

CAPACITY AND FORM OF MARRIAGE DUE TO ALBANIAN PRIVATE INTERNATIONAL LAW

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Abstract

In the era of globalization and in terms of the development of Albanian choice of law rules, we are considering to give a general presentation of marriage issues with an international dimension. Marriage is a universal institution and all societies have a concept of marriage. As the basis of the family unit, marriage is well guaranteed and protected by the legislation of every country. The right to marry is part of the fundamental human rights, recognized and guaranteed by the European Convention on Human Rights. Furthermore, the Constitution of the Republic of Albania provides a special protection by state to marriage and family. While specifically the institute of marriage is governed by the Family Code of Republic of Albania. In the time of open borders and easy travel, many people from various countries all over the world decide to study, work, or live abroad. Some of these people find a foreign partner and some even enter into international marriage, but starting a family with a foreigner can bring problems because different states have different manners and laws for governing marriage. So, in this article we will deal with the international marriages in Republic of Albania perspective, including the position, legal formalities along with the validity and capacity of the parties to marriage and the choice of law rules governing such marriages. The article will also include the procedure of marriage of persons with different nationality in Albania or the formalities needed for the marriage to have full force and effect in Albania if the marriage is concluded abroad.

Keywords: *marriage, private international law, spouses, capacity to act, form.*