

University Center Abdelhafid boussouf- Mila

Faculty of law and politics science

Departement of Law

LECTURES ON :

LEGAL STUDIES AND TERMINOLOGY IN ENGLISH

Addressedt to first year law students – 2nd semester

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Lesson 1: Rights and Obligations الحق و الواجبات

Legal rights and Duties .

Every person has a right to enjoy personal security within the limit of the law.

The nature of the right makes it necessary to impose the duty.

To observe it upon all members of the community.

Definition of right تعريف الحق

A power or privilege held by the general public as the result of a constitution , statute , regulation ,judicial precedent , or other type of law .

صالحية او امتياز ممنوع به الجمهور العام نتيجة لدستور او قانون او النحة او سابقة قضائية او نوع اخر من القانون .

Classification of rights

الحقوق السياسية Political rights 1) حق ان

ينتخب. Right to vote.

حق في ان ينتخب. Right to be voted.

المواطنة. Right given to citizens.

الحقوق المدنية Civil rights 2)

حقوق عامة. Public rights.

حقوق عائلية. Family rights.

الملكية. Patrimony right.

Another classification of rights

Various classification of rights in general are in use :

These are the most known :

الحقوق العامة و الخاصة : 1. Public and private :

Which includes

Nature personality

Personal freedom

Public officials

Political rights.

2. Rights in rem and rights in person are the absolute and relative rights
3. Real and personal rights are the rights of the person and the rights of the thing
4. Personal and proprietary rights are the rights of the person and the rights of the thing
5. Positive and negative rights are the rights of the person and the rights of the thing
6. Perfect and imperfect rights are the rights of the person and the rights of the thing

The subjects of rights : أصحاب الحقوق

There are two sorts of subjects :

Physical persons : الأشخاص الطبيعيين

The personality of man begins upon birth and ends upon death.

To be considered a person , man must be born alive.

And to distinguish every person from his fellowmen : his name and his domicile.

Moral persons الأشخاص المعنويين

As :

المؤسسات Societies امانة العاصمة

البلديات Municipalities الجمعيات

Association

Persons and Things :

Persons legal conception or personality المفهوم القانوني للشخصية

Law is considered only with persons as holders of rights and subjects to duties.

Physical persons / Moral persons or Juristic persons. Every person who attains full age enjoy his mental power and it is not interdicted shall have full capacity to exercise his civil rights.no person shall be allowed to disown his personal freedom of capacity to amend their provision.

Moral persons or (legal person) or (juristic person) :

The modern law confines the legal personality only to natural person but also attributes it to a group of person i.e companies or to amounts of many collected and specialized for the achievement of a specified objects, i.e associations , and foundations.

Classification of Moral Personal.

- a) Private moral persons
- b) Public moral persons

The most important of these are:

Associations / Societies.

A legal person shall be subject to the limitation prescribed by the law enjoy all the rights except those which attach to the natural element of the person thus shall have :

An independent financial obligation

Capacity within the limits by the law .

The rights of adjudication.

An independent domicile.

It has representatives who express its will.

<u>Legal Terminology</u>	<u>المصطلحات القانونية</u>
Person	شخص
Subject	موضوع/يحكم
Capable	قادر و مؤهل
Rights	حقوق
Physical person	الشخص الطبيعي
Obligation	التزام
Personality	شخصية

Begins	يبدأ
Consider	يعتبر
Legal conception of personality	المفهوم القانوني للشخصية
Holder of rights	حامل الحقوق
Place of domicile	مكان الإقامة
distinguish	تميز
Moral person	الشخص المعنوي

Juristic person	الشخص القانوني
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Legal person	الشخص المعنوي
Confine	حدد
Attribute it to	ينسب الى
Achievement	الهدف
Foundation	مؤسسة
Societies	شركات
Municipalities	البلديات
Association	جمعية