



## Research Article

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### A Comparative Analysis of Donation Contract in Albanian and Italian Contract Law

**Assoc. Prof. Dr. Anjeza Liçenji**  
*University of Tirana, Albania*

**Vitiana Pitaku**  
*University of Tirana, Albania*

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#### Abstract

The donation contract, as delineated in the Albanian Civil Code, symbolizes the altruistic and compassionate ethos upon which is founded. Its primary aim is to embody acts of generosity and selflessness, reflecting the donor's relinquishment of ownership for the benefit of the recipient. The motivation behind entering this legal relationship is rooted in the donor's desire to enhance the recipient's assets, a sentiment essential for the contract's efficacy.

The transition in Albania's political landscape has brought forth a new legislative ethos, prompting adaptations to legal provisions in alignment with contemporary requirements. As property relations evolve, influenced by political and historical shifts, so too does the donation contract. Addressing the challenges encountered in donation contracts, Albanian legal scholars have sought solutions that align with evolving social dynamics. While current legislation offers broader provisions for donation contracts compared to previous iterations, ambiguities persist. Thus, there's a recognized need for enhancements and clarifications, achieved through comparative analysis of Albanian and Italian legislation on donations. This comparison aims to elucidate critical yet ambiguous aspects of donation contracts for readers and scholars.

One such issue pertains to categorizing donations accurately, determining whether they stem from unilateral acts or real contracts. The Civil Code unequivocally designates donation as a contractual arrangement. Regarding the grounds for revoking donation contracts, Albanian law delineates only two cases wherein donors can revoke donations, in contrast to Italian law, which affords donors this right in numerous circumstances. Italian jurisprudence and the previous Albanian Civil Code, unlike the current one, recognize another ground for revocation: the birth of the donor's children. This provision aims to safeguard donors who, had they known about impending births at the time of donation, might have reconsidered their decision.

**Keywords:** donation; revocation; contract; donor, beneficiary.

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