In her paper, the author deals with the marriage and divorce throughout the Serbian history. There was a great difference between the period before and after the Second World War. In the period before the War, the religious form of marriage was legally valid throughout Serbia save in Vojvodina (northern Serbia), where since 1895 only the civil form of marriage was valid, whilst the religious one was allowed but created no legal effect.

Regarding the religious form of marriage, respective religious laws were applicable to the followers of different religions. For the Serbian people, most of which were and still are Orthodox Christians, the source of religious law was Marital Bylaw of the Serbian Orthodox Church (Bračni pravilnik Srpske pravoslavne crkve) of 1933, which the Serbian Civil Code of 1844 recognized as a legal source of law for the followers of the Serbian Orthodox Christian Church.

As it was under the Austro-Hungarian rule until the foundation of the Kingdom of Serbs, Croats and Slovenes in 1918, Vojvodina applied the Hungarian Marital Act of 1894, which designated the civil form of marriage as the only one that was recognized by the state. The reason for such a solution was Vojvodina’s multicultural and multireligious environment as well as the intention to facilitate the conclusion of marriages between the people of different religious backgrounds. After the establishment of the Kingdom of Serbs, Croats and Slovenes, Vojvodina joined the new Kingdom and became part of Serbia. Yet, the law applied before the creation of the new state remained in force in the respective parts of the Kingdom until the Second World War broke out.

After the War, the religious marriage became a private and personal matter without any legal significance. Until the amendments of the Criminal Code of 1994, the conclusion of religious marriage was only allowed after the conclusion of the civil one. If this sequence was not respected, the head of the religious community who allowed the celebration of the religious marriage before the civil one was considered to have committed a criminal offense and could be prosecuted and punished. The amendments of the Criminal Code of 1994 abolished the celebration of religious marriage before the civil one as a criminal offense. Therefore, the religious marriage carries no legal consequences thereby leaving the civil marriage as the only form of marriage that creates legal effects.

Divorce was allowed both before and after the Second World War, but the grounds for divorce and their social value was quite different. Although divorce was not forbidden, it was not socially acceptable either; rather, it was socially stigmatized. Nonetheless, this situation was slowly changing, so that in the last decades the number of divorced marriages increased and became, one could say, a common thing. In her research, the author carries out an in-depth analysis of the differences between pre-war religious law and post-war civil law regarding marriage and divorce.