

krijimi i shteteve të reja)

► Mënyra tjetër e pushimit të sovranitetit është okupimi. Okupimi nënkupton jo vetëm humbjen e sovranitetit të një shteti por edhe nënshkrimin e popullsisë vendëse. Kjo llogaritet me shumë teorisë klasike, pasi sot një teori e tillë konsiderohet e papranueshme. Okupimin eventual sot Bashkësisia Ndërkombëtare e konsideron gjendje të përkohshme dhe nuk e pranon në aspektin formalojuridik.

► Ndërkaq, njohja e shtetit të ri, pavarësisht nëse kemi të bëjmë me përmbyesje të brendshme të shtetit, me bashkangjithjen e një shteti një shteti tjetër apo me krijim të shtetit të ri, bëhet në dy mënyra: a) konstitucionale dhe b) deklarative.

► b) Territori

► Shteti, për të funksionuar si i tillë duhet të ketë territorin e vet. Pra, territori paraqet element konstituiv që nënkupton hapësirën tokësore, ajrore dhe ujore të kontrolluar në mënyrë efektive prej shtetit.

► Hans Kelsen: "Në një territor, në të njëjtën kohë, nuk mund të ekzistojë më shumë se një shtet"

► *Për diskutim: Capëtimi i territoreve të Shqipërisë nga Fuqitë e Mëdha pas shpalljes së Pavarësisë në vitin 1912, si dhe rasti i Kosovës sot me mungesën e kontrollit efektiv të pjesës veriore.*

► Shtetet kanë kufijtë e tyre që përcaktojnë vijat ndarëse me territoret e shteteve të tjera, pra të cilët përkufizojnë gjeografikisht shtetet dhe këta kufij mund të jenë natyral (pikat malore, liqenet, lumenjtë, etj.) dhe artificialë (ndarja me gurë sinjalizues, shtylla të ndryshme, etj.).

► Territori tokësor është sipërfaqja tokësore e shtetit e cila ka formën e një koni gjeometrik në thellësi të tokës që shkon duke u ngushtuar deri në pikën e përbashkët.

► Territori detar nënkupton pjesën ujore të lidhur me pjesën tokësore të shtetit dhe që shkon në brendi deri në 6, 12 apo edhe më shumë milje, varësisht si është caktuar me konventa ndërkombëtare. Kjo pjesë e territorit quhet "Ujërat territoriale" ose "Zonë Bregdetare", ndërkaq hapësira e detit përtej vijës kufitare quhet "Zonë e Lirë Detare" ose "Ujëra Ndërkombëtare", ku mund të qarkullojnë objekte të ndryshme, pa ia nënshtruar juridiksionit të asnjë shteti.

► Territori ajror është hapësira ajrore deri në lartësinë që shteti mund ta kontrollojë në mënyrë efektive. Pra, lartësia nuk është e caktuar me norma ndërkombëtare siç është rasti me kufijtë detarë, por kufiri i sipërm shtetit konsiderohet pika deri ku shteti mund të ushtrojë kontroll.

► c) Shtetësia

► Popullsia është elementi tjetër konstituiv i shtetit që nënkupton bashkësinë personale me të drejta dhe përgjegjësi juridike e politike që jeton në territorin e shtetit.

► Duke pasur parasysh shkallën e komunikimit global e cila po bëhet gjithnjë e më

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Esat Stavileci



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Krijimi i së drejtës dhe roli i teknikës juridike Bajram Pollozhani, 2003

Библиография Югославии ,1987

Shteti Esat Stavileci, 2008

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