

## Comparative aspects of testamentary freedom in legislation of Kosovo and Albania

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### Abstract

The right to dispose of property by will is a right which is applied by most legislatures in the world. It has been recognized since the Roman law, but also it was recognized later by every applied law.

Even though the right to dispose of property by will is a strictly personal right of the *decurus* and is related to the will of *decurus*, this will is not entirely unlimited. There are legal provisions which set limits to the testator's will.

This research aims to analyze whether the testator has the right to dispose of property by will to persons of his own choice. Specifically, the aim of this paper is to present the limitations that a testator has on the right to dispose of property by his/her will. Do these provisions limit the purpose of the testament, not allowing a person to decide who they want their property to go to when they die? Are these limitations justified or do they violate the individual's personal right to determine the destination of his/her property? This research compares the testamentary freedom of *decurus* according to the legislation of Kosovo and Albania, but also analyzes the legal reserve and the compulsory parts an integral part of the respective systems.

**Keywords:** testamentary freedom, *decurus*, will, legal reserve, compulsory part.

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European Journal of Economics, Law and Social Sciences ISSN 2519-1284 (print) ISSN 2510-0429 (online)

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