

Në fund të temës studentët do të vlersohen me notë

E drejta publike studion dhe jep konceptet themelore të shkencave të shtetit dhe të drejtës, të cilat shpëlllohen edhe në lëndë të ngjashme të së drejtës. Në këtë kuptim ajo shërbon në lëndë të tjera të së drejtës siç janë e drejta kushtetuese, e drejta administrative, e drejta financiare, e drejta penale dhe procedurale penale, si dhe e drejta e punës. E drejta publike përkufizohet si tërësia e normave juridike që kanë të bëjnë me statusin e shtetit dhe qeveritarëve dhe që rregullon marrëdhëniet ndërmjet qeveritarëve dhe shtetasve. Ajo dallohet nga e drejta private e cila rregullon marrëdhëniet juridike ndërmjet vetë shtetasve (dallimin ndërmjet tyre e ka bërë juristi i shquar romak Ulpiani dhe shkollia e të drejtës PUNIA).

E drejta publike ka rëndësi për njohjen e konceptit të shtetit, përmbajtjes dhe strukturës së tij dhe trajton pikëpamjet kryesore mbi prejardhjen e shtetit. Ajo studion gjithashtu parimin e sovranitetit shtetëror dhe të ndarjes së pushteteve. E drejta publike bën një trajtim të hollësishëm edhe për konceptin e të drejtës, normat dhe marrëdhëniet juridike dhe sistemin e të drejtës.

Në thelb e drejta publike lidhet me vetë konceptin e shtetit. Ndaj normat e të drejtës publike kanë këto karakteristika:

- Karakteri abstrakt: Kjo do të thotë që ato u drejtohen një numri të papërcaktuar njerëzish formulohen në bazë të një interesi publik.
- Karakteri detyrues: Ato janë norma me forcë detyruese ndaj shtetasve, të cilëve nuk u kërkohet pëlqimi për zbatimin e tyre, në dallim nga normat e të drejtës private.
- Karakteri unik: Normat e të drejtës publike kanë unitet të brendshëm pasi synojnë kufizimin e pushtetit shtetëror, me qëllim garantimin e të drejtave dhe lirive themelore të shtetasve.

Pas përcaktimit të karakteristikave të normave të së drejtës publike lind nevoja e përkufizimit të normave juridike. Ato dallohen nga normat shoqërore nga subjekti që i vendos, përmbajtja dhe pasojat që vijnë në rast moszbatimi të tyre.

Norma juridike është një rregull i vendosur nga njerëzit, që u drejtohet atyre për të rregulluar marrëdhëniet e tyre të ndërsjellta si dhe marrëdhëniet me natyrën.

Norma juridike përbëhet nga tre pjesë: hipoteza e cila parashikon rrethanat në të cilat vepron norma juridike, dispozita që përcakton përmbajtjen e normës dhe sanksioni që parashikon masat shtrënguese në rast moszbatimi.

I. PIKËPAMJET MBI PREJARDHJEN E SHTETIT

Ka teori të ndryshme mbi origjinën e shtetit dhe të drejtës ndër të cilat përmendim:

- a) Teoria teologjike mbrohet idenë se pushteti shtetëror ka origjinë hyjnore. Ajo mbështetet në pikëpamje fetare sipas të cilës çdo gjë rrjedh nga zoti përfshi edhe shtetin dhe faktoret e lindjes dhe shkatërrimit të tij.
- b) Teoria patriarkale e lidh lindjen e shtetit me zgjerimin e familjes patriarkale. Themelues i saj është filozofi grek Aristoteli. Sipas kësaj teorie pushteti e ka prejardhjen tek pushteti i babait mbi pjestarët e familjes.
- c) Teoria patrimoniale mbrohet pikëpamjen se shteti lindi nga e drejta e pronësisë. Përkrahësi i kësaj teorie Kallier pohonte se qeveritarët sundojnë në bazë të të drejtës së pronësisë të një grumbull qiramarrësish të tokës së pronarit.
- d) Teoria kontraktore mbështet idenë se shteti është një kontratë. Variantin më të zhvilluar teorie e ka përpunuar Rusoi në veprën e tij të shquar [Kontrata sociale]. Sipas Rusoit populli lidh kontratë me qeveritarët e tij, duke garantuar të drejta dhe detyrime të ndërsjellta. Sipas teorisë kontraktore individët ia kalon shtetit një pjesë të të drejtave dhe lirive të tij, me qëllim që të realizojë në mënyrë të sigurt të drejtat e tjera.
- e) Teoria e dhunës. Përkrahësi i saj është Gumplovic, sipas të cilit origjina e shtetit rrjedh nga aktet e dhunës.
- f) Teoria psikologjike përkrah idenë se shkaqet e lindjes së shtetit kanë natyrë psikike.
- g) Teoria marksiste leniniste është formuluar nga Marksi dhe Engelsi. Sipas tyre shteti ka lindur si pasojë e një procesi të gjatë, e zhvillimit të brendshëm të shoqërisë, që ka shkatërrimin gradual të një rendi primitiv gjinor të bazuar në pronë e përbashkët të pjesët

Tema Diplome E Drejta Publike

**Ermir Dobjani, Elsa Toska, Erlir
Puto, Erajd Dobjani**

Tema Diplome E Drejta Publike:

E drejta ndërkombëtare publike Arben Puto,1985 E drejta ndërkombëtare publike Zejnullah Gruda,2002 *Fjalor juridik* Ardrit Gashi,Avni Puka,Iset Morina,Nebojša Boričić,2019 *E drejta dhe administrata publike* Fejzulla Berisha,Jusuf Zejneli,Argëtim Saliu,2020 *E drejta ndërkombëtare publike* Mersel Bilalli,2019 *E drejta administrative* Ermir Dobjani,Elsa Toska,Erlir Puto,Erajd Dobjani,2013 **E drejta ndërkombëtare publike** David Ryzie,2006

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