



**Law department**

**May 2026**

**Level: First Year Bachelor**

**Theory of Right examination**

**Question 1: Multiple Choice Questions (MCQs) – (4 points)**

**1. According to the subjective approach, right is defined as:**

- a) An interest protected by law
- b) A voluntary power granted by law to a person within a known scope
- c) The exclusive enjoyment of values approved by law
- d) A social obligation

**2. Which of the following is NOT a characteristic of personal rights (rights in personam)?**

- a) They are enforceable against everyone (absolute rights)
- b) They involve two parties: creditor and debtor
- c) Their subject matter is an obligation to do or not to do something
- d) They are temporary and extinguished by performance

**3. The right of easement (servitude) is considered:**

- a) An accessory real right
- b) A personal right
- c) An original real right
- d) A mixed right

**4. A person lost in a plane crash (probable destruction) is declared dead by the court after:**

- a) One year
- b) Two years
- c) Four years
- d) Seventy years

**Question 2: Short Answer Questions – (6 points)**

**1. Explain the mixed approach to defining right. How does it combine will and interest?**

**2. List four differences between real rights (rights in rem) and personal rights (rights in personam) as presented in the course.**

**3. What are the three conditions that must be met for an act to be a valid subject matter of a right? Provide a brief example for each.**

**Question 3: Case Study – (6 points)**

Ahmed, a 16-year-old discerning minor (aged 16 Hijri years), owns a smartphone. Without informing his guardian, he sells the phone to his friend Samir (an adult) for 20,000 DZD. The market value of the phone is 25,000 DZD. Later, Ahmed’s guardian discovers the transaction and wants to challenge it. Separately, Ahmed’s neighbor, Mr. Karim, has been using a path through Ahmed’s family land to reach the main road for 10 years. There is no written agreement. The family land is now sold to a third party who wants to block the path.

**Questions:**

1. What is the legal status of the sale contract between Ahmed and Samir, given Ahmed’s capacity? Is the contract valid, void, or voidable? Justify your answer based on the stages of capacity. (2 points)
2. What type of right does Mr. Karim likely have over the land? Explain the legal nature of this right and whether it binds the new owner. (2 points)
3. If the third party blocks the path, can Mr. Karim file a lawsuit? What conditions for admissibility of a lawsuit must be met? (2 points)

**Question 4: Essay Question – (4 points) Write a structured essay**

**“The theory of abuse of right: when does the legitimate exercise of a right become unlawful? Discuss with reference to the cases presented in the course and examples from Islamic jurisprudence.”**

**Pr.Chekirine Dilmi**

1 – إلزامية كتابة اللقب و الاسم باللغة العربية: .....

2 – إلزامية كتابة الإجابة بالرقن على الحاسوب.

3 – يمنع تصوير الإجابة.