

## **Perpilim-E Drejta e Detyrimeve**

**E drejta e detyrimeve**-I rregullon marrëdhëniet e pasurisë në qarkullim. Kjo është e drejte e qarkullimit dhe superstructure e drejtëperdrejte marrëdhënieve ekonomike në ekonominë e tregut. **Marrëdhëniet e detyrimeve**-janë marrëdhënie juridike në bazë të së cilës një subjekt që quhet kreditor, ka të drejtë të kërkojë nga një subjekt tjetër që quhet debitor, një dare, facere, et non facere dhe pati.

**E drejta e detyrimeve në kuptimin objektiv**-paraqet grupin e rregullave me anën e të cilave rregullohen qëndrimet e pjesëmarrësve në marrëdhëniet e tyre të ndërvetshme të detyrimeve.

**E drejta e detyrimeve në kuptimin subjektiv**-paraqet pushtetin subjektiv, të cilin pjesëmarrësit e nxjerin nga e drejta objektive. Subjektet ose pjesëmarrësit në të drejtën e detyrimeve janë ndërmarrësit si dhe individët. Këta subjekte bëjnë qarkullimin juridik të mallrave, kryejnë shërbime dhe mund të kenë rolin e debitorit ose të kreditorit.

**Objekt i detyrimit**-është prestimi i caktuar.

**Sistemi i së drejtës të detyrimeve:**

**Pjesa e përgjithshme** – këtu trajtohen nocioni, elementet, karakteristikat e detyrimeve, burimet e detyrimeve, efektet e detyrimeve, ndërrimi i subjekteve në marrëdhëniet e detyrimeve dhe shuarja e detyrimeve.

**Pjesa e veçantë** – trajtohen disa kontrata me emër, të cilat ndahen në pesë grupe kryesore si:

1. Kontratat mbi tjetërsimin e sendeve dhe të drejtave;
2. Kontratat mbi shfrytëzimin e sendeve dhe të drejtave;
3. Kontratat mbi shërbimet;
4. Kontratat mbi bashkësinë pronësore dhe të punës;
5. Kontratat aleatore, kontratat mbi lojën dhe kushtin dhe kontratat mbi sigurimin.

**Karakteristikat e detyrimeve:**

-Detyrimet janë marrëdhënie me karakter juridik - Mjetet për mbrojtjen e detyrimeve janë: padia civile-actio, kundërshtimi - exceptio, kthimi në gjendjen e mëparshme - restitutio in integrum.

-Detyrimet janë marrëdhënie ndërmjet subjekteve të caktuara

-Detyrimet janë marrëdhënie me përmbajtje të caktuar

-Detyrimet janë marrëdhënie me karakter

-Detyrimet janë marrëdhënie me karakter pasuror

**Parimet e së drejtës së detyrimeve**

Parimet e të drejtës civile në përgjithësi, Ekuivalenca e prestimeve, Ndalimi i keqpërdorimit të të drejtave, Parimi i drejtshmërisë, ndershmërisë dhe ndërgjegjshmërisë, Ndalimi i shkakutimit të dëmit, Karakteri dispozitiv, Detyra e përmbushjes së detyrimit, Parimi i përgjegjësisë.

**Parimi i ndërgjegjshmerisë dhe nderit**-Ligji thotë "Në sajimin e raportit detyrimor dhe në realizimin e të drejtave dhe detyrimeve nga ai raport, pjesëmarrësit janë të obliguar t'u përmbahen parimit të mirëbesimit dhe nderit". Ndërgjegjshmeria dhe nderi në kushtet aktuale janë parim themelor të cilit domosdo duhet t'i përmbahet.

**Burime të marrëdhënieve të detyrimeve** janë: kontrata; shkaktimi i dëmit; pasurimi pa baze juridike; shprehja e njëanshme e vullnetit; kryerja e punëve pa autorizim; ligji; dhe konventat ndërkombëtare.

**Subjektet e detyrimeve**-Cdo person fizik dhe juridik apo cdo pjesëmarrës në raportin konkret ka cilësinë e subjektit të detyrimeve. Raporti detyrimor është; raport juridik; raport në mes të subjekteve të caktuara; raport i cili përmban kërkesë për detyrim; raporti i cili ka për objekt një të mirë; raport me karakter pasuror; raport në harmoni me ligjin.

# Tema Diplome E Drejta E Detyrimeve

**Andon Sallabanda**



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