

Insight into the legal concept of contract according to civil law and common law

Assoc. Prof. Dr. Luan Hasneziri

University of Tirana - Albanian University, Tirana

Abstract

In contemporary contractual law, the contract is one of the most crucial institutes, because it serves as the main tool for the circulation of goods, services and capital in a society based on the market economy. For such reason, the term “contract” is a widespread term that is used not only by lawyers, but also by ordinary citizens, and being such, it is thought that everyone knows the exact meaning of this term.

Yet, the truth is a total different story. The right and accurate meaning of the legal concept of the contract is an important and discussed issue in the legal literature, both in the countries that have represented the civil legal system and in the countries that implement the Common Law system.

This scientific article aims to make a complete analysis of the understanding of the legal concept of the contract according to the two legal systems that are implemented by the countries of western democracies. The article is composed of two main issues. In the first issue, the debates encountered in the doctrine of contract law regarding the concept of the contract, in both civil law and common law systems are discussed. In this matter, we will focus mainly on the reflection of the different definitions that certain authors make of the concept of contract and the meaning that the law and civil legislation in Albania give to this concept.

In the second issue, the understanding of the concept of the contract in the comparative perspective will be addressed. We will focus mainly on the treatment of this concept according to the civil legislation in Albania, Kosovo, Italy, England, etc., highlighting the commonalities and differences that exist between these legislations. Also, part of this analysis in this article is the way in which the concept of the contract is regulated in Albania, looking at it from a historical perspective.

At the end of the article, its conclusions will be drawn, as well as the bibliography on which it is based.

Keywords: contract law, civil circulation, civil law system, common law system, contract concept.

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