

Post-Independence Real Estate Development and its Relationship with Local Development in Algeria

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Abstract

Algeria has implemented a number of laws aiming at organizing various types of real estate since gaining independence, with a focus on renewing development projects, protecting real estate, and adjusting to the country's economic growth. This article focuses on the most important legislation controlling real estate organization in Algeria. As a result, we set out to establish the comprehensiveness and coherence of these rules with regard to all real estate categories. We discovered that the real estate problem stifles local growth after studying Algeria's land policy. Due to the Algerian legislature's inability to determine the legal position of real estate, there is legal uncertainty and overlapping power. As a result, enacting more comprehensive and integrated rules, as well as coordinating the real estate management process, is crucial.

Key words: Algeria, legal regulation, real estate policy, property, local development.

INTRODUCTION

Real estate of all kinds has a place and an important role to play in social and economic development, so civilizations, ancient and modern, have been associated with this legacy and made it the fundamental foundation for their progress. Because of the association of real estate ownership with development in all areas of life, the importance of real estate has grown over time, so that development has become linked to individuals' social status and its relationship to real estate ownership, and the level of income and living has also become linked to the expansion of real estate ownership (1). Furthermore, to the extent that real estate investments are organized and directed, the development of development fields in all of their urban, agricultural, and industrial forms can be controlled. Because the social life of people flourishes alongside the development and expansion of real estate ownership and its organization. As a result, the majority of legislation focused on it. Because real estate is its essence, it receives a great deal of attention in order to preserve and upgrade it, regardless of whether the ownership is public or private. This is clearly evident through the set of laws that regulate real estate ownership, as many disputes have resulted in it due to the difficulty of proving real estate ownership and its origin in most cases. There are those who illegally occupy state property, and those who do not own a bond or whose bond is invalid in the eyes of the law.

Algeria witnessed an economic renaissance at the beginning of the 1970s, which featured a series of reforms in numerous departments and domains, including the reform of the real estate system. Where a set of legislation and legal texts that were complementary to the economic changes were enacted. Including amended and supplemented Law 29/90 on planning and development, Law 30/90 on national property, Law 06/06 on the city's directive law, Law 06/07 on the management, protection, and development of green spaces, and Law 15/08 on defining the rules for matching buildings and completing their completion. To protect the state's interests, Law 25/90, which includes the real estate directive, set new laws governing real estate ownership. Given the importance of real estate in the field of investment, the real estate guidance law was issued. Which is the basic text for regulating real estate in Algeria in terms of its classification of real estate ownership and its requirement for original deeds proving private ownership of real estate and real rights, or that the occupant has a legal document highlighting this possession. To achieve local development, the Algerian state must adopt regulatory legislation with the ultimate goal of eliminating internal imbalances and providing real estate, which is the primary determinant in the success of the various local development processes. The challenge of this research stems from the extent to which the Algerian legislature was able to establish an efficient and successful real estate legal system. What is the extent to which these real estate policies contribute to the local development process? This main question is derived from several sub-questions, including:

1. What are the most important real estate laws enacted in Algeria following independence?
2. What are Algeria's most important real estate management bodies?
3. What role does real estate, in its different forms, play in fostering local development?
4. What are the most significant steps to be made to govern Algeria's real estate policy?

Research Importance and Aims

The various problems presented by this subject demonstrate the relevance of investigating the problem of Algerian real estate policy following independence. Despite the strategic importance of real estate and its association with the social and economic aspects of the population, and despite its non-stability for a long time, scientific research has not adequately discussed such issue, and even various legal texts have not given it its full right, as evidenced by cases of fluctuations and frequent imbalances. This drove us to make this decision in order to become as familiar as possible with the issue of real estate in Algeria after independence, if in a small way. The research aims to provide a scientific intellectual discourse through which we could understand the new rules about real estate legislation, particularly after the 1989 constitution. As well as highlighting its most important foundations and removing all ambiguity surrounding the subject of real estate and its ownership, and understanding the role it plays in its various types (agricultural, urban, or industrial) in launching development.

Research Methodology and Concepts

The descriptive and analytical approach of these texts has been depended on since it is the closest and most appropriate given that the subject of the research is based mostly on the study of legal texts, executive decrees, memorandums, and a group of specialized publications. The significance of adjusting concepts as a theoretical reference that aids in the diagnosis and proper analysis of the phenomenon of Algerian post-independence real estate policy and its relationship to local development, with an emphasis on the following concepts:

Real Estate

According to the Algerian Civil Code, real estate is anything that is stable and fixed and cannot be moved without causing damage, whereas everything else is movable. There are three main forms of real estate: real estate by nature, real estate by location, and real estate by allocation (2).

According to the Nature of Real Estate

Land, buildings, and trees are examples of material items that have a permanent, non-moving position... It makes little difference whether the land is prepared for agriculture or construction, or if it is rocky or sandy. The land contains buildings placed on top of it, and fixed and stable things on the ground or in its interior are regarded real estate regardless of who owns them. This has no bearing on its real estate nature if the owner does not own the ground on which it is built. Buildings constructed on leased land by the tenant with the approval of the owner are considered real estate by definition since they are stable and fixed in place (3). As a result, buildings are regarded real estate by nature, and they comprise all installations placed on them, whether on the earth's surface or beneath it, such as residences, factories, bridges, and wells, because they are fixed in the ground and occupy a stable and fixed space inside it (4).

According to the Subject of Real Estate

Every right in rem over real estate, including the right of ownership, is deemed real estate, according to the text of Article No. (684) of the Algerian Civil Code, as is any lawsuit related to a rem right over real estate. The original real rights include ownership rights, usufruct rights, easement rights, and the right to use. Other ancillary real rights include the official mortgage right, possessory mortgage right, right of allocation, and right of concession, and they are all considered real estate because their subject matter is real estate, but if its subject matter is moveable, it is deemed movable (5).

Real Estate By Allocation

Real estate by allocation is movable by nature, having been granted the status of real estate as a result of its owner's exploitation and allocation to service his real estate. This sort of real estate is described in the second paragraph of Article No. (683) of the Civil Code as "any movable item that its owner deposits in a real estate that he owns as a guarantee for his service, and this real estate or its exploitation is regarded real estate by allocation." As a result, the legislator

embodied the inclusion of real estate provisions on movables that were prepared for his service and exploitation in order to prevent any impediment to the benefit of the real estate.

Land Ownership

It refers to the right to enjoy and dispose of real estate money or rights in kind in order to use the property according to its nature or purpose (6), within the limits of applicable laws, legislation, and regulations (7).

Local Development

Xavier Griffer defines local development as a method to broaden and enrich economic and social activity inside a specific region by mobilizing the region's energies and resources (8). According to the United Nations (1956), local development is the process by which citizens and official bodies work together to improve the economic and social conditions in local communities, as well as to help them integrate into the life of the nation and contribute to its advancement to the greatest extent possible (9). Dr. Rashid also believes that local development is the role of policies and programs carried out in accordance with broad guidelines to bring about an intended and desirable change in local communities, with the goal of raising the standard of living in those communities by improving the income distribution system. Given this definition, which acknowledges that local development is not solely economic, it is a comprehensive process that is not distinct from the overall notion of development, which is considered in any part of an integrated process. Local development, while appearing to be economic in its overall framework, has a social purpose, confirming that integration of economic and social components is inevitable and desirable. This integration is not limited to tangible aspects; it must also include non-material improvements such as rationalizing behavior and consolidating beliefs among citizens, as well as combating harmful traditions that impede advancement in all areas of life (10).

ALGERIAN REAL ESTATE LEGISLATION

Prior to the 1989 Constitution

The old laws remained in effect, as evidenced by the issuing of Ordinance 20/62 on August 24, 1962, concerning unoccupied properties, and Decree 63/388 on the nationalization of agricultural companies owned by legal or natural people who do not have Algerian nationality. As a result, the most essential real estate legislation will be addressed as follows:

Agricultural Revolution

This period begins on November 8, 1971, with the issue of Ordinance 71/173, which incorporates the agricultural revolution. Because it repealed all prior agricultural laws and restrictions, the latter brought about drastic changes in the organization of real estate ownership. It was also the starting point for the publication of future books about real estate ownership and regulation on modern principles. According to this decree, the National Fund for the Agrarian Revolution consists of the following lands:

- Municipal agricultural lands,
- Agricultural lands belonging to the state, including those belonging to public institutions, except those allocated to research or education,
- Agricultural lands nationalized within the framework of this Ordinance are the agricultural lands of the thrones without owners just after the revolution (11).

This Ordinance also states that decisions or contracts for allocating lands to the Agricultural Revolution Fund cancel by force of law all previous real rights over the real estate incorporated in this fund (12), and that everything weighed on these real estate that becomes state property is inalienable and cannot be seized (12). 13). All agricultural lands included in municipal funds for the agricultural revolution shall be added to the lands of the National Fund for the Revolution (14). It led to the nationalization and distribution of agricultural lands, which were included in the Agricultural Revolution Fund until 1979. The Fund encompassed approximately 1,733,689 hectares of land and dispersed it to 95,369 beneficiaries. It was structured as a series of agricultural cooperatives. As a result, the order involved in the agricultural revolution aimed to collect agricultural land ownership to become the property of the national group, i.e. the state, and to be exploited collectively by citizens within the framework of peasant cooperatives, with the exception of marginal plots of land that cannot be exploited collectively and must be exploited individually. As a result, the new system of land

exploitation entirely opposes the intentions of the (Sénatus-consulte) statute released on April 21, 1863, which signified the elimination of collective exploitation of land and the end of communism by dividing the throne's domains among the population.

Real Estate Reserves

Ordinance No. 74/26 of February 20, 1974, and its implementing decrees, namely 76/27, 76/28, and 76/29 related to the municipality's real estate reserves, were the cause of real estate changes in urban areas, as this order required the transfer of lands located in urban areas or buildable to municipalities. And, even if this order prevents citizens from disposing of these lands as municipal property, the implementation decrees referred to above specified procedures to be followed by municipalities, such as incorporating these lands into their real estate reserves in exchange for compensation paid by the municipality to the owner, taking into account his family's needs. These procedures include a real estate survey and an evaluation by the State Property Authority, which estimates the amounts of compensation for the lands to be included in the real estate reserves, followed by deliberation by the Municipal People's Assembly on the real estate that is to be incorporated. As the guardian power, the governor approves this deliberation. Finally, in the interest of the real estate registration, the decision to merge, compensate, and register real estate was made (15).

Ordinance No. 75/74 of November 12, 1975

This includes the preparation of the general land survey and the establishment of the real estate registry. Two decrees were issued following it: the first, 76/62, dated March 25, 1976, related to the preparation of the general land survey, and the second, 76/63, on the same date, related to the establishment of the real estate registry. This, of course, allowed the formation of real estate cards.

Law 01/81 of February 7, 1981

Protecting the privacy of state-owned residential, professional, vocational, and commercial real estate (16).

Law 81/83 of August 13, 1983

It provides for the complete privacy of a portion of the Algerian state's agricultural property. This law also details how private citizens might get agricultural land ownership through reclamation in the southern and high plateau lands (17).

Decree 352/83 of May 21, 1983

This includes the formation of a notoriety contract and the resolution of the status of illegal exploitation of public lands (18), as well as transactions between people in breach of the law pursuant to Ordinance 85/01 of August 13, 1985 (19).

Law 16/84, enacted on May 30, 1984

controls state property and provides principles based on the impossibility of disposing of public property, its non-acquisition, and its acquisition by statute of limitations.

Law 87/19 of December 8, 1987

defining the rights and duties of producers and defining how to exploit agricultural areas belonging to national property (20). Because of this rule, the product is no longer limited by political and social considerations at the price of the obtained economic outcomes, which have long been suppressed in order to create social peace.

Following the 1989 Constitution

During this time, the legislature passed a number of real estate-related laws, including the following:

Law No. 90/25 containing the real estate directive

The legislature enacted Law 25/90, which established the technical strength and legal structure for all real estate properties, as well as the means for state, group, and public body action. This legislation defines real property as all undeveloped land or real estate riches, including agricultural grounds with an agricultural, pastoral, forest, allied, or desert orientation, built-up and buildable lands, and protected regions and sites (21). With the classification of ownership and the constraints on it, this law came to distinguish between public ownership, national real estate property, and private

real estate ownership. Although it seeks to stabilize real estate ownership and govern how it is used and exploited, the most essential aspect of this law for settling existing real estate conflicts is represented by the following:

- The creation of a municipal real estate index, which necessitates a general inventory of all real estate located on each municipality's terrain;
- The rehabilitation of private property.
- Every occupant or possessor of real estate is required to declare it to the municipality within the framework of this general inventory, and to pass over a certificate of possession to every holder of legal possession (22),

It should also be emphasized that the purpose of this law was to put an end to the speculations and disputes concerning nationalized lands that had been occurring within the scope of the terms of the Agricultural Revolution Law, when its effect was cancelled.

Public and Private National Properties

It refers to the property governed by Law 84/16 of May 30, 1984, which was replaced by the National Property Law enacted on December 1, 1990. Whereas this legislation establishes the components of national property as well as the procedures for its formation, maintenance, and supervision. National property covers all real estate owned by states and municipal governments, and it includes both public and private properties. Similarly, because of its nature or purpose, public property cannot be private property. Other national properties that are not classed as public and perform the proprietary and financial role are private national properties and public properties that are not subject to disposal or prescription. The competent authorities in line with the requirements of this law and any other applicable legislation can dispose of private national property. National property comprises of legal techniques and means of ownership, such as purchase contracts, exchange, statute of limitation, possession, preemption, legacies without heirs, and public benefit expropriation. In general, any real estate located on Algerian territory, whether abandoned or unoccupied, is the property of the state (23) by force of law. Furthermore, if the property has no known owner, or the owner died without leaving an heir, the state has the right to prove the absence of heirs. As it has the right to declare a state of vacancy in accordance with legal forms and procedures, and then to hand over the estate's money in the form of real estate and movables to the State Property Directorate to be inventoried, and their inclusion in the private national property (24). We precise that evidence for disputes involving national property real estate is carried out through official documents, which assists specialists in settling judicial and administrative conflicts.

Expropriation for Public Benefit

According to Article No. (35), the legislator issued Law 91/11 on April 27, 1991, which establishes the rules connected to expropriation for public benefit, annulling Ordinance 76/48 of May 25, 1976, and Decree 93/186 was published on July 27, 1993. Which describes the methods for implementing Law 91/11, which is a unique manner to own real estate under specific circumstances and procedures in exchange for reasonable remuneration. Because expropriation is carried out in accordance with the law (through administrative decisions of the competent administrative authority), evidence in the event of a dispute (whether in the existence or absence of a public benefit, in the procedures that have occurred, or in the amounts of compensation) is always done in written documents. These must be carefully examined in order to determine the extent of conformity of the procedures. Ownership is governed by legal regulations, particularly because the method for expropriating people's property is a significant step that violates real estate property rights guaranteed by the constitution and the law. As a result, the constitution and the legislation subjected it to a number of detailed, particular, and stringent legal procedures that must be followed and observed.

The adoption of Law No. 90/29

The legislature passed Law 29/90 on planning and development, as amended by Law 04/05, with the goal of organizing areas that can be built on, running urbanization and preserving it, and protecting the natural environment and history

Real Estate Activity

On March 1, 1993, the legislature published Legislative Decree 93/03, which defined real estate activity (25), as any job that contributes to the realization or renewal of real estate properties intended for sale or rent, or to suit the particular needs of various residents. It consists of shops that are used for residential, vocational, industrial, or commercial purposes. Real estate advertising can be carried out by merchants or by individuals in an individual framework or

in the framework of real estate cooperatives to satisfy their own demands. In this instance, their conduct is still civil, and the merchant status does not apply to them. The transparency it introduced to the customer’s relationship in the promotion with the buyer and the guarantees it provided to each party of the contract, as well as its regulation of the landlord’s relationship with the lessee on new bases, are perhaps the most important things that came with this legislative decree.

Organization of Endowment Properties

On April 27, 1991, the legislator adopted Law 91/10 concerning endowments (26), but he made significant revisions to it by virtue of Law 01/07 issued on May 22, 2001. (27). Among the most significant of these changes are the following:

- Including a section on the conditions and procedures for exploitation and investment in endowment holdings.
- Subjecting endowment properties to a general inventory process and establishing a specific real estate registry for these properties with the State property departments, where the endowment properties are registered
- Publishing several essays on how to use, invest in, and develop endowment properties, whether self-financing, national, or external.
- He also mentioned the various forms of contracts that can be entered into for the exploitation, investment, and development of all types of real estate, such as farm contracts and distance contracts.

The issuance of Law 03/10: which abolished Law 19/87 and specified the awarding of concessions for a full 40-year renewable duration for the benefit of investors, and so all Usufruct contracts were converted to franchise contracts.

LOCAL COMMUNITIES AND THEIR ABILITY TO ACHIEVE LOCAL DEVELOPMENT

Algerian Real Estate Management Organizations

After independence, Algerian real estate policy has been hampered by the proliferation of concerned official agencies and bodies, which affects negatively or positively their dealings with real estate in all its forms (urban, industrial, and agricultural) to the point of duplicity at times and conflict at others. This is accomplished through administrative decisions issued by those administrative authorities without consulting other agencies or the impacted private sector, or through the unfair application of these decisions, which creates ambiguity and ambiguity, and occasionally anarchy. As a result, the local real estate investment climate suffers as a result. Figure No. 01 depicts the key players in Algerian real estate management and regulation.

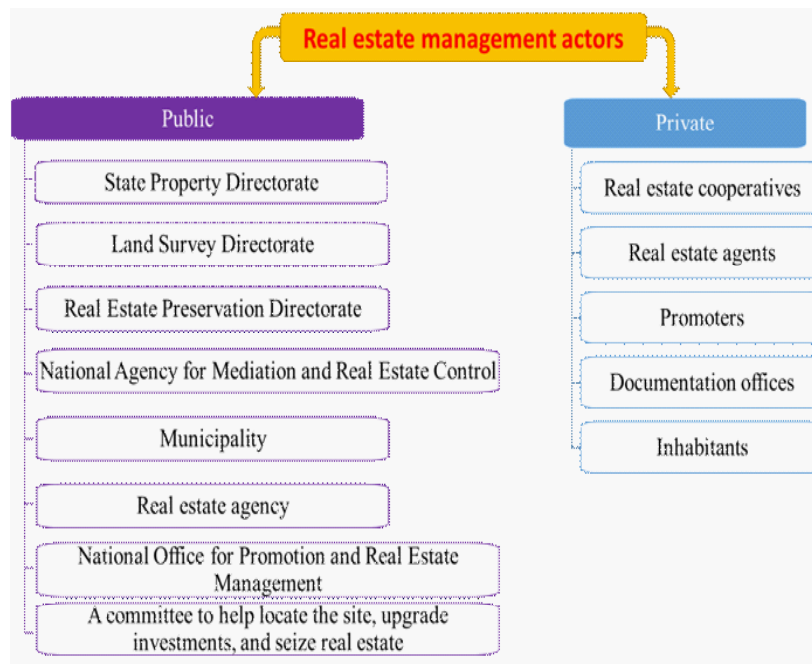


Figure 1. Real estate management actors in Algeria (source: Khalfouni, 2008)

The Role of Real Estate in the Local Development Process

Urban Real Estate

Urban Development Works

A procedure necessitated by the necessity to act on decaying urban tissues and sectors in order to provide for and fulfill rising demands (necessary buildings and facilities). This is in accordance with the increasing urban planning expectations in a certain field. This strategy may be extended to illegal urban tissues and take the form of a series of integrated planning procedures based on the urban environment's foundations and constituents. The latter attempts to provide it with basic networks and public services, as well as to supplement some of the well-being aspects in its dwellings while integrating it into urban plans. As a result, urban development strives to transition from the preventative urban plan (which is now used within the context of various planning and reconstruction plans) to Healing architecture by identifying chaotic housing as an existing and emerging housing production system (29).

Characteristics of Urban Development

This approach has various advantages, the most prominent of which are: It intervenes on existing urban agglomerations in the urban core as well as the creation and processing of buildings. It also intervenes in the form of programs and projects that take into account the specificity of the development areas, the time frame for implementing the programs, and the available budget, while estimating the need for residential neighborhoods to intervene (30) in accordance with the planning and reconstruction tools imposed in the region.

Legal basis for intervention on unplanned urban tissue

The legal basis for interfering with existing unplanned urban fabrics and addressing them with the urban development method is as illustrated in table 1.

Table 1. Direct and indirect basis for intervention on unplanned urban tissue

Direct Basis	Indirect Basis
<p>Represented in Decree 83/684(31), which governs how existing urban spaces can be intervened in. He detailed the intervention operations and techniques employed in those locations in detail. Neighborhoods that are unsuitable for urban functions (for example, if health and hygiene standards are not satisfied and the building is old) necessitate the construction of an intervention program in the existing urban area. The latter must adhere to the framework and boundaries established in the municipal master rebuilding plan (32). We simply remark that the changes were not limited to a certain urban fabric, but rather linked to the weaknesses of both the planned and disorderly neighborhood's urban functions.</p>	<p>It includes laws of intervention on the urban fabric (orderly, deteriorating, or chaotic). The most important of which is the Planning and Development Law, as well as Legislative Decree No. 94/07 related to architectural production conditions, according to which the State Committee for Architecture and Urbanization (created by Executive Decree No. 95/370) was assigned to control architectural and reconstruction projects in the wilaya (33). It is also important to note Law No. 06/06 of February 20, 2006, which incorporates the city's directive law and some concepts in the city's urban policy to integrate this sort of community (generally located on the outskirts of cities that make up the Algerian urban network). This is because many of them have become neither rural (where they develop rural requirements) nor urban (where they benefit from city facilities), reflecting many of the economic, social, and urban distinctions that arise as a result of disparities. To that extent, it has become necessary to eliminate these disparities by implementing a number of principles, such as restructuring and rehabilitating the urban fabric and modernizing it in order to activate its function, eliminating fragile and unhealthy housing, organizing urban areas and finding alternatives to rehabilitate the city, and reclassifying real estate groups.</p>

Source: author

Addressing Unkempt Buildings

Despite the legal safeguards put in place by Algerian politicians in compliance with rules and regulations to ban, or at least decrease, illegal construction, their shortcomings were immediately revealed. This caused the legislator to act once more, this time to alter the provisions of Law No. 29/90 by Law 04/05 (dated 15 August 2004) and to amend Decree 94/07 through Decree No. 04/06, in order to enforce more effective laws pertaining to unlawful construction elimination.

Inevitably, this necessitates strategic planning that includes both preventive and curative intervention strategies. Intervention is carried out on a preventive level and to treat the factors that allowed unlawful construction by controlling the use of real estate and the manufacture of excellent ones for rehabilitation, as well as cleaning their title deeds to allow individuals to build. It is also vital to implement an effective housing policy that prioritizes the disadvantaged and those with limited means. This is accomplished through focusing on the process of creating social housing (34), as well as striving to enhance real estate circumstances in order to encourage and develop local development. The intervention tries to provide a therapeutic answer to the existing disorderly buildings by dismantling and removing them.

Many countries have resorted to substituting demolition with means of integration within the urban and social environment as much as possible, such as improving chaotic buildings (which are subject to this) and regularizing their status. In Algeria, too, the Ministry of Housing and Urbanism acknowledged the negative aspects of the demolition solution and opted to pursue a way of judicial settlement for illegal construction. Issuing real estate ownership, construction, and construction laws, which include restoring the status of real estate ownership of illegal construction and its urban status by addressing recorded urban violations and providing the building owner with a document that complies with the legislation. The Algerian legislator has authorized the provisions for matching buildings, provided that the land occupancy rules outlined in Law 08/15 are followed (which includes defining the rules for matching buildings). As a result, obtaining building conformity became the administrative document through which each completed (or not completed) structure is settled in accordance with the legislation and regulations governing land occupancy and construction standards (35). As a result, the resolution under this law differs from the resolution under Decree 212/85. (36) This is due to the fact that it is an administrative and technical procedure structured by binding regulations for land use and occupancy and subject to objection before the master plan for development and development and the land occupation plan (in their absence, the general rules for planning and development). It also comprises awarding the settlement bonds that convert the building from illegal to legal in accordance with the law. As a result, the exceptional conformity investigation procedure created in accordance with the provisions of Law 15/08 is distinguished by the following benefits:

- The process of matching the illegal building is carried out in accordance with the rules set in the organization of preparation and reconstruction tools, and in their absence, the basic rules of preparation and reconstruction are applied.
- Achieving the conformance of unlawful buildings within the framework of Law 15/08 is a technique of settlement influenced by the methodology for dealing with illegal constructions under Decree 85/212 and the joint ministerial instruction on the treatment of unplanned construction issued on August 13, 1985.

Local Development Plans

According to Law 87/03 related to urban planning, they are:

The National Urban Development Plan (SANT)

The National Urban Development Plan is the foundation of this law, since it reflects the precise choices about the long-term arrangement of national space. It presented files on demography, natural resources, productive activities, basic amenities, and the environment. It also serves as the inferential foundation for the allocation and location of development works. As a result, it is a strategic tool for implementing urban development principles since it combines the unique objectives of economic and social development.

The Regional Urban Development Plan (SRAT)

It is the direct application instrument for implementing the National Urban Planning Plan's directives, since it is responsible for explaining and clarifying the directives and concepts established in the national plan at the regional level it covers. The latter is in charge of regional development and works to simplify and modify the national plan's urban planning works in order to gradually eliminate regional differences and foster regional development and integration.

Wilayal Development Plan (PAW)

Each state develops its own development plan in compliance with the directives and concepts of both national and regional planners. The administration begins this process in conjunction with the state's economic and social agents, state discussion councils, municipalities, and professional association representatives. The state plan for urban development seeks to clarify and explain the regional plan's directives in relation to the territory it occupies by designating the directives that concern each of the municipalities that comprise the state.

Urban Planning and Development Plans

According to Law 29/90 related to planning and development, they are

The Master Plan for Development and Urbanization (PDAU)

It describes the planning objectives and tries to create a spatial image that permits the municipality's general policy to be implemented on its territory. It also provides a forecast of reserves in many economic and social spheres for the next two decades. As a result, it is a document for the future, forecasting and directing the urbanization and extension of urban agglomerations. He also identifies the main directions of the lands and classifies them into built-up sectors, future construction sectors, buildable sectors, and non-buildable sectors.

Land Occupancy Scheme (POS)

The land occupancy plan is a modern planning and urbanization technique that tries to govern urban space. It also provides a comprehensive overview of everything included in the PDAU. As a result, it is regarded as the final tool in Algeria's urban development system. As well as an effective means in the hands of local groups to control the planning processes, whether to intervene on the old urban fabrics (via restoration, renovation, restructuring, or refinement) or to intervene at the level of new residential neighborhoods, areas designated for activities, industrial zones,... and reconstruction in its soil in accordance with its capabilities and necessities. It should be highlighted that local communities can convey their vision for the future of development and reconstruction through the land occupancy plan. In addition to being irreversible once approved, the law requires every municipality in Algeria to cover its soil or a portion of its soil with the land occupation plan.

Prerogatives of Local Communities in the Field of Real Estate and Development

Local communities aim to build partnerships with various government agencies in order to renew and regenerate the economy. This is accomplished through the completion of infrastructure, the establishment of industrial zones, and the establishment and equipping of the tourism and commercial sectors. The Algerian legislator entrusted the task of defining built-up or buildable lands to the preparation and reconstruction tools that show the issue of land occupation in a rational and intensive way to preserve agricultural lands and upgrade and reclaim protected areas and sites in order to achieve local development and protect real estate from irrational consumption. Where the buildable lands located within the municipality's built-up areas take into account the urban economy, are compatible with the goals of sustaining environmental balances, and are not vulnerable to natural and technological calamities. The law also authorizes and establishes the technical and financial constraints for converting productive or fertile agricultural land into development land. It is not permitted to use property or build in contravention of the building regulations.

To protect cities' real estate bases from indiscriminate consumption and to meet the growing demand for urban real estate by economic dealers and investors to establish projects, the issue of providing urban and industrial real estate is regarded as one of the issues impeding national and foreign investment. The issue is also that real estate, as a strategic pillar for urban, social, and economic growth, has not achieved the expected results. As a result, at the end of 2007, the National Agency for Real Estate Mediation and Rationalization was founded. Its responsibilities include easing access to industrial real estate for economic dealers, administering the public sector's economic real estate portfolio, and creating mediation and real estate rationalization ways to give services to investors. As a result, real estate is regarded as one of the most significant factors of urban development, as the size of cities is determined by the amount of land owned and used. However, the interests of the owners may conflict with the goals of the planning and urbanization plans, causing speculation. As a result, the legislator established mechanisms that allow towns to offer their real estate requirements in order to meet local demands, achieve development, and maintain control over city expansion. Local communities can determine the identity of the real estate located in their territory by taking an inventory of their real estate and state property, and then prepare their investment programs contained in the planning and reconstruction plans, within the framework of using the planning and reconstruction tools. Local groups can also expropriate property for the public good in exchange for fair and tribal recompense, which is an excellent means to obtain land or real estate rights to construct collective equipment, huge facilities, and companies.

The Role of Agricultural Real Estate

Agricultural investments did not provide major benefits in accordance with Law 19/87 (37) to create jobs and attain self-sufficiency, and hence local development. This is because it signifies a shift in the investment of agricultural real

estate and the development of local production, provided that these investments are serious and do not repeat past mistakes. In this regard, we recall that the authorities offered over 100,000 female agricultural investors to farmers, the bulk of them are young. This procedure was governed by the new law on state lands, which went into effect and, among other things, provided for the conversion of the right of permanent enjoyment of agricultural investments into a right of concession. Concession is a contract in which the state grants a natural person of Algerian nationality (the concessionaire investor) the right to exploit agricultural lands belonging to the state's private property as well as surface properties related to it for a maximum period of 40 renewable years in exchange for paying an annual tax. The manner in which they are collected and allocated shall be set in conformity with the Finance Law. Knowing that in the context of this law, surface property refers to the complete property tied to agricultural investments, including buildings...

Members of collective and individual agricultural investments who have benefited from the provisions of Law No. 87/19 and have an official contract stated in the real estate governorate, or a decision of the governor, are also eligible for this privilege. Members of these collective and individual agricultural investments must have met their duties under this law. The legislative mechanisms for agricultural property protection are contained in five mechanisms, as follows:

- Agricultural guidance instruments represented by the agricultural guidance plan and the plan of local and rural development programs,
- The framing tools represented in describing the agricultural land's capabilities and assets, as well as the map identifying the agricultural fields,
- Concession as a single formula for the exploitation of state-owned agricultural land, i.e. defining the pattern of exploitation of agricultural property that becomes a concession right, in line with Law 03/10,
- Aggregation to create harmonious agricultural properties that can be invested in, i.e. the necessity to create a lasting legal relationship between the owners of real estate property and the agricultural investor and the land that he repairs,
- Oblige the owner or possessor to exploit agricultural land because of its social role, and every agricultural investor who engages in agricultural activity and contributes to the necessary work for the investor must benefit from the results and face any losses that may follow.

The Role of Industrial Real Estate

It relates to land usage for industrial purposes and is distinguished by certain qualities that set it apart from other real estate systems. Its proper application and administration brings technology, job opportunities, promotes local investment, and attracts international investment for the benefit of the country. As a result, the state has established a variety of systems for the industrial real estate portfolio, each with its own set of characteristics, legal status, and methods of management and establishment. The authorities initially relied on the establishment of prepared zones divided into industrial zones (per Decree 73/45 (38) related to the establishment of an advisory committee for the development of industrial zones) and zones of activity established on the municipality's real estate reserves (regulated by order 74/26 of February 20, 1974).

In the context of the state's efforts, a real estate portfolio of national properties has been allocated in private areas with the goal of implementing projects. In addition, a legal framework has been developed to determine the conditions for selling these lands in order to eliminate the great contradictions between the country's regions and develop areas that lack projects of an industrial, commercial, or vocational nature. However, this approach failed, forcing the Algerian government to rely on its existing real estate skills (via financial laws and regulatory texts). That was made possible by recovering and highlighting in the market the remaining assets of independent and non-independent public institutions, surpluses that are not objectively necessary for their activity, particularly lands available in industrial zones... in order to prevent them from freezing and becoming worthless. The fate of organizations that did not suffer from an accounting mismatch was likewise tied to privatization. As for the industrial real estate portfolio classification, the latter is divided into three categories: (1) industrial real estate in developed and/or private areas, (2) economic institution real estate portfolio, and (3) real estate portfolio destined for industrial investment in free zones and areas of integrated industrial competition.

Industrial Areas

Industrial zones are areas characterized by preparation and construction instruments that are allocated to receive national or private economic operations. The decision to establish was previously made in 1975 by the Minister of Public Works and Building in light of the ministerial circular dated April 30 as a trustee of the only development agency at the time (CADAT), and is based on a dossier provided by the province's competent governor. It should be mentioned that the decision to construct industrial zones was subject to the recommendation of the Advisory Committee for the Development of Industrial Zones, which was established by Decree No. 73/45 on February 28, 1973. The Ministry of Public Works serves as its headquarters. The committee, which is chaired by the Minister of Public Works and Building, includes permanent members from the following ministries: Planning and Urban Engineering, Industry and Energy, Ministry of the Interior, National Defense, Health, Trade, the Secretary of State for Water, and a former Director General of the Algerian National Fund for Urban Planning (CADAT). In addition to these, the committee has permanent members who attend meetings of the specialized committee for the industrial zones under their jurisdiction, and they are: the governor or his representative, the president of the Municipal People's Assembly or his representative, and the president of the Algiers region's standing committee for studies, development, organization, and preparation (COMEDOR). The committee may invite to its meetings anybody whose expertise it requires, particularly representatives from state or municipal governments, public institutions, or contractors. In light of the economic reforms, the National Council for Investment (CNI) proposes steps to encourage investment, including the establishment of new regions (39) under the prime minister's jurisdiction. As a result, the National Investment Council voted to accept a proposal to build industrial zones in Decision No. 02 of March 6, 2011, therefore Resolution No. 13 of April 19, 2011 supporting the previous decision came with another list involving the establishment of 36 industrial zones. According to claims, the number has risen to 42 industrial zones spread across the entire national field. According to Decree 122/07, its supervision is one of the responsibilities of the National Agency for Mediation and Real Estate Control (40).

Activity Areas

According to the text of Memorandum No. 533 of May 2006, these are areas defined by preparation and construction tools designated to receive local or multi-service activities. Most of the activity areas were founded before to the economic reforms by local initiatives, with the governor's approval and the People's Assembly's consideration, in the absence of a clear legislative and regulatory framework. In light of these economic changes and the Real Estate Guidance Law 25/90, the management of activity areas was delegated to industrial and commercial public institutions known as local agencies for real estate management and organization. Whereas Article No (03) of Executive Decree 90/405 (dated December 22, 1990 specifying the rules for the establishment of local agencies for urban real estate management and organization, amending and supplementing them) stipulates the validity of the possession of real estate and the related rights allocated for building and development for the account of local communities, as well as the transfer of ownership of these real estate or Real estate rights. Currently, the Committee for Assistance in Site Selection, Investment Promotion, and Real Estate Control can propose the establishment of new areas of activity, according to the content of Article No. (02) of Executive Decree No. 10/20 (dated January 12, 2010), which includes the Committee for Assistance in Site Selection, Investment Promotion, and Real Estate Control. The process of establishing any investment or equipment project on the territory of the municipality, or any project that falls within the framework of sectoral development programs, is subject to the prior opinion of the Municipal People's Assembly, according to Article No. (109) of Law 10/11 (dated June 22, 2011). As a result, it is still necessary to establish areas of activity through a local initiative. Under the socialist orientation, it was an initiative by local groups, and in light of the economic reforms, the Algerian legislator entrusted its management to public institutions of an industrial and commercial nature called local agencies for real estate management and organization, which are now the state agencies for management and organization, according to Law 25/90. Real estate in cities. Furthermore, activity areas or industrial zones are not the only real estate containers for industrial investment, as the state has organized a significant portfolio of the remaining industrial real estate belonging to local economic public institutions, particularly surplus industrial real estate belonging to economic public institutions.

Real Estate Assets of Public Economic and Local Institutions

The institution's real estate assets are the funds that it has amassed throughout the course of its existence. The term assets is typically discussed using accounting data since it represents the positive side of the institution's budget, and it is divided into two parts:

- Real estate, buildings, machinery, and equipment reflect fixed uses.
- Variable uses, such as the firm's product, money ready for use and operation, and liquid funds in the fund and bank balances of the enterprise and

What matters in assets are the fixed uses, which include the institution's real estate portfolio, whether it is fully or partially exploited or not fully exploited, particularly the remaining real estate assets belonging to public institutions that have been liquidated or are in the process of liquidation, and the state has attempted to activate it as another concept of industrial real estate. As a result, real estate assets owned by governmental entities can be categorized as follows:

Real Estate Assets that Form A Homogeneous Unit With the Activity of the Enterprise

These real estate assets were related to privatization because Order 01/01, as revised and supplemented, was issued addressing the organization of economic public enterprises, canceling the provisions of Order 25/95 that regulated the notion of privatization. It entails the entire or partial transfer of an institution's financial patrimony, including real estate and stocks, to the private sector via the assignment of shares representing the shareholders' portion. Furthermore, many of the privatization assignments failed due to a lack of ownership contracts. The majority of them are real estate assets, agricultural areas, and assets of light industrial businesses that have been nationalized and given the status of unoccupied property without being legally purified.

Remaining and Surplus Real Estate Assets

It is all available real estate belonging to the independent and non-independent public corporations, according to the content of Article No. (02) of Executive Decree 09/153 of May 02, 2009. As a result, the residual real estate assets include all real estate that has not been assigned as part of the liquidation works. The surplus real estate properties, according to the substance of Article No. (03) of Executive Decree 09/153 of May 02, 2009, are those properties that are not objectively necessary for the activities of the public economic enterprise, as summarized as follows:

- Real estate that is unutilized or has not been assigned to a specific destination as of the date of publication of this Decree in the Official Gazette
- Real estate whose usage does not correspond to the institution's social purpose. - Real estate properties that change their legal nature due to planning and building restrictions and no longer fall within the scope of the institution's principal operation.
- The public institution's initiative to put real estate on the market

Furthermore, excess assets are real estate properties located inside industrial zones and available to us at the time of publication of this order in the Official Gazette that have been reintegrated into the state's private property. Outside of specially developed areas, the real estate portfolio cannot be overlooked.

Real Estate Portfolio Located Outside the Developed Areas

According to the content of the following legislation, some areas have been allotted for the implementation of different local investment projects in order for the Algerian state to provide a favorable environment for attracting investments: Laws 84/21 and 87/03 relating to urban development, as well as Law 91/25 (41). Furthermore, in order to encourage and assist investment, Legislative Decree 93/12 (42) provides for the possibility of granting the state, on advantageous conditions amounting to a symbolic dinar, concessions on national property lands in favor of investments. Ordinance 01/03 on October 20, 2001 was enacted to encourage investment by discarding the concept of special zones and their classification for failing to achieve local development in banned areas within nine years.

Organizing A Real Estate Portfolio in free Zones and Integrated Industrial Competition

The state directed the construction and supervision of a free zone on part of its areas. Rather, it put this idea into effect by Decree 97/106, which established the Balara Free Zone. Furthermore, the legal experience of these zones has stayed in its legal stage, with no clear path to implementation, because Algeria is reticent to establish free zones because it is unsure of their utility as a mechanism that contributes to local development. A free zone is a land or geographical area of a state's territory that is physically defined and isolated from the rest of the state's territory, and where industrial, commercial, or service activities are governed by procedural and exceptional legal rules in order to attract domestic

and foreign investment (43). It is also impossible to judge the progress of these areas because, on January 3, 2005, Executive Decree 05/01 designated the Bellara area in Jijel Province as an industrial zone. Following the failure of free zones as a mechanism for accomplishing Algeria's investment goal, Ordinance 0302 / according to Law 06 / 10 of June 24, 2006, was repealed. This is explained by the content of the draft revocation of Ordinance 03/02, which was mentioned in the Council of Ministers statement on June 26, 2005, and its content is that Algeria is unwilling to establish free zones over its territory because it is not convinced of the importance of these zones as a mechanism that contributes to economic and social development. Based on the experiences of other nations, it has been proposed to construct National Integrated Industrial Competition Zones (ZAI) to revitalize the national industrial sector. Article No. (10) of Executive Decree 08/100 of March 25, 2005 states that the Minister of Industry and Investment Promotion is responsible for following up on the construction of integrated industrial competition zones, which have been renamed integrated industrial development zones. The competition areas also bring together a group of institutions in various domains, each with a specific goal, such as the following:

- Fostering a competitive business climate,
- Fostering innovation and creativity through increasing the competitiveness of institutions in these fields.
- Promoting communication, commercial relationships, and collaboration in research and education
- Attracting foreign direct investment and exchanging expertise in these areas would help to create a new category of qualified investors for modern technology, research, and development.

It was repealed by Executive Decree 11/15 on January 5, 2011, which repealed the aforementioned Executive Decree 08/100 governing the Minister of Industry, Small and Medium Enterprises, and Investment Promotion. Because, according to its content, the minister's function in the sphere of investment promotion is restricted to stimulating the formation of industrial zones and new areas of activity relevant to the development of industry and small and medium enterprises. As a result of the absence of success factors, the integrated industrial development zones were abandoned.

Granting Concessions on Industrial Real Estate

Prior to 1993, the exploitation of designated investment land was carried out in accordance with the waiver contract, subject to a termination clause requiring that the project be completed. Beginning in 1993, the concession contract first arose in the special zones required to be renovated by Legislative Decree 93/12 on investment development. The public authorities have distributed this contract in relation to the state's private properties located in industrial zones and areas of activity that the state has reclaimed under successive financial legislation. Public or private investors are granted lands belonging to the state under a transferable concession contract that entitles its owner to obtain a building permit, mortgage, or establish facilities, according to Article No. (148) of Order No. 27/95 of December 1995, which includes the Finance Law of 1996. However, until the Finance Law of 1998, no legal or regulatory texts were produced to govern this. Article No. (151) of the latter provides for the possibility of issuing a transferable concession after finishing the project on state-owned private lands earmarked for the execution of investment projects through public auction. Whereas the aforementioned grant entitles the beneficiary to get a building permit and establish an official mortgage on the real estate right. It also allows the lien to be issued at the beneficiary's discretion when the investment project is completed. It can, however, be waived or transferred by mutual consent in favor of investments that benefit from the benefits defined by legislation and regulation. According to a telegram released by Central Administration 247 on July 23, 2000, no regulatory text was produced to explain this subject, necessitating the suspending of grant operations by mutual consent. In addition, in accordance with Ordinance 06/11 of August 30, 2006, outlining the conditions and mechanisms for awarding concessions and ceding private property lands. A committee has been established for the state and directed to the realization of investment projects to assist in determining the location, promoting investments, seizing real estate, and the National Agency for Mediation to contribute to highlighting the real estate market dedicated to real estate.

Decrees 121/07 and 122/07, enacted on April 23, 2007, established the method for granting the privilege of concession and waiver, as well as the additional processes to be followed. Where the concession is granted on lands belonging to the private property of the investment-oriented state for the benefit of natural or legal persons for a renewable period of 20 years, with the option of converting the concession into a waiver, provided the actual completion of the project on the ground for which the concession was granted and the commencement of the activity that is examined

by the National Agency for Investment Development. Alternatively, the committee can assist in identifying the location, stimulating investments, and seizing the land when needed. With the exception of files accepted by the National Council for Investment and lands designated for investment located outside the municipalities of Algeria's wilayas of Annaba, Constantine, and Oran, or lands located in the municipalities of the south where the concession is granted by mutual consent, the general rule for the formula for granting the franchise is by auction. The open public or the undertakings sealed by a governor's decision based on a committee recommendation to aid in identifying the site, attracting investments, and seizing real land.

To protect industrial real estate, which is considered a nonrenewable resource, the remaining and surplus real estate assets were subject to public institutions and lands belonging to the state located in Industrial zones, per Ordinance 04/08 of September 1, 2008 specifying the terms and conditions of concession on lands belonging to the private property of the state and destined for the realization of investment projects and its executive decrees (renewable, provided that it does not exceed a period of 99 years as a maximum). Prior to the revision of Order No. 08/04, the concession was similarly granted, first by public auction and subsequently by mutual agreement. The latter formula favors projects of priority and national importance, as well as those that help to regional unemployment reduction and technical transfer, especially efforts that contribute to the development of disadvantaged populations. Ordinance 04/08, on the other hand, amended the Complementary Finance Law of 2011 with additional provisions. Where the concession formula was accepted as a single formula, for a term of 33 years, renewable twice, in exchange for an annual tax, by a Wali decision and based on a proposal by the Committee for Site Selection, Promotion of Investments, and Real Estate Control. It represents 5% of the economic value of the land or real estate subject to the concession, which is subject to renewal every eleven years, while allowing the investor to realize substantial savings throughout the construction and operation phases.

CONCLUSION

As a result of political and economic events, Algeria's real estate policies after independence are viewed as unpredictable and diverse. Due to the fact that real estate is the major engine of local growth. Despite the legislature's attempts to enact legislative regulations controlling real estate, there is still a considerable distance to travel. The lawmaker was not totally successful in cleaning up the legal status of real estate, a process that takes a long time and is out of sync with new and rapid developments. Due to bureaucratic conduct and the overlap of authorities, this resulted in a legal vacuum in governing real estate activities, which complicated procedures and compelled dealers to resort to other means of transferring or disposing of their rights. Contracts are still commonly utilized, which poses a significant threat to the land and real estate history. This means accelerating the implementation of objective regulations in order to deal with real estate freely, strictly in accordance with the law, and in light of the new mechanisms designed to facilitate the transition to a market economy. Consequently, a number of legal texts should be amended in order to liberalize exchanges and eliminate restrictions on the freedom of real estate transactions. The following measures must be taken to rectify the legal status of real estate and transform it into a significant economic engine:

- Accelerate the process of executing an examination of the right of real estate ownership with the delivery of title documents by expediting the exit of real estate investigators affiliated with the field's real estate preservation services and allocating sufficient financial and human resources. The new technique proposed in Law 02/07 is a preparatory phase for the general land survey that would allow for time savings throughout the completion of the numerous land survey activities.
- Reconsider compensation for residents whose urban land was included in the municipality's real estate reserves. - Adopt deterrent legislative rules in urban areas to prevent urban sprawl and the loss of green space while occupying urban areas.
- Expanding the scope of international collaborations to engage in desert land restoration, given the high costs and technology necessary.
- Reconsidering the standards for land reclamation and dispute resolution that led to the enactment of Order 26/95.
- Encouraging agricultural investment on private lands without inhibiting individual initiative or the role of the Algerian government.
- Regulating sharecropping agreements and agricultural leases, which were prohibited under the implementation of the Agricultural Revolution Law.
- Implementing important reforms to enhance the quantity and quality of land surveying progress, such as engaging engineers and real estate experts and devoting sufficient financial resources to speed the process.

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