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THE PLACE OF SHARIA INHERITANCE LAW IN THE LIFE OF BOSNIAN MUSLIMS IN THE PAST AND PRESENT

Abstract

The main objective of the present paper is to point to the distinctiveness of the tolerant Bosnian legal climate in which for centuries different legal solutions originating from different legal systems have been provided. Thus, in Bosnia and Herzegovina one might encounter equal private law institutes relying simultaneously on Roman-Germanic legal solutions as well as on the solutions inherent to the Sharia legal system. With respect to such a tolerant society from the legal point of view, the focus of our study is to analyze the legal status of Muslims in Bosnia and Herzegovina in terms of succession from the Ottoman occupation of medieval Bosnia up to the present days. With regard to the fact that each religious community applies and promotes universal values, Muslims as members of the Islamic community have lived their lives for centuries in accordance with the religious worldviews and universal Islamic values. However, many legislators have shown completely different attitude toward this fact. While some have fully respected the principle of personal validity of norms, the others have totally suppressed every particularity and diversity in the regulation of not only legal relations in respect of succession but of all other social relations and phenomena.

Keywords: Inheritance Law, Sharia, legal systems, country