

# Good essay on how and why legal personality change

[Politics](#), [Civil Rights](#)



## **Introduction**

An orderly and peaceful world requires laws and regulations to guide actions of human beings. Recently, there has been emergence of corporations and influential individuals who have brought into light the issue of legal personality. The concept of legal personality is rapidly changing; thus, it has led to an increase in detailed discussion on the issue of legal personality.

## **Concept of Legal Personality**

Legal personality refers to qualities from which an individual or an organization derives their status and legal capacity in their legal system (Brown 1998). It can also be defined as the lawful characteristics of that legal entity. Legal capacity refers to the ability of a legal person to enter or transfer rights and obligations. Legal persons are categorized into natural persons and judicial persons. In legal terms, a natural person refers to any human being with legal personality while judicial persons refer to any entity or group of persons who have legal capacities. The main difference between these two categories of legal persons is that a natural person acquires legal personhood at birth while judicial persons acquire legal status on registration in accordance with the law.

The legal personality of a natural person starts after birth. Before birth, the fetus is not a legal subject, but it is considered as part of the mother.

According to Randall (2010), a baby has to meet two requirements for it to gain legal recognition. First, parturition must be fully complete, which means that the body of the mother and the baby must be completely separated from each other. It is worthwhile to note that severing of the umbilical cord is

not a requirement for the baby to gain legal recognition. Second, the child must survive after separation, even if it is for a short time. Stillborn fetuses, do not gain legal personality. In addition, fetuses that die during parturition do not acquire legal personality. Thus, for the child to gain legal personality, it must survive for at least a short period after separation from its mother. On the other hand, juristic persons gain legal personality upon registration with the appropriate authorities such as the registrar of companies (Dimond 2008).

A natural person's legal personality ends when he or she dies; thus, the person will have no legal rights or obligations. However, the law protects the body of the deceased and supports proper disposal. This is not because the body has legal rights, but because of other interests such as respect for the dead and the community interests. According to O'Shaughnessy (2003), the relevant authorities must determine whether a person is legally dead, which is carried out mostly through medical examination. The legal personality of judicial persons ends through the dissolution of the organization or group by either a court of law or members of the organization.

There are several issues that primarily relate to legal personality.

Fundamentally, the increase of corporations has highlighted the key issue about obligations of judicial persons. It has been established that a corporation can be granted a legal personality for it to be impervious to the lawsuit. However, legal personality of a natural person means that he or she can be sued against or sue. Another vital issue is granting of personhood to corporations. This is mainly informed by the high likelihood of natural persons making up these corporations (Bisaz 2012). In addition,

legal personality of judicial persons denies them the right to vote. However, if they are granted these rights, then the members of such corporations will have double voting rights.

There is a close connection between legal personality and equality. While the legal system provides equality, various issues concerning equality may arise. Gender bias is one of these issues. Although, the law provides for equality, natural persons may treat differently members of a different gender particularly women due to their cultural inclinations (Portmann 2010).

Notably, a system that does not put in place measures to ensure equality fails when it comes to the actual implementation of those laws.

Discrimination based on gender, race, ethnicity, and color is still rampant, although various laws that promote equality have been put in place. The interpretation of these laws and implementation is a major setback to ensuring that legal personality supports equality.

The key issue that concerns legal personality in relation to birth certificates has been the increase of transsexuals who are trying to change their gender, and are seeking to change gender information in their birth certificates. Birth certificates are used to document the birth of a child, and are important in granting natural people their legal personalities. Another key issue is registrations of persons. People born outside the jurisdiction of a given legal system cannot be registered under that legal system; therefore, they cannot be given birth certificates.

There exist several limitations on legal personality, which vary according to the different legal systems. For example, the legal system in some countries restricts the number of children that a natural person can have. Such

limitations are primarily determined by various factors such as the government's initiative to reduce poverty by reducing the population growth (Johns 2010). In addition, changes in one's status may change the limitations of legal personality that are in place. For example, insanity may lead to deprivation of someone's rights; thus, decisions made by insane people are not considered by law. Vitrally, limitations are placed on various aspects of legal personality for regulatory purposes.

## **Conclusion**

Legal personality is a key component of any legal system. Understanding this concept is essential in order to understand who natural persons are and who or what is a judicial person. It is clear that an increase in the number of corporations has influenced the need to understand more about legal personality. To sum up, the beginning of legal personality and its termination gives an insight on the concept of legal personality.

## **Reference List**

Bisaz, C. (2012). The concept of group rights in international law: groups as contested right-holders, subjects and legal persons. Leiden, Martinus Nijhoff Publishers.

Brown, G. W. (1998). Legal terminology. Upper Saddle River, NJ, Prentice Hall.

Dimond, B. (2008). Legal aspects of mental capacity. Oxford, Blackwell Pub.

Johns, F. (2010). International legal personality. Farnham, England, Ashgate.

O'shaughnessy, P. (2003). Presumption of death. New York, Delacorte Press.

Portmann, R. (2010). Legal personality in international law. Cambridge,

Cambridge University Press.

Randall, R. (2010). Birth. New York, Rosen Central.