

*Editorial***Property law and property rights to people and personal rights****George Berman ***

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Accepted 17 September, 2021

EDITORIAL NOTE

Property law encompasses a broad range of real (land) and personal property ownership. This part will discuss legally protected claims to resources including land and personal property, along with intellectual property. Contract law can be used to exchange property, and tort law can be used to secure it in the situation that it is violated. The concept, idea, or philosophy of property underpins all property law. In some countries, all property was once owned by the monarch, and it devolved through feudal land tenure or other feudal systems of devotion and obedience.

Property rights are rights to goods that can be enforced against other people. Contractual rights, on the other hand, are rights that can be claimed against specific individuals. Property rights, on the other hand, may develop as a result of a contract; the two systems of rights overlap. Two sets of legal relationships exist alongside one another in the sale of land, for example: the contractual right to claim for damages and the property right exercisable over the land. Easements, covenants, and equitable servitudes are examples of small property rights that can be created by contract. When the rights conferred are insufficiently significant to confer on the non-owner a definite interest or right in the thing, a separate distinction is obvious. The licence is the most obvious example of these rights. In general, licences do not give rise to property interests, even if they are created by a valid contract.

Personal rights and property rights are two different things. Almost all modern societies recognise this fundamental ontological and ethical divide. In the past, those that lacked

political clout were frequently denied access to property's benefits. In its most severe form, this has resulted in individuals being "property objects"—legally referred to as "things" or "chattels" (see slavery.) More often than not, oppressed populations have been denied formal property rights. Until the late 19th century, this included Jews in England and married women in Western nations. It might be difficult to tell the difference between personal and property rights. Is one's reputation, for example, a commercially exploitable asset that may be granted property rights? In the case of rights over human tissue, organs, and other body parts, the topic of the proprietary nature of personal rights is particularly pertinent.

Women's rights to govern their own bodies have been sacrificed at times and in some places to other people's authority over their foetus. Government intervention, for example, that regulates birthing conditions by barring or demanding caesarian sections. Laws requiring or prohibiting abortion or restricting access to birth control affect whether and how a woman becomes pregnant or carries a pregnancy to term. Many other parties have imposed restrictions on a woman's right to control her body during pregnancy or possible pregnancy – what work she does, what food or substances she consumes, and other activities she engages in – and as a result, a number of countries have passed laws prohibiting pregnancy discrimination. Judges in England have lately stated that such women lack the right to exclusive control over their own bodies, which was formerly thought to be a fundamental common-law right.

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