

TU 122 LAW IN EVERYDAY LIFE

NO # 2

Private Law Rights

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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 wrongful act. Please answer.

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