

On the Relationship Between Rights and Obligations

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Abstract

Rights and obligations regulate the legal norms to adjust people's behavior, rights and obligations are a very important part of the law, and people do not have a deep understanding of rights and obligations, and this article argues that the study of rights and obligations should first adhere to the principle. Rights and obligations are interrelated, inseparable, interdependent, and develop together. The existence and development of one side, the other side will follow the existence and development, the unity of opposites. There is a scope of rights, beyond this scope may constitute the abuse of rights, it is illegal. And it is forbidden by law to place too much responsibility on one person.

Rights are related to interests. Generally, people who enjoy rights can get benefits, while obligations are related to efforts and burdens. The law stipulates the rights and obligations of subjects, allowing them to decide whether to do certain behaviors or not to do certain behaviors. The right makes the actor carry on the activity because of the interest, while the obligation is some mandatory and binding force people to do a certain behavior. Therefore, it is of great significance to correctly understand rights and obligations.

Keywords: rights, obligations, behavior

1. The Introduction of Rights and Obligations

1.1 The Concept of Rights

Rights have different meanings for different aspects. Morality is a kind of right, habit is a kind of right, and law is a kind of right. Scholars have different opinions on what rights are essential, among which there are several theories. In the second, rights are regarded as a kind of scope and cognition; in the third, rights are regarded as a kind of behavioral interest; and in the fourth, rights are regarded as a kind of qualification. But in our socialist legal system, rights are supposed to guarantee something else. Marx believed that "everything the people pursue is for their own benefit." Legal rights refer to the important guarantee and safeguard method that the state, through legal provisions, can independently decide whether to be or not to be a certain behavior.

Civil rights is a legal concept. There are different views on its exact essence in the academic circle. The first view holds that the right has the nature of freedom, and the right is a kind of power that the law gives people to realize their interests. People have the freedom to decide which of their rights to realize, and this way of decision has the nature of freedom, so this view takes the attribute of freedom as the essence of power. The second view holds that the right is a kind of scope, and the right is not to be reckless, but to be exercised within the scope allowed by the law. Any right beyond the law will not be allowed and will be punished by the law. The third view holds that rights are also a kind of interest. Rights are the power given by law to people to protect and realize their own interests. The premise of realizing rights is the needs of citizens' own interests. The fourth view holds that right is a kind of qualification, which is the qualification that people have to realize their own interests within the scope allowed by law. Without such qualifications, they certainly do not have the right to realize interests. Rights are the willpower or will control power given to people by law. Although different scholars have different definitions of the meaning of rights, in our socialist legal system, the author believes that protection is

the obvious meaning of rights. Marx believed that “everything the people pursue is for their own benefit.” The law, in the form of civil rights, provides protection for citizens who pursue their own legitimate interests.

1.2 The Unique Characteristics of Rights

Legal power itself has its own unique characteristics:

- (1) Rights are closely related to legal norms, which are recognized and recognized by the state. When rights are violated, the state should play its own characteristics, sanction and punish the infringement, so that rights can be shown.
- (2) The subject of rights can also have the corresponding rights, can also implement rights, rights can choose.
- (3) Rights are related to interests and can protect interests. To protect some kind of interest. The right has the character of interest. The interests to be protected by rights are diverse, including personal interests, national and collective interests.
- (4) Rights and obligations are a whole.

1.3 The Concept of Obligation

Obligation has a variety of meanings, first, it refers to the obligatory scope of action, secondly, it refers to the people to make legal acts to produce constraints. Again, he refers to whether people have to perform an action.

Obligation should be the behavior that people have not performed, should be the behavior that people should do, and is a kind of behavior in the future sense. It is not an act or action that has been performed, and that means that the obligation has been fulfilled. Moreover, obligations must be enforced by people. Obligatory agents are not free to breach their obligations.

1.4 Classification of Obligations

There are two kinds of obligations. One is positive obligations. The obligor may not abstain from acting in accordance with the claim of the right. It is a kind of duty, such as supporting parents, supporting children and so on.

The second is the negative obligation, that is, the obligation to forbid the obligor to do a certain act, which is a kind of obligation to do nothing. There are many ways not to act, such as the obligations prohibited by the criminal law, and not illegal detention, can not destroy other people's property.

Obligations include statutory obligations and non-statutory obligations. Constitutional and legal obligations are called statutory obligations. You're liable if you break it. Non-statutory obligations are similar to moral obligations, and we have to abide by them. To enjoy rights, one must first fulfill duties. Only then can we fulfill our moral obligation. In order to practice core socialist values.

2. The Relationship Between Rights and Obligations

2.1 The Practical Relationship Between Rights and Obligations

2.1.1 In Different Stages, the Two Have a Clutch Relationship

Rights and duties are unified in opposition and restrict each other. They are of primary and secondary importance. Rights are the primary relationship and obligations are the secondary relationship.

For example, in the primitive society, rights and obligations were completely combined, and then with the development of time, there emerged the aristocracy, the aristocracy group only enjoyed rights but did not perform their own obligations, while the majority of civilians only performed obligations but did not enjoy rights.

Rights and obligations are complementary to a certain extent. Rights do not necessarily realize interests, and it is easier to realize interests if obligations are set.

Rights and obligations are mutually restricted, individual rights restrict the rights of the state, and the state produces obligations and responsibilities, and the state rights also restrict the individual, restricting the individual should abide by the obligations.

Rights and obligations are subject-subordinate relationships, and obligations are used to guarantee the realization of rights. Only by performing obligations can rights be realized more easily.

2.2 Rights and Obligations Are the Unity of Opposites

The right is a kind of gain, while the obligation needs to pay, they are opposite, but they are closely related. The development of the two is also complimentary,

Rights and duties are generally equal. In society, rights and obligations are equal on the whole, so the social environment is relatively stable. In a privileged society, the amount of rights and obligations are not equal, so it

is prone to chaos and war.

3. Rights and Obligations Are Equal

In the application of the law, everyone is equal and no one has special privileges.

In the legal system, rights and duties exist together. The legal systems of different countries view the importance of rights and obligations differently, with the distinction between rights and obligations. In the slave society, slaves only perform their obligations, while others only enjoy their rights, and the real development of social rights and obligations are equal. Only by taking responsibility can we better fulfill our obligations. We should abide by the law if we want to fulfill our obligations. We college students should actively assume their social responsibilities. Correct performance of rights and obligations, is a qualified college student.

The relationship between rights and obligations should be clear, and it is necessary to correctly exercise rights and perform obligations. Rights and obligations are equal. We should use the law as a tool to ensure the realization of our legitimate rights. In the realization of their own rights, to protect the rights of others to protect their own rights. For example, there are obligations to others, to society, and to the country that should be fulfilled. We must safeguard the rights of the state, the collective and others. Moreover, rights and obligations are both corresponding and interdependent. In order to realize rights, there must be obligations. Rights and obligations are the core content of legal relations and the operation of law, and the implementation of the law is inseparable from the distribution of rights and obligations. No matter how complex the law, it is of utmost importance to determine the limits and scope of rights and obligations, and how they are distributed. The most important thing in dealing with disputes between rights and duties is to make rights and duties equal.

3.1 Rights and Obligations Are Relatively Consistent

The rights and obligations of citizens are interrelated; If there are only obligations and no rights, you can make the citizens benefit from it. The rights and duties of citizens reinforce each other. Take paying taxes for example. Although it seems that citizens only fulfill their obligations, national taxes bring benefits to citizens, such as providing many public facilities, and citizens will feel better because of paying taxes. "Human rights do not come from accepting some obligation or receiving some benefit. Human rights are fundamental rights that people are born with, even if they do not fulfill their civic duties." If they fulfill their obligations and they get a lot of benefits, then citizens will be more motivated.

The relationship of dialectical unity is manifested in law, in which rights and obligations correspond one to one. That is, a legal right has corresponding legal obligations, they are dialectical unity, and rights and obligations are often equal. In society, rights and obligations are equal in general, if the total amount of rights is greater than obligations, then some rights do not exist; If the total amount of obligations is greater than the rights, the corresponding privileges will be formed. Societies with privileges have unequal amounts of rights and obligations, so they are prone to chaos and war. In primitive society, people's understanding level was limited, and there was no legal system established. The boundary between rights and obligations was blurred and completely confused. With the emergence of the state and class society, the rulers made laws one after another out of the need to maintain their rule, in which the shadow of rights and obligations can also be seen. There is often a sharp contradiction between them, and they are extremely unbalanced in the quantity distribution. The ruler often enjoys the supreme power, while the governed are exacted with very strict obligations. In our country, the total amount between the two is equal in the specific legal relationship, so the society is relatively stable.

"Rights and obligations are complementary, and only by enjoying legal rights can legal obligations be better fulfilled." And sometimes, there are rights, obligations want to perform obligations, obligations are also a kind of responsibility, duty requires the unity of action and inaction. If we can treat duty correctly, we can better realize the right, order can be better maintained. Rights and obligations are complementary, rights do not necessarily achieve interests, and if the obligations are set, it is easier to achieve interests. Rights and obligations are mutually restricted, individual rights restrict the rights of the state, and the state produces obligations and responsibilities, and the state rights also restrict the individual, restricting the individual should abide by the obligations.

In different stages, the two have a clutch relationship. Rights and duties are unified in opposition and restrict each other. They are of primary and secondary importance. Rights are the primary relationship and obligations are the secondary relationship. For example, in primitive society, rights and obligations were completely combined, and then with the development of time, there were aristocrats, aristocrats only enjoyed rights but did not perform obligations, while commoners only performed obligations but did not enjoy rights.

Rights and obligations are the subject-subordinate relationships, and obligations guarantee the realization of rights. Only by performing obligations can rights be realized more easily. Rights and duties are the unity of opposites. The right is a kind of gain, while the obligation needs to pay, they are opposite, but they are closely related.

3.2 *The Transformation from Duty Base to Right Base*

“Right standard” is a simple way of saying that “law takes rights as its starting point, pivot point or center of gravity”, and “duty standard” is a simple way of saying that “law takes obligations as its starting point, pivot point or center of gravity”.

Whether LAW TAKES RIGHT AS STANDARD OR DUTY AS STANDARD HAS ALWAYS BEEN ONE OF THE HOT TOPICS AND CONTROVERSIES IN Chinese LAW CIRCLES AND EVEN IN FOREIGN LAW CIRCLES. Under different historical backgrounds and social systems, the legislation of countries often makes the choice of localization, some choose the right standard, and some choose the duty standard. However, ONE thing has always been unchanged, that is, freedom and order have always been the value orientation of rights and obligations, and which one is the standard only reflects the different preferences of legislative value orientation.

A correct understanding of rights and obligations

(1) The premise of understanding rights and obligations

How do correctly understand rights and obligations? First of all, we must understand the law correctly.

A correct understanding of the law can be a correct understanding of rights and obligations. For everyone, rights and obligations are issues closely related to life. Therefore, “legal society consists of contracts, which exist everywhere from every aspect, no matter in daily life or anything else”. If we consider the law as a kind of contract, then both parties should abide by the rules and make the other party get some convenience, so that they can get convenience, have rights and perform obligations, and only in this way can they be fair. The law is inseparable from rights and obligations. Rights and duties in the law are very abstract, and even if you know what they really mean, “rights” represent certain interests. I emphasize the rule of law and the consciousness of citizens, but this is not conducive to the progress of the rule of law, resulting in a strong “consciousness of rights” but a poor “consciousness of obligations”.

Because the understanding of the relationship between rights and obligations also shows the level of legalization on a certain level. So, the relationship between rights and duties is very important.

(2) Methods for correctly understanding rights and obligations

Most prohibitive norms, compulsory norms in order to prevent others from infringing on their legitimate interests so we have to correctly understand the rights and obligations, then we must do.

First, we should adhere to Marxism and take a holistic view of problems. Second, we should understand their internal relations. Rights and duties are universal. To analyze rights and obligations, we must understand the law. Rights and obligations depend on each other, but we can give up rights voluntarily, while obligations must be fulfilled. The two of them are in dialectical agreement with each other. To enjoy the right to fulfill the obligation first, obligation is the performance of quality, every person to a position, he will pay taxes, become a taxpayer, so we have to pay taxes according to law, taxpayers pay taxes is a kind of obligation. We can appreciate the benefits of the government’s public finances. You have to fulfill your obligations before you can enjoy your rights. Today’s society is a democratic society, the privileged will not exist, such as Liu Xiaoqing tax evasion was punished by the law. Because no one can be a privileged person in today’s society. Therefore, citizens should consciously perform their obligations, so that they can enjoy their rights. Of course, the government should not only fulfill its obligations, but also ensure the realization of citizens’ rights and safeguard their legitimate rights.

(3) Correctly understand the importance of rights and obligations

According to the Constitution and the law, people should correctly exercise their rights and fulfill corresponding obligations in accordance with the law. In order to prevent others from infringing their legitimate interests, we should correctly understand the rights and obligations, so we must do: first, we should adhere to the Marxist point of view to analyze the internal relationship between the two, rights and obligations are universal, it exists in every legal relationship; Secondly, we should adhere to the dialectical relationship between rights and obligations in legal theory. Rights and obligations are interdependent, but we can give up rights voluntarily, while obligations must be performed. They are mutually dialectical. Finally, we should strengthen the awareness of citizens, protect their rights and fulfill their obligations. In order to enjoy rights, obligations must be performed first, which is the performance of citizen quality and also the requirement of the law. Only by performing obligations can we truly enjoy rights. Today’s society is a democratic society, the privileged will increasingly lack the soil to survive, such as Liu Xiaoqing tax evasion was punished by the law. Because no one in today’s society can enjoy privilege without a price.

Rights and obligations are at first unified, then split and opposite, and then become a dialectical unity. Because of the primitive society, rights and obligations are not clear, there is no difference between rights and obligations at this time. But with the emergence of class society, state and law, the two began to diverge. The nobility had

only rights, and the commoners only duties. Later, the socialist legal system was introduced, so the relationship between rights and obligations changed. "Duty standard exists in slave society and feudal society, while right standard exists in capitalist society and socialist society, and its rights and obligations are the same". Finally, rights and duties have different meanings in the law of each country. In a privileged society, obligations tend to be valued more. The more democratic the society, the more important it is to protect rights. At this time, the right is the first, the reason for the obligation is to ensure the better realization of the right.

4. Conclusion

The relationship between rights and obligations is very important, we should not look down on any layer of the relationship, ignoring any layer of the relationship will be incomplete. While people always pay attention to the superficial relations and antagonistic relations of rights and duties, they do not pay attention to the deep relations, that is, they are unified deeper inside. Duty is a kind of expression of right, duty is a kind of responsibility. Rights are a way of allocating obligations in law, and obligations can make this way work, obligations are set to better implement rights, and rights and obligations are related. We should understand what obligations we should fulfill and what rights we should enjoy. We should grasp the relationship between rights and obligations in a multi-dimensional way so that citizens can behave correctly and society will be more harmonious. The right makes the actor carry on the activity because of the interest, while the obligation is some mandatory and binding force people to do a certain behavior. Therefore, it is of great significance to correctly understand rights and obligations.

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