

2026 Sustainability Week Curricular Activities

Bachelor in Law

CO-OWNERSHIP AND LIMITED RIGHTS IN REM SCENARIOS

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In this session, I plan on introducing and explaining what rights of pre-emptive acquisition are. Specifically, they are a formula which assigns preference to one party over the purchase of another party's rights in rem (for example, property). These rights can be assigned by law or agreed on between the parties. However, their application tends to provoke conflicts, the majority of which center on whether or not said preference exists and if it has been exercised correctly. Rights of pre-emptive acquisition, by assuming said preference, actually limit the freedom of contract. This is due to the fact that any third party who wants to purchase a given good knows (or can question) if another party (a beneficiary or holder of a right of pre-emptive acquisition) has said preference to buy the good in question under the same conditions as said third party.

This subject incorporates an ethical perspective into the discussion, raising the issue of balance between the freedom of contract and the protection of third-party rights and legitimate interests, as well as the demand to act in good faith and avoid abusive behavior when exercising those rights.