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FACULTY OF LAW

POST DIPLOMATIC-MASTER STUDIES

THEME:

**PRIMARY PROFIT OF THE PROPERTY RIGHT**

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Prishtine, 2016



## **ACKNOWLEDGE**

For my Master thesis, I would like to thank all of those, who, in a form or another, have helped me during all the time of studies, and during the final phase of this diploma paper.

I want to thank, especially, the members of the Commission, who have supported me during all the time, especially the mentor of my thesis Prof. Dr. MuhametKelmendi, who with his advise and suggestions helped to make my thesis as best as possible.

I also thank all of the colleagues, friends and all of those who I have collaborated with during the whole time of studies and work of the master thesis, meanwhile I also thank my family for the ongoing support that they have given to me.

Thank you everyone!

Flakron MJEKIQI

## **ABSTRACT**

In the context of Kosovo, laws that address the property issues originate from different periods of Kosovo's history, from the confiscations period in communism, economical liberalization of 80s and ethnical discrimination of the 90s, up to the regulations which were declared by the Mission of the Temporary Administration of United Nations in Kosovo (UNMIK), and the approved legislation after the 17th of February in 2008.

Possession or more exactly the property right is one of the oldest problems known by history, from when the mankind evolved, this element was a discussion issue, component of each society, very often an element of raising different social problems.

The property right is a juridical field, which through many different laws whether they're in our country or any other country where can be discussed a defined issue, is chosen and guaranteed by the law, so we can fully say that this right is protected with laws and constitution of a country.

Also in our country, the property right is guaranteed with the Constitution protected with the approved laws and according to the defined right for the protection of defined laws, so the property right is protected with a special law even in Kosovo, laws that we will see during this paper work.

**Key words:** The right, property, commitment, law, Kosovo, conditions

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## CONCLUSIONS

Considering all the elements which were presented in this Master thesis, based on the legislative aspect in Kosovo, and the researches done during this paper work, we can recommend, as follows:

A. Based on the results, we can recommend that this paper work must continue even further with deep analysis, and a comparative aspect on the profit form of the property right in our country and in region, and a comparison of the legal basis between each-other.

B. The nature of this research, and of the process, is very important, that's why it's required to do other deep research, related to the process and profit forms of the property right and its features.

C. Based on all the results of the research, and also the gained results, as well as based on the conclusions, we can ascertain that the most specific and special profit form of the property, is the primary profit form, so this is one of the main profit forms of property, which requires a special treatment and extra research, either in the aspect of its implementation, but even its legal aspect.

D. The legal aspect on the property right, is relatively proper, but requires some fulfillments in the Law for the Protection of the Property Right. Therefore, the comparative method of other laws, from region and Europe, make it possible to have a completed law, regards to the rights and profit form of property.

E. In the end, we can recommend that such theses should be compiled as more as possible, also to do a general statistical analysis regarding to how many processes of this kind have happened and have been evidenced in our country, how did the profit property process go and how efficient was the primary profit of property method.

F. Finally, the property right is an absolute right, guaranteed with the Constitution and relevant laws. As such, in the Republic of Kosovo, it isn't in the pleasant level of supplying with the protection of the property right, because in the courts of the Republic of Kosovo, there's an extremely huge number of unsolved property issues, which represents a dose of insecurity of citizens in the concept of supplying with judicial protection of property.

G. I consider that the simplification of such procedures, would serve to the increase of the safety of citizens, in the aspect of establishment of changes and safety of object-property rights. Especially, problems appear in cases of primary profit of the property right, in the concept of duration of procedure to prove any of the legal basis of the property right profit in a primary form, because, as such, these procedures last longer.

H. When the fact that there exists a large number of properties in which the owners weren't declared, the procedures of owners' declaration weren't completed, but even of the register of property rights in the cadastral books, a circumstance which creates problems and in some cases even misunderstandings and harm of property interests of citizens, office-holders of the property right, or the pretenders of the property right.

I. Practice reckons cases of invasion of property rights, as a result of negligence of rights' pretenders, in the register of the property right, in the cadastral books, but even the negligence of judicial and administrative bodies in the acceleration of relevant procedures.

Considering the conclusions, we can ascertain that the data given above, rely on scientific analysis. It's obvious that these aren't final, because it is a very meaningful sphere, which requires wider and deeper studies.

Based on these conclusions, it can be said that the primary profit of possession, is the main form of property profit.