E DREJTA CIVILE DHE TREGTARE

Kuptimi i merredhenieve juridike civile. Vecorite dhe karakteristika e marredhenieve juridiko-civile. Elementet e marredhenies juridike civile (subjekti, permbajtja, objekti).

Marrdhenia juridike civile eshte rezultati I veprimit te rregullimit nga normat e se drejtes civile.

Keto subjekte kane nje raport te caktuar kundrejt njeri tjetrit, e ku njeri paraqitet si bartes I se drejtes, tjetri si bartes i nje detyrimi te caktuar.

Marrdhenia juridike civile dallon nga marrdheniet e tjera pasi ne themel te saj duhet te ekzistoje vullneti midis subjekteve pjesmarrese te saj, cka ben qe marrdhenia juridike civile te konsiderohet si nje marrdhenie e vullnetshme.

Karakteristike e kesaj marrdhenie eshte fakti se keto marrdhenie rregullojne ate kategori te caktuar te drejtash te cilat jane te drejta pasurore dhe vetjake jopasurore.

Pra: marrdheniet juridike civile jane marrdhenie pasurore dhe vetjake jopasurore, ku subjektet e tyre, personat fizike ose juridike, paraqiten si bartes te te drejtave subjektive dhe te detyrimit juridiko-civil dhe rregullohen nga normat e se drejtes civile.

Ne shkencen e se drejtes ekzistojne pikpamje te ndryshme ne lidhje me elementet e marrdhenies juridike civile dhe I klasifikojme ne 3 grupe:

 Ne grupin e pare bejne pjese ato pikpamje te cilat e konsiderojne marrdhenien juridike si nje teresi te tre elementeve, subjektit, objektit dhe permbajtjes se marredhenies juridike civile.
 Sipas pikpamjes se dyte elementet e marrdhenies juridike civile jane subjektet e se drejtes dhe te drejtat dhe detyrimet e saj.

3.Se treti elementi I kesaj marredhenie jane vetem te drejtat dhe detyrimet e subjekteve qe marrin pjese ne te.

Objekt i marredhenies juridike civile:

Eshte ai mbi te cilin drejtohen synimet e paleve per te arritur qellimin e caktuar. Kur flitet per objektin e saj, nuk kuptohen vetem sendet, pamvarsisht se e drejta civile ne themel ka marredheniet me karakter pasuror, pasi sendet jane vetem nje nga elementet e marredhenies juridike civile.

Nga ana tjeter objekt i marredhenies juridike civile eshte edhe nje drejte vetjake jopasurore. Ne dispozitat e KC, si ne pjesen e pergjithshme ashtu edhe ne ate te posacme parashikohet mbrojtja e te drejtave vetjake jo pasurore. Psh. Neni 5 kc ben fjale per te drejten e emrit, etj.

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