

MARRIAGE CONTRACT

Armela Maxhelaku¹, Lindita Sinanaj²

¹ Ministry of Transport and Infrastructure, e-mail: amaxhelaku@hotmail.com

² Administrative Appeal Court, e-mail: lsinanaj@yahoo.com

Abstract

The main purpose of this paper is the analysis of the marriage contract and its elements. First of all I will analyse the basic principles of regulation of property relations of spouses in the current legislation, focusing on marital property regime, determination of the marital property regime, legal definition of property regime, autonomy of the spouses in the regulation of property relations, determination voluntary property regime and limitations of the autonomy of spouses. Also in this paper will be analyzed some general considerations on marriage contract, emphasizing the meaning of marriage contract, legal nature of the marriage contract and functions, characteristics of the marriage contract, marriage contracts and other agreements between spouses, contractual freedom of the spouses, marriage contract as an atypical contract, the inevitable rights and obligations, general limitations provided in family law and special restrictions for each property regime. This paper is focused especially on the marriage contract and its elements, such as registration, revocation and invalidity. I will examine the essential terms of the validity of the marriage contract, the consent of the spouses, the issue of the spouse who has been removed or has limited ability to act and also the target of the marriage contract. In this paper I will determine the causes of the marriage contract, the marriage contract form, the regime of publicity of the marriage contract, the system of registration of the marriage contract in the public registers and the functions of the marriage contract registration, including some problems on the registration of the marriage contract and the case law relating to the registration of the marriage contract. An important part of the paper is the analysis of the effects of the marriage contract to third parties. I came to a conclusion that it is necessary to strengthen the responsibility of spouses for information concealment about the existence of a marriage contract or its misrepresentation. In realization of this paper, the main aim is to figure out the issue of modification of the marital property regime, nullity of the marriage contract, the causes of invalidity of the marriage contract and partial nullity of the marriage contract.

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