capacity, are temporarily resident in the territory of the Federated People's Republic of Yugoslavia, in which event no marriage may be contracted between such individuals.

Marriages between our citizens and the foreign citizens who do not belong to the above category respectively are subject to the prior approval by the FPRY Ministry of Justice. The necessary licenses may be granted individually or to determinate groups of individuals.

However, the Law does not pose any separate stipulations concerning the marrying of our citizens to foreign citizens who have been resident in our country since before April 6, 1941, and who are at the same time farmers, or employed by government offices, institutions or enterprises, or by social organisations, or who are holders of tradesman's or artisan's permits. Consequently, no marriage license issued by the FPRY Minister of Justice is needed where such foreign nationals are involved.

NOTES ON THE LAWS OF FAMILY LEGISLATION

legislation forming the subject of this Law have been elaborated in the sense of those principles and in the spirit of progressive concepts adapted to the level of development reached by our new socialist order.

1. — In view of the close consanguinity existing between parents and children, of the relationship stemming from it and the very nature of the family community, the parents are granted the right of caring for their minor children. By their substance such parents' rights are at the same time the equivalent of duties established in the children's interest. The unity of such rights and duties, constituting the parental right, and the fixing of the latter in the children's interest, is characteristic of the essential difference between the rights of the parents and the old institution of "parental authority", which used to be exercised by the parent, the father as a rule, over children in the name of his autocratic power inside the family.

Parental right differs from "parental authority" also in that it belongs to the father and mother jointly and that it is exercised by them in agreement. In this way the principle of equality of women with men, established in Article 24 of the FPRY Constitution, has been accorded consistent application in this province of family law. Both parents, the father and the mother, are made equals without any restrictions in their rights and duties toward children. By rendering the mother and the father equals the inequality of the mother to the father has been eliminated from the parental right after being contained in the concept of "parental authority" as an expression of conservative ideas actually denoting the father's patriarchal authority in the family. The introduction of such equality indubitably represents the consolidation of parental care for the children.

The parental right is not shared by the father and mother but integrally belongs to both of them together. For this reason it is exercised by them in agreement. The only exceptions to this provision occur where one parent is defunct or is unknown, or when he is sentenced to the loss of parental right, deprived of the latter or of his working capacity respectively, in which cases the parental right belongs to the other parent who exercises it on his own. The parental right is further exercised by one parent alone in the event of the other one being prevented to do so, as in the case of divorce or nullity of marriage, when the parental right is exercised by the parent who was given the custody of the children to attend to their care and education.

The substance of parental right consists of the parents' rights and duties to look after the person and the rights and interests of their minor children. The parental right therefore covers the care and maintenance of children, due attention to the well-being and health, upbringing, education, professional training and representing of children, as well as the management of their property. The parental right has as its object to ensure the correct upbringing of

NEW YUGOSLAV LAW

children with the ultimate aim of their becoming useful and conscious citizens of their homeland.

The parental right ceases with the child's coming of age, and prior to that only in the event of its contracting marriage. Upon the cessation of parental right the child acquires complete business faculty. Our new family legislation does not recognize the institution of the minor's proclamation to have come of age previous to his actually having done so, there being no need whatever for an institution of this type in view of the former 21-years age limit having been reduced to 18-years, and of the fact that upon the marriage of a minor the parental right ceases and he acquires complete business faculty. In order to safeguard the child's interests, however, the Law envisages the possibility for a continuation of the parental right even after the child's coming of age in the event of its suffering from impaired intellectual and physical faculties which make it incapable to look after its own person and its rights and interests. The institution of continuation of the parental right is justified in such cases since the alternative would be to place such deficient individuals under tutelage while obviously it would be more opportune for the parents to proceed with their care rather than to appoint a tutor. The decision on the continuation of the parental right may be passed by the court exclusively upon the proposal of the parent or the guardianship agency. Subject to the parental right being extended the court must decree the cessation of this right as soon as the causes which prompted its continuance in the first place disappear.

The parental right is a right belonging to parents and granted them in the interest of the children. The parents therefore have this right withdrawn from them only when it proves detrimental to the children's interests. In such instances a parent may be deprived of this right. Subject to abuse of the parental right or gross neglect of parental duties, parents may be deprived of this right by court decision through non-litigious procedure. The same right may be restored to parents by court decision in the event of cessation of the causes which prompted its withdrawal. The latter, on the other hand, does not engender a cessation of the parents' obligations to provide for their children, nor does it affect their other material obligations toward their children.

2. — Coming to the fore in the old Yugoslav law was the decadent prejudice about the reduced worthiness of children born out of marriage as members of the community, which gave rise to inequality between them and the children born in marriage both in respect of their mutual rights and the duties of parents and children. The Law on the Parents' and Childrens' Relationships has rejected this legal discrimination affecting children born out of marriage, sanctioning in this province of family law their equality with the ones actually born in marriage. Observing the principle inspiring Article 26, paragraph 5, of the FPRY Constitution, the Law has been responsible for the consistent and complete implementation of equality of both those categories of children, and this goes both for their

NOTES ON THE LAWS OF FAMILY LEGISLATION

rights and duties toward the parents and the latter's rights and duties toward their children.

Considering the Constitutional prescription placing marriage and family, as the vital institutions of social life, under the protection of the state, and that the Law on the Parents' and Children's Relationships has as its object their consolidation, the said equalisation could not have tended toward the weakening of those institutions. Therefore, in so far as it comes into consideration in this sphere of family law, the equalisation of the legal status of children born out of marriage with that of children born in marriage has been carried out merely in their relationships toward their parents and not in relation to their parents' next of kin, too, which would be conducive to the weakening of marriage and family.

However, the law extends the circle of legitimate children by envisaging cases where children begotten or born out of marriage are regarded as legitimate children, as well as cases in which children born out of marriage may be declared legitimate. The legal presumptions on the legitimacy of children have been rested on a broad basis and a child born during matrimony or three-hundred days after the cessation of matrimony is considered as legitimate irrespective of whether it was begotten while the marriage still subsisted. Beside this, a child not born in marriage is declared legitimate subject to his parents having intended to contract marriage and having been prevented to do so through the death of one of them or by a hindrance to marry arising following the begetting of the child. Children born or begotten out of marriage and which are considered as legitimate by law, as well as those born out of marriage and declared legitimate, are made in all their rights and duties the equals of children born in marriage, both in their relation to their parents and to the latter's next of kin.

3. — In the old Yugoslav law the institution of establishment of non-marital paternity was not uniformly regulated. Two basic trends prevailed, one of which approved and the other prohibited the establishment of paternity to the accompaniment of different variations, restrictions and deviations. The prohibition of establishment of paternity was chiefly the expression of conservative social concepts, of paternal-family ideas, inequality of women with men and cruelty toward "illegitimate" children, which were left without any protection.

Appreciative of the present stage of development of our new social-economic order, the Basic Law on the Parents' and Children's Relationships does approve the establishing of extra-matrimonial paternity. An antithesis to the old system, in our present-day conditions of development it corresponds to progressive socialist thought and assumes new substance in relation to the identical institution of bourgeois law. Its object is not confined to ensuring the support of children born out of marriage — which happens to be the sole purpose of the same institution under the old law — but pursues even the realisation of other legally

NEW YUGOSLAV LAW

decreed duties of fathers toward their children and vice versa, as well as the determination of the children's legal status.

In granting the establishing of paternity in the child's interest the law gives the widest possible scope in the matter while at the same time confining the relevant right to the individuals most directly concerned. Entitled to file such complaints are, within determinate time limits, mothers during their exercise of the parental right, the guardian of the child with the approval of the guardianship agency, and the child itself upon the acquisition of business faculty.

The Law similarly advances the presumptions connected with the paternity of children born out of marriage. The individual recognising such a child as his own, or whose paternity had been established by court decision, shall be considered as its father. The validity of recognition is subject to agreement by the mother, or, in the event of her death or disappearance, the guardian of the child with the approval of the guardianship agency. Such agreement has been decreed in the interest of children to preclude the possibility of the real fathers evading responsibility toward their children by having others impersonate them as such, and also for the purpose of affording moral protection to mothers. In the event of such agreement being withheld by the mother, the individual recognising the child as his own may file a complaint for a decree that he was the actual father.

In adopting the principle of material truth for the protection of the right and interests of children, the Law approves the contesting both of matrimonial and extra-matrimonial paternity. Matrimonial paternity may be contested by the father, mother and child, and the extra-matrimonial one by the mother, child and the particular individual who considers himself to be the child's father. Brief time limits are specified for the filing of petitions contesting paternity, exception being made in connection with children's petitions.

4. — With a view to the upbringing of children, the securing of other related individuals and the consolidation of family ties, the Law establishes the obligation of maintenance among close relatives. This obligation corresponds to the nature of relations between parents and children, as well as between other individuals linked by close ties of consanguinity.

The obligation of maintenance exists between parents and children regardless of whether children had been born in marriage or out of it, between other marriage relatives in the ascending and descending lineage respectively, and between brothers and sisters only in respect of maintenance of minor brothers and sisters. On account of the special nature of the parents' duties toward minor children the parents are responsible for the maintenance of their minor children irrespective of the latter's property circumstances and their working capacity, whereas the maintenance obligation toward other close relatives exists only inasmuch as they are incapable to work and lack sufficient resources of their own.

Although not linked by consanguinity, the step-children and the step-fathers and/or step-mothers more often than not live in a

NOTES ON THE LAWS OF FAMILY LEGISLATION

same family community for which reason the Law decrees their mutual obligation of maintenance only in determinate cases.

5. — The parents have the right and the duty to attend to the bringing up of their children. The state, however, is especially concerned with the correct upbringing of children, their preparation and qualifying to become useful and conscious members of the community. For the sake of implementation of the protection extended by the state to minors in the sense of Article 26, paragraph 6, of the FPRY Constitution, the Law makes provision for supervision, within indispensable limits, by guardianship agencies over the exercise of paternal right.

The guardianship agency is authorised and bound to undertake the measures called for by any of the child's interests. Thus, it passes decisions in cases of the parents' disagreement on individual issues concerning the exercise of their parental right, and it may take children from the custody of parents in cases foreseen by law, and send them to educational or reformatory institutions; further, it grants approvals to parents for actions subject to such approval, e. g. concerning the alienation and mortgaging of children's property; submits proposals to the court in cases foreseen by law; it may also order the parents to render accounts regarding the management of children's property, etc.

The supervision by guardianship agencies over the exercise of the parental right is not aimed at restricting the said right, but at assisting the parents in the correct bringing up of their children and the safeguarding of the latter's interests. The parents are granted the fullest initiative in that respect and any intervention by the guardianship agency in the discharge of supervision occurs exclusively in cases explicitly envisaged by law or when this becomes indispensable as a safeguard of the children's rights and interests.

The Basic Law on the Relationships Between Parents and Children forms one of our important federal laws; it is the first and principal Yugoslav law concerning legal family relationships. Basically, it has a dual significance and is unique in its duality. It comprises norms which go toward the consolidation of family relationships of import to the citizens and the society alike, and it simultaneously coordinates in this sphere of family law the interests of citizens with those of society. In addition to this, the Basic Law on the Relationships Between Parents and Children makes secure the correct education of youth, which represents the force and the token of the new Yugoslavia's future as a people's state.

NOTES ON THE GUARDIANSHIP AND ADOPTION LAWS

1. Guardianship

The enactment of the Basic Guardianship Law right after the Marriage Law was engendered not only by the need for the furthering of our family law but equally by certain immediate tasks which confronted our people's state after the war. Large numbers of children were rendered destitute during the liberation war. Accord-

NEW YUGOSLAV LAW

ing to incomplete data, the total of such children, including minors, amounted to over 280,000 in the whole territory of Yugoslavia. Even while the liberation struggle was still in progress and immediately afterwards the competent state organs made every effort to extend protection and relief to such individuals who, in the majority of cases, were the orphans of killed fighters and victims of fascist terror. However, the problem of systematic and orderly care for minors in need of protection by the state called for the enactment of a unified law establishing uniform and new positive principles for the organisation and effective functioning of guardianship in the whole territory of Federated People's Republic of Yugoslavia. It was similarly necessary to set up such a unified guardianship law since, until it had been enforced, we had six different juridical territories having more or less varying regulations on the subject of guardianship. That the institution of guardianship in our state should rest on a uniform basis and identical principles was quite conceivable, but, while adhering to these leading points in drafting the Basic Guardianship Law, the individual people's republics were granted sufficient latitude to enact supplementary legislation with the object of bringing guardianship into line with their own specific circumstances and features.

In its closing paragraph, Article 26 of the FPRY Constitution provides that: "Minors are under the special protection of the state." The Guardianship Law on its part laid down the principles and means for exercising such protection over minors. The Law similarly provides for the application of guardianship to other individuals in need of prolonged or temporary protection by the state, but the institution of guardianship is mainly organised as a system of care, protection and relief for minors.

The essentially changed role and character of guardianship should be stressed to enable a proper understanding and implementation of the Basic Guardianship Law. As defined and constituted under this Law, the function of guardianship substantially differs from guardianship under the traditional legal system of capitalist states. The function of guardianship in such states, as exemplified by former Yugoslavia, merely represented a formal-juridical and regulatory function. In substance, the care for minors still remained a private matter, the domain of the kinsfolk's or authorised persons' activity. The state, represented by the court as a rule, endeavoured to protect the private, more often than not property interests of minors, and to safeguard them from possible abuses by individuals discharging "guardian authority". Under the new Law the function of guardianship is of a public character. The protection afforded by the state through its guardianship organs does not cover the interests of minors and other wards alone but is designed to include the interests of the entire social community as well. In virtue of such active and real concern by the state for minors requiring protection, of such harmony between their own interests and those of the society, the function of guardianship assumes a distinct public, social character. On the other hand, the new function of

NOTES ON THE LAWS OF FAMILY LEGISLATION

guardianship introduced here does not denote any "etatization" of minors. The contrary is rather the case. All the legal provisions concentrate on extending protection to minors and others placed under guardianship for purposes of education and preparation for socially useful activities while at the same time duly safeguarding their rights and interests and making possible the development of the natural leanings and qualities of such individuals. It is clear, then, that with us guardianship is not, nor may it be, reduced to a formal protection of property rights and interests, or to a simple regulatory function. The object of guardianship is to afford a full measure of protection and development to all minors regardless of their material situation. It calls for complete educational measures, care and control which would enable minor wards to become sober and able members of the social community loyal to the people's state. This is clearly emphasised in Clause 2 of the Guardianship Law.

Starting as it does from such a concept of guardianship and its relevant objects, it is natural that the function of guardianship should have been entrusted to state organs under this Law. The organs of guardianship are the executive committees of district, town or town-ward people's committees. The Minister of Social Welfare of a people's republic may also transfer the jurisdiction in guardianship matters to individual executive committees of local people's committees. The placing of the function of guardianship within the jurisdiction of local organs of state authority springs from the fundamental reason that such organs are the ones really called upon and most competent to undertake the implementation of guardianship tasks in our country. The executive committees of people's committees are in a position to take real, effective and direct measures for the protection of minors precisely because their jurisdiction covers the founding and management of social and educational institutions, as well as the application of social welfare measures in general. Apart from this, the executive committees are in direct contact with the masses of the people, acting as organs of authority under their own initiative, and are as a result better placed to meet the tasks of guardianship as compared with some other state agencies coming into consideration (e. g. courts). The vast and responsible tasks set by guardianship may best be discharged by agencies having the structure and legal powers such as those inherent in active state organs vested with self-initiative, the means and authority to undertake beneficial and efficacious measures concerning the care, raising and education of minors under guardianship. It is in this light that the provision of the Guardianship Law entrusting the social welfare services of executive committees of district, town or town-ward people's committees with the direct guardianship tasks should be considered. A distribution of agenda of this type ensures a direct exercise of guardianship in major district and town executive committees. In any case, though, the executive committees of district, town or town-ward people's committees remain the guardianship agencies responsible for guardianship affairs in their respective territories.

NEW YUGOSLAV LAW

By conceiving guardianship as an institution serving for the protection of those in need of it by the state, our Guardianship Law has not accepted the former division of the function of guardianship into two institutions: wardship and protectorship. Neither law nor theory ever drew a distinct line between these institutions and their presence in legislation and practice actually was more of a conventional type than justified. The Guardianship Law rejects such differentiation as needless since, in view of its being the product of the historical development of the capitalist state, it could serve no practical purpose in our legislation. The people's state extends protection to all the individuals in need of it through the unified institution of guardianship and is ever cognizant of the ward's personality and of his interests. In connection with all such underlying principles, the Guardianship Law has based the entire activity of guardianship agencies in such fashion as to afford maximum freedom from red tape and complicated procedures characteristic of the former guardianship legislation. The Law only sets the tasks and establishes the ways and means to realise the protection of individuals under guardianship and refrains from coupling them with any rigid forms and complex procedures which would only go to obstruct the correct and vigilant protection of the ward's interests.

Viewed in its entirety, the Basic Guardianship Law embraces a clear system of tasks, activities and measures focused on the implementation of an active and humanitarian protection of citizens in cases where social protection by the people's state is called for.

2. Adoption

The Adoption Law differs both from the traditional provisions on adoption practiced in other states and from the relevant prescriptions of former Yugoslavia. The principles upon which the Law is based coincide with progressive concepts on adoption and the underlying principles of our new family legislation, which treats adoption not as a private affair but as one which fully concerns the state community.

In contrast to the provisions of civil law of civic states, the Law does not proceed to place the adoption procedure within the jurisdiction of courts but entrusts it to the guardianship agency legally charged with the care and guardianship of minors and the approving of acts affecting the latter's property and personal status respectively. A procedure similar to the one applying to marriage is enforced in connection with adoption acts. The application for adoption is subject to the prior examination by the guardianship agency following which, provided the latter is satisfied as to the fulfilment of legal stipulations and the prospective benefits of the adoptee through adoption, all such individuals whose agreement is required under the Law shall be summoned to effect the adoption act. Subject to non-fulfilment of the conditions decreed by law or of the proposed adoption not being to the adoptee's benefit, such agency may decide a-

NOTES ON THE LAWS OF FAMILY LEGISLATION

gainst the adoption act. Provision is made for appeals in such instances. The agreement of the adopter in conjunction with that of the adoptee's representative, expressed before a state organ and confirmed by the latter, together form a valid act of adoption. The participation of the guardianship agency in the adoption contract and the possible cessation thereof represents a constitutive part of adoption and the corroboration of the fact that adoption has become a public issue and is no longer a "private relationship" of individuals exclusively.

Only minors are subject to adoption. The reason for this provision was "to improve the possibilities of the adoption becoming also a method of children's social welfare." Individuals desirous of effecting adoption can do so only with minors and, in a vast majority of cases, this would involve such minors who lack social security and live under conditions more difficult than those the adopter will be able to offer them.

Traditionally, in accordance with the legal rules of civic countries, only the individuals lacking legal descendants may proceed to effect adoption. Our Law makes a departure from this rigid and unjustified rule. Unquestionably there may be instances of individuals having their own children being prompted by various motives to extend parental care, and to bring up and educate another's child. The Law provides such individuals with an opportunity to adopt the child of another. Here, too, the tendency to utilise the institution of adoption as a means for the security of minors has made itself decisively manifest.

With due regard for the fact that the establishment of a parent-and-child relationship would only then be possible when there is an appreciable difference in age between the adopter and adoptee, the law requires the adoptee to be at least 18 years the adopter's junior. This means that only individuals who are of age may effect adoption. Observing the same condition, the Law bars certain individuals from effecting adoption including those ruled morally disqualified by the court, or those whose state of health and mode of life do not provide sufficient guarantee that the adoptee could develop into a healthy, loyal and useful citizen under their care.

Our Law establishes the principle that adoption gives rise to the same rights and duties between the adopter, on the one hand, and the adoptee and his descendants, on the other, as those prevailing between parents and children. However, no legal relationship whatever ensues between the adopter's descendants and other relatives, on the one hand, and the adoptee and his kinsfolk, on the other. Similarly, adoption does not affect the rights of the adoptee toward his parents nor his duties toward them. The adoptee, then, obtains a new parent in principle, but his relationship toward his parents is not subject to lapse. By becoming the child of the adopter the minor assumes his family name unless otherwise agreed.

NEW YUGOSLAV LAW

Subject to the adopter possessing children of his own, the Law provides for the adoptee's restriction or complete exclusion from succeeding the adopter as heir. This consideration follows from the fact that adoption may be effected even by individuals possessing children of their own and who are reluctant to reduce their children's share of inheritance in favour of the adoptee. Nevertheless, the adopter's obligation to provide for the upkeep of the adoptee, to educate him and represent him in a legal sense cannot be ruled out since this would deprive adoption of any meaning and cause it to become a formality wanting in any real significance as far as the adoptee's own life is concerned. On the other hand, in order to preclude adoption from paving the way to the adopter inheriting a well-to-do adoptee, the law bars the former from being the latter's legal heir.

Although the adoption relationship is a lasting one and may not be contracted for a determinate period of time, the Adoption Law nevertheless envisages the possibility of its cessation either by agreement between adopter and adoptee or by decision of the guardianship agency that the justified interests of a minor adoptee enjoin it, or upon the demand of either side subject to important grounds. If cessation of adoption should occur on the basis of agreement between the adopter and minor adoptee, the guardianship agency will simply sanction such agreement without proceeding to appraise the utility of cessation of adoption to the minor. There are situations when the cessation of adoption may prove of benefit to the adoptee but as a result of which his upkeep may be brought into jeopardy. In such cases the Law authorises the guardianship agency to determine, with due regard for the particular circumstances, whether the adopter shall be committed to provide for the adoptee's maintenance until the latter comes of age. And conversely, subject to the adoptee being incapable to provide for himself and lacking sustenance, the Law may rule the adopter to be bound to assume his maintenance. This reciprocity of obligations between the adopter and adoptee forms a novelty characteristic of our new family legislation.

The Law also takes into account the factual relationships which arose during the people's war of liberation and which only differ from the legal adoption relationship in that they are not based on the method and procedure prescribed by law. In such factually established relationships the adopter and adoptee frequently fail to meet the condition concerning the difference in their respective ages so that the link established between the adopter and minor cannot obtain its legal form and sanction under the law. Taking this into account, the Law provides that the individuals between whom a lasting relationship had been established during the people's liberation struggle and which amounts to one of them extending parental care to the other may within one year of the coming into force of this Law contract adoption even where the adopter is not 18 years the minor adoptee's senior.

It is to be emphasised that, just like in the province of marriage and guardianship, the state is equally called upon not only

NOTES ON THE LAWS OF FAMILY LEGISLATION

to regulate adoption by law but even to take an active part in its inception and cessation. Under state control, adoption is simultaneously made into an instrument of protection and welfare activities which as a rule embrace destitute minors.

The vital importance of this aspect of the new Adoption Law is best realised if it is borne in mind that, with the war and the fascist ravages over, tens of thousands of destitute children found themselves in need of care and protection. The regulations relating to adoption will serve for this momentous problem to find a part solution. It follows that, in virtue of supplementing the Basic Guardianship Law, the Adoption Law itself represents a new significant measure for the welfare of youth and the protection of its rights and future.

LEGISLATION AND COMMENTS

THE BASIC LAW ON MARRIAGE

(Published in the "Official Gazette of the FPR of Yugoslavia" № 29/46, and supplemented by the Law on the Amendment of the Basic Law on Marriage, published in the "Official Gazette of the FPR of Yugoslavia" № 36/48.)

This Law contains ninety-eight articles covering an introduction and eight chapters: 1. Rights and duties of spouses; 2. Contracting of marriage; 3. Invalidity of marriage; 4. Cessation of marriage; 5. Jurisdiction, complaints and temporary measures in marriage suits; 6. Application of foreign laws; 7. Criminal provisions; 8. Transitional and final provisions.

The introductory chapter gives the definition of marriage and provides that the contracting of marriage and regulation of all relations ensuing from marriage shall be entrusted to the competency of state organs defined by law. It contains also provisions on the revocation and replacement of all previous provisions on marriage.

1. — The husband and wife have equal rights in their matrimonial union and must be faithful to each other and support each other. They have the same rights and duties towards their children and must care together for the maintenance and education of their children.

In entering into marriage the spouses may agree to take the surname of the husband as their common surname or to retain their own surnames and add to it that of the other spouse, if they wish so. If there is no agreement as to their common surname, the children shall bear the surname of their father. The declarations of the spouses as to their surnames shall be recorded in the register of marriages.

The spouses shall decide jointly as to the management of their common household and the place of their residence. They shall contribute to the maintenance of their family according to their possibilities. A spouse who has no means of subsistence and is incapable of work is entitled to be maintained by the other spouse inasmuch as that spouse is in the position to do so. Both spouses are independent in the choice of their work and occupation.

Each of the spouses retains the right to independent management and disposition of the property he had possessed at the time of contracting marriage and is not liable for the obligations entered into by the other spouse before marriage. The property acquired through work by the spouses during their married life is their common property. In case of dispute the share of property of each spouse shall be determined by the court according to the contribution of each one of them. Both spouses are liable for obligations incurred by either of them for current needs of the household during their matrimonial life.

2. — For the contracting of marriage it is necessary that two persons of different sex should declare in the presence of a competent organ and in the manner prescribed by law that they agree to enter into marriage and that there shall be no hindrance to it defined by law.

Matrimonial hindrances making a marriage invalid are the following: consent to marriage elicited by duress or given in error; existence of a subsisting prior marriage; mental disease or incapacity of comprehending of either person desiring to enter into marriage.

Consanguinity in direct lineage and in indirect lineage up to the fourth degree, relations in law in the first degree, minority, relations of guardian

LEGISLATION AND COMMENTS

and ward or adopter and adoptee among the persons desiring to enter into marriage are also deemed hindrances for contracting marriage. Extra-matrimonial consanguinity is also a hindrance to marriage. The district court may approve a marriage despite the hindrances enumerated in this section if there are important grounds for it, except in the case of consanguinity in direct lineage and in indirect lineage up to the third degree. In the FPR of Yugoslavia no marriage may be contracted between a Yugoslav national and a foreign national living temporarily in Yugoslavia. A marriage between a Yugoslav and a foreign national, except in the case mentioned above, may be contracted in the FPR of Yugoslavia only with the previous permission of the Ministry of Justice of the FPR of Yugoslavia. Such permission is not necessary if a foreign national permanently resides in FPR of Yugoslavia and is a civil servant or plies some trade.

The competent state organ before which marriage may be contracted is the people's committee in charge of the register of marriages for the territory within which both betrothed persons or one of them reside or have their abode. A national of the FPR of Yugoslavia residing or having his abode in a foreign country may contract marriage before a consular representative or a diplomatic representative performing consular affairs on behalf of the FPR of Yugoslavia in that country. The chairman of the people's committee or a member designated by the committee shall officiate at the marriage ceremony on behalf of the people's committee. The registrar shall also be present and shall make entries into the register of marriages under the chairman's supervision. Before performing the marriage ceremony the representative of the people's committee shall satisfy himself that there are no lawful hindrances to that marriage and shall caution the betrothed persons against all lawful hindrances and impediments. It is his duty to refuse a marriage ceremony if he establishes that such a marriage is not lawful. A complaint may be lodged with a higher people's committee against the refusal of the competent state organ to perform a marriage ceremony. No term is fixed for the filing of such complaints.

The marriage ceremony shall be performed in special official premises assigned thereto, but it may also be performed in some other place if the betrothed persons require so and state important reasons for it. The marriage ceremony shall be performed in the presence of both future spouses, two witnesses, the chairman or designated member of the people's committee and the registrar. Any major person may be a witness to marriage.

In especially justified cases the district people's committee within whose area of jurisdiction the betrothed person resides or has abode may approve of such a person contracting marriage by proxy, but only one of the parties may be represented by proxy. His authorization must be issued in the form of public document and must not be older than three months.

Declaration of consent of the spouses shall be entered into the register of marriages, which shall be signed by the spouses, witnesses, the chairman of the people's committee and the registrar.

After celebrating their marriage the spouses may have their marriage solemnized according to religious rules, if they so desire, upon producing the extract from the register of marriages.

3. — A marriage contracted without previous fulfilment of the conditions required for its existence is deemed inexistent. The spouses so married shall be considered as if they had never married. But the children born in such a marriage shall be deemed legitimate.

A marriage is void: if it is contracted during the subsisting of a prior marriage of either of the spouses, unless the prior marriage had ceased in the meantime; if it is contracted by a person suffering from mental disease or a person incapable of understanding; if both parties or one of them and a proxy of the other were not present at the marriage ceremony; if contracted between persons related by blood or in-laws among whom marriage is prohibited by law; if contracted by a person under duress or in error as to the person of the spouse; if the consent to it was given in error of some essential

NEW YUGOSLAV LAW

qualities of the spouse, which would have prevented the other spouse from marriage; if it was not contracted for the purpose of community of lives.

The right to bring the suit for nullity of marriage, excepting the case of duress or error, belongs to the spouses and to all persons having direct legal interest in nullity of the marriage, as well as to the public prosecutor. This right is not subject to lapse unless otherwise specified by law. A suit for nullity of a marriage contracted under duress or in error may be brought only by the party affected by duress or error. No suit for nullity of marriage may be brought a year after the ceasing of duress or discovery of error if the spouses have lived together during that time. The right to bring a suit to have marriage proclaimed inexistent or void does not descend on the successors, but the successors of the plaintiff may continue an already started proceeding. When a marriage is declared void its consequences cease from the day when it was declared void.

When a marriage is declared void each of the spouses shall take the surname he had had before marriage. Children born in a marriage declared void are legitimate. Property relations between the spouses whose marriage has been declared void shall be regulated as in the case of divorce, whereat the spouse who was aware of the existence of the grounds for nullity at the time of entering into marriage shall be treated as a party guilty for divorce. The spouse who has been unaware at the time of entering into marriage of the disability for which the marriage is rendered void, shall retain the gifts made for the purpose of marriage and is entitled to request restitution of gifts he had made to the other spouse if that spouse was aware of the disability for which the marriage is declared void.

4. — Marriage can be dissolved by the death of either of the spouses, by civil proclamation of death of either of the spouses, and by divorce.

A suit for divorce may be brought: on the grounds of deterioration of matrimonial relations to such a measure that common life has become unbearable (for instance: divergence in temper, continuous discord, unquenchable hostility), if one of the spouses has committed adultery; if one of the spouses endangered the life of the other or knew of a third party doing it and failed to protect or inform the other spouse; if one of the spouses ill-treats the other spouse, or inflicts heavy insults on him or by his dishonourable conduct or otherwise makes their common life unbearable, on the grounds of incurable mental disease or incapacity of understanding incurred during marriage; if one of the spouses malevolently or without justified grounds deserts the other for more than six months; if one of the spouses has been missing without any news for more than two years; if one of the spouses has been convicted of a criminal offence against the people's and state interests or sentenced to imprisonment for more than three years. In the case of adultery the suit for divorce may be brought not later than one year after it came to the knowledge of the other party, while in the case of a spouse being missing during the war it is necessary that a year should elapse after the cessation of hostilities.

The legal right of succession of the spouses ceases upon divorce. The divorced party also loses the right to request the benefits accruing to him from a will made before divorce. The gifts customary among the spouses shall not be returned, while other gifts shall be returned in the condition they were in at the time the cause for divorce arose. The innocent party shall retain all the gifts received from the guilty party. Joint property acquired by the spouses in the course of their matrimonial life shall be divided according to the contribution of each of the spouses.

The decree of divorce shall contain the provisions regarding the custody, education and maintenance of the children. If there is no agreement among the parents as to their children or their agreement is not in the interest of the children the court shall decide where the children shall be left for custody and education. They may be left with their parents, some other person, or put into some institution, subject to their interests. The court may also entrust children to the care of the guilty party. The parent deprived of his children is entitled to maintain personal relations with them if the court has not otherwise decreed in the interest of the children. At the request of one of the

LEGISLATION AND COMMENTS

divorced parties or of the organ of guardianship the court may review its decision or custody of the children if the changed circumstances so require. The court shall fix the amount of contribution for the maintenance and education of the children according to the possibilities of each of the parents.

A spouse having no means of subsistence and incapable for work or without employment and not guilty for divorce is entitled to request that the decree of divorce shall adjudge him a certain amount for maintenance at the charge of the other spouse according to that spouse's possibilities. The right to maintenance ceases if the person enjoying it enters into another marriage or if the court finds that he is not worthy of it.

The right to sue for divorce does not descend on the successors, but the successors of the plaintiff may continue an already started proceedings for the purpose of proving the existence of the grounds for divorce.

5. — Actions for validity, nullity and divorce shall be brought before the court competent for the territory within which the spouses have had their last common abode. If the spouses have had no common abode in the FPR of Yugoslavia action shall be brought before the court competent for the territory within which the plaintiff has his residence or abode, but if he has no residence or abode in the FPR of Yugoslavia, action shall be brought before the court competent for the territory within which the plaintiff has residence or abode.

After forgiving a wrong for which divorce may be sought a spouse may no longer bring an action on that ground. The defendant may on his part bring an action for nullity or an action for divorce before the court at which he is sued. Decisions on both actions shall be contained in the same decree. A counter-action may also be brought on the grounds for which an action cannot be brought owing to forgiveness or expiration of term.

The decree of divorce shall state whether both parties or only one of them are guilty for it. The aggrieved party may appeal to the higher court within 15 days.

In all suits for divorce the court shall try to reconcile the spouses. Both spouses must be summoned to reconciliation.

At the request of one of the parties or *ex officio* the court shall decide what provisional measures shall be taken for custody of common minor children or for their maintenance, as well as for accomodation and maintenance of the spouse having no means of sustenance. Such measures shall be in force until the end of the proceedings, but the court may revise them at the founded request of either party.

6. — The requisites for the marriage of a foreign national shall be determined by the law of his own country. But the provisions of this law regarding hindrances due to a prior marriage, relationship, mental disease and incapacity of understanding also apply to a foreign national desiring to contract marriage before a competent organ of the FPR of Yugoslavia.

The form of marriage prescribed by this law is also binding for a foreign national in the territory of the FPR of Yugoslavia.

A marriage contracted by a national of the FPR Yugoslavia in a foreign country in accordance with the laws of that country shall be deemed valid in form, excepting the case of both spouses being nationals of the FPR of Yugoslavia and having their residence in the FPR of Yugoslavia.

If one of the spouses is a national of the FPR of Yugoslavia the marriage may be declared invalid only on the grounds provided by the laws of the FPR of Yugoslavia. If both spouses are foreign nationals the courts of the FPR of Yugoslavia may decree a divorce only on the grounds provided both by the laws of their own countries and by the law of the FPR of Yugoslavia.

7. — Criminal provisions define the following criminal offences: a person in office knowingly officiating at the contracting of marriage not permitted by law; solemnization of marriage according to religious rules prior to that marriage being contracted before a competent state organ and contracting of marriage by a person knowing of the existence of some hindrance or impediment prescribed by law. For such crimes the law provides sentences of imprisonment, forced labour and fine.

NEW YUGOSLAV LAW

8. — Provisional and final provisions prescribe that marriages contracted before the coming into force of this law shall be valid if they were contracted in accordance with the laws existing at that time. Marriages contracted before military authorities of the National Liberation or people's committees in the period from April 6 1941, till the coming into force of this law are considered valid under certain conditions, but they must be notified for entry into the register of marriages within one year after the coming into force of this law, if they have not already been registered. If the request for entry into the register of marriages has not been filed within this term the marriage shall be considered inexistent, but the children from such a marriage shall be deemed legitimate.

The people's republics are authorized to regulate by their laws property relations in marriages contracted under earlier provisions and prescribe the conditions and procedure for rendering valid the marriages contracted before the coming into force of this law, the validity of which has been contested under earlier laws.

This law came into force on May 8, 1946.

THE BASIC LAW ON RELATIONSHIPS BETWEEN PARENTS AND CHILDREN

("Official Gazette of the FPR of Yugoslavia," № 104, December 6, 1947)

The Basic Law on Relationships between Parents and Children contains 44 articles divided into 10 chapters. These are: 1. General provisions; 2. Rights and duties of parents and children; 3. Exercise of parental rights; 4. Cessation of parental rights; 5. Continuance of parental rights; 6. Supervision of the organ of guardianship; 7. Establishment of paternity; 8. Disputing of paternity; 9. Duty of maintenance; 10. Transitional and final provisions.

1. — General provisions. It is the duty and the right of the parents to care for the person and the rights and interests of their minor children with the view to raising them to be useful and conscious citizens of their fatherland and for the purpose of consolidating the family. Such rights and duties constitute paternal rights and are enjoyed by both parents. Children born out of marriage have the same status as legitimate children with regard to the mutual rights and duties of parents and children. The State protects the interests of minors and therefore admits the establishment of paternity.

2. — Rights and Duties of Parents and Children. It is the duty of parents to maintain their children, to provide for their life and health, to raise them in the spirit of loyalty to their fatherland, to educate them to be useful members of society and to provide according to their possibilities for their education and vocational training, taking into consideration their abilities, inclinations and wishes.

If the parents do not live together they shall come to an agreement with whom the child is to stay. If they are not able to reach such an agreement, this shall be decided by the organ of guardianship, who will take into account the wishes of the child if it is over 10 years of age.

The parents represent their minor child and manage its property. They may use the income from the property of their child primarily for its maintenance, education and upbringing as well as for the needs of the household if they have not sufficient means of their own. The parents may alienate or burden the property of their child for the purpose of its maintenance, education and upbringing, or when so required by other interests of the child, but only with the approval of the organ of guardianship. Children over 14 years of age may conclude labour contracts and dispose of their earnings, but they must contribute for their upbringing and education and for the maintenance of the household.

3. — Exercise of Parental Rights. In accordance with the principle of equality of both parents in matrimonial community, the parents exercise their parental rights in agreement, but in the case of their disagree-

LEGISLATION AND COMMENTS

ment decision shall be taken by the organ of guardianship. When one of the parents is prevented from exercising parental rights, the other parent shall do so alone. In the case of divorce or invalidity of marriage parental rights shall be exercised by the parent to whom the child has been entrusted for care and upbringing, but if the other parent does not agree with some act or measure he may ask the organ of guardianship to decide on it. The parent who abuses parental rights or neglects the exercise of his duties shall be deprived of parental rights by court decision. Such rights may be returned to him if the reasons for which they had been withdrawn have ceased to exist. If one of the parents is dead or is not known, or has been sentenced to the loss of parental rights, or is actually deprived of this right, or is deprived of business ability, parental rights shall be exercised by the other parent.

4. — Cessation of Parental Rights. Parental rights cease when the child completes eighteen years of age or marries before the attainment of full age. In that case the minor acquires full business ability.

5. — Continuance of Parental Rights. If, owing to disease or mental disability, the child is not capable of providing for its person and its rights and interests after coming of age, the court may approve the continuance of parental rights at the proposal of the parents or of the organ of guardianship. But when the reasons for which parental rights have been continued cease to exist the court shall decree the cessation of parental rights.

6. — Supervision by the Organ of Guardianship. The organ of guardianship shall undertake all measures necessary for the upbringing of the child and the protection of its property and other rights and interests. He may take the child from its parents and entrust it to another person or institution for care and upbringing if the parents have neglected its upbringing. The other rights of the parents or their duties towards their child do not cease in that case. If the child shows negative propensities the organ of guardianship may of his own accord or at the proposal of the parents send it to some institution or school for upbringing or reform.

At the request of the organ of guardianship the parents shall render account at any time of their management of the child's property. Such organ may petition the court to permit surety to be placed upon the property of the parents for the protection of the property interests of the child, or decide that the parents shall have the status of guardian as regards the managing of the child's property.

7. — Establishment of Paternity. If the child has been born during the subsistence of marriage or within three hundred days after the cessation of marriage, it is considered to have been born in wedlock. If the child is born in another marriage of its mother but before the expiration of two hundred seventy days after the cessation of her previous marriage, the mother's husband in her previous marriage shall be considered to be the child's father. But if the mother's husband in her subsequent marriage, with her consent, recognises the child as his own he shall be considered the father of the child. A child born out of wedlock shall be considered as born in wedlock when its parents contract marriage.

The law provides two cases in which a child born out of wedlock may be declared born in marriage: if the parents had intended to contract marriage and were prevented from doing so because of the death of one of them, or owing to matrimonial impediments arising after the begetting of the child. In the first case the court shall declare the child to have been born in marriage at the request of the surviving parent or of the child itself.

The father of a child born outside of marriage shall be considered the person who acknowledges it to be his own, or whose paternity has been established by a valid court decision. Acknowledgement of a child may be made before a registrar, in a public document or in a will, but such an acknowledgement shall be valid only if the child's mother agrees to it. If the mother does not agree to the acknowledgement or does not declare herself within a month after notification, the person who has acknowledged the child for his own may file a suit for establishment of paternity within three years after

NEW YUGOSLAV LAW

he is informed of the refusal of the mother. If the mother is not alive or has disappeared the declaration shall be made by the guardian with the approval of the organ of guardianship.

Action for establishment of the father of a child born outside of marriage may be brought by the mother exercising parental rights or by the guardian with the approval of the organ of guardianship and by the child within five years upon coming of age. Mother and guardian may bring such an action within five years after the child's birth. If there is doubt as to which among several persons is the father of the child, the court shall institute proceedings against all of these persons in order to establish which of them is the father of the child.

The father of a child born outside of marriage shall in proportion with his means take part in the expenses caused by pregnancy and childbirth, and in the expense of maintaining the mother during a period of three months before childbirth and three months after it.

8. — **Disputing of Paternity.** The law prescribes which persons may dispute paternity and in what cases and terms. A suit disputing paternity may be brought by the husband, the child's mother, the child and the person considering himself father of a child born outside of marriage.

If the husband considers that he is not the father of a child born during marriage or before the expiration of three hundred days after the cessation of marriage, he may dispute the child's paternity within six months upon learning of his birth. The mother of the child and the child itself may likewise dispute paternity of the person considered by law as the father. Such an action may be brought by the mother within six months after the birth of the child. An action by the child is not tied to term. A person who considers himself the father of a child born outside of marriage may dispute the paternity of another person who has acknowledged the child as his own. Such an action shall be brought within one year after registration of the disputed paternity in the birth register.

9. — **Duty of Maintenance.** The obligation of maintenance exists under the law between parents and children, among other relatives in direct descending or ascending lineage, between brothers and sisters with regard to the maintenance of their minor brothers and sisters, step-father and step-mother and their step-children.

The obligation of the parents to maintain their children is unconditional, whereas the obligation of other relatives exists only inasmuch as the person having the right to maintenance is incapable of work or has not sufficient means of subsistence. Step-father and step-mother are not obliged to maintain their step-child if he has a relative who is obliged to maintain him and is in the position to do so. A step-child is obliged to maintain his step-father and step-mother only if they have maintained and cared for him for a longer period of time. This duty is shared jointly by step-children and children born in marriage.

Persons under obligation to maintain another person shall do so in the order of their succession to that person. If more persons are under such obligation it shall be divided among them according to their possibilities.

Renunciation to the right of maintenance has no legal force.

10. — **Transitional and Final Provisions.** The present Law comes into force on the 15th day after its publication in the "Official Gazette of the FPR of Yugoslavia" and applies to the cases on which a valid decision has not been brought up to its enactment.

THE BASIC LAW ON GUARDIANSHIP

("Official Gazette of the FPR of Yugoslavia", No 30/47)

This law contains 57 articles divided into six chapters: 1. General provisions; 2. Guardianship over minors; 3. Guardianship over persons deprived of business ability; 4. Guardians for special cases; 5. Appeal; 6. Transitional and final provisions.

LEGISLATION AND COMMENTS

1. — General provisions. The basic principle laid down by this law provides for special protection by the state and the placing under guardianship of minors not in the custody of their parents, as well as of other persons incapable or not in the position to provide for their person and their rights and interests. The purpose of guardianship is to train minors to be conscious citizens devoted to their people and state and to actively cooperate in social work, and to ensure the property and other rights and interests of persons placed under guardianship.

The organs of guardianship are the executive committees of district and town or ward people's committees, who discharge their duties directly or through their departments for social welfare, except for the affairs designated by law as their exclusive competence. The affairs of guardianship of citizens of the FPR of Yugoslavia residing abroad are discharged by consular offices and diplomatic offices of the FPR of Yugoslavia charged with performing consular activities.

The task of the organ of guardianship is to undertake measures for the protection of the interests of the persons placed under guardianship, especially for the management of their property. It is his duty to attend to the sending to boarding-schools, hostels, hospitals and other similar institutions of minors and other persons under guardianship whose upbringing, education or medical treatment cannot be secured otherwise.

The organ of guardianship discharges his duties directly or through the appointed guardian. He directs all affairs of guardians and supervises their work. In every affair and at all times he may order or perform acts required by the interests of the person under guardianship. Decisions on placing under guardianship shall be taken by the organ of guardianship.

The organs of guardianship shall rely in their work on social and especially on youth organizations. Guardianship councils are attached to the organs of guardianship as their advisory organs. They consist of representatives of social organizations and citizens nominated by the executive committee. The duty of the guardianship council and its members is to help the organs of guardianship and guardians in their work, particularly to advise on the persons suitable to be guardians, to report cases of negligence in the upbringing and care of minors and all other shortcomings and inadequacies in the upbringing and management of the property of wards.

2. — Guardianship over minors. According to this law, the closest relatives of a minor, the persons living with him in the same homestead, the state organs if they learn of it in the discharge of their duties and the members of guardianship councils shall without delay inform the organ of guardianship of the need to place a minor under guardianship. The organ of guardianship shall pass the decision on guardianship within one month after learning of the need for it. In appointing the guardian the organ of guardianship shall take into consideration the character and abilities of the person designated for a guardian, his relationship to the minor, the wishes of the minor and of his closest relatives. He may request the opinion of social organizations if that be useful for the choice of a guardian. No person may be appointed guardian who has been sentenced, by court decision to the loss of political rights, who has been deprived of paternal rights by court decision, whose material interests run counter to the interests of the minor, who is hostile to the minor, who, in view of his conduct, cannot be expected to perform guardianship duties properly.

Every citizen is bound to accept the duty of guardian, excepting the cases provided by law (as for instance 60 years of age, disease, the nature of profession or calling, another duty of a guardian, mother with a child under seven years of age). Persons who without legal grounds refuse to accept guardianship shall compensate the damage caused to a minor by such an act. The duties of a guardian towards minors living in a social welfare institution shall be performed by the superintendent of such institution.

Upon accepting the duty of guardianship, the guardian shall together with a representative of the organ of guardianship draw up an inventory and estimate of the value of the minor's property. The guardian represents the

NEW YUGOSLAV LAW

minor and performs in his name all affairs which come under regular business and management of property. Whenever possible the guardian shall consult the minor before undertaking any action of greater consequence if the minor is capable of comprehending the issue. A minor over fourteen years of age may personally perform his legal affairs with the approval of his guardian or organ of guardianship. Measures of greater consequence for the person of the minor or the management of his property may be undertaken by the guardian only with the approval of the organ of guardianship. Such measures are especially the following: the sending of the minor to an educational institution, interruption of education or change of the type of school, selection of his profession, renunciation of heritage, refusal of gift, alienation or acquisition of immovable property. The guardian may not undertake any business exceeding the limits of regular business or management of the minor's property without the approval of the organ of guardianship.

The guardian shall submit a report and render account of his work each year and whenever requested to do so by the organ of guardianship. The guardian shall as a rule exercise his duties free of charge, but in exceptional cases he may be granted a reward. He is entitled to requital of justified expenses incurred in the exercise of his duties.

The organ of guardianship shall remove the guardian if he establishes that he abuses his powers or with his work or otherwise endangers the interests of the minor. The minor, the state organs, social organizations and individual citizens may file complaints against the guardian's acts with the organ of guardianship, who shall examine such cases and undertake the necessary measures for the protection of the minor's interests. For the protection of rights and claims of the minor arising from the guardian's improper work, the organ of guardianship may undertake the measures provided by law. The guardian shall compensate the minor for the damage inflicted by his negligent exercise of duties or arbitrary abandonment of duties. The organ of guardianship may fine a guardian up to 2,000 dinars for his negligent exercise or arbitrary abandonment of duties.

Guardianship over a minor ceases with his coming of age or with his being proclaimed of age.

3. — Guardianship over persons deprived of business ability. Persons completely or partially deprived of business ability shall be placed under guardianship. The court with which proceedings have been instituted against some person for deprivation of business ability shall notify the competent organ of guardianship thereof, which shall appoint, if necessary, a temporary guardian to such a person. A legally valid decision of the court on deprivation of business ability shall be without delay forwarded to the competent organ of guardianship which shall appoint a guardian within a month of the receipt of the decision. The provisions on the guardianship of minors apply to guardianship over persons deprived of business ability, unless otherwise determined by law or ensuing from the nature of affairs. Guardianship over persons deprived of business ability ceases with the restoration of that ability by court decision.

4. — Guardians for special cases. The organ of guardianship shall appoint a guardian in the following cases: for absent persons whose place of abode is unknown and who have no representative; in the case of dispute between the minor and his parents, or between minors having the same guardian; for the protection of property of an unknown owner and in other cases when the protection of the rights and interests of some person so requires. In the cases provided by this law the organ of guardianship shall take the necessary measures for the protection of the person and the rights and interests of a foreign citizen until the organ competent under international treaties or other provisions should pass a decision on it. In appointing a guardian under the provisions of this section the organ of guardianship shall determine the duties and rights of the guardian according to the circumstances of each particular case.

5. — Complaints. Complaints may be lodged against all decisions of the organ of guardianship with a higher executive committee and/or with

LEGISLATION AND COMMENTS

the republican minister competent for social welfare within 15 days of receipt of the decision.

6. — Transitional and final provisions. The people's republics are authorized to enact supplementary laws on guardianship prescribing more detailed provisions on the realization of the tasks of guardianship and the management of the property of persons under guardianship.

This law came into force on May 11, 1947.

THE LAW ON ADOPTION

("Official Gazette of the FPR of Yugoslavia", № 30, April 11, 1947)

This Law contains 26 articles divided into six chapters. These are: 1. General provisions; 2. Conditions of adoption; 3. The act of adoption; 4. Rights and duties of adopter and adoptee; 5. Dissolution of adoption; 6. Final provisions.

1. — General provisions. The act of adoption establishes such relationships between two persons as those existing between parents and their children. For the existence of adoption it is necessary that the prospective adopter declare before the competent state organ his willingness to adopt that person and that his parents or guardian declare their consent to it. The act of adoption shall be entered into the birth register.

2. — Conditions of adoption. The general conditions of adoption laid down by this law are that the adoptee must be a minor and that the adopter must be at least 18 years older than the adoptee. Next of kin in direct lineage and brothers and sisters may not adopt each other; the guardian may not adopt his ward until he is freed of the duties of guardian.

Adoption may not be granted: to a person sentenced to loss of political rights so long as the punishment lasts; to a person deprived of parental rights; to a person for whom there is justified suspicion that he will abuse his position of adopter to the detriment of the adoptee; to a person who does not offer sufficient guarantee that he will bring the adoptee up to be a useful member of society; to mentally defective persons or those weak-minded or suffering from a disease that might menace the health and life of the adoptee.

No one may be adopted by two persons unless they be husband and wife. If one of the spouses adopts a person the consent of the other spouse is required, except in the case of the other spouse being deprived of parental rights or incapable to declare his will or his abode having been unknown for 12 months. If the prospective adoptee is not in the custody of his parents the consent of his guardian is required for adoption. The consent of a minor over 10 years of age is also required.

3. — The act of adoption. The prospective adopter and the parents or guardian of the adoptee shall submit an application to the competent organ of guardianship furnished with necessary documents. Should the organ of guardianship establish from the content of the documents or in any other way that the conditions required for adoption have not been fulfilled or that such adoption is not in the interest of the adoptee he shall refuse to grant adoption and state his reasons for it. In the opposite case the adoption shall be granted.

The act of adoption shall be attended by the prospective adopter and his spouse, by the parents or guardian of the prospective adoptee and by the adoptee if he is over 10 years of age. In justified cases the spouse of the prospective adopter and one of the parents of the prospective adoptee may give their consent for adoption by proxy or through the organ of guardianship competent for their place of residence. The act of adoption shall also be attended by the commissioner for social welfare of the executive committee of the county, town or ward people's committee on behalf of the organ of guardianship and in his name. A member of the executive committee may deputise for the commissioner.

NEW YUGOSLAV LAW

If the commissioner establishes that the conditions for adoption are fulfilled and that adoption is in the interest of the adoptee he shall read the provisions of the present law on the rights and duties of the adopter and adoptee and declare the adoption consummated. Conversely, he shall refuse to grant adoption. A complaint may be filed against the rebuttal of adoption at all times.

The records on adoption shall contain the agreement on the surname of the adoptee and on his inheritance rights in relation to the adopter.

4. — Rights and duties of the adopter and adoptee. The act of adoption establishes a state of relationship and rights and duties derived therefrom only between the adopter and the adoptee and his successors, but not between the adoptee and the relatives of the adopter. The act of adoption does not affect the rights of the adoptee towards his parents and relatives or their rights and duties towards him. The adoptee shall assume the surname of the adopter unless the act of adoption provides for him to retain his own surname or add his surname to that of the adopter.

If the adopter has children of his own, the inheritance rights of the adoptee towards the adopter may be restricted or completely excluded. Such rights may be determined separately towards the spouses who are joint adopters. The adopter cannot legally inherit the adoptee.

5. — Dissolution of adoption. Adoption may cease by agreement between the adopter and adoptee in accordance with the provisions valid for the act of adoption, or by decision of the organ of guardianship. Agreement on dissolution of adoption is subject to approval by the organ of guardianship, but if the adoptee is of age the organ of guardianship shall not examine whether the dissolution of adoption is in the interest of the adoptee. Decision on dissolution of adoption shall be taken by the organ of guardianship of his own accord, or at the request of any person or social organization subject to this being enjoined by the justified interest of the minor adoptee as well as at the request of the adopter or adoptee subject to there being important grounds for it. The decision confirming or dissolving adoption may specify a certain sum for the maintenance of the adoptee until his coming of age. The decision on the dissolution of adoption may determine a certain sum for the maintenance of the adopter at the expense of a major adoptee if the adopter is incapable for work and has no means of subsistence. In both cases the material circumstances of both parties must be taken into consideration. Complaints against decisions on the dissolution of adoption may be filed within 15 days after the receipt of the decision.

6. — Final provisions. This Law comes into force on the eighth day after its publication in the "Official Gazette of the FPR of Yugoslavia." The provisions of this law equally apply to dissolution of adoptions contracted prior to the enactment of this law. Subject to the prospective adoptee having been under the care of the prospective adopter during the National Liberation War, the law also allows adoption to be contracted between minors and persons who are less than 18 years older than the adoptee.

THE LAW ON THE EXERCISE OF GUARDIANSHIP OF THE PEOPLE'S
REPUBLIC OF SERBIA

("Official Gazette of the PR of Serbia," № 6/950)

In virtue of the authorization under article 54 of the Basic Law on Guardianship, the P. R. of Serbia enacted a supplementary Law on the exercise of guardianship, which contains more detailed provisions on the realisation of the tasks of guardianship and management of property of persons placed under guardianship. This law contains 61 articles divided into five parts: 1. The placing under guardianship and measures for its exercise; 2. The rights and duties of guardians towards minors; 3. The realisation of the tasks relating to the person of the minor; 4. The maintenance of minors and management of their property; 5. Guardianship over persons deprived of business ability and guardianship in special cases; 6. Transitional and final provisions.

LEGISLATION AND COMMENTS

Supplementary laws on the enforcement of guardianship have been enacted by the P. R. of Macedonia ("Official Gazette of the P. R. of Macedonia," № 18/50) and the P. R. of Montenegro ("Official Gazette of the P. R. of Montenegro," № 21/50). These laws regulate in a similar manner the questions of realization of the tasks of guardianship and management of property of persons under guardianship. Very few of these provisions are different from those contained in the Law of the P. R. of Serbia.

1. — It is the duty of the organs of guardianship (Art. 1) to place under guardianship every minor without parents and every person deprived of business ability, to appoint a guardian for such persons and undertake all the measures necessary for the protection of his person and property. The organ of guardianship has the same duty towards the persons who are not capable of or not in the position to provide for their rights and interests in the cases foreseen by the Basic Law on Guardianship.

When the competency of the organ of guardianship is established by his decision on the placing of a minor under guardianship, it shall continue as a rule until the cessation of guardianship. His competency remains in force even towards the persons who have left the territory under his jurisdiction for the purpose of education, vocational training, accommodation and similar reasons. In such cases it is the duty of the guardian within whose territory such a person has his abode to care for them, to offer them all necessary help, to supervise their way of life and undertake all other direct measures with regard to guardianship, and inform of all matters the competent organ of guardianship. But if the person under guardianship permanently and completely leaves the territory of the competent organ of guardianship and settles permanently within the territory of another organ of guardianship in the PR of Serbia, competency may be transferred to the new organ of guardianship by agreement between the organs of guardianship. If they fail to reach such agreement decision on it shall be passed by the immediately higher organ of authority. To provide better protection for the person under guardianship the original organ of guardianship shall keep a record of the movements of that person.

It is also the duty of the organ of guardianship to protect the property of the person under guardianship. If such property is beyond his area of jurisdiction he may entrust the control of it to the organ of guardianship competent for that area. Direct management of such property is exercised by the guardian appointed by the organ of guardianship who is entrusted with control of such property. But decisions on such property are brought by the competent organ of guardianship (Art. 2).

The organ of guardianship shall organize an information service about the persons needing guardianship (Art. 3). He shall do so in agreement with other state organs, who shall (Art. 13 of the Basic Law on Guardianship) advise him as soon as they learn of any persons in need of guardianship.

The organ of guardianship shall perform all acts in connection with the realization of the tasks of guardianship directly or through the guardian, whom he shall aid in all matters. After the institution of guardianship the organ of guardianship shall continue to care for the person and property of the subject under guardianship. For that purpose he shall consistently follow the life and work of such persons and undertake all measures necessary for the proper protection of persons under guardianship and their property.

The organ of guardianship shall establish guardianship councils as his auxiliary and advisory organs (Art. 5). The members of the council are appointed by the competent executive committee from among major persons-members of social organizations (especially youth organizations) and other citizens who have the inclination, ability and possibility for exercising such duties (Art. 6). The guardianship council is directed by the member of the executive committee charged with social affairs. The council deliberates on the more important questions relating to the acquisition of information and guardianship affairs in particular cases, as well as the general management of affairs of guardianship in their territory (Art. 7). The organ of guardianship may entrust individual members of the council with particular tasks and request

NEW YUGOSLAV LAW

them to submit reports on the conduct of affairs. The function of members of the council is honorary and obligatory (Art. 8). Expenses incurred by members of the council in the exercise of their duties are met from the budget of the people's committee.

The organ of guardianship and the council shall be assisted in their work by the council of citizens formed at each local people's committee and including a member of the guardianship council from that district (Art. 9). The organ of guardianship shall also interest social organizations and wide masses of citizens in affairs of guardianship and benefit by their cooperation in all questions of guardianship, especially as regards information necessary for the proper attainment of the tasks of guardianship (Art. 10). Finally, with the view to a more correct fulfilment of the tasks of guardianship, the people's committees shall erect hostels for the accomodation of persons under guardianship and ensure the means for their operation.

2. — Minors under guardianship must be appointed a guardian regardless of their property, even if they live in some state institution for social welfare or some state educational institution (Art. 12). The superintendent of the institution shall direct the upbringing, training and education of such minors so long as they live there. The manager of a state economic enterprise has the same duties towards a minor working there. All the other duties shall be performed by the guardian who shall provide for his training and education (Art. 12).

The guardian shall be a person who is best qualified to perform the duty of guardian with regard to the conditions of the minor (Art. 13). If a minor is a member of a peasant work cooperative he shall be appointed a guardian from among the members of the cooperative. (The law of the P. R. of Macedonia (Art. 7) and of the P. R. of Montenegro (Art. 14) provide also the possibility of the minor being appointed a guardian from without the cooperative, or that he may be a relative or some other person, if the latter's relations with the minor are of such a nature that he may exercise such duties successfully.) If the minor changes his place of abode the guardian shall not be changed. Minors having common undivided property may have a joint guardian.

The guardian is entitled to undertake independently all affairs and measures which come within the limits of regular business and management of property. He shall, however, need a previous approval of the organ of guardianship for all measures of consequence with regard to the person of the minor and for business exceeding the limits of regular business and management (Art. 14). These affairs are explicitly enumerated in Articles 14, 15 and 16, in addition to those already mentioned in Art. 24 of the Basic Law on Guardianship. (They include: legal adjustment, division of inherited or joint property, beginning, continuance or cessation of craftsman's business, lifting of surety, going from or leaving the country for a longer period, concluding or giving a loan, alienation or mortgaging of immovables).

The guardian may ask the organ of guardianship or the guardianship council for help or advice even in such affairs which are not subject to approval by the organ of guardianship (Art. 20). They shall give him advice and the organ of guardianship shall give him full aid especially in the composition of legal documents. The organ of guardianship shall perform legal affairs before the state organs on behalf of the guardian and represent him through his technical staff if the guardian is not in the position to do so otherwise.

The guardian is responsible for damage inflicted to the minor malevolently or by negligence or abandonment of his duties (Art. 22). Persons who without justified reasons refuse to accept the duty of guardian are also responsible for damage caused thereby to the minor. The organ of guardianship shall endeavour to have such damage compensated without litigation, but if this should prove impossible he shall bring a suit with the competent court. He may sue him personally or ask the new guardian to do so, or appoint a special guardian for that case, if the new guardian has not yet accepted his duty. If there is danger of the guardian evading to give compensation the organ of guardianship shall determine approximately the amount of damage

LEGISLATION AND COMMENTS

and decree the placing of surety on the property of the guardian and fix the term within which this surety shall be justified by a complaint with the court.

The guardian shall submit a report of his work and render accounts on the management and administration of the minor's property at latest by the end of February each year (Art. 24). He shall also submit reports and render accounts whenever requested by the organ of guardianship to do so. The guardian whose duties cease before the end of the year shall submit the report upon cessation of his duties. The report must contain data on the person of the minor and on the management and disposition of his property and the protection of his rights and interests. In the event of the guardian's death the report shall be submitted by the new guardian upon the examination of his work (Art. 26). All persons of age living together with the former guardian shall give information and data to the new guardian and help him in the drafting of the report.

The report and accounts submitted by the guardian shall be examined by the organ of guardianship and approved if they are found to be correct. If in examining the accounts the guardian should establish a damage to the minor, he shall take steps that it be compensated or surety placed.

When a guardian is removed he shall transfer his duties to the new guardian within the term fixed by the organ of guardianship (Art. 28). A record of the transfer of duties shall be made stating all items delivered as well as eventual damage to them. The transfer of duties shall be performed before the local, town, or ward people's committees in the presence of a member of the guardianship council. The transfer of duties shall be performed in the same manner if guardianship has ceased because of the coming of age of the person under guardianship. In the latter case the guardian shall present a certificate on delivery of his duties, whereupon the organ of guardianship shall hear the ward and relieve the guardian of his duties and lift the surety from his property if it had been placed (Art. 29).

3. — With regard to the realization of the tasks of guardianship relating to the person of the minor the law requires that the care and keeping of the minor should correspond as much as possible to the conditions under which live the minors with their parents (Art. 30). A minor shall be entrusted for care and keeping primarily to a relative, whose duty will be to maintain him if that proves to be in the interest of the minor. If there are no such relatives the minor shall be entrusted for care and keeping to the person or family which offers a sufficient guarantee for his proper physical and spiritual development and education or sent to a state institution for social welfare or a state educational institution. If the minor has some mental or physical handicaps owing to which he cannot be brought up under regular conditions, he shall be sent to a special home or institution for the keeping and education of such persons. A minor may under no conditions be given for care and keeping to a person who is not fit to be a guardian (Art. 31), or to a person suffering from disease which might endanger the life and health of the minor. In deciding on the accomodation of the minor his interests alone shall be considered (Art. 32).

For placing a guardian in the care of a relative or other person or family, the guardian shall ask the approval of the organ of guardianship (Art. 32). The organ of guardianship shall determine whether the minor shall be kept free of charge or against reward, the amount and kind of reward, and the sources from which it will be paid as well as the duration of his stay there. The organ of guardianship shall send a minor to a state home or institution (Art. 32). Minors under guardianship and in the first place war orphans have a priority right under equal conditions in entering a state institution for social welfare, a state educational institution, school, course and other (Art. 33).

The income from the property of the minor shall be used for his maintenance, but if such income is not sufficient, then his basic property will be used (Art. 35). If the minor has no property the guardian shall ask the relatives obliged to maintain the minor to furnish the necessary means for his maintenance. If the cost of his maintenance cannot be covered in this way, they shall be paid by the organ of guardianship from the budget of the people's committee.

NEW YUGOSLAV LAW

A minor living in an institution for social welfare or an educational institution shall be educated in the spirit of loyalty and love towards his people and state and of a correct attitude towards the social community. His physical and spiritual development should be proper (Art. 38). This task shall be primarily attended to by the manager of the institution and by the youth organization whose cooperation should be enlisted by the organ of guardianship. The latter shall enable the minor to finish the compulsory primary school, and continue his general or special training according to his abilities so that he shall be fit for independent exercise of some profession (Art. 39). The choice of vocation shall be made by the guardian in agreement with the minor and with the approval of the organ of guardianship.

The guardian shall especially care for the health of the minor; he shall subject him to periodic medical check-up and provide speedy and effective medical aid in the event of illness. He is also obliged to ensure him proper medical treatment according to physician's advice. If the expenses of medical treatment cannot be covered from the minor's property they shall be paid by the organ of guardianship from the budget of the people's committee.

4. — The whole property of the minor shall serve for his physical and spiritual development and his technical training (Art. 41). The guardian shall endeavour to preserve that property intact, but this must not be done at the expense of the minor's maintenance, upbringing and education (Art. 42). For the maintenance, upbringing and education the regular income from the minor's property shall be primarily used, but if it is not sufficient some parts of his property may be alienated or mortgaged with the approval of the organ of guardianship.

To ensure proper management and preservation of the minor's property the law provides that an inventory of it shall be drawn up upon the placing of the minor under guardianship (Art. 44). The order for the making of the inventory shall be issued by the organ of guardianship and it shall be carried out by the guardian in the presence of the minor, if he is capable of understanding the issue involved, and a representative appointed by the organ of guardianship. The inventory may be made by the local or town people's committee prior to the appointment of a guardian, if this is necessary for the protection of the minor's property.

The law provides (Articles 45-48) that bonds, valuables, important documents and similar shall be deposited with an institution dealing with such matters (Art. 45) inasmuch as they are not necessary for the guardian's exercise of duty. Cash shall be deposited with a designated institution under the name of the minor (Art. 46). Other property shall not be sold if it may be preserved. Movable property shall be kept by the guardian, but the organ of guardianship may order that it be placed in the keeping of some other person (Art. 47). The objects used by the minor shall be delivered to the person who keeps him.

Articles 49-55 regulate the management and administration of the minor's property. It is the duty of the guardian to see that all the obligations affecting the minor's property are fulfilled in time. He will particularly see to land being cultivated according to plan, to the delivery of surpluses, to the timely statement and payment of taxes and so on (Art. 55). With the approval of the organ of guardianship the guardian may entrust the management of the whole or a part of the property to a minor over 14 years of age under his supervision. A minor may join a peasant work cooperative in the manner and under the conditions provided by the Basic Law on Peasant Cooperatives (Art. 50). The guardian shall look after the cultivation of the minor's land and the procurement of documents proving his claims and making secure such claims. Landed property may be cultivated by manpower under the supervision of the guardian, using the live and dead inventory of the minor, or entrusted to a peasant work cooperative or a state agricultural farm with the proviso that the surpluses, after the deduction of expenses, be handed to the guardian. If the income from the land cannot meet the expenses of cultivation without affecting the maintenance of the minor, the executive committee of the local, town or ward people's committee shall organize and offer help for the cultivation of the land. (The law of the P. R. of Macedonia provi-

LEGISLATION AND COMMENTS

des that the competent people's committee shall organise and offer aid in other cases, too, if the guardian cannot do so alone.)

At the proposal of the guardian and with the agreement of the commission the minor's property may be alienated, but only in exceptional cases and if it is in the interest of the minor (Art. 54). If the minor's property exceeds the scope of regular business it shall be sold. A commission shall be formed by the organ of guardianship and it shall consist of a member of the guardianship council, a member of the people's committee and a citizen living in the territory of the people's committee in which the minor's property is located. The commission shall advise both on the suitability and the price of the sale. The same applies to the renting of larger objects of the minors' property.

5. — Guardianship over persons deprived of business ability is governed by the same rules inasmuch as not otherwise prescribed by the Basic Law on Guardianship or by the present law (Art. 56). The same applies to guardianship in special cases provided under Articles 46-51 of the Basic Law on Guardianship (appointment of a guardian for an absent person, for the conduct of dispute, for an unknown person, for a foreign national, etc), as well as to the appointment of a temporary guardian for a person against whom proceedings have been instituted for deprivation of business ability. In appointing a guardian for special cases the organ of guardianship shall determine the rights and duties of the guardian according to the circumstances of each particular case (Art. 57).

6. — The transitional and final provisions determine the application of the present law to the cases existing before its coming into force (Art. 60). The Minister of Social Welfare is empowered to bring more detailed provisions for the enforcement of this law. This law came into force on February 16, 1950, when it was published in the "Official Gazette of the P. R. of Serbia."

REPUBLICAN LAWS ON THE VALIDATION OF HERETOFORE UNRECOGNISED MARRIAGES AND ON THE PROPERTY RELATIONSHIPS OF MARITAL PARTNERS

Whilst regulating the fundamental and most vital issues pertaining to marriage and the relationships proceeding therefrom the federal Basic Law on Marriage ("Official Gazette of the FPR of Yugoslavia" № 29 of April 9, 1946) at the same time empowered the individual people's republics to prescribe the conditions and methods for the recognition of previously contracted marriages the validity of which was contested under former regulations (Clause 97), as well as more detailed provisions concerning the property relationships of marital partners particularly in regard to marriages contracted prior to the enforcement of the said Law (Cl. 14 and 92, par. 2). The reason the federal Law left such issues to be dealt with by the individual people's republics was that, apart from the federal organs being responsible solely for the enactment of basic legislation in this matter, the special circumstances and features prevailing in such republics had to be given due consideration, including the legislation concerning marriage which was in force in the territory of the various people's republics up to April 6, 1941. All the people's republics, hence, promulgated their own laws on the Validation of Heretofore Unrecognised Marriages, as well as laws on the Property Relationships of Marital Partners. The People's Republic of Montenegro is the only one where the former has not been introduced as yet. These republican laws serve, then, to supplement and elaborate the Basic Law on Marriage by regulating such matrimonial issues which were not incorporated in the latter or with regard to which the basic principles alone had been laid down by it.

I. THE LAWS CONCERNING THE VALIDATION OF MARRIAGES

The following laws have been enacted on the subject: in the PR of Serbia, the Law on the Validation of Marriages Contracted Prior to May 9, 1946 ("Official Gazette" № 53 of November 20, 1948); in the PR of Croatia, the Law on the Validation of Marriages Whose Validity was Disputed Under Previous Prescriptions ("People's Gazette" № 85 of October 22, 1949); in the

NEW YUGOSLAV LAW

PR of Slovenia, the Law on the Validation of Marriages Contracted Prior to May 9, 1946, the Validity of Which was Disputed Under Earlier Provisions ("Official Gazette" № 16 of May 13, 1949); in the PR of Bosnia and Hercegovina, the Law on the Validation of Marriages Contracted Before May 9, 1946 ("Official Gazette" № 51 of December 23, 1948); and, in the PR of Macedonia, the Law on the Validation of Marriages Contracted Before May 9, 1946 ("Official Gazette" № 38 of December 13, 1948).

Marriages contracted before its enactment and in compliance with the regulations then in force are granted recognition under the Basic Law on Marriage (Clause 90) and the question of validity of marriages contracted before the military authorities of the people's liberation movement or the people's-liberation and people's committees between April 6, 1941, and the enforcement of the new Law was similarly resolved. This Law, however, failed to settle the question of validity of certain special categories of marriages whose validity was contested pursuant to the provisions of former Yugoslavia and this was to be regulated by republican legislation.

The following categories of marriages were recognised as valid under the republican validation laws (consisting of nine clauses each):

(a) Marriages contracted prior to May 9, 1946 (the date on which the Basic Law on Marriage took effect) before ecclesiastical organs authorised to perform religious weddings in the territory where civil marriage was compulsory under the then existing regulations (the Territory of the Autonomous Province of Vojvodina — Clause 1 of the law of the PR of Serbia) and/or marriages contracted before duly authorised ecclesiastical organs in conformity with the canonical prescriptions applying to such organs (Clause 1 of the Law of PR of Croatia);

(b) Marriages contracted prior to May 9, 1946, before the organs of the Islamic creed (imams and hodjas) who lacked authority to perform marriages under the laws then in force (Clause 2 of the law of the PR of Serbia, Clause 1, par. 2, of the law of the PR of Bosnia and Hercegovina and Clause 1 of the law of the PR of Macedonia). (Under the former Law on the Constitution of Sheriyat Courts and on the Sheriyat Judges of March 21, 1929, the religious organs (imams and hodjas) were entitled to perform weddings only by authority of the Sheriyat judge);

(c) Marriages contracted prior to May 9, 1945 (the date of the termination of World War II hostilities) without the participation of the organ authorised to effect marriage contracts and/or marriages contracted after April 6, 1941, without the participation of the military authorities and of the people's liberation committees, provided the contracting of marriage before such organs had been impossible or rendered extremely difficult due to either of the spouses being exposed to political persecution on the part of anti-popular regimes, to the occupation of the country or the state of war. The validity of such marriages is recognised subject to the marital partners having explicitly stated their common desire to enter into marriage in the presence of two witnesses and/or subject to this being corroborated by two witnesses, and subject to the subsistence of such marriage on the date upon which the law took effect or provided it had subsisted until the death of one of the spouses. According to the law of the PR of Slovenia (Clause 5) only such marriages are recognised as valid which were contracted during the occupation without the participation of a competent organ or without public notice owing to the then prevailing conditions. The law of the PR of Serbia goes even further, however, recognising as valid even marriages contracted without the participation of a competent organ between May 9, 1945, and May 9, 1946, subject to at least one of the spouses not having survived until the enforcement of the Basic Law on Marriage and the marriage having subsisted until such spouse's death.

(d) Marriages contracted prior to May 9, 1946, before duly authorised ecclesiastical organs between individuals one of whom had previously been a party to a religious wedding and which wedding had been dissolved by decision of an ecclesiastical or sheriyat court respectively, but which decision lacked binding power under the provisions then in force;

LEGISLATION AND COMMENTS

(e) Marriages contracted prior to May 9, 1946, between individuals one of whom had previously been a party to a marriage and was granted separation a mensa et thoro by decision of the competent court. At the same time the previous marriage is considered dissolved.

All the stated categories of marriages are recognised as valid only subject to the fulfilment of conditions under Clause 16 (the non-existence of marriage impediments), Clause 18 (free consent) and Clause 20 (the absence of prohibited forms of consanguinity) of the Basic Law on Marriage, whereas for marriages under (a), (b) and (c) the condition of Clause 19 of the same (the non-existence of a previous valid marriage) must be met in addition.

A separate condition for the validity of marriages under (d) and (e) is that the new marriage must not have been declared void previous to the enforcement of the law and for the marital partners not to have discontinued their conjugal union prior to that. Special significance attaches to the recognition of such marriages in that it provides the solution of one of the practically most important issues wherein the confessional provisions find themselves in conflict with the state legislation. This solution is remarkable in that, subject to its still subsisting, it accords precedence to the existing, new marriage over the former marriage which is factually non-existent. In the interest of the children's welfare, though, all the republican laws stipulate that, even in the event of non-validity of the new marriage, the children from such a marriage should be considered as legitimate.

It is important to record that in all the republican laws dealing with the recognition of marriages the territorial principle has been adhered to with the result that only the marriages contracted in the territory of a particular republic were validated by same.

Under the republican laws all the validated marriages must be reported within six months of their coming into force for the purpose of entry in the marriage register, provided always that no similar record had been previously made either in the ecclesiastical or the state registers. If no application is submitted for such registration within the specified term the respective marriages shall be considered non-existent, but the children from such marriages shall be considered legitimate.

These applications are made to the registrar, but the actual entry is subject to the previous approval by the competent district court recognising a marriage as valid under the law.

II. THE LAWS ON THE PROPERTY RELATIONSHIPS OF MARITAL PARTNERS

In conformance with the provisions of the Basic Law on Marriage (Clauses 14 and 92, par. 2) all the people's republics have duly proceeded to pass their own laws on the Property Relationship of Marital Partners.* Being of a supplementary type and observing the fundamental principles laid down in the federal Basic Law on Marriage, these laws regulate all the issues bearing on the property relationships of spouses in connection with the marriages contracted both after the enforcement of that Law and before. For this reason the said laws form a whole with the provisions of the Basic Law on Marriage, which trace the fundamental principles for the regulation of property relationships between marital partners (Clauses 9—13). This is especially worth noting since the republican laws, although built on principles comprised in the Basic Law on Marriage, are not a repetition of the latter. The underlying presumption forming the point of departure of the Basic Law on Marriage as regards the settlement of property relationships between spouses is that each one of them remains the owner of property possessed by him when contracting marriage and retains the right to manage and dispose of it (Clause 9), while property earned by them during matrimony forms their joint property (Clause 10). In determining the share of each partner due consideration is

* These laws were published in the following sequence: PR of Serbia, "Official Gazette" No. 6 of February 18, 1950; PR of Croatia, "People's Gazette" No. 23 of May 23, 1950; PR of Slovenia, "Official Gazette" No. 20 of May 21, 1950; PR of Bosnia and Hercegovina, "Official Gazette" No. 32 of October 5, 1950; PR of Macedonia, "Official Gazette" No. 16 of June 19, 1950; PR of Montenegro, "Official Gazette" No. 21 of July 31, 1950.

NEW YUGOSLAV LAW

given "not only to their respective earnings but also to the assistance mutually extended by them, the conduct of household affairs, the care for and maintenance of property and any other aspects of work and cooperation in the management, maintenance and augmentation of their joint property."

All the republican laws in the main include separate sections on joint property earned during matrimony and on property relationships of marriages contracted prior to the enforcement of the Basic Law on Marriage. Some of the laws incorporate additional sections devoted to responsibility for liabilities and/or marriage articles between spouses. The individual laws comprise 18 to 19 clauses each.

The section dealing with joint property earned during matrimony lays down the principle that such property shall be managed and dispositions of it made jointly and in agreement by the spouses. The latter may reach an understanding for the management and disposal of their entire joint property or individual parts thereof to be exercised by one of them to any extent desired. At the same time provision is made for either spouse to be able to renounce such understanding at any time, and some of the laws explicitly preclude such renunciation from being effected at an inopportune moment.

The same section further includes the provision that spouses may not dispose of their share of the joint property nor burden it through legal business *inter vivos*.

It is similarly ruled that the spouses' title to immovables representing their joint property earned during marriage shall be entered in the realty register in the name of both spouses as their joint, non-separate property.

With reference to the division of joint property the laws provide that each spouse be credited with his share of it and that upon a spouse's request his share of the joint property be made to primarily include such items of it which serve for the discharge of his vocation. Subject to a spouse's request and provided the value of such items is not disproportionate to the total value of the joint property involved, provision is similarly made for the withdrawal from the aggregate subject to division and their conveyance to him over and above his share of such goods and chattels constituting joint property which serve for such spouse's own personal use exclusively. In lieu of factual division spouses may proceed to the fixing of their respective shares in the joint property and become co-owners of same.

Referring to the marital partners' responsibility for liabilities, and in agreement with Clause 11 of the Basic Law on Marriage, the laws make both spouses jointly responsible for liabilities assumed by one of them toward third persons for the purpose of meeting the current needs of the matrimonial union, as well as for the liabilities deriving for both spouses under general regulations, both their joint and individual property serving as collateral in such cases, and their individual property and respective shares of the joint property where their personal liabilities are involved.

The property relationships of spouses deriving from marriages contracted before the enforcement of the Basic Law on Marriage (May 9, 1946) are dealt with separately by the republican laws. The principle primarily observed in this connection is that the provisions of Clauses 9-12 of the Basic Law on Marriage (Clause 12 speaks of the marital partners being entitled to make among themselves any marriage articles which are not contrary to law) and the provisions of the mentioned laws themselves shall apply also to the property relationships of spouses who contracted marriage prior to the enforcement of the Basic Law on Marriage, as well as to property earned by them up to that time during matrimony provided the marriage was still subsisting on the respective date.

The laws further include a principled prescription whereby the articles which served to regulate the matrimonial property relationships before the enforcement of the Basic Law on Marriage shall remain in force unless they be contrary to the clauses of the Basic Law on Marriage or the aforesaid laws. Some of the laws proceed to elucidate the same principle by rendering void the marriage articles contrary to the stated regulations as from the enforcement of the Basic Law on Marriage and precluding the realization of the rights resulting from such articles (Clause 11 of the law of the People's

LEGISLATION AND COMMENTS

Republic of Serbia and the laws of the PR of Macedonia and PR of Montenegro respectively).

Highly significant are the provisions regulating the validity of marriage articles concerning dowry made before the enforcement of the Basic Law on Marriage. It is to be emphasised that the republican laws deal only with the question of articles on dowry concluded before the said laws took effect, and not those concluded after that date since the validity of such subsequent articles was left for appraisal on the strength of Clauses 9 and 12 of the Basic Law on Marriage. In keeping with the principle of equality of spouses, all the republican laws decree for property conveyed to the husband as dowry by the wife or other individual under former provisions to be considered as the wife's separate property, i. e. her own property, the return of which she may demand at any time from the husband. Pending such demand, however, the husband shall be considered authorised by the wife to manage such property.

Inasmuch as the dowry consisted of items entitling the husband to acquire a property right over them on the strength of previous regulations, he is bound to return the same whenever his wife may bid him to do so. But in the event of disruption of consortium, the sale of property securing the dowry and confiscation the husband is in any case bound to return the dowry to his wife. In addition to this, all the laws (with the exception of the PR of Slovenia one) prescribe the method of evaluation of the quantity of expendable goods the husband is bound to return to the wife against the dowry while the question of settlement of dowries which were conveyed in cash receives separate treatment. In this respect all the laws adopt the ruling that a dowry conveyed in expendable items or in cash be subject to deduction of a proportionate part of the expenses incurred in connection with the maintenance of the joint household and of the family, the raising and education of children, medical treatment or funerals of children or one of the spouses — in so far as such expenses could not be met by income from the spouses' property or their earnings.

It is necessary to note, however, that the individual republican laws endeavour to regulate in different ways certain detailed issues relating to articles on dowry and that they include somewhat varying formulations to that end.

The laws of the PR of Serbia, Bosnia and Hecegovina, Macedonia and Montenegro contain provisions whereby, in the case of Moslem marriages, the implementation of the obligation concerning the conveyance of "mehr" (the gift made by the bridegroom to the bride upon contracting marriage) may not be demanded and which exclude the restitution of a "mehr" once it was conveyed.

An outstanding feature of the law of the PR of Slovenia as compared with the other republican laws is that it covers special provisions regarding the validity of marriage articles on the community of property between living individuals or in the event of death made between spouses before May 9, 1946. Under these provisions such articles are mostly left valid, with the proviso that each spouse must receive out of the joint property at least the equivalent of his share in the joint property earned during matrimony which would be due to him even in the absence of articles providing for the community of property. Similarly foreseen are certain departures from such articles in the event of divorce or nullity of marriage.

PROVISIONS OF PARTICULAR LAWS CONCERNING THE FAMILY

THE LAW ON SOCIAL INSURANCE OF WORKERS, CIVIL SERVANTS AND
THEIR FAMILIES

(Articles 25--30)

The children of insured persons enjoy the following benefits: for clothing of a new-born child, for improved food of the mother and her child; a fixed grant for the third and every further child; permanent monthly allowance for each child.

NEW YUGOSLAV LAW

(The conditions for the acquisition and exercise of such rights are determined by the Law).

The government of the FRP of Yugoslavia is authorized to regulate the amount of aid and allowances for children and the manner of acquisition of such rights.

THE REGULATIONS ON MATERIAL AID TO THE CHILDREN OF WORKERS,
EMPLOYEES AND CIVIL SERVANTS OF DECEMBER 1, 1949

With the view to ensuring the special protection of the families of persons in employment, the state gives the following material aid to the children of workers, employees and civil servants through its social insurance system:

1. aid for clothing of new-born children;
2. aid for improved food of mothers and new-born children;
3. permanent cash allowance for children;
4. a fixed cash grant to families with more than two children.

The aid provided under 1, 2 and 4 belongs to an insured person who had been in uninterrupted employment for six months at least, or in an interrupted working relation for 18 months, while the permanent monthly allowance for children is given regardless of the period of work. In the case of more children being born at the same time such aids are granted to each child.

The aid for clothing of a new-born child is 2,000 dinars, payable in the last month of pregnancy.

The Council for Goods Circulation of the Government of the FPR of Yugoslavia enables insured persons through its commercial network to provide themselves with all textile and sanitary materials necessary for hygienic clothing and baby care during the first six months. The quantity and quality of this material is determined jointly by the Federal Ministry of Commerce and the Federal Ministry of Public Health.

Allowance for improved food for mothers and new-borns belongs to the wife if she is employed, as well as to the insured husband for his wife and any child born in marriage. This allowance is 600 dinars a month and is given: to the wife if she is employed — during her pregnancy leave (90 days) and three months after childbirth, and to the insured husband for his wife and child during three months after its birth.

The items and quantity of supplementary supply due to the children up to six months of age are determined by the Federal Ministry of Commerce in agreement with the Ministry of Public Health and the Ministry of Social Welfare. Such items (flour, sugar, meat, fat and textiles) are sold at lower unified prices apart from the general guaranteed supply. The right to this assistance ceases in the event of abortion or death of the child.

Permanent cash allowance for children belongs to the insured person for each child he maintains (a child born in marriage or outside of it, adopted child, grand-child, step-child and an alien child without parents) up to 17 years of age. Children at school enjoy this right until they finish regular schools or complete 24 years of age. Children incapable for work enjoy this allowance so long as their incapacity lasts. The permanent monthly allowance amounts to:

- for insured persons with 1 to 2 children — 175 dinars for each child;
- for insured persons with 3 to 5 children — 250 dinars for each child;
- for insured persons with 6 to 8 children — 350 dinars for each child;
- for insured persons with 9 or more children — 500 dinars for each child.

The permanent monthly allowance belongs to the insured person so long as he is employed, as well as after the cessation of employment if he is pensioned or enjoys any other material insurance owing to his incapacity for work or reduced capacity for work over 50%. This allowance is also paid to children enjoying the pension of their parents.

If the salary of an insured person is fixed as a permanent monthly award the allowance shall be paid for each calendar month in which he was employed. In other cases the allowance shall be paid if the worker had worked 25 days in a month, counting as working days all the days for which

LEGISLATION AND COMMENTS

he is entitled to be paid or to get material assistance from social insurance. Justified absence up to 7 days shall be counted as working days. In the case of an insured person being prevented from working 25 days during any month without any fault of his own, he is entitled to allowance regardless of the number of actual working days. If the insured person has changed employment during any month the working days shall be summed up and serve as a basis for securing his right to allowance.

The permanent cash allowance shall not be paid to a child with more than 1,000 dinars net monthly income from his employment, property or scholarship or a child kept in a state hostel or institution with full board free of charge.

If both spouses are employed the right to allowance for children may be determined in the following manner:

1. As a rule the right to allowance for children belongs to the husband.
2. The spouses may agree among themselves that the allowance shall belong to the wife.
3. Allowance for children who are not common may be claimed by each parent independently.
4. If the spouses live separately each of them enjoys allowance for the children he maintains.

When the spouses live separately allowance for children shall be paid to the spouse who keeps and maintains the children regardless of whether the other parent is under obligation to pay for the maintenance of such children.

A cash grant is made to an insured person with two or more living children for each new child born alive.

A grant of 3,000 dinars is paid to an insured person for his third child. This sum is increased by 1,000 dinars for each subsequent child so that it amounts to 10,000 dinars for any tenth child.

Adopted children are treated as own children.

This grant is paid to that parent who enjoys the permanent monthly allowance for the youngest child.

It is the duty of employers to keep records of disbursed allowances for children and preserve the documents proving such rights so long as they employ such persons.

The insured person is bound to give notice of any changes causing the loss or reduction of allowance or change in the person enjoying such rights. If he fails to do so within 15 days after their occurrence he shall compensate the state for any losses resulting therefrom. If such losses are due to the error of the employer he shall be responsible to the insurance organs, but he may indemnify himself from the beneficiary of erroneous payment.

THE LAW ON SOCIAL INSURANCE OF WORKERS, CIVIL SERVANTS AND THEIR FAMILIES

An insured pregnant woman is entitled to receive remuneration in the amount of her salary for 90 days if she has worked continually for six months or worked with interruptions for 18 months during the last two years before delivery.

If a pregnant woman has been transferred to a lighter job with lesser salary she is entitled to receive her former salary as remuneration.

A shorter term for the acquisition of rights to such remuneration may be prescribed for some professions.

If an insured person is ordered by the physician to look after a sick member of his family he is entitled to the same remuneration as if he were himself incapable for work because of disease.

THE REGULATIONS ON THE PROTECTION OF PREGNANT WOMEN AND INSURED NURSING MOTHERS

An employed pregnant woman is entitled to 90 days of leave for the purpose of delivery. The leave may start 45 days before delivery or at least 21 days before it. If the leave did not start 45 days before delivery by doctor's

NEW YUGOSLAV LAW

permission it shall be extended for so many days after delivery. The same applies in the event of premature childbirth. When babies are stillborn or die before being 45 days old, the leave shall last 45 days after delivery regardless of when it was started.

An insured woman is entitled to her regular salary and permanent allowance during her pregnancy leave if she has continually worked for six months or worked with interruptions for 18 months. She will receive the salary she has had in the last calendar month before her leave. If such woman has been transferred to another job with lesser salary she will receive her former higher salary during the leave.

Such a woman may use her annual leave, if she is entitled to it, immediately after the lapse of her pregnancy leave.

An insured woman nursing her child is entitled to interrupting her work every three hours. The period of interruption lasts half an hour as a rule if the child is in the nursery of her enterprise. If the child lives at home the length of interruption shall be determined by the chief of her service according to the distance of her home from the office and transport facilities, so that half an hour at least shall be allowed for nursing the child. The whole interruption may not last more than two hours. The right to interrupting work for the purpose of nursing a baby lasts six months, and may be extended for another two months upon medical advice. If the mother does not use the nursery existing in the enterprise although there are normal possibilities for doing so (in view of the state of health of her child and distance from her home) she will be credited with half an hour's work for each interruption regardless of the duration of interruption.

If owing to the distance from home or nature of transport such interruption lasts more than two hours or the total work time is less than 4 hours, mothers may have a shortened work time of 4 hours a day instead of interruptions. In exceptional cases and on the basis of advice of the trade union organization the competent chief may allow shortened work time to a mother capable of interrupting her work. During the period of shortened work time mothers enjoy, apart from their salary for effective work, an allowance of 50% of the salary for the time not spent in work. Mothers retain all the other rights based on or conditioned by their work.

The shortened work time of 4 hours may be granted to mothers until their children complete 3 years of age under the condition that there is no other person in the household to attend to the child. In that case mothers enjoy a salary for effective work.

Mothers of children under 3 years of age are entitled to paid leave of 15 days in case of acute disease of children if their nursing is indispensable in doctor's opinion.¹⁾ Nursing mothers and mothers with children under 3 years of age may be allowed to work normally in two shifts.

Women after the fourth month of pregnancy and mothers nursing their children are forbidden overtime and night work for 8 months, or 12 months if so advised by the doctor.

Women after six months of pregnancy (or even before that time if so advised by the doctor) and mothers nursing their children within the period of 8 months may not be sent to work temporarily away from the place of their permanent employment.

The competent chief or any other responsible person preventing a pregnant woman, a mother with a new born child or a nursing mother in the exercise of their rights provided by this Regulation, or acting against the provisions protecting the mother, reducing or extending the rights without authorization shall be fined from 500 to 25,000 dinars.

Any woman acquiring by fraud the rights not due to her shall be fined 500 to 10,000 dinars.

¹⁾ Article 16 of the Law on social insurance extended this right to all members of the family regardless of age.

LEGISLATION AND COMMENTS

DECREE ON THE ORGANIZATION AND WORK OF THE COUNCIL FOR THE
PROTECTION OF MOTHERS AND CHILDREN

A Council for the Protection of Mothers and Children is attached to the Committee for Social Welfare of the Government of the FPR of Yugoslavia. The task of the Council is to study the problems relating to the protection of mothers and children and recommend concerted measures for their solution and for coordination of activities of state organs and social organizations in that sphere.

The organization and work of the Council is regulated by separate Rules of the Committee for Social Welfare of the Government of the FPR of Yugoslavia.

The Council cooperates in the formulation of all provisions relating to the protection of mothers and children; studies various organizational questions and organizes in concert with the state organs and social organizations various drives in aid of mothers and children.

The Council may form commissions for the study of various questions and separate committees for carrying out particular actions. The Council may conduct inquiries through various ministries and social organizations.

The Council has a separate estimate of revenues and expenditures within the budget of the Committee for Social Welfare of the Government of the FPR of Yugoslavia.

SUMMARY OF CONTENTS OF JURIDICAL PUBLICATIONS

ARHIV ZA PRAVNE I DRUŠTVENE NAUKE (The Archive for Juridical and Social Science), № 1, 1951, Beograd.

A Summary of the Draft Criminal Law (Frane Frol); The New Criminal Law (Dr. Vladimir Bakarić); Points on Criminal Law (Dr. Josip Hrnčević); The Protection of Citizens' Rights at Criminal Law (Dr. Makso Šnuderl); The Concept of Criminal Offence (Nikola Srzentić); The Problem of Guilt (Dr. Stanko Frank); The Criminal-Juridical Position of Minors at Criminal Law (Dr. Vladimir Kalember); Points on Accessories in the New Criminal Law (Dr. Bogdan Zlatarić); Two Sessions of the FPRY National Assembly; The Debate on the Criminal Law Bill in the FPRY National Assembly; Retort to Professor Rastočan's Review of "Material Law" by Andrija Gams; Notes and Bibliography.

NAŠA ZAKONITOST (Our Justice). A review of juridical research. Zagreb, № 5-6 for 1950.

The Self-determination of People and the Valid Constitutions of East European States (Nikola Perenčević); Points on the Application of Clauses 261 and 280 of the Law on Criminal Procedure (Dr. Dragutin Pavić); Procedural Guarantees as a Reflection of Democracy (Tomislav Marković); The Public Prosecutor's Participation in Administrative Procedure (Branko Marsić); Mandatory Procedure and the Reopening of Proceedings Before the State Arbitration (Ivan Bukljaš); Highlights of the New Law on the Election of People's Deputies to the Assembly of the People's Republic of Croatia (Dr. Božidar Firšt); Notes; The Activities of the Zagreb Branch of the Jurists' Association of the People's Republic of Croatia; Court Practice: From the P. R. of Croatia Jurists' Association.

NAŠA ZAKONITOST (Our Justice), № 1 for 1951.

On the New Criminal Law (Dr. Vladimir Bakarić); Notes on Clause 1 of the New Criminal Law (Josip Brnčić); The Principle of Lawfulness in the New Criminal Law (Dr. Jerko Radmilović); On the Introductory Law to the Criminal Law (Dr. Božidar Kraus); The Unity of Authority (Nikola Perenčević); On Causes for Divorce (Dr. Zlatko Križanić); Observations on the State's Civil Suits (Dr. Nikola Baćušić); Rebuttal of Notice and Staying of Action in Administrative-Criminal Proceedings (Branko Marsić); Court Practice; From the P. R. of Croatia Jurists' Association.

LJUDSKI PRAVNIK (The People's Jurist), Organ of the Society of Jurists of the People's Republic of Slovenia, № 1 for 1951, Ljubljana.

The Socialist State and the Citizens' Councils (Dr. Jože Globevnik); On the Immunity Rights of People's Committeemen (Mirko Hočevar); Some Archive Issues Analysed (France Škerl).

LJUDSKI PRAVNIK (The People's Jurist), № 2 for 1951.

The Five Years of the FPR Yugoslav Constitution (Dr. Hedi Modić); Points About Attempted Accompliceship (Franc Sever); Graduated Lawyers in the People's Republic of Slovenia (Vladimir Banać).

NARODNA DRŽAVA (The People's State), Monthly review devoted to State Administration and Economy. Responsible Editor: Dr. Leon Geršković. № 1 for 1951, Beograd.

The Abolishment of the State Control Commission; Some Characteristics of the 1951 Plan (Dr. Jaša Davičo); The Potentialities of our Institutes for the Promotion of Production (Krešimir Brant); The Utilisation of Accounts for the Correct Management and Control of Economic Enterprises' Business (Božidar Race); Our new Legislation; Bibliography.

NEW YUGOSLAV LAW

EKONOMIST (The Economist), Organ of the Society of Economists of the People's Republic of Serbia. № 1 for 1951. Beograd.

The Economist's 4th Anniversary; Comrade Kidrič's thesis on the Economic Transitional Period (Radivoj Davidović); Contemporary Economic Science in the Soviet Union (Dr. Radivoj Uvalić); Attempt at Systematization of Subject Matter Embraced by the Organization of Socialist Enterprises (Dr. Jaša Davičo); Some Problems of State Capitalism (Mirko Perović); The Basic Lines of Keynes' Economic Theory (Radoš Stamenković) A Contribution to the Question of Amortization of Basic Assets (Branko Kraljić); Economic Survey; Reviews and Comments; Economic Chronicle of the People's Republic of Yugoslavia); Bibliography.

MEDJUNARODNI PROBLEMI (International Problems). № 1 for 1951. Beograd.

The Contradictions of the Transitional, Dying Capitalism (Milan Gavrić); The Problem of Decentralization of West German Economy After World War II (Dr. Svetozar Polić); The Policy of Sustained Farming Produce Prices in USA (Vladislav Milenković); Book Review; Diary of the Institute's Activities.

FINANSIJE (FINANCE), № 1—2, 1951, Beograd.

The FPRY Finance Minister's Statement on the Proposed 1951 Budget; Our Basic Tasks This Year; The Goods and Payments Balance, the New Trading System and Consumer Goods Prices (Milan Mihailović); International Financial Institutions (Dragoslav Avramović); Customs Duty of Yore and Today (Cvetko Kostić); Proposals and Opinions; Historical Material; Our Practice; Economic-Financial Review; Books and Periodicals; Notes.

CONTENTS

EDITORIAL NOTE	1
I NOTES ON THE LAWS OF FAMILY LEGISLATION	
1. The Basic Marriage Law	4
2. The Basic Law on the Relationships Between Parents and Children	10
3. Notes on the Guardianship and Adoption Law	15
II LEGISLATION AND COMMENTS	
1. The Basic Law on Marriage	22
2. The Basic Law on Relationships Between Parents and Children	26
3. The Basic Law on Guardianship	28
4. The Law on Adoption	31
5. The Law on the Exercise of Guardianship of the PR of Serbia	32
6. Republican Laws on the Validation of Heretofore Unrecognised Marriages and on the Property Relationships of Marital Partners	37
7. Provisions of particular laws concerning the family	41
III SUMMARY OF CONTENTS OF JURIDICAL PUBLICATIONS	46

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