

# Legal Nature Effect of Real Estate on the Vacant Pockets in Aris City

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## Abstract

Considering that real estate constitutes the principal base for the various components of the field, which makes controlling it and making perfect use of it one of the most difficult challenges facing those involved in the field of reconstruction, its rational and orderly consumption allows for the sustainable growth of the urban space. The city of Aris is one of the Algerian cities that knew a loose construction policy, which led to a gradual depletion of real estate as a result of the steep decline of the area and almost total consumption of the area, in addition to the legal nature of the real estate, which is controlled by the special character; this expansion collided with an area that could not be absorbed more than it is, and an urban fabric close to saturation, which calls for optimal exploitation of the vacant pockets within the urban fabric of the city.

This city's study included analyzing the legal nature of the real estate and counting the empty pockets to reach the most important results for the optimal exploitation of these pockets in light of the population increase the city is witnessing.

**Key words:** Urban development, Population growth, real estate, The legal nature of the real estate, Vacant pockets.

## INTRODUCTION

Aris city is one of the most essential mountain cities in the state of Batna, which has known since its inception a wide development in all its fields, being an important pole in the vicinity of the state, and the development it is witnessing in the fields of social and economic development, especially urban and architectural, and future plans aimed at land uses in the distribution of facilities and activities and the programming of housing projects.

The city's importance is reflected in the effectiveness and the ability of the location to accommodate the growing urban and population growth, as it is the main factor that controls its growth and changes its functions.

## STUDY FIELD PRESENTATION

The location is considered one of the most important controls affecting the study of urban centers, because of its direct impact on human life and its stability in specific places<sup>(1)</sup>.

Aris city is located in the Wilayat of Batna in the southeast of the state and is 61 km away from it, as National Road No. 31 penetrates it. It is located in an estimated area of 151.78 km<sup>2</sup> and its population is 30,207 in the last census of 2008, with a density of 199 people / km<sup>2(2)</sup>. It is bordered by:

- North: Oued El-Taqa Municipality
- South: Tiganmine Municipality
- East: the municipality of Ishmoul and Fom El Tob
- West: Thnia al-Abed municipality

1 Larouq Muhammad Al-Hadi, Constantine, a study in urban geography, the National Office of University Publications, 1984, p. 13.

2 Meddour Oualid, the urban phenomenon in the mountainous areas, the case of the regions of Wadi Abdi and Wadi Al-Abyad, PhD thesis in urban development, University of Constantine 2018, p. 393.

Consequently, the city is located between two transitional regions, the High Hills region from the northern side and the desert region from the southern side, which made it suffer from weakness in the extension of the road network linking it to the surrounding centers, and it is also characterized by the fragmentation of the location that led to the dispersal of the urban fabric and the emergence of many nuclei.

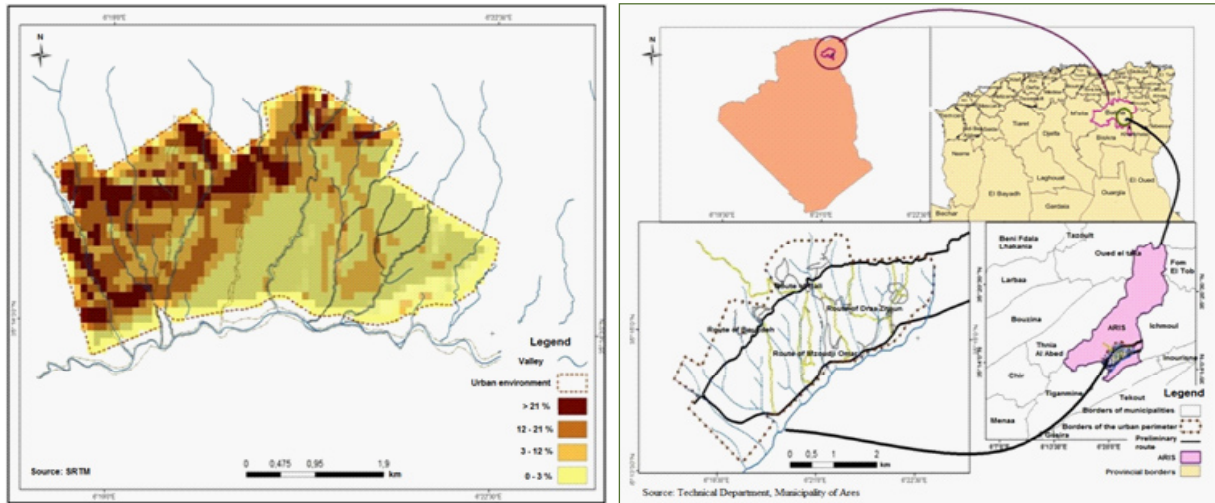


Figure 1. Map of geographical location of Aris

### DEVELOPMENT STAGES OF THE ARIS CITY

Knowing the stages of urban development of a city contributes to controlling the dynamics of spatial development and the pace of growth for each stage, In order to know the various changes taking place in it and the reality of land use and consumption of the field in order to diagnose its pros and cons, to reach also a kind of balance and functional integration between the various uses, taking into account the data imposed by the field as an imperative that must be adapted to.

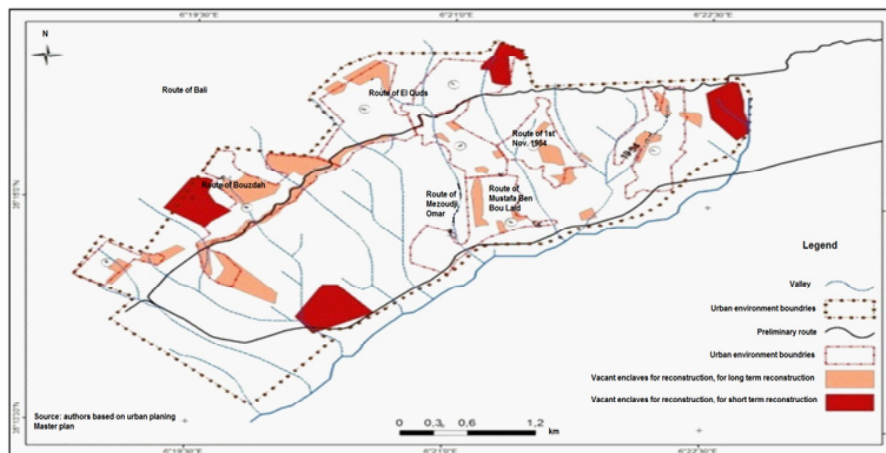


Figure 2. The development urban stages in Aris city map.

Where the city was expanded according to the organic plan in the dashrat that adapt to the topography of the field and bypass the settlement lines and steep slopes, and the plan of the halving is good, which is characterized by the European city, as well as for the new urban residential area, the area of the olive tree, because the lands are flat, meaning that the city plan was affected by the natural aspect, where the morphology of the field, we need to change the city plan and the natural obstacles led to a rupture in the city's fabric, Where the transition from the European nucleus to the olive tree and to the new urban residential area, was caused by the natural obstacle represented in the valleys and between the basins and the nucleus we find the national roads as an artificial obstacle.

### THE POPULATION EVOLUTION OF ARIS CITY BETWEEN (1966 - 2020)

The population development of Aris city is constantly increasing and it is among the important factors in knowing the rate of consumption of urban real estate with all its types of properties, as well as the extent of the consumption of the growing population of the vacant enclaves in Aris city, as shown by the figure 3.

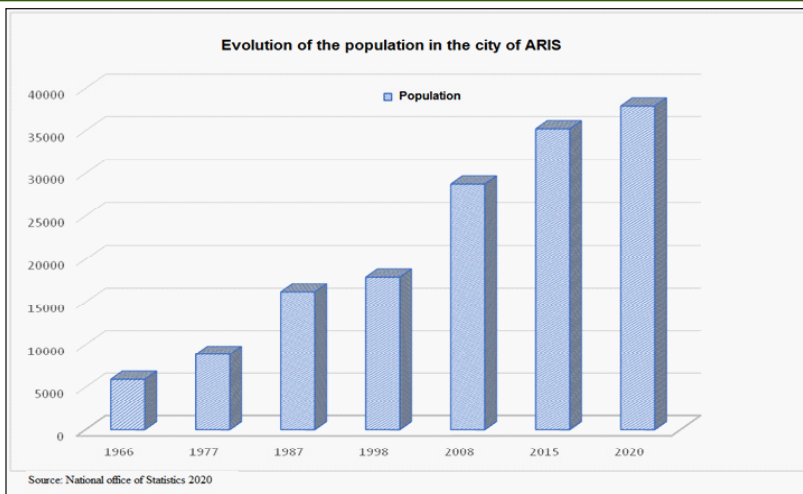


Figure 3. The population evolution of Aris city.

Through the field study of the city, there is a large rise in the residential park, as shown in figure 4 that the city of Aris is polarized for the population and this is due to its availability of various equipment, facilities and areas of influence represented in the National Road No. 31, which helped to increase the trade movement in the city, which connects the region North and South of the city, It also found that the city of Aris suffers from a discrepancy and imbalance in the distribution of equipment and facilities, as we find them concentrated in the city center and in the new urban residential area (the first of November neighborhood) and the Zaitoun neighborhood, while the various areas and terraces suffer from a semi-lack of equipment.

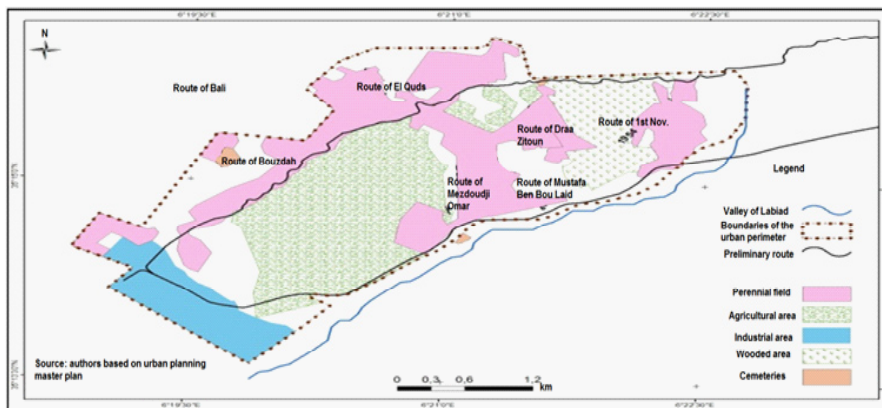


Figure 4. A map of the land use of Aris city

### Analysis of the Legal Nature of Real Estate for the Field of Study

Through figure 6, we note that real estate ownership in the city of Aris is divided into private lands representing 31%, municipal lands with the largest percentage representing 40%, and state lands with the lowest percentage representing 29%.

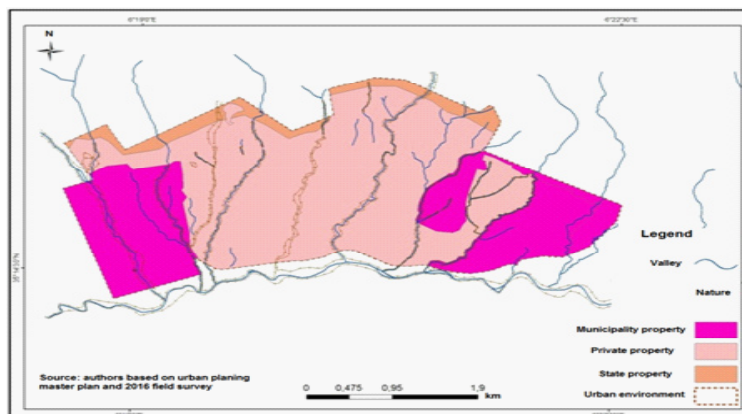


Figure 5. The legal nature map of real estate in Aris city.

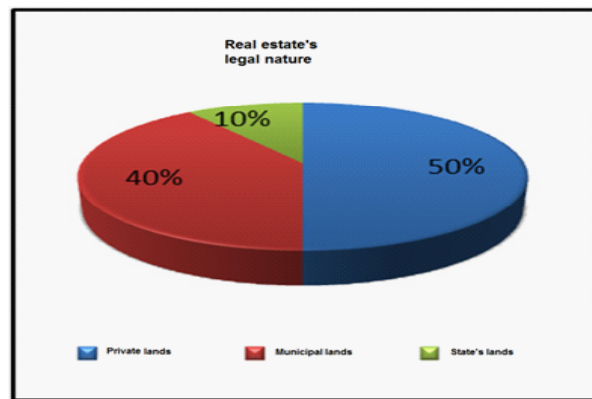


Figure 6. Legal nature of real estate

According to the specialized interests (the Directorate of Land Survey and the Technical Office of the municipality), the origin of the land ownership was due to colonialism, which increased the scope of private ownership, in addition to that the illegal appropriation of the land, which created a spatial imbalance in the city.

### The Effect of Real Estate on Urban Expansion in Aris City

The scarcity of urban real estate in the city of Aris and its high price, as the municipality owns approximately 40% of the area's lands and these lands are spread in the north and northwest of the city as well as the southeast of the city, and the problem posed by private ownership in the long legal disputes between the land owner and local authorities, Although the real estate law gives these authorities powers regarding the introduction of these private lands within the public interest if the argument calls for that, private ownership of lands constitutes an obstacle because their prices are high, especially after the residents realize and feel the transformation taking place in the development of the land from agricultural exploitation towards exploitation for urban purposes. To meet the spatial requirements necessary for the growth of the city, The natural obstacles are the white valley, which penetrates the city from the south, an obstacle to urban expansion, in addition to a group of tributaries that head from north to south, addition to the mountainous nature with steep slopes that characterizes the region, the presence of cemeteries that hinder the expansion process, the public vacuum, the natural gas channel, National Road No. (31) and State Road No. (54), the legal nature of the lands.

### REAL ESTATE VACANT ENCLAVES WITHIN THE URBAN AREA OF ARIS CITY

The vacant enclaves are of great importance within the urban agglomerations, given that they are a real estate reserve within the urban center and they need rational exploitation. Their problems have now expanded to touch smaller cities, the problem of reconstruction in the vacant enclaves and the nature of their ownership of Aris city.

### The Mechanism of Producing Vacant Pockets

It is represented in the area destined for future reconstruction and is equivalent to 86.46 hectares, or 13.79% of the total area of the city, As the lands south of the national road are destined for collective housing, and structural equipment, but the lands located north of the national road for individual housing and basic equipment, they represent the future construction sectors (near and medium term), while the future construction sectors (long term) are represented by the lands located on the outskirts of the perennial ocean.

The mountainous regions are characterized by their scarcity of vacant land<sup>(3)</sup>, which has caused excessive consumption of urban space, segregation of urban functions and dismantling of the city. In the case of the city of Aris, the emergence of vacant pockets can be traced back to the following reasons:

- ✓ Rapid and uncontrolled urban expansion.
- ✓ Excessive consumption of urban real estate
- ✓ Incompletion of urban projects, especially the preparation of external spaces, public areas and environmental spaces for buildings.
- ✓ Legal problems associated with real estate ownership.

3. Meddour Oualid, Sawab Magda: The Scarcity of Urban Real Estate and Its Repercussions on the Limited Reconstruction The Case of the Mountain Urban Communities in Aures Majalal Magazine, University of Sidi Mohamed bin Abdullah Fez Morocco, Issue 8 and 9 2020, pg 33

Respecting the tools of preparation and reconstruction, Law 90/29 of December 1991, which was followed by amended and complementary laws related to building and reconstruction, is considered one of the legislative controls to control and manage reconstruction and construction currently <sup>(4)</sup>.

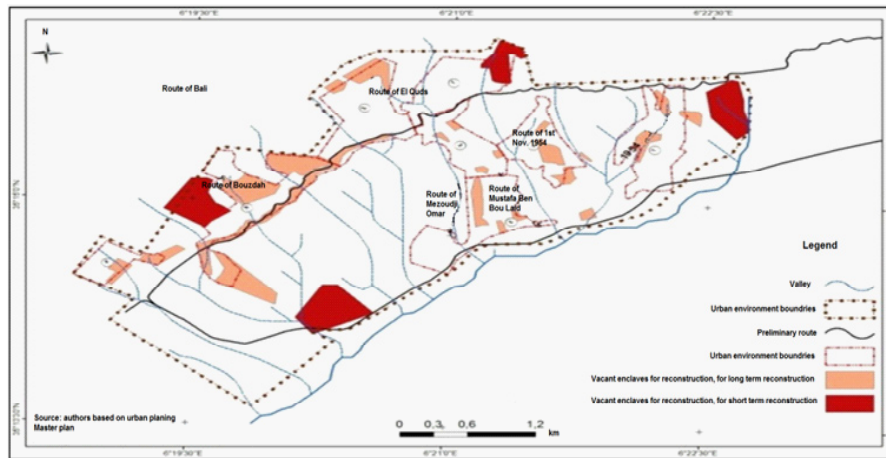


Figure 7. Vacant enclaves map in Aris city.

Through figure 7, we find that the vacant pockets in the city of Aris are distributed unbalanced, and this is what led to the imbalance in addition to the high cost of real estate in the city. These pockets can be exploited in the construction of various facilities and equipment that serve the population; these enclaves occupy a significant area, including seven enclaves owned by the municipality and one enclave of private ownership located south of the municipal altar. They are distributed over the city area and occupy important sites, and they are still empty, but they can be programmed in housing projects or health facilities. According to the technical interest of the municipality of Aris, we found that most of these pockets will be exploited in the coming years, but we did not know what projects will be established.

## CONCLUSION

The most important characteristic of the location of Aris city is the limited mountain construction and the confinement of its real estate container, and this is due to the natural obstacles, given that the area is of a mountainous nature that requires the consumption of the urban area to provide the various requirements and needs of the population of housing, equipment and facilities due to the increasing population mass through various periods. The interaction of these factors among themselves leads to large urban growth, most of which is random, so we must rethink the exploitation of these vacant enclaves, according to the orientations of the master plan for preparation and the establishment of strict laws to protect the vacant enclaves, and in front of the urban real estate in the city. For all this, it was necessary for us to develop a future strategic plan, as well as visions that would guarantee the city in the future period, in search of places for future expansion, such as expansion at the level of the main axes of the city and preparing the neighboring cities and municipalities by settling the various necessary facilities to advance the pace of development in it, as well as relieving pressure on the city, The random exploitation of the area through chaotic construction on privately owned lands, led to an imbalance in the urban space, and resulted in several problems in the absolute absence of a clear planning policy regulating these expansions and limiting their spontaneous nature.

In addition to the lack of vacant real estate pockets in the city and with small areas, and in order to find a positive and optimal solution in line with this phenomenon and to achieve integration between Aris city and its neighboring cities, he redirected the population towards the city's territory by searching for real estate reserves to settle the population outside the city of Aris, and among these municipalities are the municipality of Ishmoul, Inugsen, the municipality of Thnia Al-Abed, the municipality of Takut Ghasira, Bouzina, as these cities are ready to play their role in relieving the pressure on the city of Aris, by directing the structured equipment towards it to be an active and comprehensive area and supporting it with housing and necessary facilities, as well as giving greater possibilities to develop these cities, this is to alleviate and reduce pressure, especially in the aspect of education and health, for the purpose of distributing the population in the coming years in a logical manner. These urban spaces and the so-called vacant real estate pockets

4. Dr. Boudchicha Ahmed - Lecturer at the University of August 20, 1955 Skikda - The strategy of reconstruction and management of modern cities according to the concept of calendar, reform and public health Diagnosis of the case of the city of El Buni - Annaba - Journal of Construction and Reconstruction Issue 3 - Volume 15 - Al-Tayyar Al-Tayyar Al-Jazairia - Council 4

within the urban fabric must be exploited. The space must be re-created by incorporating new urban functions that serve the urban fabric so that they do not become; these spaces are places to throw garbage. The Aris city is highly developed in terms of size, function and scope, since the city of Aris can accommodate more numbers than it is today within its current urban surroundings, after the analytical study and field outputs, in addition to the participation of the population through accountability and interrogation on the issue of vacant pockets. The results are as follows

- ✓ Establishing strict laws to protect the vacant enclaves in line with the application of the preparation and reconstruction tools, and the vacant enclaves must be reconstructed in a well-thought-out and pre-planned manner.
- ✓ Activating the means of continuous monitoring to preserve these vacant pockets and limit their indiscriminate exploitation.
- ✓ The necessity of spreading awareness and alerting citizens and obligating them to preserve vacant pockets
- ✓ Exploiting these enclaves to create green spaces or private playing spaces located near valleys by exploiting the area of security easements in this.
- ✓ Expansion at the level of the city's main road axes, as well as the development of cities and municipalities adjacent to the city, thus creating a kind of balance to relieve pressure on the city and find a new outlet for it.

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