CIVITAS, 2023, 13(2), 209-223
www.civitas.rs

Davor Milardović[1]

UDC 347.67(4)
Original Research Article
Received: 25/02/2023
Accepted: 15/09/2023

EXCEPTIONS IN THE CONTEXT OF TESTAMENTARY SUCCESSION

Abstract: Putting a date on a holographic will brings numerous advantages. This paper studies the various legal consequences the absence of the date and incorrect dating entail, as well as the ways of dating a holographic will in numerous European legal systems. Special attention is given to the dating of the last will in the Republic of Austria, the Federal Republic of Germany, and the Swiss Confederation. The importance of the date for its legal validity is indicated in this paper, in terms of an international will. This paper gives a clear position regarding the theoretical dilemmas that accompany the dating of an international will. A topic neglected by legal science, i.e., the topic of testamentary succession as an exception in legal practice is also presented in this paper. Possible causes of this legal phenomenon are pointed out both in terms of regular private wills and in terms of regular public wills.

Keywords: *holographic will, international will, dating a last will, civil law of Europe, last will as an exception in legal practice.*

1. Introduction

According to the applicable regulations in the Federation of Bosnia and Herzegovina, a holographic will does not have to have a date. According to Art. 66 para. 2 of the Law on Inheritance in the Federation of Bosnia and Herzegovina (2014) (hereafter: FB&H inheritance law),

[1] Doctor of Juridical Science, dmilardovic5@gmail.com

"for the validity of a personal will, it is not necessary that it indicates the date when it was drafted, but it is recommended that the date be indicated". According to the applicable inheritance right in Republika Srpska, i.e., according to Art. 68 para. 2 of the Law on Inheritance of Republika Srpska (2009), specifying the date of a holographic will is legally mandatory. In this context, the holographic will of the FB&H inheritance law is an exception. This paper analyzes the types of wills standardized by the legal regulations of Bosnia and Herzegovina, i.e., its entities. Contrary to private wills, there is another exception when it comes to public wills and their dating. An international will, according to Art. 82 of the FB&H inheritance law is the only will whose legal validity is conditioned by whether or not the date is specified. Taking the above into account, it is important to study the legal consequences of not specifying the date of the wills mentioned (the legal consequences of such an act are universal, and they apply to every legal system where provisions on wills include holographic and international wills). Otherwise, the difference between traditional and exceptional circumstances is the main division within the types of wills, in addition to private and public wills, as well as written and oral wills (Blagojević, 1983, p. 254). Private wills are wills made by the testator themselves, without the presence of public authorities or bodies who act as public authorities (Vedriš & Klarić, 2006, p. 737–738). Public wills are made with the participation of public authorities and persons who act as public authorities (Bikić & Suljević, 2014, p. 130).

However, when it comes to exceptions within testamentary succession, it is crucial to mention the last will as an exception in legal practice, i.e., the most uncommonly used (but usually the strongest) legal basis of inheritance. The phenomenon of testamentary succession as an exception in legal practice will be observed in the context of the region, given that it is equally present in Bosnia and Herzegovina, the Republic of Serbia, and the Republic of Croatia. It is interesting to point out that provisions of the FB&H inheritance law, in addition to testamentary and legal succession, allow for a third legal basis of inheritance, i.e., a succession agreement between married or cohabiting partners, which has priority over testamentary and legal succession (Art. 5 para. 3 and Art. 125-132, FB&H inheritance law). However, the laws of Republika

Srpska, the Republic of Serbia, and the Republic of Croatia, retain the traditional division into two legal bases of inheritance (Art. 5, para. 2 of the Republic of Serbia's Law on Inheritance (1995) (hereafter: RS inheritance law) and Art. 4 para. 3 of the Republic of Croatia's Law on Inheritance (2003)).

2. The Date of a Holographic Will

As stated, according to FB&H inheritance law, a holographic will can be legally drafted without specifying the date. Specifying the date is preferable, but not necessary. Observed throughout history, it is a resolution that was adopted from the Socialist Federal Republic of Yugoslavia's Federal Law on Inheritance (1955). This law mostly referenced the Swiss inheritance law (primarily the substantive law part), which meant going back to the continental-European legal circle, with a noticeable impact of the newly adopted socialist principles (Gavella et al., 2005, p. 90–92), but such a resolution has roots tracing back to Austrian law (Antić & Balinovac, 1996, p. 323).

If the date of the will is incorrectly stated, the document will not be invalid, but under the condition that the untruthfulness of the date does not indicate any reasons for legal invalidity, such as the lack of sound mind and memory would (Kreč & Pavić, 1964, p. 204). Furthermore, not specifying the date at the end of a written will, but rather in the text of the will itself, does not impair the legal validity of the will (Judgment of the Supreme Court of the Republic of Croatia, Rev-724/00-2, September 25th, 2003). Still, it is necessary to point out that failure to specify the date of a holographic will may have an impact on its legal validity.

2.1. The Impact of Not Specifying the Date of the Last Will on Its Legal Validity

Indicating the date of a holographic will brings great benefits if there are several wills in question. Thus, it is simple to determine which will is more recent, and therefore valid, in case of conflicting content (Kreč & Pavić, 1964, p. 204). Whether they are all holographic or only some, in the case of several wills, the lack of the date makes it difficult to apply

the rule that states that the more recent will cancels the validity of an earlier version in all cases of conflicting content. Most contemporary inheritance rights are based on the fact that the very fact of drafting a new will revokes the previous will to the extent to which they are mutually contradictory (Vaquer, 2003, p. 787). The possibility of a legally valid revocation of a previously drafted will is important for every testator. After drafting a will, life circumstances can change to an extent, so that the created will no longer suits its creator, in a way where they may want to dispose of their property in a different way *mortis causa*. Aware of the fact that the testator should not be legally bound by the will, the legislator foresees the possibility of its revocation (Kaladic, 2014, p. 7–8). In addition, considering that this will has no witnesses during its drafting, the absence of a date complicates the procedure of proving the existence of the testator's testamentary capacity. In the FB&H inheritance law, testamentary capacity is acquired from the age of 15, under the condition of sound mind and memory (Art. 62 para. 1, FB&H inheritance law and Art. 64 para. 1, RS inheritance law). In certain cases, it will be difficult to determine the testator's age, as well as the existence of sound mind and memory at the time of drafting the will. Stating the date in a holographic will also sets a visible boundary between the first draft of the will and the last will of the testator, as a final and valid act (Antić & Balinovac, 1996, p. 323).

Also, attention must be drawn to the judicial practice (Judgment of the Supreme Court of the Republic of Serbia, Rev-704/84), which clearly indicates that stating the date on a holographic will is of great importance at times when there are several wills that contain conflicting content, and especially when it comes to the testator's loss of testamentary capacity. It should be emphasized that the lack of date does not represent a violation that invalidates the will (Todorović & Kulić, 2004, p. 127). The legal doctrine warns about legal certainty, indicating that it is one of the key principles on which any legal system is based. Failure to prescribe the obligation to specify the date can lead to the execution of wills that are otherwise void (Ćeranić, 2010, p. 49). According to Ćeranić (2010), certain legal practitioners give arguments for the *contra* obligation of specifying the date of drafting the will, i.e., they claim that specifying the date would make a number of void wills appear (p. 49).

3. The Date of Holographic Wills in European Law

The inheritance law of the Republic of Italy *Art.* 602 *Codice Civile*), the Republic of France (Art. 970 *Code Civil des Français*), the Kingdom of Spain (Art. 688 *Código Civil Español*), and the Kingdom of Belgium (Art. 970 *Code Civil Belge*) prescribe that it is necessary to indicate the date of the holographic will, for the sake of its legal validity. Italian and Spanish law clearly require that the date of the will must be in the day, month, and year format. Documentation of all relevant elements is obligatory in both the Republic of France and the Kingdom of Belgium (Trninić, Vidić, 2016, p. 1265–1267). However, interesting examples occur in the Republic of France and the Republic of Italy. The French law allows for a holographic will to be dated with precise statements that enable the identification of the year, month, and day of drafting the will, such as "On Christmas Day, 2023." (Babić, 1996, p. 204), while the Italian law recognizes dates written partially by hand as legally valid, e.g., the year written by a computer and a printer, and the day and month of the will written by hand (Kašćelan, 2010, p. 148).

3.1. The Date of Wills in the Inheritance Law of the Republic of Austria, the Federal Republic of Germany, and the Swiss Confederation

Special attention must be paid to countries whose legal tradition, throughout history, is mostly followed by Bosnia and Herzegovina, but also other countries in the region. Thus, the inheritance law of the Republic of Austria prescribes that specifying the date of a holographic will is not necessary, but it is recommended (Lange & Kuchinke, 2001, p. 373, and § 578, *Allgemeines bürgerliches Gesetzbuch für die gesammten deutschen Erbländer der Oesterreichischen Monarchie* (hereafter: ABGB)). Therefore, this is a regulation that is incorporated in the FB&H inheritance law in an almost identical way. The ABGB indicates the importance of the form for the legal validity of the will, prescribing that if the prescribed form is not fulfilled at the time of drafting, the will is void (§ 601, ABGB). According to the inheritance law of the Federal Republic of Germany, the date of the will should be in the day, month, and year

format. Failure to specify the date leads to doubts about the legal validity of the will, and as such information cannot be determined in another way, the will is void (§ 2247, *Bürgerliches Gesetzbuch* (hereafter: BGB)). The BGB also prescribes that a legal matter that does not have a legally prescribed form is void (§ 125, BGB). Only a formally legally valid will can produce legal effects (Frank, 2000, p. 58). Form requirements are not expressed to such an extent in any legal matter, as in the case of a last will. Among the reasons why wills require the strictest form, the most important one relates to the fact that the form prescribed by law reminds the testator of the seriousness of the work he undertakes, and forces him to think carefully before drafting the will. Thanks to the strict conditions of the prescribed form, the true intention of the testator can be reliably determined as he is no longer alive (Svorcan, 2009, p. 39). This is how the German legislator ensures that one of the key characteristics of the last will's legal nature is respected.

In accordance with the Swiss Confederation law, the date of a holographic will must be in the year, month, and day format. If the invalidity of a holographic will lies in the fact that the year, month, or day is not stated, or is stated incorrectly, the will can be declared void only if the necessary information regarding the time cannot be determined in another way, as the date is necessary for the assessment of testamentary capacity, determining the sequence in the case of numerous disposals, and any other issue related to the validity of the disposal (Art. 505, 520a *Schweizerisches Zivilgesetzbuch* (hereafter: ZGB)). In respect to the form as a condition for the legal validity of the will, the ZGB stipulates that if the disposition in the event of death contains a formal defect, it will be declared void after filing a lawsuit (*Art*). 520 *Abs*. 1 ZGB).

3.2. Historical Review

Concerning the origin of certain wills in the ABGB, special attention is paid to the holographic will in the legal literature of comparative law. Namely, it is stated that the holographic will originated from the Vienna City Code (1526). Historically, in the Republic of Austria, the form of the will regulations were amended five times in the period from the 19th to the 20th century (Zimmermann, 2012, p. 479, p. 499).

Most of BGB inheritance laws are contained in book number 5 (Brox, 2004, p. 17). Modern German inheritance law has its origins in Roman, but also in Germanic inheritance law (Du Toit, 2000, p. 380), but the last will in the BGB is predominantly Roman. When it comes to more recent history, the French law through which the holographic will entered the BGB (Binder, 1923, p. 9) should be emphasized. The holographic will was established in the Federal Republic of Germany in the 19th century, primarily in the southwest, which was significantly influenced by French law. This will can also be found in ordinances from the 17th and 18th centuries, from which it was transferred to the French Civil Code (Zimmermann, 2012, p. 479, p. 494). At the time of the adoption of the BGB, the focus was on legal certainty, which made public will an acceptable will. German legal doctrine points out that the legislator tries to improve the public will. Simultaneously, it is emphasized that as a private will, a holographic will contains advantages for each testator. The testator can write, change, and revoke it at any time and in any place, which saves him from various expenses (Lange & Kuchinke, 2001). It is also stated that a holographic will has slightly greater opportunities for forgery (there is also a risk that the will may disappear or get lost), however, the legislator consciously accepts such a risk, due to the greatest possible freedom in respect to drafting a will (Frank, 2000, p. 59), while there can hardly be any doubt about the authenticity of the will drafted by a notary. Meanwhile, the Law on Notary Certification from 1969. (*Beurkundungsgesetz*) the drafting of a public will is excluded from court jurisdiction (Brox, 2004, p. 17, p. 66).

The parallel legal doctrine asserts that Swiss law follows the BGB in terms of standardizing will forms (Lange & Kuchinke, 2001, p. 330–331). When it comes to the holographic will and its historical review, it is asserted that it is rooted into the ZGB, even though, in terms of standardization of holographic wills, only a relatively small number of 19th century cantonal laws referenced the laws of countries whose legal systems were already executing this type of will, such as the Republic of Austria or the Republic France (Zimmermann, 2012, p. 480). 480).

4. Acceptance of the International Will and Its Legal Significance

The international will is also referred to as *testamentum internationale* in legal literature (Todorović & Kulić, 2004, p. 153). The issue of the global distribution of international wills is an interesting issue that appears in domestic jurisprudence and about which there is no unified position. From the data obtained from comparative law and international sources, it can be concluded that the international will is not particularly widespread globally. When individual member states of the European Union are taken into account, it is evident that this type of will is present only in the legislation of the Republic of Italy, the Republic of France, the Kingdom of Belgium, and the Republic of Portugal (Zimmermann, 2012, p. 488). UNIDROIT's data (2021) point to the limited extent of international wills.

After all actions related to the drafting of the will have been completed, to remove any doubts about the legal validity of an international will, i.e., to facilitate the determination of its existence and the fulfillment of the required conditions, the relevant law prescribes the issuance of a special certificate by an authorized person, which confirms that the obligations prescribed for the legal validity of the will have been fulfilled. According to Art. 90 of the FB&H inheritance law, an authorized person must provide a certificate to the international will, in accordance with the provisions of Art. 91 of the FB&H inheritance law, which establishes that the obligations prescribed by law have been fulfilled. The content of the certificate is prescribed in the FB&H inheritance law. The law in question also contains the form of this certificate (Art. 91, FB&H inheritance law), in order to facilitate proving the existence of a will (Blagojević, 1983, p. 297). Such a certificate has the character of a statement made by an authorized person, that all legal conditions for drafting a legally valid will have been fulfilled (Đorđević & Svorcan, 1997, p. 229–230). Its legal importance lies in the fact that it represents a public document that facilitates proving the existence and the formal legal validity of a will, in the event of a dispute (Đurđević, 2012, p. 145). Therefore, this certificate assumes only the validity of the form, but not the existence of other assumptions concerning the validity of the drafted will (Gavella, 1986, p. 170). In accordance with the law, an authorized person keeps one copy of the certificate and hands the other to the testator. Unless proven differently, the authorized person's certificate is deemed

sufficient proof of the document's formal legal validity as an international will, in accordance with the Federal Law of FB&H (Art. 92–93, FB&H inheritance law). An interested party can dispute the accuracy of some or even all of the elements contained in the certificate, especially if the statements in the certificate do not agree with the statements in the drafted will (Blagojević, 1983, p. 298). Therefore, the significance of the certificate is limited. Its existence creates a presumption that the will was drafted in accordance with the rules for drafting an international will, but such a presumption can be rebutted by an interested party (Svorcan, 2009, p. 64). Nevertheless, the absence or irregularity of the certificate is not principal for the formal legal validity of an international will that was drafted in accordance with the applicable law (Art. 94, FB&H inheritance law). An authorized person's failure to issue a certificate of the will's formal legal validity to the testator, or stating incorrect information in the certificate, cannot lead to the invalidity of the will (Antić & Balinovac, 1996, p. 351). Additionally, it is important and interesting to point out that the certificate cannot supplement the formal defects of the will in question (Marković, 1980, p. 124).

4.1. The Date of an International Will — *conditio sine qua non*

Unlike other will forms, the date is an obligatory element for an international will to be considered legally valid. The essential condition is that the will must be dated by an authorized person (Blagojević, 1983). In FB&H inheritance law, the international will is the only type of will that must have a specified date. In the case of multiple wills, the date indicates which one is final, i.e., the last will of the testator, as well as their testamentary capacity (Antić & Balinovac, 1996, p. 348). An incorrect date also leads to declaring the will void (Stojanović, 2011, p. 222). The date is a constitutive element of an international will, and without it, the will cannot be legally valid (Svorcan, 2009, p. 63). The annulment of the will, due to a deficiency in form, after the inheritance proceeding has commenced, can only be requested by a person who has legal interest, within one year from learning about the will, and at the latest, within ten years from the execution of the will (Art. 65 FB&H, inheritance law and Art. 67, RS inheritance law).

4.2. The Date and Theoretical Dilemmas

Primarily, it is imperative to point out and analyze the theoretical perspective regarding the date of an international will. According to Marković (1980, p. 122), specifying the date on an international will is not necessary, and its absence cannot lead to the legal invalidity of the will if the authorized person specified the date on the certificate attached to the will. It is of great importance to emphasize that this perspective should be categorically rejected. As previously mentioned, in accordance with the FB&H inheritance law, the absence or irregularity of the certificate does not affect the formal legal validity of an international will, which is not the case with the date of the will.

5. Testamentary Succession as an Exception in Legal Practice

In modern times, a will represents a kind of exception, not a rule (Skubic, Žnidaršič, 2017, p. 120). Given that wills are used rarely, the legal doctrine emphasizes that legal succession is basic and most common, hence it constitutes a rule in praxis (Antić, 2014, p. 85, p. 224). If the judicial practice is analyzed, it is easy to conclude that in most cases, the inheritance is distributed according to the rules of legal succession and not according to the will (Svorcan, 2009, p. 95).

The testamentary succession phenomenon, as an exception in legal practice, is symptomatic not only for Bosnia and Herzegovina, but also for the entire region. Therefore, it is interesting that when legal writers talk about how legal succession is more common than the will, they never state the reasons why. As mentioned, these writers sometimes reference the judicial practice, but more often than not no additional explanation of the phenomenon is provided.

5.1. Reasons for the Rarity of Private Wills

Although the existence of the will as a legal concept and the possibility of drafting a will are well-known facts, the reasons for its rarity in legal practice should first be sought in the mentality of individuals. Thus, the average person, who is often not a lawyer by profession, will not dare to

draft a will because of the fear that it will be void. In other words, the person fears that they will not perform the procedure properly, which points to an issue of self-confidence. Further research of the psychology of an individual shows that by drafting a will, the individual reconciles with the fact of his transience. Perhaps facing such a fact is the reason that partially prevents an individual from drafting a will, leaving the distribution of his inheritance to the court. Therefore, the reasons that lie in an individual's mental structure very likely often lead to the non-use of private wills.

5.2. Reasons for the Rarity of Public Wills

When it comes to the rare use of public wills in legal practice, one should primarily point out the reasons of a financial nature. The drafting of any public will, judicial or notarial, represents an additional expense that citizens are often not prepared for in a time of increasingly widespread poverty. For example, a notary in The Federation of Bosnia and Herzegovina is obliged to calculate a reward in the amount of 120 BAM (convertible mark, approx. €62), according to tariff number 10 of the Tariff on Rewards and Charges of Notaries (2021), for the notarial processing of a will (or a legally valid succession agreement between married or cohabiting partners). Therefore, reasons of a financial nature represent a possible cause that leads to the rare use of public wills. Taking into account the value of the average pension in Bosnia and Herzegovina and its neighboring countries, it can be concluded that e.g., the testator who is advanced in age should set aside a significant percentage of their monthly pension for the preparation of any legal work. This example confirms that wills are an expense that citizens are often not ready or able to bear.

6. Conclusion

Specifying the date of drafting a holographic will is useful in many ways. Firstly, if there are numerous wills, it is easy to determine which of them is valid, if the wills are mutually contradictory. An even more significant fact is that the specified date enables proving the existence

of testamentary capacity, the existence of sound mind and memory, but also determining the age of the testator at the time of drafting the will. Norming of a holographic will that does not specify the date of drafting as an obligatory element of the said will form, can be classified as defective norming. Any argument for not specifying the date of a holographic will that originates from legal doctrine or the legal profession is a scientifically unfounded argument. From the point of view of comparative law, it is noticeable how several legal systems of European civil law standardize the date as an obligatory element of the holographic will form. While studying the countries whose legal tradition references its region, attention should first be drawn to the German and Swiss legislators' method of standardizing the date of the holographic will. This method concerns standardizing the date in a way that provides an enviable degree of legal certainty, which can easily be incorporated into domestic legislation. When it comes to the date of a holographic will, the resolutions contained in the ZGB are more than worthy of attention, especially when it comes to the obligation of specifying the day, month, and year of drafting the will, i.e., the full date and not the abbreviated form e.g., specifying only the year of drafting. To establish legally relevant facts, such as testamentary capacity, the full date of drafting the will is often crucial.

Specifying the date solely on the certificate attached to the international will does not make the will legally valid in terms of form. Thus, if the date is stated on the certificate, but not on the will, and the certificate has disappeared for any reason, the will remains legally valid without the certificate. Despite that, the will cannot remain legally valid without the date specified in the certificate, because the date is a constitutive element of an international will.

When it comes to testamentary succession as an exception in legal practice, legal science must try to find an explanation regarding the cause of that phenomenon, as this topic is usually reduced to the ambiguous phrase "the will is reduced to the level of an exception" in legal literature. The possible causes of such a phenomenon, which is referred to in this paper, clearly show that the action of legal science alone will not be enough to explain and overcome it, and that it is necessary to include other disciplines that belong to social sciences,

as in psychology, sociology, etc. The state and the legislator have the obligation to improve the situation and bring back one of the most important concepts of inheritance law from the margins, primarily by calling attention to testamentary succession through means of public information, specialized websites, alleviating the costs of drafting public wills, and in various other, adequate ways.

References

Allgemeines bürgerliches Gesetzbuch für die gesammten deutschen Erbländer der Oesterreichischen Monarchie. Accessed 28th January 2023 https://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10001622/ABGB%2c%20Fassung%20vom%2009.09.2021.pdf

Antić, O., & Balinovac, Z. (1996). *Komentar Zakona o nasleđivanju*. Beograd: Nomos.

Antić, O. (2014). *Nasledno pravo*. Beograd: Pravni fakultet Univerziteta u Beogradu.

Babić, I. (1996). Svojeručni testament u francuskom pravu. *Strani pravni život*, *40*, 204.

Beurkundungsgesetz. Accessed 29th January 2023 https://www.gesetze-im-internet.de/beurkg/BeurkG.pdf

Bikić, E., & Suljević, S. (2014). *Nasljedno pravo*. Zenica: Planjax Group.

Binder, J. (1923). *Bürgerliches Recht, Erbrecht*. Berlin, Heidelberg: Springer-Verlag GmbH.

Blagojević, B. (1983). *Nasledno pravo u Jugoslaviji: prava republika i pokrajina*. Beograd: Savremena administracija.

Brox, H. (2004). *Erbrecht*. Köln: Carl Heymanns Verlag.

Bürgerliches Gesetzbuch. Accessed 28th January 2023 https://www.gesetze-im-internet.de/bgb/BGB.pdf

Code Civil Belge. Accessed 26th January 2023 http://www.droitbelge.be/codes.asp#civ

Code Civil des Français. Accessed 28th January 2023 https://www.fd.ulisboa.pt/wp-content/uploads/2014/12/Codigo-Civil-Frances-French-Civil-Code-english-version.pdf

Codice Civile. Accessed 26th January 2023 https://www.ricercagiuridica.com/codici/vis.php?num=9071

Código Civil Español. Accessed 26th January 2023 https://www.icj.org/wp-content/uploads/2013/05/Spain-Spanish-Civil-Code-2012-eng.pdf

Ćeranić, D. (2010). Svojeručni testament. U: Alijević, M. (ured.). *Anali Pravnog fakulteta Univerziteta u Zenici* (str. 49). Zenica: Pravni fakultet Univerziteta u Zenici.

Du Toit, F. (2000). The Limits Imposed Upon Freedom of Testation by the Boni Mores: Lessons From Common Law and Civil Law (Continental) Legal Systems. *Stellenbosch Law Review*, *11*, 380.

Đorđević, V., & Svorcan, S. (1997). *Nasledno pravo*. Kragujevac: Pravni fakultet Kragujevac.

Đurđević, D. (2012). *Institucije naslednog prava*. Beograd: Službeni glasnik.

Frank, R. (2000). *Erbrecht*. München: C. H. Beck'sche Verlagsbuchhandlung.

Gavella, N., Alinčić, M., Klarić, P., Sajko, K., Tumbri, T., Stipković, Z., ... Ernst, H. (2005). *Teorijske osnove građanskog prava: Građansko pravo i pripadnost hrvatskog pravnog poretka kontinentalnoeuropskom pravnom krugu*. Zagreb: Pravni fakultet Sveučilišta u Zagrebu.

Gavella, N. (1986). *Nasljedno pravo*. Zagreb: Informator. International Institute for the Unification of Private Law (UNIDROIT). (2021). *Status – Convention providing a Uniform Law on the Form of an International Will*. Accessed 4th February 2023 https://www.unidroit.org/instruments/international-will/status/

Kaladić, I. (2014). Mora li opoziv oporuke biti izjavljen na izričit način. *Informator*, *62*, 7–8.

Kašćelan, B. (2010). Svojeručno zaveštanje u italijanskom pravu. U: Antić, O. (ured.). *Godišnjak Pravnog fakulteta u Istočnom Sarajevu* (str. 148). Istočno Sarajevo: Pravni fakultet Univerziteta u Istočnom Sarajevu.

Kreč, M., & Pavić, Đ. (1964). *Komentar Zakona o nasljeđivanju (sa sudskom praksom)*. Zagreb: Narodne novine.

Lange, H., & Kuchinke, K. (2001). *Erbrecht*. München: Verlag C. H. Beck.

Marković, S. (1980). Međunarodni testament. U: Mitić, M. (ured.). *Zbornik Pravnog fakulteta u Nišu* (str. 122–124). Niš: Pravni fakultet u Nišu.

Presuda Vrhovnog suda Republike Hrvatske, Rev-724/00-2 od 25. septembra 2003. Accessed 24th January 2023 https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80515da7

Presuda Vrhovnog suda Republike Srbije, Rev-704/84.

Schweizerisches Zivilgesetzbuch. Accessed 28th January 2023 https://fedlex.data.admin.ch/filestore/fedlex.data.admin.ch/eli/cc/24/233_245_233/20210101/de/pdf-a/fedlex-data-admin-ch-eli-cc-24-233_245_233-20210101-de-pdf-a.pdf

Skubic Žnidaršič, V. (2017). Nasljeđivanje u braku i izvanbračnim zajednicama. U: Derenčinović, D. (ured.). *Godišnjak Akademije pravnih znanosti Hrvatske* (str. 120). Zagreb: Akademija pravnih znanosti Hrvatske.

Stojanović, N. (2011). *Nasledno pravo*. Niš: Pravni fakultet Univerziteta u Nišu.

Svorcan, S. (2009). *Nasledno pravo*. Kragujevac: Pravni fakultet u Kragujevcu.

Tarifa o nagradama i naknadama notara, *Službene novine FB&H*, br. 40/21.

Todorović, V., & Kulić, R. (2004). *Nasledno pravo i vanparnični postupak u praksi*. Beograd: Službeni glasnik.

Trninić Vidić, J. (2016). Olografski i alografski testament u srpskom i uporednom pravu. U: Marjanski, V. (ured.). *Zbornik radova Pravnog fakulteta u Novom Sadu* (str. 1265–1267). Novi Sad: Pravni fakultet u Novom Sadu.

Vaquer, A. (2003). Wills, Divorce and the Fate of the Dispositions in Favour of the Spouse: A Common Trend in European Laws of Succession. *European Review of Private Law*, *11*, 787.

Vedriš, M., & Klarić, P. (2006). Građansko pravo: opći dio, stvarno pravo, obvezno i nasljedno pravo. Zagreb: Narodne novine.

Zakon o nasleđivanju Republike Srbije, *Službeni glasnik RS*, br. 46/95, 101/03 i 6/15.

Zakon o nasleđivanju Republike Hrvatske, *Narodne novine*, br. 48/03, 163/03, 35/05, 127/13, 33/15 i 14/19.

Zakon o nasleđivanju Republike Srpske, *Službeni glasnik RS*, br. 1/09, 55/09, 91/16, 28/19 i 82/19.

Zakon o nasleđivanju, *Službeni list FNRJ*, br. 20/55, *Službeni list SFRJ*, br. 12/65.

Zakon o nasleđivanju u Federaciji Bosne i Hercegovine, *Službene novine FB&H*, br. 80/14 i 32/19.

Zimmermann, R. (2012). Testamentsformen: „Willkür" oder Ausdruck einer Rechtskultur? *Max Planck Private Law Research Paper*, *76*, 479-480, 488, 494, 499.