

## LEGAL INHERITANCE IN CIVIL CODES SINCE THE CREATION OF ALBANIAN STATE

**Gelanda Shkurta**

Center of Albanological Studies, Tirana, Albania,  
Email: [www.qsa.edu.al](http://www.qsa.edu.al)

### **Abstract**

Considering the legal and social importance of the legal institute of legal inheritance, it is judged that its advanced study brings benefits not only at scientific academic level but most importantly, at the level of its practical implementation because this legal institute has apparently progressed over centuries, in tandem with the customs law, both the written and the one transmitted verbally until present time. This study will aim to analyze the legal institute of inheritance, referring to the written law in civil codes since the beginning of the Albanian state, more specifically, since the Civil Code of 1929, otherwise referred to as Zog's Code until the law on inheritance contained in the Civil Code currently in force since 1994, aiming to establish the institute of inheritance in two perspectives: 1. How it has evolved and 2. How the law and customs law have faced each other and that two streams are reported herein in relation to each other in pursuance of inheritance. The purpose of this study is not merely to bring to the reader's attention the evolution that this institute of law has suffered as our legislation in general, over years, but the effort to attribute a social and more objective and law-based approach to the trend of inheritance as observed by the law practitioners of all levels, that this approach is different from what contained in the legislation. This study aims at the aspiration to reach a triple approach to the issue: on one side the introduction to legal inheritance as an institute of law in Albania and positive or not positive changes it has suffered in years; on the other hand, confrontation of the inheritance law in various Codes to the customs law and thirdly, the recognition and understanding in respect of law, as the oldest and plenipotentiary form of a Parliamentary Republic we currently have. The method of research organization will be based on the application of various scientific research methodologies. This study underlies a methodology based on a combination of research techniques. Firstly, the study issues will be identified as described in the above paragraph, to further continue with the methodology of problem comparison in various codes and various periods. This is because the problem is not related only to the strict application of a standard/norm or article and the duty is accomplished (!). The issue appears to be typical of anthropology. Law and customs law face each other (customs law is not always the same as law) but even when it is, the law on inheritance in Albania has probably suffered more radical changes due to its history. If not, what should be done to avoid equivocal results on one hand and to fight "without weapons" but with know-how and knowledge of the old mores in this field, thus bringing the awareness of people and of society through a study, conference or publication to accept this relation of institutional supremacy between the written Code and customs, where the balance should be directed to the full observance of law and in its context as the most sublime form of the manifestation of goodwill and popular aspiration through representation in the parliament.

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