



TU 122 LAW IN EVERYDAY LIFE

NO # 2

**Classification of Thai Law
&
Private Law Rights**

Munin Pongsapan

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Classification of Thai Law

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Classification of Thai Law

Publicum ius est, quod ad statum rei Romanae spectat, privatum quod ad singulorum utilitatem. (Public law is that, which concerns Roman state, private law is concerned with the interests of citizens.)

Ulpian, Roman Jurist

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Classification of Thai Law

1. Private law

Law concerns relationships between individuals.

Important examples:

- (1) Contract law
- (2) Tort law
- (3) Property law
- (4) Family law
- (5) Law of succession
- (6) Commercial law (or business law)

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Classification of Thai Law

(1) Contract Law

Contract – a promise enforceable by law

Contract Law – relates to

- Existence and Termination of Contract
- Interpretation of Contract
- Breach of Contract
- Compensation due of an injured party

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Classification of Thai Law

(2) Tort Law

Tort – unlawful acts which cause an obligation to the injured party

Tort Law – relates to

- Liability of wrongful behaviour
- **Damages** to the injured party
- injunction

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Classification of Thai Law

(3) Property Law

Property Law – relates to

- Rights and duties of a person with respect to property
- eg. Acquisition, transfer, use, etc.

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Classification of Thai Law

(4) Family Law

Family Law – relates to

- Family relationship
- eg. Betrothal, Marriage, Divorce, Treatment of Children etc.

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Classification of Thai Law

(5) Law of Succession

Law of Succession

– relates to

- legal relations between property and heir or heirs upon the death of the owner

1. Legal heir
2. Wills

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Classification of Thai Law

(6) Commercial Law (Business Law)

Commercial Law (Business Law)

- relates to
 - Legal relations between individuals, particularly regarding trade and business activities
 - eg. Transport, Corporate Law (Partnership and Company), Suretyship, Mortgage etc.

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Classification of Thai Law

2. Public law

Law governs relationships between individuals and the government, and those relationships between individuals which are of direct concern to the society

Notable examples:

- (1) Constitutional law defines the relationship of different entities within a state, namely, the executive, the legislature, and the judiciary.
- (2) Administrative law governs the activities of administrative agencies of government
- (3) Tax Law
- (4) Criminal law?

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Classification of Thai Law

Criminal law

Law relates to crime and punishment.

Criminal punishment

- (1) Capital punishment (2) Imprisonment (3) Detention
- (4) Forfeiture of property (5) Fine

Any legal rule which includes a criminal punishment can be considered criminal law.

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Classification of Thai Law

Difference between Tort and Criminal law

Criminal Law	Tort
Public Law	Private Law
State prosecutor	Plaintiff
Controlling and Uniforming the behaviours of people.	Fair Compensation
Focus on the person who committed the act.	Damage is always required.
Wrongdoers need to act with intent.	A person can be liable without intent.



Private Law Rights



Terminology

Rights – something that you are morally, legally or officially allowed to do.

Freedom - the right to do what you want without being controlled or restricted by anyone.

Duty – something that you have to do because it is morally or legally right. (See “obligation”)

Liability – legal liability for something, especially for damage or injury

Privilege – An exemption from substantive law that is given only to one person or a group of people

Immunity – the rights of being protected from procedural laws.



Concepts of Rights in Public Law

Rights in public law (especially constitution)

- Fundamental rights
 - Rights to self-determination
 - Rights to liberty
 - Rights to due process of law
 - Rights to freedom of movement
 - Rights to freedom of thought
 - Rights to freedom of religion
 - Rights to freedom of expression
 - Rights to peaceably assemble
 - Rights to freedom of association
 - Rights to ownership



Rights under Private Law

Classification of Private Law Rights

The classification of private law rights varies depending on the criterion employed. Different criteria give different classifications.

Basic Classifications

- Classification by the subject matter protected by the rights
- Classification by the person who has a duty to respect the rights
- Classification by the enforcement of the rights



Classification by the Subject Matter Protected by the Right

1. Rights related to things

1. Real rights (rights *in rem*)
 - a. Absolute real right – ownership
 - b. Limited real right - habitation, superficies, servitude, usufruct etc
2. Concession
3. Intangible assets (especially IP rights)
4. Obligatory rights (rights *in personam*)

2. Rights related to persons

1. Rights to life
2. Rights arising from status



Classification by the Person Who Has Duty to Respect the Right

1. Absolute right
2. Relative right

Are they absolute or relative right?

- a. Real rights
- b. Intangible rights
- c. Obligatory rights
- d. Right to life
- e. Right arising from status



Classification by the Enforcement of the Right

1. Self-enforcing, including self-defense
2. Claim
3. Refusal
4. Nullification

Do the following rights constitute the right to self-enforcing?

- a. Real rights
- b. Concession
- c. Intangible rights
- d. Obligatory rights
- e. Right to life
- f. Right arising from status



Exercise

A driving negligently hit B, a minor, who was crossing a street. B's parents had to pay 100,000 THB for this treatment. They would like to sue A to claim damages for such delictual act. Please answer.

- a. What rights of B were violated?
- b. By suing A, what rights are the parents exercising?
