

Property and Inheritance Rights for Women Whose Husbands Disappeared during the Last War in Kosovo: Case Studies: Krusha e Vogël and Krusha e Madhe, Region of Prizren, Kosovo

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Abstract : Property and inheritance rights for women whose husbands were killed or disappeared during the last war in Kosovo is the purpose of this study, respectively, the access of these women to family real estate. The case study is about women whose husbands were killed or disappeared during the last war in Kosovo and who, on this occasion, earned the title of 'widow'. The research is conducted in the villages of Krusha e Vogël - Municipality of Prizren, and Krusha e Madhe - Municipality of Rahovec, one of the most suffered villages from the recent war in Kosovo. Krusha e Vogël, as a result of the recent war, has 113 male victims, or 70% of all men from the age of 13 to the age of 77, leaving widows and orphans. In the village of Krusha e Madhe, 243 Albanians were massacred by Serbs living in the same village, leaving widows and orphaned children alive. According to these data, most of the Krushian families, as heads of households, have surviving wives and widows. Therefore, being the head of the family and facing a mountain of challenges, such as economic, social, and cultural, the issue of how these women have approached the property and family heritage is considered. The equal right to property and inheritance is a right that is guaranteed to women with all legislation in force, starting from the Constitution of the Republic of Kosovo onwards. Article 7 of the Constitution of Kosovo and the subsequent legal framework recognizes the equality of women and the equal division of property between heirs, daughters, and sons. However, some of the legislation does not successfully reflect the current reality in Kosovo. All these ambiguities follow from the 'patriarchal law' of the Albanians in the time of the early Middle Ages, later known as the 'Kanun of Lekë Dukagjini'. At the time it was written and applied, it weighted the law in force, but later over time, it passed into tradition, culture, and mentality. The Kanun of Lekë Dukagjini, in no context, has treated women equally to men. The female, according to the Kanun, was a working tool, a creature to be born, to work, to carry, to raise children, and to remain faithful to the husband even when the husband is not faithful.

Keywords : property rights, heritage, widows, code

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