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Data Article

A novel dataset on horizontal property rights in 126 jurisdictions

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ABSTRACT

The law and the economy are deeply influenced by horizontal property rights, which are the rules regulating legal direct and indirect takings between private parties. To foster research on the determinants and impact of these institutions, we illustrate here a novel data set partially employed in (Dari-Mattiacci, Giuseppe, Carmine Guerriero, 2015; Dari-Mattiacci, Giuseppe, Carmine Guerriero, Zhenxing Huang, 2016) [3,4], and (Guerriero Carmine, 2016) [6] and describing the acquisition of ownership through adverse possession of personal and real property and the use of government takings to transfer real property from a private party to another private party in 126 jurisdictions. These data are based on the laws and judicial decisions prevailing in each jurisdiction between 1981 and 2011.

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Specifications Table

Subject area	<i>Economics.</i>
More specific subject area	<i>Law and Economics; Institutional Economics.</i>
Type of data	<i>Excel.</i>

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How data was acquired	<i>By extracting from questionnaires drafted by experts the rules on the acquisition of ownership through adverse possession and on government takings.</i>
Data format	<i>Raw.</i>
Experimental factors	<i>The sample has been selected based on the availability of the contributors.</i>
Experimental features	<i>Property rights are measured through indicators grounded on the laws and judicial decisions prevailing in 126 jurisdictions between 1981 and 2011.</i>
Data source location	<i>126 jurisdictions.</i>
Data accessibility	<i>Data are with this article.</i>

Value of the data

- The data can help understand the origins and impact of horizontal property rights.
 - Since the private-taking-based measures of property rights we illustrate do not correlate with the most used predation-based proxies for property rights (see [6]), further research on the links among horizontal property rights, vertical property rights, and the economy is welcome.
 - The data are key to draw policy implications relevant for the current process of international legal harmonization.
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1. Data

The data set, which is reported in the “HPR_W” excel file, consists of cross-sectional observations on thirteen measures of horizontal property rights. These legal rules determine the protection of private property from private takings. These are omnipresent forms of legal expropriation, and therefore they are substantially different from predation by the state and powerful elites.¹

2. Experimental design, materials and methods

We constructed each measure as follows [3,4,6]. First, we sent questionnaires to members of the law firms part of the international networks Lex Mundi and HG.org, participants in the World Bank doing business project, and legal scholars asking information on horizontal property rights in their jurisdiction. These contributors, whose names and affiliations are listed in the Internet appendix of [6],² based their answers on the laws and judicial decisions prevailing between 1981 and 2011. Second, we extracted from these answers discrete variables assuming values higher the higher is the protection afforded to the original owner of personal or real property—i.e., “movable” or “immovable” goods in civil law parlance, vis-à-vis a good-faith possessor or a good-faith buyer from a dishonest intermediary. Because there was no relevant reform, the data take the form of a cross section of 126 jurisdictions (see Table 1).

When transaction costs are sizable, private parties are often allowed to take property with or without paying compensation to the original owner (Bouckaert and De Geest [2]). Two are the main instances in which this legal private expropriation takes place, a direct one—known as adverse possession—and an indirect one, i.e., government takings. Next, we illustrate our proxies for each (Table 2).

¹ This form of expropriation is shaped instead by vertical property rights and, albeit much less common, has been the focus of the extant social science literature [1].

² This is available at <https://sites.google.com/site/carmineguerrieroshomepage/home/research-1>.

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