

*Commentary***A general note on property****George Berman***

Department of Law, Terrace University of Leeds, Leeds, UK.

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DESCRIPTION

Property refers to both the system of rights that allows people to have legal authority over valuable things and the valuable objects themselves. An owner of property may have the right to consume, alter, share, redefine, rent, mortgage, pawn, sell, exchange, transfer, give away, or destroy it, or to exclude others from doing so, as well as to abandon it, depending on the nature of the property; however, regardless of the nature of the property, the owner has the right to use it properly under the granted property rights. There are three types of property in economics and political economy: private property, public property, and collective property. Property that is jointly owned by multiple parties can be possessed or governed in very similar or very different ways, whether simply or complexly, equally or unequally. To distinguish ownership and easement from rent, each party's will with respect to the property is expected to be explicitly stated and unconditional. The parties may expect their wills to be unanimous, or alternatively, each of them may expect his, her, it's, or their own will to be adequate and absolute when there is no chance for or prospect of dispute with any other of them. Property, according to the Restatement of Property, is "everything, tangible or intangible, in which a legal connection between persons and the state imposes a possessory interest or legal title in that object.

Property is generally defined in sociology and anthropology as a connection between two or more people and an object in which at least one of them has a set of rights over the object.

Because various individuals often have differing rights over a single thing, the distinction between "collective property" and "private property" is considered as a source of confusion. In common law, real property was defined as property that could be protected by a real action, as opposed to personal property, which required a plaintiff to take another action. Because of this formalist approach, several objects that the common law considers to be land would not be classified as such by most current legal systems: an advowson, for example, was considered real property. The rights of a leaseholder, on the other hand, arise from personal activities, and the common law initially recognised leasehold as personal property. The law currently distinguishes between real and personal property in a broad sense. The distinction was between immovable property, which would transfer ownership with the land, and movable property, which would remain in the hands of the owner. The classification of property as real or personal in modern legal systems evolved from English common law may differ slightly depending on jurisdiction or, even within jurisdictions, according to purpose, such as determining whether and how the property may be taxed. Personal property is anything that can be moved. Personal property is often known as chattels or personalty in common law systems. Personal property, often known as mobile property or movables in civil law systems, refers to any property that may be transported from one area to another. In comparison to real estate, immovable property, and real property, personal property can be comprehended.

*Corresponding author. George Berman, E-mail: jimm1233@gmail.com.