MEDIATION IN INSURANCE WITH REFERENCE TO THE ROLE OF THE OMBUDSMAN AS A MEDIATOR IN DISPUTES ARISING FROM THE BASICS OF INSURANCE

Summary: *The Law on Mediation Procedure regulates the mediation procedure in the territory of Bosnia and Herzegovina ("Official Gazette of BiH" number: 37/04). According to this law, mediation is a process in which a neutral third party (mediator) assists the parties in their efforts to reach a mutually acceptable resolution of the dispute, which cannot be imposed on the parties. The establishment of the Association of Mediators in BiH was crucial for the introduction of mediation in BiH, as its role was to create the legal framework and promote mediation as an alternative dispute resolution method. Bosnia and Herzegovina's civil procedure legislation refers to mediation, while the legal and sub-legal acts provide detailed regulations on the procedure itself, who can be a mediator, and the registry and list of mediators. Mediation is being introduced in various fields and sometimes goes by different names and regulations, depending on the specifics of the field. For example, instead of a list of mediators, we have civil servants acting as mediators, social services as intermediaries, peace councils appointed by the competent authority, and ombudsman in insurance. The insurance sector is regulated by entity laws, which, among other things, regulate the institution of the ombudsman. In this paper, the legal solutions on the status of mediation in the field of insurance is presented, with special reference to the role of the insurance ombudsman as a mediator in the out-of-court settlement of disputes in insurance. The usage of existing solutions, their modification, addition and adaptation to the requirements on the way to the European Union and the institutional implementation of the foreseen are presented as well.*

Keywords: *insurance mediation, insurance ombudsman, Insurance Law, Rulebook on the Ombudsman, mediation clause in contracts*