

PROPERTY LAW

The first book of its kind, *Property Law: Comparative, Empirical, and Economic Analyses* uses a unique hand-coded data set on nearly 300 dimensions on the substance of property law in 156 jurisdictions to describe the convergence and divergence of key property doctrines around the world. This book quantitatively analyzes property institutions and uses machine-learning methods to categorize jurisdictions into ten legal families, challenging the existing paradigms in economics and law. Using other cross-country data, the author empirically tests theories about property law and comparative law. Using economic efficiency as both a positive and a normative criterion, each chapter evaluates which jurisdictions have the most efficient property doctrines, concluding that the common law is not more efficient than the civil law. Unlike prior studies on empirical comparative law, this book provides detailed citations to laws in each jurisdiction. Data and documentation are publicly available on the author's website.

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PROPERTY LAW

Comparative, Empirical, and
Economic Analyses

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Dedicated to my wonderful colleagues at Academia
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CITATION FORMAT

Prior comparative data set often lacks citations to the sources for coding decisions. To provide citations and to save space, this book uses § to represent article (or section) numbers in statutes. Country names in English are used. Statutes other than civil codes are cited with abbreviations (see Abbreviations) in parenthesis in the text; for example, Land Code in Sweden is expressed as “Sweden (LC).” Civil codes will not be noted; for example, France §2276 means Article 2276 of the French Civil Code. When articles/sections are renumbered for each part or chapter, the part/chapter is expressed in Roman numerals; for example, Part 3 Section 101 in the Dutch Civil Code is expressed as “the Netherlands §III:101.” The format used in the book also has the advantage of avoiding the use of the adjective form of a country’s name. This makes it easier for indexing and digital searching.

Each chapter will label the prototypes in the format of Type A1a. Type A1 is a subtype of Type A, and Type A1a is a subtype of Type A1, and so on. Type A1a in Chapter 3 can be cited as Type 3A1a.

For citations to academic literature, this book uses the author-date system.

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of Chapter 3 updates the analysis in Chang and Smith (2019). Chapter 4 is a substantial revision of Chang (2018b). Chapter 5 corrects errors in, and is adapted from, Chang (2022a). The theory in Chapter 7 is adapted from Chang and Fennell (2014b). The theory in Chapter 8 is adapted from Chang (2012d). Chapter 9 updates Chang (2016b). Part I of Chapter 10 is based on Chang (2020a). Chapter 12 updates Chang (2015a). I thank my co-authors for allowing me to include our joint works in this book and the journals that have published my works for permission to adapt my prior works.

ABBREVIATIONS

ADA	Assignment of Debts Act (Israel)
AOORR	Act on Ownership and Other Real Rights (Croatia and Macedonia)
APA	Acquisition of Property Act (Botswana)
ARA	The Access to Road Act (Uganda)
BG	<i>Baurechtsgesetz</i> (Austria)
CA	Co-ownership Act (Finland, Norway, and Sweden) [<i>Lag (1904:48 s.1) om samäganderätt</i> in Swedish; <i>Lov om sameige</i> in Norwegian] [180/1985 in Finland]
CA	Conveyancing Act of 1919 (New South Wales, Australia)
CA	Company Act of 2013 (India)
CC	Commercial Code (California)
CCLA	Contract and Commercial Law Act (New Zealand)
CDR	Code des Droits Reels (Tunisia)
CF	Code de la Famille (Senegal)
CGSA	Civic Government (Scotland) Act 1982 (Scotland)
CL	Companies Law (Israel)
CPC	Civil Procedure Code (California; Macau; Poland)
CPO	Conveyancing and Property Ordinance (Cap. 219) (Hong Kong)
CRE	Code of Real Estate (Finland)
DL	Decreto Legislativo N° 1400 (Peru)
DRA	Deeds Registries Act (Zimbabwe)
EA	Easement Act of 1882 (India and Pakistan)
ELC	Estate and Land Code [Ordonnance N°00-027/P-Rm du 22 Mars 2000 Portant Code Domanial et Foncier] (Mali)
EV	<i>Erbbaurechtsverordnung</i> (Germany)
FA	Factors Act of 1994 (Singapore)
FCA	Floating Charge Act of 1958 (Japan)
FPA	Factory Pledge Act (South Korea)
FPL	Framework Pledge Law (Bosnia and Herzegovina)
GLC	General Law of Contracts and Other Obligations (DR Congo)
ICA	Indian Contract Act (India)
IRA	Indian Registration Act, 1908 (India and Pakistan)
ITTA	Indian Treasure Trove Act, 1878 (India and Pakistan)

LA	Land Act (Bhutan, Maldives, Norway, Tanzania, and Zambia)
LA	Limitation Act (Malaysia, Ontario of Canada, India (1963), Pakistan, Singapore, Uganda)
LAA	Limitation of Actions Act (Victoria Province of Australia)
LBOPR	Law on Basis of Ownership and Proprietary Relations (Serbia)
LC	Land Code (Brunei, Kazakhstan (2003), and Sweden)
LCLRA	Land and Conveyancing Law Reform Act 2009 (Ireland)
LCT	Liberian Code, Title 29 (Property Law)
LDRA	Land and Deeds Registration Act (Zambia)
Ley 1676	Ley 1676 de 2013 (Colombia)
LF	<i>Loi Foncière</i> (Democratic Republic of Congo)
LGM	Ley de Garantías Mobiliarias N° 9246 (Costa Rica)
LH	<i>Loi Hypothécaire</i> of 1851 (Belgium)
LL	Land Law, 5729-1969 (Israel)
LL	Land Law 1980 (Royal Decree No. 5/80) (Oman)
LLS	Limitation Law of Lagos State (Nigeria)
LO	Limitation Ordinance (Hong Kong)
Loi 1973	Loi N° 73-021 du 20 Juillet 1973 Portant Regime General des Biens, Regime Foncier et Immobilier et Regime Des Suretes, Telle Que Modifiée et Complétée par la Loi N° 80-008 du 18 Juillet 1980 (Democratic Republic of Congo)
Loi 2013	Loi n° 2013-01 portant code foncier et domanial (Benin)
LoP	Law on Pledge (Moldova)
LoPA	Law on Property Act (Slovenia)
LoPA	Law of Property Act 1925 (England)
LP	Law on Pledge (Kyrgyzstan)
LPA	Lost Property Act (Denmark and Norway)
LPA	Law of Property Act 1925 (England)
LRA	Land Registration Act 2012 (Scotland)
LRA	Land Registration Act (Norway)
LRA	Land Registration Act, Chapter 334 (Tanzania)
LRERS	Law No. 14 of 1964 on the Real Estate Registration System (Qatar)
LRL	Land Reform Law Cap. 297 (Sri Lanka)
LRO	Land Registration Ordinance (Hong Kong)
LRRP	Law on Registrable Real Property (Morocco) [la législation applicable aux immeubles immatriculés (B.O. 7 juin 1915)]
LTA	Land Transfer Act 1952 (New Zealand)
LTA	Land Titles Act (Singapore; Ontario)
MCL	Movable Collateral Law [<i>Ley de Garantías Mobiliarias</i>] (Honduras)
MIPA	Moveable and Immoveable Property Act (Bhutan)
MPL	Movable Property Law (Israel)
NLC	National Land Code (Malaysia)

LIST OF ABBREVIATIONS

XXV

OA	Ownership Act (Bulgaria)
OLRS	Order relating to Land Registration System (Madagascar) [ORDONNANCE N°60-146 DU 3 OCTOBRE 1960 relative au régime foncier de l'immatriculation (J.O.R.M. n° 129 du 22.10.60, p.2205)]
PA	Prescription Act (Zimbabwe)
PL	Partition Law (No. 21 of 1977) (Sri Lanka)
PL	Property Law of 1990 (Laos)
PL	Prescription Law of 1958 (Israel)
PLA	Property Law Act (Australia 1974; New Zealand 2007)
PLA	Prescription and Limitation Act 1973 (Scotland)
PO	Partition Ordinance (Hong Kong)
PIIP	The Punjab Partition of Immovable Property 2012 (Pakistan)
PPL	Personal Property Law (New York)
PPSTA	Personal Property Secured Transactions Act (Taiwan)
PRC	Public Resource Code (California)
PRL	Property Registration Act (Bahrain)
PsL	Pledges Law 5727-1967 (Israel)
RA	Rentcharges Act (United Kingdom)
RERL	Real Estate Registration Law (Dominican Republic)
RLA	Registered Land Act (Malawi)
RLPL	Restoration of Lost Property Law 5733-1973 [Hok Hashavat Ave'da] (Israel)
RPA	Real Property Act (New South Wales Province of Australia)
RPAPL	Real Property Actions and Proceedings Law (New York)
RPL	Real Property Law (New York)
RTA	Registration of Titles Act (Uganda)
SD	Sultani Decree 1980 (Oman)
SGA	Sale of Goods Act (all common-law jurisdictions)
SGSSA	Sale of Goods and Supply of Services Act (Uganda)
SGO	Sale of Goods Ordinance (Hong Kong)
SL	Sale Law 1968 (Israel)
SL	Statute of Limitations (Ireland, New Zealand)
SR	<i>Sachenrecht</i> (Liechtenstein)
TCA	Title Conditions Act 2003 (Scotland)
TLPA	The Law of Property Act (Estonia)
TPA	Transfer of Property Act of 1882 (Myanmar and Pakistan)
TTA	Treasure Trove Act 1957 (Revised 1995) (Malaysia)
UCC	Uniform Commercial Code (states in the United States)
UPHPA	Uniform Partition of Heirs Property Act (New York)