E-ISSN 2410-8693
ISSN 2410-3918

*Academic Journal of Business, Administration Law and Social Sciences*

*Vol. 11 No. 3*
*November, 2025*

INTERNATIONAL INSTITUTE FOR PRIVATE COMMERCIAL AND COMPETITION LAW (IIPCCL - AUSTRIA)

**Research Article**

© 2025 Drita Shkurti and Iliba Bezati
This is an open access article licensed under the Creative Commons Attribution-NonCommercial 4.0 International License (https://creativecommons.org/licenses/by-nc/4.0/)

# Temporary measures according to the family code - Albanian practice

**Ms. Drita Shkurti**
*Constitutional Court of the Republic of Albania, Albania*

**Ms. Iliba Bezati**
*Court of Appeal of General Jurisdiction of the Republic of Albania, Albania*

**DOI: https://doi.org/10.2478/ajbals-2025-0026**

## Abstract

Family law, as corpus of rights and obligations, also regulates relationships arising from marriage and not only. Marriage is one of the earliest institutions, which has served as the basis for the creation of the family and social relations. During the marital relationship, the mutual rights and obligations of the spouses towards each other and the family arise. The dissolution of the marriage ipso iure terminates these mutual rights and obligations, but on the other hand, it brings about a series of legal consequences of a personal and property nature.

Dissolving a marriage is a difficult process, both emotionally, psychologically and financially, and is often accompanied by tensions between spouses and children. In these circumstances, in order to protect certain fundamental rights, the law provides for certain temporary measures that can be taken by the court during the process to guarantee these rights.

This paper will analyze each of these measures, addressing their importance and necessity during the process of dissolution of marriage. Despite the fact that the law provides for these measures exhaustively in a single provision, what is noticeable is that in practice there are different positions regarding their implementation. In many cases, the courts treat them as a lawsuit in a separate process and in other cases their decision-making goes beyond what is provided for in Article 139 of the Family Code.

In order to have an easier and more effective process for the parties, it is important to have a consolidated judicial practice and a uniform application of the law, based on the principle of legality. As a result, the paper will be enriched and analyzed with practical cases and will identify the problems encountered in the adjudication and implementation of interim measures, which during their implementation in practice in many cases have lost the purpose provided for in the law.

Finally, the aim is to present the conclusions reached, based on the analysis and judicial practice.

**Keywords**: temporary measures, Family Code, maintenance obligation, housing.

Full Text: PDF

This work is licensed under Creative Commons Attribution 4.0 License.

Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print) ISSN 2410-8693 (online)

Copyright © IIPCCL-International Institute for Private, Commercial and Competition law