



TU 122 LAW IN EVERYDAY LIFE

Weeks #2&3

# Classification of Thai Law & Private Law Rights

Munin Pongsapan

1

---

---

---

---

---

---

---

---



## Classification of Thai Law

2

---

---

---

---

---

---

---

---



## 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)

3

---

---

---

---

---

---

---

---



## 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) Criminal law?
- (4) Tax law

4

---

---

---

---

---

---

---

---

---

---



## 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.

5

---

---

---

---

---

---

---

---

---

---



## Private Law Rights

---

---

---

---

---

---

---

---

---

---



## Terminology

**Right** – 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** – A special advantage that is given only to one person or a group of people

**Immunity** – the right of being protected from particular laws.

---

---

---

---

---

---

---

---

---

---



## Concepts of Rights in Public Law

Rights in public law (especially constitution)

- Fundamental rights
  - Right to self-determination
  - Right to liberty
  - Right to due process of law
  - Right to freedom of movement
  - Right to freedom of thought
  - Right to freedom of religion
  - Right to freedom of expression
  - Right to peaceably assemble
  - Right to freedom of association
  - Right 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 right
- Classification by the person who has a duty to respect the right
- Classification by the enforcement of the right

---

---

---

---

---

---

---

---

---

---



### 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. Right to life
- 2. Right 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?

---

---

---

---

---

---

---

---