

BOOK REVIEWS

The Law of Personal Property (3rd Ed), BY MICHAEL BRIDGE, LOUISE GULLIFER, KELVIN LOW AND GERARD MCMEEL. [London: Sweet & Maxwell/Thomson Reuters, 2022. 1354 pp. Hardcover: £371.00]

Personal property law is perhaps the one critical area of commercial law which has received relatively less attention in academic literature as a standalone subject than it merits, possibly due to the common misconception that the subject is simply a collection of discrete legal categories. This is rather perplexing, considering that personal property is, by definition and jurisprudentially, all property interests that are not an interest in land, and it certainly warrants specialist treatment. The authors of *The Law of Personal Property* have, in their third edition, achieved a tremendous feat at publishing what might be the most comprehensive treatise on the subject to date. I salute the authors for the breadth, depth and critical analysis in this third edition, which only goes to demonstrate the significance of personal property law in our daily lives, and that the subject is far greater than the sum of its parts.

As the original authors pointed out in the first edition of the book (with Kelvin Low taking over from Sarah Worthington from the second edition), and Sir Bernard Rix noted in writing its Foreword, that personal property is increasingly becoming the newest and most important species of wealth, outstripping the traditional means of accumulating one's wealth in real property. However, the goalposts defining what constitutes personal property, and hence what merits discussion in a treatise on the law of personal property, have shifted and is still in the midst of developing; and what is defined as personal property today is vastly different from what constituted personal property close to a decade ago when the first edition of this treatise was published.

The third edition of *The Law of Personal Property* comprises thirty-nine chapters (including one new and timely chapter devoted to the flourishing topic of Digital Assets – ch 8), neatly organised into five broad areas: (1) concepts and types of personal property and their features (chs 1–16); (2) acquisition and divestment of interest in personal property (chs 17–30); (3) title conflicts and priorities, including in insolvency proceedings (chs 31, 37); (4) protection and enforcement of property interests (chs 32–36); and (5) conflict of laws issues (chs 38–39). As to be expected from the all-star ensemble of authors, the work is as thoughtful as it is thorough. While the text is written with English law in mind, it offers an up-to-date and extensive review of the materials on personal property law from various jurisdictions, as well as summaries of and commentary on the latest landmark and novel cases across the Commonwealth jurisdictions, including Singapore.



The opening chapters of the book bring back the discussion of the different types of interest in personal property, revisiting the conceptual difference between real property as opposed to personal property, and exploring in great detail property interests in the form of goods, debts and equity, intellectual property rights, and trusts, among others.

In this regard, the inclusion of the new chapter on Digital Assets (ch 8) is perhaps the best reflection of the authors' observation that much of the new content in the book has been necessitated by technological, rather than legal, developments. Disputes to do with artificial intelligence, smart contracts, cryptocurrencies, and distributed ledgers pose unique legal questions with no easy answers. It should be clear by now that innovations in technology have undoubtedly outpaced the rate of change in most legal systems, and there is no sign of the technological revolution slowing down. As the courts and law-making bodies come to terms with the changes, the first port of call is the application of well-established legal principles to such innovative contexts, which makes the area a fascinating one to keep a look-out for.

In the chapter, the authors undertook a task of Brobdingnagian proportions—explaining not only the legal controversies surrounding the emerging class of assets associated with the digital computer and internet revolution, but also the technical characteristics of such assets, in a way that is eminently detailed yet approachable. Of particular note is the authors' classification of digital assets into five categories, and separate analysis of each category. Fans and even sceptics of the cryptocurrency movement will appreciate the sub-chapter devoted to cryptoassets, which elaborates on the workings of the underlying blockchain technology and examines the difficulty of exercising practical control over cryptoassets. This continues to be a stumbling block to the resolution of the types of disputes mentioned above, even if the common law courts have demonstrated an inclination to recognise that cryptoassets should be capable of assimilation into the general concepts of property, and that they satisfied the definition of a property right in *National Provincial Bank v Ainsworth* [1965] AC 1175 (UKHL) (see in Singapore: *B2C2 Ltd v Quoine Pte Ltd* [2019] 4 SLR 17 (HC), *CLM v CLN and others* [2022] SGHC 46; *Janesh s/o Rajkumar v Unknown Person ("CHEFPIERRE")* [2022] SGHC 264; in England and Wales: *AA v Persons Unknown* [2020] 4 WLR 35 (HC), *Fetch.ai Ltd v Persons Unknown Category A* [2021] EWHC 2254 (Comm), *Tulip Trading Limited v Van der Laan and ors* [2023] EWCA Civ 83; and in New Zealand: *Ruscoe v Cryptopia Ltd (in liq)* [2020] 2 NZLR 809 (HC)).

Another much-needed inclusion in the various chapters, and especially in the final chapters of the book, to account for the other major development since the previous edition was published—Brexite—is the analysis of the impact of the United Kingdom's departure from the European Union. Rather than having a standalone chapter on the withdrawal process and the effect on EU-derived law and the effect in the United Kingdom (which could be out of place in a text dedicated to personal property law), the authors have deftly interposed the relevant changes to English law in the body text and footnotes where applicable, which makes it easier for readers to pick up on where changes have been effected, and in what areas EU-derived law persists.



The authors are to be commended for providing yet another thought-provoking piece of work which would be of immense help to students and practitioners, including local practitioners, looking to navigate the complex and constantly evolving web of personal property law. As a testament to the utility and importance of the text, this latest edition has been extensively cited by the English Law Commission in its Report on Electronic Trade Documents and its Consultation Paper on Digital Assets, both of which were published earlier this year. Though the third edition of *The Law of Personal Property* was published not long ago, I am already eagerly anticipating the next edition (when the authors decide it is time for a refresh and update), and it will be interesting to see the path that the law will take in the years to come.

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Crime and Punishment in Indonesia BY **TIM LINDSEY** AND **HELEN PAUSACKER**, eds. [Abingdon: Routledge, 2021. xxxvi + 569 pp. Hardcover: £136]

Like Dostoevsky's classic namesake, *Crime and Punishment in Indonesia* explores the sometimes arbitrary demarcation of moral and legal boundaries within an unequal society, together with the interplay between religion and legal positivism. *Crime and Punishment in Indonesia* is edited by two giants in the field of Indonesian Law, Professor Tim Lindsey and Dr Helen Pausacker, Director and Deputy Director, respectively, of the Centre for Indonesian Law, Islam and Society (CILIS) at Melbourne Law School. They have brought together a knowledgeable cast of 17 different authors across 20 different chapters, featuring a mixture of Indonesian and non-Indonesian scholars. Many of the contributors are connected to Melbourne Law School as Associates of CILIS and/or as Lindsey's former PhD students. At the time of the volume's publication, several authors were intimately involved in law reform or legal advocacy projects in Indonesia, such as Ricky Gunawan (Lembaga Bantuan Hukum (LBH) Masyarakat), Rifqi Sjarief Assegaf (Lembaga Kajian dan Advokasi Untuk Independensi Peradilan (LeIP)), Raynov Tumorang Pamintori (Reprieve), and Mas Achmad Santosa (Presidential Task Force to Combat Illegal Fishing). This serves to provide the book a practical flavour which other collections on criminal law, edited by academics, tend to be missing.

The volume is not intended as a handbook to enable the uninitiated reader to 'learn' Indonesian criminal law and procedure from scratch. Nor does it attempt to describe the most common experiences of criminal litigants in Indonesia, which have been well documented elsewhere (*ie* facing mundane charges of drug possession, driving offences and assault, navigating corruption at all levels, a legal culture prioritising consensual deliberation over conflict, and regional differences