

The Construction and Urban Planning System in Algeria: A Study on Textual Issues, Challenges of Real Estate Security and Quality, and Prospects for Reform

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Summary:

This intervention provides an in-depth analysis of the legal issues plaguing the construction and urban planning system in Algeria. The study aims to identify the shortcomings in the current legal and regulatory frameworks and their impact on sustainable urban development and real estate security. The analysis reveals multiple challenges, including ambiguity in some texts, overlapping jurisdictions between bodies, slow procedures, and the failure of legislation to keep pace with modern urban and technological developments. The intervention also addresses the impact of these issues on the quality of construction, the preservation of the architectural character of cities, and attracting investments in the sector. In conclusion, the study proposes a set of recommendations aimed at reforming the legal system, simplifying procedures, and strengthening governance to achieve effective and sustainable urban development that serves the interests of citizens and the national economy.

Keywords:

Construction and Urban Planning System, Algerian Urban Legislation, Textual Issues, Real Estate Security, Construction Quality, Prospects for Reform, Urban Governance.

Introduction:

The issue of the legal regulation of the construction and urban planning sector in the People's Democratic Republic of Algeria, with its structural and procedural complexities, represents a focal point of paramount academic and legal concern. Within the context of rapid urban development dynamics and the prerequisites for achieving comprehensive and sustainable development, a fundamental question arises regarding the efficacy and coherence of the current legal framework in regulating this vital sector, and identifying the systemic flaws that may impede the realization of desired objectives concerning construction quality, the preservation of architectural identity, and the guarantee of real estate security.

This research stems from a core hypothesis asserting the existence of substantial legal issues within the Algerian construction and urban planning system, necessitating an in-depth analysis to uncover their root causes, manifestations, and impacts on various aspects of the sector. More specifically, this scholarly endeavor seeks to answer the following central question: What are the primary legal issues plaguing the construction and urban planning system in Algeria, and what are their repercussions on urban development, real estate security, and the prospects for their reform?

To address this pivotal problem, the analysis will pivot around a set of interrelated sub-questions, including:

First: What are the shortcomings and ambiguities inherent in the current legal and regulatory texts governing the construction and urban planning sector in Algeria?

Second: How do overlapping jurisdictions and the lack of effective coordination among the relevant authorities and institutions affect the enforcement of laws and regulations?

Third: What procedural challenges confront investors and citizens in obtaining licenses and completing transactions related to construction and urban planning?

Fourth: To what extent do current legislations respond to construction quality requirements, the preservation of the architectural character of cities, and keeping pace with modern technological advancements in the sector?

Fifth: What are the legal implications arising from the inefficiency of the legal system on real estate security and attracting investments to the construction and urban planning sector?

This study aims to trace the structural imbalances within the Algerian urban legislative framework and assess their direct impacts on real estate security and quality, ultimately delineating a specific legislative and regulatory roadmap for reform prospects that serves sustainable development goals.

To attain the envisioned objectives, a critical analytical methodology will be adopted, based on the statutory interpretation of relevant legal and regulatory texts, the analysis of specialized studies and reports, and the extraction of indicators from the practical reality of the sector. This research aspires to provide a profound scholarly contribution that sheds light on the legal impediments hindering the development of the construction and urban planning sector in Algeria, offering critical insights and actionable recommendations aimed at reforming the legal system and enhancing its efficacy.

The academic and practical significance of this research lies in:

1. Expanding Academic Perceptions: By providing an in-depth legal analysis of the challenges facing a vital sector that directly influences economic and social development.
2. Supporting Decision-Making: By providing an analytical database and practical recommendations for policymakers and legislators aimed at reforming the legal framework.
3. Stimulating Community Dialogue: By highlighting the legal challenges that affect citizens' quality of life and the urban environment.

This research will be structured as follows:

- Theme I: The Current Legal and Regulatory Framework of the Construction and Urban Planning Sector in Algeria.
- Theme II: Manifestations of Legal Issues in the Practical Application of Construction and Urban Planning Laws.
- Theme III: The Legal Implications of these Issues on Construction Quality, Architectural Character, and Real Estate Security.

It is hoped that this research will contribute to enriching the academic and legal debate on reforming the construction and urban planning system in Algeria, and serve as a valuable reference for researchers, policymakers, and stakeholders in this vital sector.

Theme I: The Current Legal and Regulatory Framework of the Construction and Urban Planning Sector in Algeria

The legal and regulatory framework represents the fundamental pillar upon which the construction and urban planning sector in Algeria rests. It defines the rules and procedures governing this vital activity and directly influences the quality of urbanism and sustainable urban development. This theme aims to provide an in-depth analysis of this current framework, starting with a review of the primary legislative and regulatory texts, and leading to an evaluation of their efficacy and capacity to keep pace with contemporary challenges facing the sector.

First: Primary Legislative and Regulatory Texts Understanding the legal foundation regulating the construction and urban planning sector in Algeria constitutes the first step toward diagnosing the issues that plague it. This section aims to provide a comprehensive and analytical overview of the basic laws, executive decrees, and regulations that define the features of this sector, focusing on the provisions and procedures that directly impact the practice of real estate and urban activity.

1. Basic Laws:

- **Law No. 90-29 of December 1, 1990, Concerning Urban Planning and Architecture, as amended:** This law is considered the urban constitution of Algeria, as it establishes the fundamental principles and general objectives of land-use planning and urban development. It defines the legal instruments for urban planning, such as the Master Plan for Urban Planning and Architecture (PDAU) and the Land Use Plan (POS)¹. *Example:* Article 2 of this law states that "urban planning and architecture aim to regulate space utilization within the framework of sustainable and balanced development of the national territory." The law also defines the procedures for preparing, reviewing, and approving these plans. Subsequent amendments, such as Law No. 04-20 of December 25, 2004, introduced improvements and clarifications to certain provisions, particularly regarding investment facilitation and procedure simplification.
- **Law No. 04-05 of May 8, 2004, Concerning Real Estate Promotion, as amended:** This law regulates the activity of real estate developers, defining the conditions for practicing

¹ Samir Al-Mir, *Urban Planning in Algeria: Law and Applications*, Dar Al-Thaqafa, 2017, Algeria, p. 144.

this profession, as well as their obligations and rights. *Example:* Articles 5 to 10 specify the conditions for registration in the National Registry of Real Estate Developers, while Articles 34 to 42 set out the developers' obligations toward buyers, including latent defect warranties and adherence to delivery deadlines. Amendments, such as Law No. 11-18 of August 2, 2011, aimed to enhance consumer protection and better regulate the real estate market.

2. Other Relevant Laws:

- **Law No. 03-10 of July 19, 2003, Concerning Environmental Protection within the Framework of Sustainable Development:** This law includes provisions that affect construction and urban planning projects, particularly regarding environmental impact assessments (EIA) and compliance with environmental preservation standards. *Example:* Article 12 of this law mandates an environmental impact assessment for projects that may cause significant environmental damage.
- **Law No. 91-11 of April 27, 1991, Establishing the Organic Law Concerning National Property:** This law defines the regime of national property and how it is managed and utilized, which is critical regarding land allocation for the execution of construction and urban planning projects². *Example:* The law clarifies the procedures for expropriation for public utility and the conditions for compensation.
- **Investment Laws (such as Law No. 16-09 of August 3, 2016, Concerning Investment Promotion):** These laws include incentives and facilities for investors in various sectors, including construction and urban planning, and define investment-related procedures. *Example:* These laws may grant tax exemptions or facilities in acquiring land for real estate projects.

3. Executive and Regulatory Decrees:

- **Decrees Related to Building, Subdivision, and Alignment Permits:** These decrees define the detailed procedures and documents required to obtain the various types of permits necessary to initiate construction and urban planning projects. *Example:* Executive Decree No. 15-19 of January 25, 2015, defines the conditions and modalities for issuing building permits, subdivision permits, demolition permits, and certificates of conformity.
- **Land Use Plans (POS) and the Master Plan for Urban Planning and Architecture (PDAU):** These planning tools determine land uses, building density, and zones designated for various activities within the framework of urban development at the municipal and provincial (Wilaya) levels. *Example:* The Land Use Plan specifies residential, industrial, commercial zones, and green spaces within a specific municipality.
- **Construction Quality and Safety Standards:** These regulations encompass the technical specifications and standard metrics that must be adhered to in building design and

² Youssef Al-Qasimi, *Investment Procedures in Algeria: A Legal Analysis*, Dar Al-Ma'rifa, 2020, Algeria, p. 76.

execution to ensure quality, durability, and occupant safety. *Example:* Ministerial decisions that specify anti-seismic standards or thermal and acoustic insulation criteria.

- **Regulations Concerning Urban, Rural, and Protected Zones:** These regulations define the specific rules for construction and urban planning across different types of zones, taking into account the environmental, social, and economic specificities of each area. *Example:* Special regulations exist for construction in rural areas to preserve agricultural character, or in protected areas to preserve biodiversity.

Second: Evaluating the Efficacy of the Current Legal and Regulatory Framework

Following the review of the primary components of the legal and regulatory framework, it becomes necessary to evaluate its effectiveness in achieving the desired objectives of sustainable urban development, construction quality, and real estate security. This section will address the strengths that can be leveraged, and conversely, it will highlight the weaknesses that warrant review and reform, in addition to reviewing the challenges and impediments that obstruct the optimal application of these texts in practice.

1. Strengths and Weaknesses:

- **Strengths:** Reference can be made to the existence of a relatively comprehensive legal framework covering various aspects of the construction and urban planning sector, alongside the availability of urban planning tools at local and national levels. Furthermore, laws concerning real estate promotion and environmental protection represent positive steps toward regulating the sector and considering environmental factors.
- **Weaknesses:** Despite the comprehensiveness of the legal framework, it suffers from ambiguity in some texts and their differing interpretations, leading to inconsistency in application. There is also an overlap in the jurisdictions of certain authorities and institutions tasked with enforcing the laws, which hinders effective coordination. Moreover, the slowness of procedures for obtaining permits and completing real estate transactions is considered one of the most prominent obstacles. Additionally, a failure of certain legislations to keep pace with modern urban and technological developments is observed, such as the use of modern construction techniques or smart city concepts.³

2. Challenges and Impediments:

- **Bureaucracy and Complexity of Procedures:** Administrative routine and the multiplicity of stages and procedures required to obtain permits are among the most prominent challenges facing investors and citizens. *Example:* Obtaining a building permit for a large real estate project may take a long time, exceeding reasonable deadlines due to the multiplicity of intervening entities and lengthy procedures.
- **Inefficiency of Oversight and Follow-up Mechanisms:** There is a weakness in the oversight mechanisms monitoring the application of laws and regulations related to construction and urban planning, leading to violations and transgressions in quality and

³ Kamal Al-Jabri, Challenges of Applying Urban Laws in Algeria, Al-Afaq Library, 2019, Algeria, p. 130.

planning standards. *Example:* The proliferation of illegal construction in certain urban areas reflects the weakness of oversight mechanisms.

- **Impact of Economic and Social Changes:** Economic and social fluctuations affect the construction and urban planning sector and necessitate adapting legislation to keep pace with these changes. *Example:* The need for laws that facilitate social housing projects in light of rising real estate prices.
- **Keeping Pace with Technological Developments and International Standards:** There is a need to update the legal and regulatory framework to keep pace with technological developments in the field of construction and the use of modern materials and techniques, in addition to adopting international standards in construction quality, safety, and the environment. *Example:* The need for laws that encourage the use of renewable energy in buildings and the application of green building standards.

Theme II: Manifestations of Legal Issues in the Practical Application of Construction and Urban Planning Laws

Following the review and analysis of the legal and regulatory framework of the construction and urban planning sector in Algeria in the first theme, the analysis in this theme moves toward tracking and detailing the manifestations of these legal issues in practice. This section aims to demonstrate how the shortcomings, ambiguity, and overlap within legal and regulatory texts reflect on practical operations in the sector, leading to the emergence of concrete challenges and obstacles confronting various actors.

First: Manifestations of Complexity and Ambiguity in Legal and Regulatory Texts and Their Practical Impact This section delves into exploring how the aspects of complexity and ambiguity inherent at the core of the legal and regulatory texts governing the construction and urban planning sector in Algeria manifest in practice. Here, we seek to analyze how these textual deficiencies translate into tangible practical challenges, starting from divergent interpretations that lead to inconsistent law enforcement, through the difficulty of achieving harmony among various overlapping texts, and ultimately to the failure of these texts to accommodate recent developments occurring in the sector.

1. Divergent Interpretations and Inconsistent Enforcement: The nature of legal language, which may carry multiple interpretations⁴, is exacerbated in the Algerian construction and urban planning sector due to the lack of precision in drafting certain terminology or vagueness in defining the scope of specific procedures. This ambiguity opens the door to divergent legal interpretations by officials at the provincial (Wilaya) and municipal levels, resulting in inconsistent application of the law.

⁴ Youssef Al-Abdallah, *The Impact of Legal Language on Justice in Arab Countries*, Dar Al-Ma'rifa, 2019, Lebanon, p. 102.

Example: The concept of "allowable built-up area" in the Land Use Plan (POS) may be interpreted differently from one municipality to another, creating disparity in the conditions for granting building permits and affecting the rights of investors and citizens alike.

Article 3 of the Algerian Civil Code stipulates that "the law applies to all matters covered by its texts in letter or spirit," yet text ambiguity impedes the fulfillment of this principle and leads to conflicting jurisprudence.

2. Difficulty of Harmonizing Different Texts: The construction and urban planning sector witnesses the intervention of several laws and regulatory decrees issued by different authorities, which may result in a lack of harmony or an apparent contradiction among certain provisions. This conflict creates legal and practical difficulties in determining the applicable text and prioritizing enforcement.

Example: Certain provisions of Law No. 90-29 concerning Urban Planning and Architecture regarding land subdivision conditions may conflict with specific clauses of Law No. 04-05 concerning Real Estate Promotion regarding the developer's liability for executing infrastructure within subdivisions. This conflict necessitates the intervention of judicial bodies to interpret the texts and resolve the dispute, which prolongs procedures and incurs additional costs for the parties involved.

3. Inadequacy of Texts to Keep Pace with Recent Developments: The construction and urban planning sector is witnessing rapid developments at the urban, technological, and economic levels; however, some laws and executive decrees lag behind in updating and adapting to these changes.⁵ This delay creates a legal vacuum or a lack of clarity in dealing with modern techniques and concepts.

Example: There is still no comprehensive legal framework regulating the use of 3D printing construction techniques in Algeria, which places constraints on the adoption of this promising technology. Similarly, texts related to smart and sustainable building standards remain under development and full activation, thereby hindering efforts to achieve sustainability in the sector.

Second: Practical Effects of Overlapping Jurisdictions and Slowness of Procedures This section of the analysis transitions to demonstrating the practical effects resulting from the overlap of jurisdictions among the various bodies and institutions concerned with the construction and urban planning sector, in addition to the negative repercussions of administrative delays on project progress and sector growth. Here, we seek to understand how the multiplicity of intervening entities and the absence of effective coordination lead to delayed decision-making, and to explore how this environment can create fertile ground for illegal practices and undermine the principles of transparency and integrity.

1. Multiplicity of Intervening Entities and Delayed Decisions: The process of obtaining licenses and approvals related to construction and urban planning in Algeria is characterized by the

⁵ Azzedine Al-Qasimi, *Laws and Practices in the Construction and Urban Planning Sector*, Dar Al-Ma'rifa, 2021, Algeria, p. 75.

intervention of a large number of bodies and administrations at the local, provincial, and central levels. This multiplicity scatters responsibility and prolongs the timeframe for decision-making due to the need to secure approvals from different entities in a sequence that may be unclear or inefficient.

Example: To obtain a building permit for a residential project, an investor may be forced to obtain approval from the Directorate of Urban Planning, the Civil Protection Department, the Electricity and Gas Distribution Company, the Water Utility, among others, with each entity having its own specific requirements and procedures, leading to significant delays in issuing the permit.

2. Absence of Effective Coordination Among Institutions: Despite the existence of organizational structures, the relationship among institutions concerned with construction and urban planning is often marred by the absence of effective coordination mechanisms and information exchange. This lack of coordination negatively impacts the efficacy of oversight and law enforcement, creating loopholes that can be exploited.

Example: The urban planning department might grant a building permit for a project that violates the safety standards required by the Civil Protection Department due to the absence of a mandatory mechanism for prior verification of these standards. Similarly, the lack of information exchange between the urban planning department and the real estate tax department may result in a failure to accurately track violations or changes in the nature of built property.

3. Corruption and Illegal Practices: An environment characterized by text ambiguity, a multiplicity of procedures, and slow decision-making can create opportunities for corruption and illegal practices in the construction and urban planning sector. The difficulty of understanding procedures and their complexity may drive some investors or citizens to seek shortcuts and unlawful ways to bypass these obstacles.

Example: A project owner might be asked to pay bribes to officials to expedite the procedures for obtaining a building permit or to overlook certain violations of construction standards or Land Use Plans. This undermines the principles of transparency and integrity, and negatively affects project quality and urban development as a whole.

Theme III: The Legal Implications of these Issues on Construction Quality, Architectural Character, and Real Estate Security

The analysis in this theme transitions to exploring the direct and indirect legal repercussions of the issues identified in the previous two themes on vital aspects of the construction and urban planning sector, namely: construction quality, the preservation of the architectural character of Algerian cities, and the guarantee of real estate security. This section aims to demonstrate how shortcomings, ambiguities in legal texts, overlapping jurisdictions, and procedural delays can undermine these critical foundations of sustainable urban development.

First: The Legal Impact of Issues on Construction Quality This section of Theme III aims to analyze how the previously identified legal issues weaken the statutory foundations for ensuring construction quality in Algeria. We seek to demonstrate how legislative ambiguity, the inadequacy

of texts to keep pace with development, and gaps in legal oversight threaten the safety and durability of structures, thereby putting users' lives at risk.

1. Weakness of Legal Oversight Mechanisms on Quality Standards: The ambiguity of certain legal texts regarding technical specifications and quality standards in construction, or their lack of enforcement efficacy due to loopholes in oversight mechanisms, creates a lax legal environment that permits leniency in adhering to mandatory standards⁶.

Example: Executive Decree No. 15-19 may stipulate the necessity of obtaining a certificate of conformity; however, the absence of stringent legal mechanisms to ensure the contractor's compliance with the specific parameters defined in the building permit during execution often turns this certificate into a mere formality.

Furthermore, the lack of clear and detailed legal provisions defining the liability of the contractor or real estate developer for structural defects after a specific timeframe weakens the protection of buyers' rights and diminishes the incentive for contractors to guarantee construction quality (such as the warranty period stipulated in Article 553 of the Civil Code, which might be insufficient to cover long-term hidden defects).

2. Inadequacy of Texts to Keep Pace with Modern Construction Techniques: The delay in updating the laws and regulations governing the construction and urban planning sector leaves them incapable of accommodating modern and innovative construction techniques. This legal deficiency hinders the adoption of these technologies, which could otherwise contribute to improving construction quality, accelerating execution, and reducing costs, due to the lack of a clear legal framework that regulates their use and ensures their safety.

Example: There is no specific Algerian legislation regulating the use of modular construction (Préfabrication) on a wide scale, which raises questions regarding the legal liability for the quality of components manufactured off-site and their specific safety standards. Similarly, the absence of specific legal texts detailing the utilization of new building materials with enhanced properties or sustainable construction techniques hampers their proliferation in the market.

3. The Impact of Corruption on Adherence to Quality Standards: Corruption and illegal practices in granting permits or turning a blind eye to violations pose a genuine threat to compliance with quality and safety standards in construction. When building permits are granted for projects that do not fulfill legal conditions in exchange for bribes, or when violations of construction standards are ignored during execution, it exposes residents' lives to danger and diminishes building durability.

Example: The use of inferior building materials that do not conform to standard specifications may be permitted due to collusion between certain officials and contractors, which negatively affects the building's safety and operational lifespan.

Second: The Legal Impact of Issues on Architectural Character (*Note: Positioned as Second in the text sequence*) The absence of comprehensive and effective laws or detailed regulations that

⁶ Saad bin Omran, *Quality Standards in Construction: Legal Challenges*, Dar Al-Thaqafa, 2020, Algeria, p. 112.

mandate the preservation of the traditional architectural character of Algerian cities, or regulate new designs to fit this character, leads to the distortion of the urban fabric and the emergence of structures with alien designs that do not harmonize with the cultural and historical identity of the region.

Example: Allowing the construction of high-rise towers with modern Western designs in the heart of historical neighborhoods with a traditional Islamic architectural character, without stringent legal constraints defining building heights, utilized materials, and facades to respect the existing urban fabric.

1. Flexible Interpretations of Laws Related to Urban Heritage: Despite the existence of laws to protect cultural and urban heritage (Law No. 98-04 concerning the Protection of Cultural Heritage), ambiguity in interpreting some of its clauses, or the lack of a precise legal definition for protection standards and rigorous enforcement mechanisms, may lead to permitting the demolition of historical buildings or introducing modifications that deface their archaeological and architectural value.

Example: Demolishing villas of architectural value from the colonial era might be permitted under the pretext of their age or lack of suitability for current use, whereas the law requires the protection of buildings with historical or architectural value⁷.

2. The Impact of Inappropriate Urban Planning Schemes: Urban planning schemes (PDAU and POS), which may be prepared without sufficient consideration for the architectural specificities of cities or lack clear design constraints, can contribute significantly to the deterioration of the urban character and the appearance of uncoordinated buildings.

Example: A Land Use Plan (POS) might permit the execution of modern projects with significant heights or designs that do not fit the surrounding environment in areas with a distinct historical or natural character, causing the city to lose its visual identity.

Third: The Legal Impact of Issues on Real Estate Security The issue of real estate security commands paramount importance in any legal system seeking to achieve stability in transactions and protect property rights. This section of Theme III aims to shed light on how the previously discussed legal issues undermine this security in Algeria. We will focus specifically on the repercussions arising from slow registration and notarization procedures, ambiguity in laws related to real estate ownership in special cases, and the negative implications of the proliferation of illegal construction on the stability of property rights.

1. Slowness of Registration and Notarization Procedures: Delays and complexities in the legal procedures related to registering and notarizing real estate with the land registry (Conservation Foncière) can lead to ownership instability and delay individuals and investors in obtaining official title deeds. This increases the occurrence of real estate disputes and undermines trust in the property system.

⁷ Omar Al-Qasimi, Cultural Legislations and Actual Practices: Contemporary Issues, Dar Al-Ma'rifa, 2021, Algeria, p. 76.

Example: Properties may remain for long years without final registration due to lengthy procedures, the multiplicity of required documents, or a lack of procedural clarity, which jeopardizes owners' rights and prevents them from fully disposing of their property.

2. Ambiguity of Laws Related to Real Estate Ownership: The lack of clarity in certain legal texts governing the real estate ownership regime, particularly in complex cases such as jointly owned land (indivision) or land with a special nature (Endowment/Waqf lands, agricultural lands with a special regime), can lead to protracted and complex legal disputes and negatively affect real estate security.⁸

Example: Procedures for subdividing jointly owned land or regularizing its legal status may take several years due to the absence of clear and detailed legal texts that regulate these cases effectively.

3. The Impact of Illegal Construction on Real Estate Rights: The proliferation of illegal construction, which is partly attributed to weak law enforcement and the complexity of procedures for obtaining permits, can lead to ownership disputes, overlapping rights, and the general destabilization of the real estate system.

Example: Individuals building houses on land owned by the state or private parties without obtaining the necessary permits creates a complex legal situation that is difficult to regularize later, often leading to long-term judicial litigation and the potential for demolition.

Conclusion:

This study sought to provide an in-depth analysis of the legal issues plaguing the construction and urban planning system in Algeria, uncovering their manifestations and impacts on construction quality, architectural character, and real estate security. Through reviewing the current legal and regulatory framework and evaluating its efficacy, as well as clarifying the aspects of complexity, ambiguity, and overlapping jurisdictions, an urgent need has emerged to address these challenges to ensure sustainable and secure urban development.

The study concluded that the construction and urban planning system in Algeria suffers from fundamental legal issues manifested in the ambiguity of certain texts, their inadequacy in keeping pace with modern developments, the overlap of jurisdictions among entities, and the slowness of administrative procedures. These issues negatively reflect on construction quality through the weakness of legal oversight mechanisms and the inadequacy of texts to regulate modern techniques, leading to the distortion of the architectural character of cities due to the absence of clear texts to protect identity and the incongruity of urban planning schemes. Furthermore, these issues undermine real estate security through slow registration and notarization procedures, ambiguity in laws related to property ownership, and the proliferation of illegal construction.

Results: The study revealed the existence of genuine gaps and challenges within the legal and regulatory framework of the construction and urban planning sector in Algeria. The lack of

⁸ Maher bin Ali, Real Estate Security: Legal Challenges in Real Estate Ownership, Dar Al-Thaqafa, 2019, Algeria, p. 115.

clarity in certain legal texts leads to divergent interpretations and inconsistent enforcement of laws, while overlapping jurisdictions and slow procedures hinder project progress and open the door to illegal practices. These issues have tangible negative impacts on construction quality, the preservation of the architectural character of cities, and the stability of real estate security, which warrants urgent intervention to reform the legal system.

Recommendations:

Based on the reached results, the study offers a set of practical recommendations aimed at addressing legal issues and enhancing the efficacy of the construction and urban planning sector in Algeria:

- **Updating and Clarifying Legal and Regulatory Texts:** Work must be done to conduct a comprehensive review of the laws and executive decrees related to construction and urban planning, with the aim of clarifying terminology and procedures and closing legal loopholes. *Example:* Redrafting the definition of "allowable built-up area" in Land Use Plans precisely and uniformly at the national level. It is also necessary to update texts to keep pace with technological developments in the construction sector, such as issuing a law that regulates the use of 3D printing construction techniques and their specific standards.
- **Enhancing Coordination and Standardizing Procedures Among Bodies:** This requires establishing effective mechanisms for coordination and information exchange among the various bodies and administrations intervening in the construction and urban planning sector at local, provincial, and central levels. *Example:* Creating a unified digital platform for receiving and examining permit applications, allowing all relevant entities to access the file simultaneously and express opinions in a coordinated manner, while setting maximum deadlines for responding at each stage.
- **Simplifying Procedures and Accelerating Decision-Making:** Efforts must be made to reduce the number of stages and procedures necessary to obtain licenses and approvals related to construction and urban planning, while setting binding legal deadlines for each phase. *Example:* Setting a maximum period of one month to examine a building permit file at the municipal level, whereby a lack of response after the deadline is considered an implicit approval. Statistically, World Bank reports indicate that the average time required to obtain a building permit in Algeria is about 200 days, which hinders investment and must be significantly reduced.
- **Activating Legal Oversight Mechanisms on Construction Quality:** It is vital to strengthen the role of construction and urban planning inspectorates, providing them with the necessary material and human resources to perform their duties effectively. Clear liability must also be established by law for contractors and real estate developers regarding construction quality and structural defects for sufficient timeframes. *Example:* Amending Article 553 of the Civil Code to extend the warranty period for structural defects to at least ten years and defining clear mechanisms to activate this liability.

- **Developing a National Strategy to Protect Architectural Identity:** This necessitates issuing a specific law for the protection of the architectural identity of Algerian cities, incorporating clear design constraints to which new construction projects must adhere in areas with a historical or traditional character. The role of bodies tasked with protecting urban heritage must also be activated, providing them with the authority and resources required to enforce the law. *Example:* Creating committees at the municipal level tasked with examining the designs of new projects and their harmony with the local architectural character.
- **Facilitating and Accelerating Real Estate Registration and Notarization Procedures:** Work must be done to digitize registration and notarization procedures at the land registry offices, reducing the number of required documents and timeframes. *Example:* Establishing a unified national real estate information system that enables citizens and investors to complete their real estate transactions online in the shortest possible time. Statistically, estimates indicate that about 60% of real estate in Algeria is unregistered or un-updated, which hinders development and creates disputes.
- **Combating Illegal Construction and Activating Regularization Mechanisms:** The law must be strictly applied against violators of construction and urban planning rules, while activating mechanisms to regularize the status of existing illegal structures according to specific terms and conditions that consider the rights of both the state and citizens. *Example:* Issuing a law that allows the regularization of the status of illegal buildings that fulfill specific conditions (such as respecting safety rules and non-encroachment on public property) in exchange for paying fines.

Adopting these practical recommendations, backed by political will and the integrated efforts of all relevant stakeholders, would effectively contribute to addressing the legal issues hindering the development of the construction and urban planning sector in Algeria. It would establish the appropriate environment for achieving sustainable urban development, preserving architectural identity, and ensuring real estate security for citizens and investors alike.

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