

SUBJECTS

- Something with intelligence like people

OBJECTS:

- What you have the right to, like a car, clean water, etc.

Rights (two parts)

- Relationship between legal subject and object of the right
- Relationship between legal subject (who is the holder of the right) and other legal subjects

RIGHTS

- How people relate to one another

LAW

- System of Norms
- System of Rights

Classes of RIGHTS

REAL right

- Object: a thing

Right to material, physical things

- Right of ownership, rights of pledge. Powers we may exercise on the right make up the content of a right

Ownership

- Owner of a property may do with it what he or she pleases (alienate, sell or give away or destroy it)

Pledge

- Give movable thing as security for a debt (give horse to someone we owe money)
- Limited real right (does not own it, only controls it)

Servitude

- Right of way is given to one person of land of another person. Person who the servitude is given to may only pass through the land using common entry.
- Limited real right

PERSONALITY right

- Object: personality property

- Rights towards parts of our personality
- Right to own your body
- Right to good name and reputation

INTELLECTUAL PROPERTY right

- Object: non-tangible creation of human mind

- Creations of the human mind
- Work of art, movies, idea, patent
- Also known as immaterial property rights

PERSONAL right

- Object: performance (claim)

- Right to performance (also called claim)
- Doing or not doing something
- Paying school fees, receive service from an employee

POWERS form the content of a right

- Right to sell / use an object = right of ownership of object

The connection between law and right

Two neighbours living next to one another have many rights they can exert on their properties respectively such as making it available as surety, bequeath it in a will to their children - But the law is concerned with the balance brought about between these two neighbours such as the one neighbour may not open a panel beating shop in suburbia, certain restriction on noise, boundary rules laid out by the municipality etc. These rules or rather the law keeps the peace between neighbours, it sets the boundaries for which they may exert their rights.

The content of a right is always limited. It is the rules of law that decide on what the powers of the holder of the right are.

When legal subjects have a right, the other legal subjects have a duty. If I have a right to my car, other legal subjects (people) have to respect my car i.e. can't use my car whenever they like.