

BOOK REVIEW

Family law through practical cases: _____

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The family is considered in most cultures as the main pillar of the society. Today more than ever, with the advance of the progress and the complication of the social structure, the family is at the center of heated debates, between those who would like it to remain rigid in its traditional form and those who would like it to be more flexible and open to protect anyone.

Meanwhile, everywhere in the world, legislation in the field of family law is undergoing to a continuous change in the face of this social evolution, which today more than ever openly demands the rights of its individuals. This change in some places is more coherent and faster, in other places slower and static. Although for most people the family is very important, and it can hardly be seen beyond the traditional forms we are used to, perhaps today we should recall that famous Latin proverb “*Coniunctio animi maxima est cognatio*” and reflect.

The book “Family law through practical cases” edition of 2022 of the Mediaprint publishing house of the well-known Professors Arta Mandro & Juelda Lamçe, comes as an excellent practical manual of the family law in the context where this field is undergoing to very important transformations of its institutions.

The work is the result of the combination of the long academic and practical experience of its authors, who enjoy an indisputable prestige in the field of family law, as experts in the field of children’s rights, mediation, gender equality and non-discrimination, as well as in the field of international law.

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The work in question, as immediately understood from the title, does not constitute a simple volume on family law, but represents one of the most ambitious projects that the authors decide to realize, that is, the collection of the most relevant cases in family law. It is a work destined to become one of the points of reference for all legal practitioners who have to deal with the discipline of family law.

With this work, the authors aim to provide students and lawyers with an organic and in-depth treatment of the entire family code discipline through practical cases. And in the analytical deepening through the study of practical cases for family law institutes lies the greatest value of this book, setting it apart from other Albanian legal publications for its uniqueness and originality because it brings a valuable western model for enhancing practical knowledge in relation to this field, what will make this book inseparable from the theoretical manuals of family law.

The work undoubtedly constitutes a relevant innovation by bringing the traditional and contemporary disciplines to the reader through a voluminous, selected and comprehensive case study. Through the practical cases treated which are based on the most recent decisions of Albanian and international jurisprudence, the book exceeds what is codified by highlighting the latest developments and trends and accentuating through current issues in the Albanian family law sector, the separation from the traditional family law and the new dynamics of its transformation as a result of the social changes.

Divided into 3 parts, the work offers a complete treatment of all the institutes of family law in an exhaustive form, putting the student and the lawyer in front of practical situations that require diagnosis and at the same time find solutions through the lines, contributing to the reinforcement of their analytical skills and logical reasoning. This work stands out for its modern treatment of family law topics, understanding 'family' in its broadest and most current sense.

The work takes into account the latest regulatory innovations and the current jurisprudence by exhibiting a collection of practical cases accompanied by commentaries and legal references following the structure of the family code: from the principles of the family code, the spouses, the marriage and the property regimes, to the children, the adoption and the guardianship.

For each practical case there are presented the objectives, the circumstances of the case, the questions posed for discussion, practical advice and orientation answers focused on the legal basis, the court practice in correlation with the decisions of the Supreme Court, the decisions of the Albanian Constitutional Court and of the Strasbourg Court. Through the questions, the practical advice and the orientation answers that focus on the topics that are presented in the practical cases, it is intended to highlight with simplicity and clarity the legal, the economic and the property aspects related to the family law in transformation that are brought to the attention of the reader and of the legislator. In this perspective,



the discussion is complemented by a large number of notes with references dedicated exclusively to the doctrine and the jurisprudence in order to facilitate their identification and controversial orientations. The volume, through the most selected case studies, aims to offer to students and professionals the most suitable training and consultation tools.

The casuistry is not limited to what currently finds a solution in the Albanian legislation, but also affects issues that have not yet been taken into consideration in the context of the Albanian legislation, such as the cohabitation or the homosexual marriages. This is a widely debated topic and by presenting a practical case, the authors open an important discussion through questions, orienting the reader with Recommendations such as Recommendation CM/Rec (2010)5 of the Committee of Ministers for Member States on Measures for the War against Discrimination due to Sexual Orientation or Gender Identity and practical cases of the European Court of Human Rights. In the end, the reader is free to have his own opinion. This modern treatment beyond the taboos in the context of the Albanian society first of all educates the students in the auditorium, then it is a “blow” for everyone even for the adults, without imposing opinions, to see beyond. But this is not the only case that shows how far-sighted the authors are in dealing with the case study. Often, with their critical opinion, they dictate the legal vacuums to the legislator, making this manual very useful for everyone.

In the exposition of the practical cases, the authors do not refer only to a selected doctrine and jurisprudence, but also bring their original and sharp personal reflections, presented in a measured style, characterized by a rigorous and effective vocabulary, typical of the well-known authors who have a brilliant knowledge of the logical and legal categories in the field of the family law.

In this sense, it is essential to remember that the analysis of the jurisprudence and the knowledge of the basic decisions taken in this field and which find treatment in this work are points of advantage for the students, the jurists, the lawyers engaged in the court cases, to whom this book will serve as an important manual of the most relevant case studies, and a reference point for solving concrete issues.

In this way, the work is presented didactically and systematically, offering an interweaving of legal norms and modern jurisprudence that highlight the chaos that the evolution of this field is bringing and the need for changes in the legislation.

The authors address the phenomena of the family law through several scientific methods, proving an essential work done with great skill and a series of researches through a great personal investment. The work flows simply and clearly, that makes the reading pleasant and interesting. It is also characterized by the completeness of the treatment. Between the lines the reader perceives the passion, the tireless work, and the expertise of the authors with an undisputed authority and prestige in the country and abroad. This work arouses the interest not only of the students

or lawyers but also of the professional operators who have an inevitable connection with the family law and represents an important contribution not only to the contemporary legal culture, but on several levels in the context of such a complex and variable society.

Beyond the appreciation I have for the two authors as a passionate reader of law books, but also for the awareness that the relationship between legal science and legal practice is full of mutual encouragement and inseparable, because if the law helps to solve the practical cases, practice also changes the law, I can say that this book is a very important innovation and an example to follow for the Albanian legal publications.

