

## Servitudes and types of property (real) servitudes by legislation in Kosovo

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### Abstract

This paper will address the topic of servitudes with special emphasis on property servitudes, always based on the provisions of positive law in the Republic of Kosovo.

Since Roman law, the right of ownership over foreign property was unclear especially when it came to servitudes. In Roman law there was not a general category regulated by general norms, but a set of typical figures of servitudes with common characteristics. Despite what was discussed in Roman law we can say that in all legal systems, there is necessarily a need for the existence of subjective real rights over one's own thing and over a foreign thing. In general, in addition to the property right, there is the fact that there are other legal property rights, and after the property right, the right of servitude, otherwise called as a property right over the foreign thing, is considered the most dominant. This right of the subject over the foreign thing exists when the holder uses the foreign thing for his own needs or his own thing, in fact the thing which is owned by another subject. The purpose of this paper is to clarify how the right of servitude is legally defined by concretizing it in property servitudes. The paper's content is related to the right of property servitudes, which speaks extensively about how the right created by legal work, court decision or even by law, is created, acquired, protected and extinguished!

**Keywords:** The right of servitude, property servitudes, creation-acquisition of servitude, protection of servitude, termination of servitude.

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