

*Abdelhafid Boussouf University Center – Mila*

*Faculty Of Law & Political Sciences*

*Departement Of Laws*

*Lectures On : Civil Law: Obligations and Contracts*

*Addressed To 2<sup>Nd</sup> Year Laws Students – Second Semester*

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## ***Introduction:***

Civil law governs various aspects of private relationships, including obligations and contracts. Understanding these legal concepts is essential for individuals and businesses operating within the Algerian legal system. This lesson provides an overview of obligations and contracts under Algerian civil law.

## ***Obligations (الالتزامات):***

Obligations are legal duties that require one party to perform or refrain from performing a certain act in favor of another party.

Algerian civil law recognizes various types of obligations, including:

***Natural obligations (الالتزامات الطبيعية):*** These arise from moral or social duties rather than legal obligations. While not enforceable in court, they may influence behavior.

***Civil obligations (الالتزامات المدنية):*** These are enforceable by law and may arise from contracts, torts, or other legal sources.

***Legal obligations (الالتزامات القانونية):*** These are obligations imposed by law, such as obligations to pay taxes or comply with regulations.

## ***Sources of Obligations:***

Obligations can arise from various sources, including:

***Contracts (العقود):*** Agreements between parties that create rights and obligations. Algerian law requires contracts to meet certain formalities depending on their nature.

***Torts (الاضرار المدنية):*** Civil wrongs that result in harm to another party, leading to a legal obligation to compensate for the damage.

***Law (القانون):*** Legal provisions that impose obligations on individuals or entities, such as obligations arising from family law or property law.

## ***Contracts (احكام الالتزام):***

Contracts are agreements between parties that create legally enforceable obligations.

Essential elements of a contract under Algerian law include:

Offer and acceptance (العرض والقبول).

Intention to create legal relations (النية في إنشاء علاقات قانونية).

Lawful object (الموضوع القانوني).

Capacity of the parties (سلطة الأطراف).

Types of contracts under Algerian civil law include:

Sales contracts (عقود البيع).

Lease contracts (عقود الإيجار).

Loan contracts (عقود القرض).

Employment contracts (عقود العمل).

Partnership contracts (عقود الشراكة).

### ***Performance and Breach of Contracts:***

Parties to a contract are obligated to perform their obligations as agreed.

Breach of contract occurs when one party fails to fulfill its obligations.

Remedies for breach of contract under Algerian law include specific performance, damages, and termination of the contract.

Termination of Obligations:

Obligations may be terminated through various means, including:

***Performance:*** Fulfilling the terms of the obligation.

***Mutual agreement:*** Parties may agree to terminate the obligation.

***Rescission:*** Annulling the contract due to a defect or mistake.

***Novation:*** Substituting a new obligation for an existing one.

***Prescription:*** Expiration of the time limit for enforcing the obligation.

### ***Conclusion:***

Civil law in Algeria encompasses obligations and contracts, which form the foundation of private legal relationships. Understanding the principles

governing obligations and contracts is essential for individuals and businesses to navigate legal issues effectively.

***Key words :***

Obligations - الالتزامات

Contracts - العقود

Performance - الأداء

Breach of contract - انتهاك العقد

Damages - التعويضات

Termination - الإنهاء

Offer and acceptance - العرض والقبول

Natural obligations - الالتزامات الطبيعية

Civil obligations - الالتزامات المدنية

Legal obligations - الالتزامات القانونية

