

University of Djelfa

Faculty of Law and Political Science

Department of Law

Second semester; first year (LMD), 2023/2024

Course No. 02

Subjective right

Subjective law means all the prerogatives, advantages or particular powers which a subject benefit from and can claim of law, whether a natural or legal person. Subjective rights are recognized by objective law. Thus, individuals are equal before the law (objective law), but do not all have the same rights. Subjective rights are enforceable against third parties, and their respect or recognition can be claimed in court.

In subjective rights, we distinguish:

Property rights that have a monetary value. They are transmissible, for example by inheritance, assignable to a purchaser, seizable by unpaid creditors, and prescriptive (extinction of the right after a certain period set by law). They are divided into three categories:

Real rights connect a subject of law and a material thing.

Examples: property rights, usufruct, bare ownership, mortgage, pledge.

Personal rights (or rights of claim) relate to an individual. A personal right connects a creditor and a debtor.

Examples: unsecured, privileged or secured creditor.

Intellectual property rights relate to intangible property resulting from the intellectual activity of the legal subject. Examples include literary property, artistic property, industrial property, customer property, etc.

Non-patrimonial rights which have no pecuniary value in themselves and which are non-transferable, non-assignable, unseizable and imprescriptible.

- Political rights (e.g. right to vote)
- Public, civil and civic rights
- Family rights (parental authority)
- Personality rights Ex: right to name, honor, image, privacy, moral rights of the author over his work.