



TU 122 LAW IN EVERYDAY LIFE

Classification of Thai Law & Private Law Rights

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Classification of Thai Law

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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

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

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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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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

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?
