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THE PERMISSIBILITY OF LIFE CARE CONTRACTS BETWEEN SPOUSES: NORMATIVE DILEMMAS IN THE CONTEXT OF CONTEMPORARY FAMILY CHALLENGES

Summary

The subject of the paper is the issue of the permissibility of life care contracts between spouses under Serbian law. This issue is examined from two perspectives: first, by considering the current legal framework and, second, by examining the possible regulation of the obligations arising from life care contracts if certain solutions contained in the Draft Civil Code of the Republic of Serbia were adopted. The Draft Civil Code provides for the possibility of permitting the conclusion of inheritance contracts between spouses, while simultaneously prohibiting the conclusion of life care contracts between them. In the first part of the paper, the author examines the subject matter of the life care contract with the aim of considering the obligations of the care provider and the care recipient. In the second part of the paper, by applying the normative, doctrinal, comparative law, and case law methods, the author identifies the arguments pro et contra regarding the permissibility of life care contracts between spouses. In the third part of the paper, by applying methods commonly used in legal research, the author examines the relationship between life care contracts and inheritance contracts with the aim of determining whether an obligation of lifetime care could be provided for by an inheritance contract if such a contract were permitted under Serbian law. The paper concludes that the conclusion of a life care contract between spouses is permissible under the current legal framework, whereas, if the proposal analyzed in the Draft Civil Code were adopted, spouses would regulate their relationship concerning lifetime care through other legal instruments.

Key words: *life care contract, inheritance contract, succession contracts, contracts in succession law.*

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