

The marriage contract as a judicial economy in the division of the property between ex-spouses

LLM Blerina Dodaj

“Aleksander Moisiu” Durres University

Abstract

With the marriage dissolution one of its fundamental consequences is the termination of the community properties, where the spouses pass in the separate property regime after the date of the definitive form of the divorce tribunal sentence.

Meanwhile for the property that was placed during the marriage, the spouses who have been in the law community power, Albania’s legislation provides that these subjects are placed in compulsory joint ownership in their entirety they should address to the Court to divide their property and take each part of it.

The object of this study is the division of the property between ex-spouses for any joint ownership during the marriage. If they choose the judicial way it will take much time to resolve the conflict. On the other hand with a marriage contract, every asset will be transferred to the owner. Prior of the Family Code commencement, dated 8 May 2003, the property established during the marriage was presumed to be the two spouses in equal parts, with no detention in the contribution of each individual when proved otherwise. Through quantitative and qualitative methods have been analyzed the advantages of marriage contract in the division of the property. Through the method of comparison for contractual and non-contractual marriages, at the end of the study, we conclude that when couples have entered into a marriage contract they shorten the time of the judicial process of property’s division. Often doubts have been raised about the possibility of real identification of the contribution and consequently has been made a fair share of the all assets. Therefore this study takes importance not only for the positive approach of the marriage contract but also to make a contribution to the due legal process when every subject of the right is addressed.

Keywords: Legal community, agreement, marriage settlement, division of property, the right of the ownership.

Full Text: [PDF](#)



This work is licensed under [Creative Commons Attribution 3.0 License](#).

Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

Copyright © IIPCCCL-International Institute for Private, Commercial and Competition law