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SUBJECTS OF GUARDIANSHIP OF A MINOR'S PROPERTY IN SHARIA
LAW AND FAMILY LAW OF THE FEDERATION OF BOSNIA AND
HERZEGOVINA

Abstract

The research examines the subjects of guardianship of a minor's property in the Sharia Law and the Family Law of the Federation of Bosnia and Herzegovina. The main purpose of the study is to determine the extent to which the normative solutions regarding the subjects of guardianship of a minor are convergent or divergent in the two legal systems. After the term guardianship is defined and its role is discussed, we proceed with a thorough analysis of the subjects of guardianship: a ward, the Guardianship Authority and a guardian. The special attention is given to the analysis of the conditions and criteria for performing duties of a guardian. The question whether being a guardian is voluntarily based or it is a legal duty is treated carefully. In the process of research and writing up the current paper the following methods were used: an analytical-synthetic method and a comparative method. We have reached the conclusion that the two legal systems are compatible with regard to the conceptual definition and theoretical explanation of the purpose of guardianship as well as in with regard to the standardization of work capacity, the ability to perform duties of a guardian and ethical standards being a prerequisite for a guardian. The differences appear in relation to the scope of a guardian's protection, the concept of the Guardianship Authority, the inclusion of religious criteria in or its exclusion from the requirements for a guardian, and the way in which a guardian of the property is determined.

Keywords: subjects of guardianship, guardian, ward, Guardianship Authority, Sharia law, Family Law of the Federation of B&H