#### 184. Objekt i njohjes dhe ekzekutimit ne DNP?

Mund te jete vetem vendim i gjykates se huaj. Por mund te jete vendim i nje organi tjeter te huaj derisa ai organ me vendimin e tij zgjedhur nje ceshtje civile ose tregtare, perkatesisht ka rregulluar marredhenie personale familiare, te punes, pasurore ose marredhenie tjera civile me element nderkombetar.

### 185. Njohja e vendimit te huaj gjygesor?

Nenkupton qe ne shtetin e njohjes vendimi i huaj gjyqesor pranohet titull juridik dhe ceshtja e zgjidhur me vendimin e huaj gjyqesor llogaritet si ceshtje e gjykuar ?

### 186. Ekzekutimi i vendimit te huaj gjyqesor?

Nenkupton gjithmone ekzekutimin me dhune ne procedure permbaruese. Ne rast te ekzekutimit te vendimit te huaj gjyqesor i njejti llogaritet si titull ekzektiv.

### 187. Kushtet per njohjen e vendimeve te huaj gjygesore?

Kushtet kane të bejne me teper me aspekte formale të vendimit te huaj gjyqesore.

Si kushte jane:

a)Plotfogishmeria e vendimit te huaj;

b)Respektimi i se drejtes se mbrojtjes;

c)Moscenimi i kompetences se gjykates;

d)Mos ekzistimi i vendimit te plotefuqishem per ceshtjen e njejt ndermjet paleve;

e)Mos cenimi i rendit publik;

### 188. Procedura per njohjen e vendimeve te huaja gjygesore?

Ajo efare paraqitet si karakteristik eshte se parashihet procedure te njejt per njohjen e vendimeve te huaja gjyqesore dhe vendimeve te huaja te arbitrazhit. Natyrisht kushtet per njohjen e tyre do te dallojne mirepo sa i perkete procedures ajo eshte e njejtë. Kjo procedurë inicohet me propozim nga pala para gjykatës së huaj. Kompetenca e gjykatës për njohje të vendimeve të huaja gjyqësore i takon gjykatave themelore. Për njohjen vendos gjyqtari individual që pas shqyrtimit të kushteve miraton aktvendim.

### 189. Sistemet e niohjes dhe e kzekutimit të vendimeve të huaja gjyqësore?

Sistemet krijohen në bazë të asaj se sa lehtë apo vështirë e bëjnë njohjen e vendimit të huaj gjyqësor ose sa thellë hyjnë gjatë kontrollit të vendimit të huaj gjyqësor.

Ato janë:

a)Sistemi i kontrollit të kufizuar – nënkupton kontroll më të kufizuar të vendimit gjyqësor. Shtetet që i takojnë këtij sistemi nuk hyjnë në brendinë e vendimit të huaj dhe mënyrën meritore të zgjedhjes së çështjes shtetet kanë besim te gjykatat e shteteve tjera respektojnë sovranitetin e shteteve tjera, nuk duan të paraqiten si gjykata më të larta ta kontrollojnë punën e tyre.

b)Sistemi i kontrollit të pakufizuar – shtetet, vendimin e huaj e kontrollojnë nga aspekti formal dhe procedural, e kontrollojnë edhe nga aspekti material. Sipas këtij, vendimi i huaj gjyqësor kontrollohet edhe në aspektin material, pra, gjykatat e shtetit të njohjes kontrollon se si gjykatat e huaja kamë konstatuar gjendjen faktike dhe si e ka zbatuar të drejtën materiale mbi gjendjen faktike.

c)Sistemi i revizionit deri në themel – gjykatat e shtetit të njohjes sipas kushteve ligjore e kontrollon vendimin e huaj gjyqësor edhe në aspektin formal edhe në aspektin material por për dallim nga sistemi i kontrollit të pakufizuar, te ky system vendimi i huaj gjyqësor mund edhe të ndryshohet.

d)Sistemi i zhvillimit të procedurës së re – gjykatat e njohjes në fakt nuk bën njohje të vendimit të huaj gjyqësor. Gjykatat e shtetit të njohjes vetëm e shfrytëzojnë vendimin e huaj gjyqësor si një dëshmi të fuqishme për të zhvilluar procedurë të re dhe të sjellë vendim të ri. Sipas këtij sistemi nuk bëhet fjalë për njohje të vërtetë të vendimit të huaj gjyqësor por bëhet fjalë për miratimin e një vendimi të ri nga gjykata e shtetit të njohjes të bazuar në vendimin e gjykatës së huaj.

e)Sistemi i reciprocitetit diplomatik – vendimet e huaja gjyqësore nuk mund të njihen në shtetin e vendit përveç në rastet kur në mes shtetit ku është miratuar vendimi dhe shtetit të njohjes ekziston marrëveshje.

# **Ekzekutimi I Detyrushem Civile**

**Stefan Messmann** 

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The Case Law of Central and Eastern Europe Stefan Messmann, 2009

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