

Third Lecture: Rights, Duties, and Obligations

Introduction

Opening:

Good morning everyone!

Welcome to our fourth and final session of this lecture series!

Let me quickly review our journey:

- *Session 1: Sources of Law - Where law comes from*
- *Session 2: Branches of Law - How law is classified*

And today, *Session 4: Rights, Duties, and Obligations*

Quick Review Question:

Before we begin, let me test your memory:

"The Ministry issues a regulation: 'All restaurants must close at 11 PM.' Is this regulatory or individual? Who can challenge it?"

Good! **Regulatory** (applies to all restaurants), and **any restaurant owner** affected can challenge in **administrative court** within **4 months** of publication.

You're learning!

Why Today's Topic is CRUCIAL:

Today we study three concepts that are **fundamental to all of law:**

- Rights ((الحقوق))
- Duties ((الواجبات))
- Obligations ((الالتزامات))

Why crucial?

Because **every single legal situation** involves one or more of these:

- Contract law? → Rights and obligations
- Criminal law? → Duty not to harm, obligation to respect law
- Administrative law? → Right to challenge, duty to obey lawful orders
- Labour law? → Employee's rights, employer's obligations
- Family law? → Parental duties, spousal obligations

Understanding these concepts = understanding the foundation of all law.

The Challenge:

Many students confuse these three concepts:

- "What's the difference between duty and obligation?"
- "Is a right the same as a claim?"
- "Can I have an obligation without a duty?"

Today, we will clarify everything with:

- *Clear definitions
- *Practical examples
- *Comparison tables
- *Real-life scenarios
- *Exercises

By the end, you'll be able to **instantly identify** whether something is a right, duty, or obligation.

Today's Structure:

Part 1: Rights (الحقوق)

- ✓ Definition and characteristics
- ✓ Types of rights
- ✓ How rights are protected

Part 2: Duties (الواجبات)

- ✓ Definition and nature
- ✓ Types of duties
- ✓ Relationship with obligations

Part 3: Obligations (الالتزامات)

- ✓ Definition and elements
- ✓ Sources of obligations
- ✓ Types and effects

Part 4: Practical Exercises

- ✓ Case studies

✓ Problem-solving

Let's begin!

PART 1: RIGHTS (الحقوق)

Definition of Rights

Legal Definition:

"A right is a legal power or entitlement recognized and protected by law, allowing its holder to act in a certain way or demand certain conduct from others."

In simple terms:

A right is **what you CAN claim** or **what you are entitled to**.

Key Characteristics:

1. Legal Recognition:

- Must be recognized by law
- Not just moral claim
- Protected by legal system

Example:

- Right to own property → Article 52 Constitution, Civil Code
- vs. "Right to be loved" → not legal right (moral desire)

2. Enforceability:

- Can be **enforced through courts**
- If violated, can sue
- Legal remedies available

Example:

- You have right to receive salary → If not paid, sue employer
- Can't just complain - can take legal action

3. Correlative Obligation:

- Every right creates **corresponding obligation** on someone else
- "Your right = someone's obligation"

Examples:

- Your right to property → Everyone's obligation not to interfere
- Your right to receive goods → Seller's obligation to deliver
- Your right to education → State's obligation to provide schools

This is crucial: No right exists in isolation!

4. Holder and Opponent:

- ✓ **Holder** صاحب الحق Person who has the right
- ✓ **Opponent** : المدين بالحق Person who owes corresponding obligation

Example:

- Ahmed has right to receive 100,000 DA from Karim (loan)
- Ahmed = holder
- Karim = opponent (obligated to pay)

Memory Aid:

Right = What you CAN claim/demand

- Think: "I have the **right** to..." (positive claim)
- Enforceable
- Legal protection
- Someone owes you something

Types of Rights

Rights can be classified in several ways. Let me show you the main classifications:

Classification 1: By Nature

A) Personal Rights(حقوق شخصية)

Definition:

Rights inherent to person's existence, dignity, and personality. Non-financial.

Characteristics:

- Inseparable** from person (can't transfer)
- Imprescriptible** (don't expire)

- Not in commerce** (can't buy/sell)
- Protect personality, dignity, identity

Examples:

1. Right to Life:

- Article 38 Constitution: "Right to life protected by law"
- No one can take your life

2. Right to Physical Integrity:

- Protection from assault, torture
- Medical treatment requires consent
- Article 48 Constitution

3. Right to Liberty:

- Freedom of movement
- No arbitrary detention
- Article 48 Constitution

4. Right to Dignity:

- Human dignity inviolable
- No degrading treatment
- Article 39 Constitution

5. Right to Privacy:

- Private life protected
- Home, correspondence, communications
- Article 46 Constitution

6. Right to Honor and Reputation:

- Protection from defamation
- Right to defend your good name
- Criminal Code Articles 296-298

7. Right to Name:

- Identity protection
- Use of your name
- Civil Code Articles 28-32

B) Property Rights حقوق مالية

Definition:

Rights with economic/financial value. Can be transferred, sold, inherited.

Characteristics:

- ***Transferable** (can sell, give, inherit)
- ***Prescriptible** (can expire with time)
- ***In commerce** (can be valued in money)
- ***Seizable** (creditor can take to pay debt)

Two main types:

a) Real Rights حقوق عينية

Definition:

Direct power over a thing (property), enforceable against everyone.

Main real rights:

1. Ownership (Propriété - ملكية):

- *Complete power over thing
- *Use (usus), enjoy (fructus), dispose (abusus)
- *Article 674 Civil Code

Example: You own your car

2. Usufruct (حق الانتفاع)

- *Right to use and enjoy thing owned by another
- *Limited in time

Example: Living in parent's house

b) Personal Rights(حقوق شخصية – دائنية -)

NOTE: Different from "personal rights" (personality)! Context matters.

Definition:

Right of one person (creditor) against another person (debtor) to demand performance of obligation.

Characteristics:

- Relative** (only against specific person)
- Not against everyone (like real rights)
- Based on relationship between two parties

Examples:

1. Contractual Rights:

Buyer's right to receive goods

Seller's right to receive payment

Tenant's right to occupy apartment

Basis: Contract (Article 106 Civil Code)

Key Difference - Real vs Personal:

Real Right:

- Over a **thing**
- Against everyone
- **Example:** Ownership of car → Everyone must respect it

Personal Right:

- Against a person
- Only against specific person
- **Example:** Right to receive payment → Only debtor must pay

Classification 2: By Source

A) Natural Rights:

Inherent to human beings

Pre-exist law (law recognizes them)

Example: Right to life, dignity

B) Legal Rights:

Created by law

Didn't exist before law created them

Example: Right to vote, intellectual property rights

Classification 3: By Field

A) Constitutional Rights:

In Constitution

Fundamental rights

Examples: Freedom of expression (Article 50), right to education (Article 65)

B) Civil Rights:

Civil Code

Property, contracts, family

Examples: Ownership, contractual rights

C) Social Rights:

Work, health, social security

Examples: Right to work (Article 55 Constitution), social security

D) Political Rights:

Participation in public life

Examples: Vote, run for office (Article 51)

***PART 2: DUTIES* / الواجبات**

Definition of Duty

:

"A duty is a moral, social, or civic responsibility that a person owes to society, the state, or other persons, which may or may not be legally enforceable."

In simple terms:

A duty is what you SHOULD do - based on morality, ethics, social norms, civic responsibility.

Key Characteristics:

1. Moral/Ethical Dimension:

Based on values, ethics, social norms

What society expects

-Sense of responsibility

Example:

-Duty to help elderly person cross street

-Duty to be honest

2. General and Broad:

-Not specific

-Not to particular person

-General obligation to society/humanity

Example:

-Duty to respect others (everyone)

-vs. Obligation to pay Ahmed 1000 DA (specific person, specific amount)

3. Often Not Legally Enforceable:

-No lawsuit if not performed

-Social disapproval, not legal sanctions (usually)

-Conscience-based

Example:

-Duty to be kind to neighbors

-If you're unkind → people dislike you, but no lawsuit

4. Can Become Legal Obligation:

- Some duties are **also** legal obligations
- When law mandates the duty

Example:

- Duty to help person in danger → **Also legal obligation** (Article 182 Criminal Code - failure to assist)
- Duty to respect traffic laws → **Also legal obligation** (Traffic Code)

So: Some duties = only moral

Other duties = also legal

Memory Aid:

Duty = What you SHOULD do

- *Think: Moral responsibility, social expectation
- *Often not enforceable (but sometimes is)
- *Broad, general
- *To society/community

Types of Duties

1. Civic Duties

Definition:

Responsibilities of citizen toward state and society.

Examples:

A) Respect Laws:

- General duty to obey valid laws
- Foundation of social order

Note: Also legal obligation when specific

B) Loyalty to Country:

- Article 81 Constitution: Citizens' duties

-Respect national symbols, institutions

-Moral and legal dimension

C) National Service:

-In Algeria: military or civil service

-Note: When mandated by law → becomes legal obligation

D) Participate in Public Life:

-Voting (in Algeria: optional, so more duty than obligation)

-Contribute to community

-Informed citizenship

E) Pay Taxes:

-Note: This is BOTH duty AND legal obligation

-Duty: contribute to public services

-Obligation: law mandates it (Financial Law)

2. Moral Duties ((الواجبات الاخلاقية))

Definition:

Based on ethics, conscience, moral values.

Examples:

A) Honesty:

-Duty to tell truth

-Becomes legal when under oath in court

-Otherwise: moral only

B) Kindness:

-Treat others well

-Help those in need

-Moral expectation

C) Gratitude:

-Toward parents, teachers, benefactors

-Social/moral value

Legal dimension: Children must respect/support parents (Family Code)

D) Keeping Promises:

-General moral duty

-**Becomes legal** when promise becomes contract

E) Respecting Elders:

-Cultural/moral duty in Algerian society

-Social expectation

-Not legally enforceable (unless specific law)

3. Social Duties (الواجبات الاجتماعية)

Definition:

Responsibilities toward community and society.

Examples:

A) Environmental Protection:

-Duty not to pollute

-Preserve environment for future generations

-Legal dimension: Environmental Law 03-10

B) Solidarity:

-Help community members

-Social cohesion

-Charity (moral duty; zakat = religious obligation for Muslims)

C) Professional Ethics:

-Lawyers: duty to defend client zealously

-Doctors: do no harm (Hippocratic oath)

-Teachers: educate well

Often becomes legal through professional codes

4. Religious Duties (الواجبات الدينية)

Definition:

Obligations based on religious faith.

Examples (for Muslims):

-Prayer (5 daily prayers)

-Fasting (Ramadan)

-Zakat (charity)

-Hajj (pilgrimage if able)

***Note:** Religious duties, not legal obligations in Algeria (except where Family Code incorporates Sharia)

Duty vs Obligation

Key Question: When does duty become obligation?

Answer: When law specifically mandates it.

Examples:

1. Helping Person in Danger:

-**Moral duty:** You should help

-**ALSO legal obligation:** Article 182 Criminal Code

-Failure to assist = crime (up to 5 years imprisonment)

-**So:** Started as duty, became legal obligation

2. Being Honest with Friends:

-**Moral duty:** Good friends are honest

-**NOT legal obligation:** No law requires it

-If you lie to friend → they're upset, but no lawsuit

***Exception:** If lies cause damage → tort liability

3. Respecting Parents:

- Moral duty:** Treat parents well
- ALSO legal obligation:** Family Code
- Children must support elderly parents financially
- Can sue child who abandons parents

4. Protecting Environment:

- Moral duty:** Don't pollute
- ALSO legal obligation:** Environmental Law 03-10
- Polluting = violation, fines, criminal charges

PART 3: OBLIGATIONS (الالتزامات)

Definition of Obligation

Legal Definition (Article 53 Civil Code):

"An obligation is a legal bond (lien de droit) between two or more persons, by which one (the debtor) is bound to perform a specific act or refrain from an act for the benefit of another (the creditor)."

In simple terms:

An obligation is **what you MUST do** - legally binding, specific, enforceable.

Elements of Obligation:

Every obligation has FOUR elements:

1. Debtor (المدين):

- Person who **must perform**
- Owes the obligation
- Bound by legal bond

Example: Borrower who must repay loan

2. Creditor (الدائن):

- Person **entitled to performance**
- Benefits from obligation
- Can demand performance

Example: Lender who lent money

3. Object (المحل):

-**What** must be performed

-The specific act or forbearance

-Must be:

- **Possible** (physically and legally)
- **Lawful** (not contrary to law, public order, morals)
- Determined or determinable

Examples:

-Pay 100,000 DA

-Deliver car

-Build house

-Refrain from opening competing business

4. Legal Bond (الرابطة القانونية)

-**Legal tie** between debtor and creditor

-Makes obligation enforceable

-Created by one of the sources of obligations (see below)

This is key: Not just moral promise, but **legal** bond enforceable in court.

Characteristics of Obligations:

1. Specific and Concrete:

*Precise parties (Ahmed owes Fatima)

*Precise object (100,000 DA)

*Not general/abstract

2. Legally Enforceable:

*Can sue if not performed

*Court can order performance

*Damages if breach

3. Between Identified Parties:

- Debtor(s) and creditor(s) known
- Not obligation to "everyone"

4. Creates Legal Consequences:

- Breach → liability
- Damages, specific performance, termination

Memory Aid:

Obligation = What you MUST do (legally)

- Think: Legal requirement, enforceable, specific
- Between identified parties
- Breach = lawsuit

Part Four : Comparison and Distinctions

Key Differences: Comprehensive Comparison Table:

Aspect	RIGHT	DUTY	OBLIGATION
Nature	Entitlement, power	Moral/ Social responsibility	Legal requirement
What	What you CAN claim	What you SHOULD do	What you MUST do
Specificity	Can be general or specific	Usually general, broad	Always specific, concrete
Enforceability	Enforceable (sue in court)	Often NOT enforceable	Fully enforceable
Parties	Holder vs all or specific person	Individual to society	Debtor and Creditor (Identified)
Source	Law, contract, etc	Morality, ethics, custom	Contract, law, unilateral act
Examples	Right to own	Duty to respect	Obligation to pay

	property	others	100.000DA
Transfer	Some transferable (property rights)	Not transferable (personal duty)	Some transferable (e.g, debt assignment)

Simple Memory Aids:

RIGHT = CAN

"I CAN claim this"

"I am entitled to this"

"This is mine by law"

DUTY = SHOULD

"I SHOULD do this"

"It's expected of me"

"It's the right thing to do"

OBLIGATION = MUST

"I MUST do this"

"I am bound legally"

"I will be sued if I don't"

Relationship Between Them:

1. Rights ↔ Obligations (Correlative):

Your right = Someone else's obligation

Examples:

- Your right to receive goods = Seller's obligation to deliver
- Your right to quiet enjoyment = Neighbor's obligation not to make excessive noise
- Your ownership right = Everyone's obligation not to interfere

Formula:

RIGHT (of A) ↔ OBLIGATION (of B)

This is fundamental: Rights and obligations are two sides of same coin!

2. Duties ↔ Obligations (Sometimes Overlap):

Some duties are ALSO legal obligations:

Examples:

- Duty to help person in danger → ALSO legal obligation (Article 182 Criminal Code)
- Duty to support children → ALSO legal obligation (Family Code)
- Duty not to pollute → ALSO legal obligation (Environmental Law)

Other duties are ONLY moral:

- Duty to be kind → NOT legal obligation
- Duty to help neighbors → NOT legal obligation (unless specific situation)

Diagram:

[DUTIES]

/ \

Moral Legal

only (also obligations)

3. No Right Without Obligation:

Philosophical principle: Every right implies corresponding obligation.

If I have right → Someone has obligation

If no one has obligation → I have no enforceable right (just wish/desire)

Example:

- I want to be loved → desire, not legal right (no one legally obligated to love me)
- I have right to receive goods I bought → legal right (seller legally obligated)

Conclusion

Summary of Today - AND Entire Series:

Today's Key Points:

1. RIGHTS:

- What you CAN claim
- Enforceable
- Types: Personal rights (life, dignity), Property rights (ownership)
- Protected by law, courts

2. DUTIES:

- What you SHOULD do
- Often not enforceable (moral/social)
- But some duties ALSO legal obligations
- Types: Civic, moral, social

3. OBLIGATIONS :

- What you MUST do
- Always enforceable
- Elements: Debtor, creditor, object, legal bond
- Sources: Contract, tort, law, unilateral act

4. RELATIONSHIPS:

- Rights ↔ Obligations (correlative - two sides of same coin)
- Duties sometimes become obligations (when law mandates)
- No right without corresponding obligation

The Complete Picture - All Three Sessions:

Session 1: Sources of Law

- ✓ WHERE law comes from
- ✓ Hierarchy: Constitution → Treaties → Laws → Regulations
- ✓ Primary vs Secondary sources

Session 2: Branches of Law

- ✓ HOW law is organized
- ✓ Public vs Private Law

- ✓ Substantive vs Procedural
- ✓ Specialized areas

Session 3: Rights, Duties, Obligations

- ✓ FUNDAMENTAL CONCEPTS in all law
- ✓ What you can claim, should do, must do
- ✓ Foundation of legal relationships

Together, these Three sessions give you:

- ***Foundation** for understanding any legal issue
- ***Framework** for legal analysis
- ***Vocabulary** to discuss law
- ***Skills** for legal problem-solving

Final Practical Advice:

As Future Lawyers:

1. Always Ask These Questions:

- What source of law applies? (Session 1)
- What branch of law is this? (Session 2)
- What rights are involved? What obligations? (Session 3)

2. Think Systematically:

- Law is organized, logical
- Follow hierarchy
- Identify relationships (rights ↔ obligations)

3. Be Precise:

- Don't confuse duty with obligation
- Don't confuse public with private law
- Precision matters in law!

4. Remember Context:

- Same facts can involve multiple branches
- Rights, duties, obligations often coexist
- Think holistically

Thank you

*I hope you now have a **solid foundation** in legal concepts*

These fundamentals will serve you throughout:

**Your remaining law studies*

**Professional exam*

**Legal career*

Remember: Law is about **relationships** - between people, between people and state, between rights and obligations.

Understand these relationships, and you understand law.

Thank you for your attention throughout these Three sessions!

Good luck in your studies and future careers!

You are dismissed. See you in future courses!

Good luck

