

Material conditions for entering into marriage

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Abstract

Material conditions are facts and circumstances, without the fulfilment of which the marriage cannot be entered or their absence causes the invalidity of the marriage (Aliu, 91)

In KLF (Kosovo Law on Family), in Article 14, par. 1, is stipulated: Marriage is a legally registered community of two persons of different sexes, through which they freely decide to live together with the goal of creating a family, while Article 15 stipulates that the capacity to enter into wedlock is obtained with full capacity to act, and adulthood is obtained upon the completion of the eighteenth year of age.

However, in order to enter into marriage, adult persons must express their free will before the competent body, and also in order to enter into marriage, there must be no obstacles or prohibitions on marriage, which are provided by law and which are otherwise recognized also as negative conditions for marriage, because to enter into marriage they must not exist.

Thus, there are the following material conditions for entering into marriage: 1. Free will of spouses; 2. Adult age; 3. Opposite sexes; 4. Entering into marriage before the competent body. But for a marriage to be valid, it must not have: 1. Marital prohibitions, and 2. Marital bans.

Keywords: Marriage, spouses, free will, opposite sexes.

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

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