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The Use of Natural Public Maritime Property in Algeria Between the Freedom of Use and the Constraints of Legal Regulation

استعمال الأملاك العمومية البحرية الطبيعية في الجزائر بين حرية الانتفاع وقيود التنظيم القانوني

Dr. Douidi Aicha [1]

Lecturer class A faculty of law and political sciences university of Abdelhamid Ibn Badis- Mostaganem (Algeria)

aicha.douidi@univ-mosta.dz

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Abstract:

This article examines the legal framework governing the use of natural public maritime property in Algeria, highlighting the delicate balance sought by the legislator between the public's right to access and the need to regulate such use in order to prevent overexploitation or misuse. The study focuses on two main types of use: direct collective access by the public and functional use within the framework of public services, whether by public authorities or concession holders. The findings reveal several shortcomings in the legal and regulatory system, particularly regarding the coordination between competent authorities and the lack of detailed provisions governing private use. These gaps call for legal reforms and strengthened oversight mechanisms to ensure the sustainable management of this vital national resource.

key words: *Public Maritime Property, Collective Use, Private Use, Public Facilities, Administrative Concession, Legal Protection, Coastal Sustainable Development.*

الملخص:

يتناول هذا المقال الإطار القانوني لاستعمال الأملاك العمومية البحرية الطبيعية في الجزائر، مسلطًا الضوء على التوازن الدقيق الذي يحاول المشرّع تحقيقه بين حرية الانتفاع العام بهذه الأملاك وبين ضرورة تنظيمها حمايةً لها من الاستغلال المفرط أو غير المشروع. وقد ركزت الدراسة على نوعين رئيسيين من الاستعمال: الجماعي المباشر من قبل الجمهور، والوظيفي في إطار المرافق العمومية، سواء من طرف الإدارة العمومية أو أصحاب الامتياز. وخلصت الدراسة إلى وجود بعض النقائص في الإطار القانوني والتنظيمي، خاصة على مستوى التنسيق بين الجهات المختصة، وغياب تفصيل كافٍ لشروط الاستعمال الخاص، مما يستدعي مراجعة بعض النصوص وتدعيم آليات الرقابة لضمان استدامة هذا المورد الحيوي.

الكلمات المفتاحية: الأملاك العمومية البحرية، الاستعمال الجماعي، الاستعمال الخاص، المرافق العمومية، الامتياز الاداري، الحماية القانونية، التنمية المستدامة الساحلية.

[1] *Corresponding author: Dr. Douidi Aicha,* ***e-mail:*** *aicha62@live.com*

Introduction:

Natural public maritime property constitutes a particularly sensitive component of Algeria's public domain and forms part of the nation's natural heritage. Its legal status is justified not only by its public ownership but also by its environmental, economic, social, and recreational functions. Because of these characteristics, such property benefits from a specific legal regime designed to reconcile its public accessibility with the requirements of protection, preservation, and rational management. In this regard, Law No. 90-30 on National Property, as amended and supplemented, establishes the general legal framework governing public property and determines the principles applicable to its use and protection[1].

The legal regime governing natural public maritime property is therefore based on a fundamental distinction between ordinary collective use and special or individual use. Collective use constitutes the normal manifestation of the public character of maritime property, since it enables members of the public to access and enjoy such property without prior authorization and, in principle, without discrimination. However, this freedom cannot be understood as an absolute or unlimited right. Its exercise remains subject to requirements relating to public order, safety, environmental protection, and the preservation of the physical integrity of the public domain. This is particularly evident in relation to beaches, where freedom of access must coexist with measures intended to protect coastal areas against degradation and uncontrolled exploitation[2].

Special use, by contrast, involves a more intensive or exclusive occupation of part of the public maritime domain and therefore constitutes an exception to the principle of free collective use. Such use generally requires prior authorization from the competent administrative authority and may take the form of a temporary occupation, an occupancy permit, or a concession, depending on its legal basis and purpose. The administration consequently enjoys significant regulatory powers in this field, including the power to determine the conditions of use, impose specific obligations, refuse authorization where the legal requirements are not satisfied, and, where legally justified, withdraw or terminate the authorization. The exercise of these powers nevertheless raises an important question concerning the limits of administrative discretion and the need to prevent regulatory intervention from becoming an unjustified restriction on public access.

The central legal issue is therefore not simply whether natural public maritime property may be used, but rather how the Algerian legal system organizes the relationship between the principle of free public use and the restrictions imposed in the name of protection, public interest, and rational management. This issue becomes particularly significant where the increasing economic and social pressure on coastal areas requires parts of the public maritime domain to accommodate tourism, infrastructure, public facilities, or other activities of general interest. The challenge lies in determining the extent to which such uses can be reconciled with the fundamental principles governing

public property, particularly the principle that public property must remain dedicated to its legally defined public purpose.

The importance of this study derives from the fact that the Algerian coastline is subject to increasing pressures resulting from urban expansion, tourism development, investment activities, and the growing demand for coastal spaces. These developments create a complex legal and administrative situation in which the authorities must simultaneously facilitate legitimate uses of maritime property and prevent practices capable of undermining its public character or environmental sustainability. The question is therefore not merely one of identifying the applicable legal provisions, but also of assessing whether the existing legal framework provides an effective balance between accessibility, economic utilization, administrative regulation, and environmental protection.

From this perspective, the present study examines the principal forms of use of natural public maritime property in Algeria by distinguishing between collective use and use connected with public facilities. This distinction makes it possible to examine the different legal mechanisms through which the public may benefit directly from maritime property and through which the administration or other authorized entities may use such property in pursuit of public-service objectives. Particular attention is given to the extent of administrative intervention, the conditions attached to special uses, and the safeguards intended to preserve the public character of maritime property.

The study adopts an analytical legal approach based primarily on the examination and interpretation of the relevant legislative and regulatory provisions. However, the analysis does not remain confined to a purely descriptive presentation of legal rules. It also seeks to assess the coherence of these rules, the relationship between the different forms of use, and the extent to which administrative powers are compatible with the principles governing public property. The study consequently approaches the legal framework from both a normative and a practical perspective, with the objective of identifying the strengths and limitations of the current regulatory system.

The main objective of this article is to clarify the legal forms of use applicable to natural public maritime property in Algeria and to identify the specific legal characteristics attached to each form of use. It also seeks to examine the limits of public access and the circumstances in which administrative authorization becomes necessary, while analyzing the extent of the administration's power to regulate, restrict, or terminate particular uses. More broadly, the study aims to determine whether the existing legal framework succeeds in establishing an appropriate balance between the public's right to benefit from maritime property and the State's obligation to protect and preserve it for present and future generations.

The analysis ultimately proceeds from the premise that the public character of maritime property requires a distinction between legitimate regulation and excessive restriction. Administrative intervention is indispensable where it serves the preservation of the property, public safety, environmental protection, or the proper functioning of

public services. Nevertheless, such intervention should remain legally justified, proportionate to its purpose, and consistent with the fundamental principles governing public property. The effectiveness of the legal regime should therefore be assessed not solely by the number of regulatory provisions it contains, but by its capacity to reconcile competing interests while preserving the essential public function of the maritime domain.

To achieve these objectives, the study is divided into two main sections. The first examines the collective use of natural public maritime property, focusing on both direct public use and special uses that require administrative authorization. The second addresses the use of natural public maritime property allocated to public facilities, including use by public administrations and use by concession holders. Through this structure, the study seeks to demonstrate how the Algerian legal system attempts to reconcile the principle of public accessibility with the various legal and administrative constraints governing the protection and utilization of maritime public property.

Section I: Collective Use of Natural Public Maritime Property

Collective use constitutes the ordinary and most direct form of use of natural public maritime property. It reflects the fundamental purpose of public property, namely, to make it available for the benefit of the public rather than to reserve it for the exclusive benefit of particular individuals. In principle, every member of the public must be able to access and enjoy maritime public property under conditions of equality and without the need to obtain an individual authorization. The collective character of such use therefore derives from its openness to all users and from the absence of any exclusive appropriation of the property.

However, freedom of collective use should not be confused with an unrestricted right to use maritime property in any manner whatsoever. The exercise of this freedom is necessarily subject to legal and administrative requirements intended to preserve the physical integrity of the property, protect users, maintain public order, and safeguard the coastal environment. Consequently, the principle of free access represents the starting point of the legal regime, whereas the restrictions imposed by the administration constitute mechanisms for ensuring that such freedom remains compatible with the public purpose of the property.

From this perspective, the use of natural public maritime property may be examined through two distinct situations. The first corresponds to ordinary collective use, which is directly available to the public and constitutes the normal expression of the public character of maritime property. The second concerns special or private use, whereby an individual or an economic operator is permitted to occupy or use a defined part of the public domain under specific legal conditions. Although both forms involve the use of the same public property, they differ fundamentally in terms of their legal basis,

their degree of exclusivity, the role of the administration, and the financial and legal obligations imposed on the user.

A) Collective Use of Natural Public Maritime Property Open to the Public:

The direct collective use of natural public maritime property is particularly evident in the use of beaches intended for swimming and recreation. Administrative authorities, including the Wali and the President of the Municipal People's Assembly, are responsible for taking the necessary measures to guarantee public access to these areas and to ensure that their use remains consistent with their designated public purpose[3]. The requirement of free access is therefore not merely a practical arrangement; it constitutes an important legal expression of the public character of these spaces.

The Algerian legal framework places particular emphasis on beaches because they represent both an essential component of the natural public domain and an important social and recreational resource. Their accessibility enables citizens to benefit from coastal areas for recreation, leisure, health, and tourism. Accordingly, requiring local authorities to provide clear information concerning the availability of free access reinforces the transparency of public management and prevents the unlawful appropriation of spaces that are intended for collective use.

The principle of free access must nevertheless be interpreted in conjunction with the obligations imposed on public authorities concerning the protection and development of beaches. The Algerian legislator has expressly recognized the right of users to move freely within these areas while simultaneously requiring the State to ensure their development, protection, and sustainable use[4]. This approach reveals an important characteristic of the legal regime: the right of access is inseparable from the obligation to preserve the conditions that make such access possible.

Article 2 of Law No. 03-02 illustrates this approach by assigning the State responsibility for protecting and enhancing beaches and promoting their integrated and sustainable development. Such objectives include environmental cleanliness, public health, security, safety, and the development of facilities compatible with the coastal environment. The legal significance of these provisions lies in the fact that the legislator does not regard collective use as a purely passive right. Public authorities are required to create and maintain the material and administrative conditions necessary for the effective exercise of that right.

This leads to a distinction between formal access and effective access. Formal access exists where the law recognizes the right of the public to enter and use a beach. Effective access, however, requires adequate safety measures, sanitation, supervision, infrastructure, and environmental protection. A beach that is legally open to the public but lacks the minimum conditions necessary for safety and environmental preservation cannot be regarded as fully satisfying the objectives of collective use. The responsibility of the administration consequently extends beyond simply prohibiting unauthorized occupation; it also encompasses the positive duty to organize the conditions under which public use can be exercised.

At the same time, the organization of collective use may require certain physical or environmental interventions. Such interventions do not necessarily contradict the principle of free access. On the contrary, they may be necessary to preserve that principle in practice, particularly in areas subject to intensive public use. The difficulty arises when regulatory or infrastructural measures become excessive and effectively restrict access beyond what is objectively necessary for safety, environmental protection, or the proper management of the public domain.

French administrative case law has, in this context, emphasized the practical necessity of organizing beaches where visitor numbers are particularly high. The absence of adequate facilities and supervision may contribute to environmental degradation, inadequate safety conditions, and the emergence of poorly managed coastal areas[5]. Although comparative legal experience cannot be automatically transposed to the Algerian legal system, it provides a useful analytical perspective: effective collective use sometimes requires administrative organization rather than mere recognition of a theoretical right of access.

Accordingly, the role of the administration should be understood as one of regulation rather than appropriation. The administration may establish safety rules, determine circulation arrangements, protect environmentally sensitive areas, and regulate activities capable of damaging the coastal environment. However, such measures must remain connected to the public purpose of the property. Their legitimacy depends on whether they contribute to protecting collective use or, on the contrary, unnecessarily restrict it.

The legal protection of collective use therefore involves a delicate balance. Excessive freedom of use may lead to degradation, overcrowding, pollution, and uncontrolled occupation. Conversely, excessive administrative intervention may transform a public space into a restricted area and undermine the very principle that justifies its classification as public property. The appropriate legal approach is consequently one that allows restrictions only to the extent necessary to preserve the property and guarantee its continued availability to the public.

B) Special Use of Natural Public Maritime Property Open to the Public:

Unlike ordinary collective use, special use involves a form of occupation or utilization that gives an individual, economic operator, or other beneficiary a particular advantage over a defined part of the public maritime domain. Such use is legally permissible only within the conditions established by the applicable legislation and regulations[6]. Its exceptional character derives from the fact that it limits, to some extent, the ordinary freedom of collective use by allowing a beneficiary to exercise a more specific or exclusive form of occupation.

The requirement of prior administrative authorization constitutes the principal legal mechanism through which the administration controls such use. The competent authority is empowered to determine whether the proposed occupation is compatible with

the nature and purpose of the public domain and whether it may coexist with the rights of other users. This power is particularly important in the maritime domain because coastal spaces are limited and environmentally fragile. A decision to authorize a special occupation may therefore have consequences extending beyond the relationship between the administration and the individual beneficiary.

Unlike ordinary collective use, which is generally free of charge, special use normally entails the payment of a fee in accordance with the conditions established by law[7]. The financial obligation reflects the specific advantage obtained by the beneficiary from occupying or exploiting a part of public property. Nevertheless, the payment of a fee should not be interpreted as creating a private property right over the occupied area. The beneficiary acquires only a legally defined right of use, the scope and duration of which remain determined by the authorization or contractual instrument.

The temporary character of special use constitutes another important safeguard. The authorization does not normally confer a permanent right over the public domain, since the beneficiary's position remains subordinate to the continued public purpose of the property. The administration may therefore terminate or withdraw the authorization where the legal conditions are no longer satisfied, where the beneficiary breaches the obligations imposed upon him, or where an overriding public interest requires the termination of the occupation[8]. This possibility reflects the principle that public property cannot be permanently subordinated to private interests.

However, administrative discretion in this field should not be understood as unlimited. The power to grant, refuse, or withdraw authorization must be exercised within the framework of legality and for purposes connected with the management and protection of public property. The administration must therefore distinguish between legitimate regulatory intervention and arbitrary restriction. This distinction is particularly important because the economic value of coastal areas may create competing interests between public accessibility, tourism investment, commercial activities, and environmental protection.

Special use may take different legal forms. One category is based on a unilateral administrative act, while another derives from a contractual relationship between the administration and the beneficiary. Among unilateral forms of authorization, a distinction may be made between the occupancy permit, which generally allows the temporary use of part of the public domain without substantial alteration of its physical characteristics[9], and the right-of-way or works permit, which may authorize occupation involving the installation of structures or the execution of works affecting the physical condition of the property[10].

The distinction between these forms is legally significant because the degree of interference with the public domain is not identical. A temporary occupation without substantial alteration may have a relatively limited impact, whereas construction or physical transformation may affect the integrity, accessibility, and future use of the

property. The latter therefore requires closer administrative scrutiny and stronger guarantees for the preservation of the public domain.

In both cases, the authorization must remain compatible with the rights of other users. A special occupation cannot lawfully become a means of eliminating collective use altogether, unless the applicable legislation expressly permits such restriction for a legitimate public purpose. The beneficiary must also respect the physical integrity of the property and the purpose for which it has been classified or allocated[11]. These requirements demonstrate that the special user remains subject to the public-law character of the property and cannot treat the occupied area as if it were privately owned.

Contractual forms of special use are similarly governed by the requirement of public interest. The contractual relationship may define the rights and obligations of both parties and establish the conditions governing the occupation and exploitation of the public domain[12]. Nevertheless, the contractual character of the arrangement does not remove the public-law constraints applicable to the property. The administration remains responsible for ensuring that the contract does not undermine the public purpose of the property or produce an unjustified restriction on collective use.

The distinction between collective and special use therefore reveals the fundamental tension at the heart of the legal regime governing natural public maritime property. Collective use expresses the principle of accessibility and equality, whereas special use responds to legitimate needs that cannot always be satisfied through ordinary public access. The existence of special use is consequently not incompatible with the public character of maritime property. Its legitimacy depends, rather, on whether it remains exceptional, legally justified, proportionate to its purpose, and compatible with the continued protection of the public domain.

From this perspective, the administration's role should not be reduced to issuing permits and collecting fees. It must also assess the environmental, social, and spatial consequences of each special occupation and ensure that the economic exploitation of coastal areas does not gradually erode their collective character. The effectiveness of the legal regime should therefore be measured by its ability to maintain a genuine equilibrium between private or economic interests and the permanent public purpose of natural maritime property.

Section II: Use of Natural Public Maritime Property Allocated to a Public Facility

The use of natural public maritime property is not limited to direct collective access or special private occupation. Certain portions of the maritime public domain may also be allocated to public facilities in order to enable public authorities or entities entrusted with the performance of a public service to accomplish their legally defined functions. This form of use differs from ordinary collective use because the property is

placed at the disposal of a public service and is therefore subject to a specific form of administrative management.

The allocation of public maritime property to a public facility must nevertheless be distinguished from a transfer of ownership. Allocation does not alter the legal character of the property; rather, it determines the public purpose for which the property is to be used. The property therefore remains subject to the legal regime of the public domain, while the beneficiary administration or entity acquires only the right to use and manage it within the limits of the purpose for which it was allocated.

This distinction is particularly important in the maritime domain because the allocation of coastal property to a public facility may restrict, at least temporarily or partially, its ordinary collective use. Such restriction may be legitimate where it is necessary for the performance of a genuine public service, but it cannot be justified solely by administrative convenience. The allocation must have a clear public purpose and remain proportionate to the needs of the service concerned.

A) Use of Natural Public Maritime Property by Public Administration:

Certain portions of natural public maritime property may be allocated to public administrations to enable them to perform functions related to public services. Such allocation is normally established through an administrative decision issued by the public entity competent to manage the property. The decision determines the purpose of the allocation and establishes the conditions under which the beneficiary administration may use and manage the property.

The legal significance of allocation lies in the fact that it establishes a relationship between two dimensions of public property management: ownership or overall control, on the one hand, and functional use, on the other. The administration benefiting from the allocation does not become the owner of the property. It merely receives the legal and material means necessary to perform a public function. Consequently, the allocation cannot be interpreted as conferring an unrestricted power of disposal over the property.

Allocation may take an internal or external form. Internal allocation occurs where the property is assigned to a service or administrative department belonging to the same legal person that owns or manages the property. External allocation, by contrast, may involve placing the property at the disposal of another public legal person, such as a municipality, so that it may be used in connection with a local public service.

Regardless of its form, the fundamental requirement is that the use remain consistent with the purpose for which the property was allocated. The beneficiary administration is therefore responsible for ensuring lawful use, maintenance, and preservation of the property during the period of allocation. This obligation is particularly significant in the maritime domain, where inappropriate use may cause environmental degradation or irreversible physical damage.

The distinction between ordinary maintenance and major structural works is also relevant. While the beneficiary administration is generally responsible for routine maintenance and for preventing deterioration resulting from its use, major works and

substantial structural interventions may remain the responsibility of the public entity having ownership or overall management authority. This division of responsibilities should be clearly established in order to avoid uncertainty concerning liability and financial responsibility.

The beneficiary administration may also incur administrative liability where its conduct causes damage to the allocated property. In such circumstances, the public entity retaining ownership or supervisory authority may intervene to ensure that the property continues to be used in accordance with its designated purpose[13]. The supervisory power is therefore not merely formal; it constitutes an essential guarantee against the transformation of an allocation into an uncontrolled transfer of management power.

From a legal perspective, supervision is particularly important because allocation may create a situation in which the beneficiary administration exercises significant control over a portion of the maritime public domain. Without effective oversight, such control could gradually lead to practices inconsistent with the original public purpose of the property. The continued supervisory authority of the owning or competent public entity therefore serves to preserve the unity of the public domain and to ensure that the allocation remains subordinate to the general public interest.

The allocation mechanism consequently illustrates a broader principle of public property law: the use of public property for a public service is legitimate only insofar as it remains connected to that service. Once the designated public purpose disappears or the use becomes incompatible with the legal purpose of the property, the administration should reconsider the continuation of the allocation. In this sense, allocation is functional rather than proprietary; it serves the public service without creating a private entitlement over the public domain.

B) Use of Natural Public Maritime Property Allocated to a Public Facility by Concession Holders:

A further form of use arises where a public service is entrusted to a concession holder. In such circumstances, the concessionaire may need to use natural public maritime property or facilities located within the maritime domain in order to perform the service entrusted to it. The legal basis for such use may derive from a unilateral administrative act, a concession contract, or an express legislative or regulatory provision granting the necessary right of use[14].

The concession system creates a more complex legal relationship than ordinary administrative allocation because the person benefiting from the use may be a private entity pursuing an economic activity while simultaneously being entrusted with the performance of a public service. The use of public maritime property must therefore remain connected to the requirements of the service and cannot be regarded as an ordinary private exploitation of public land.

Within the limits established by the concession, the concessionaire may enjoy a specific or exclusive right of use over part of the public maritime property. Such use may

allow the operator to derive economic benefits, including the collection of fees from users where this is authorized by the concession. Nevertheless, the economic dimension of the concession does not alter the public character of the property. The concessionaire remains subject to the conditions imposed by the administration and must use the property in accordance with its designated public purpose.

This point is essential because economic exploitation may create a tension between profitability and accessibility. A concessionaire naturally seeks to maximize the economic value of the activity entrusted to it, whereas the public nature of the property requires consideration of broader interests, including accessibility, equality of users, environmental protection, and continuity of public service. The concession contract must therefore operate as a mechanism for reconciling these potentially competing interests rather than as an instrument for transferring public property into private control.

Where the concession contract permits the concessionaire to lease or otherwise make parts of the property available to third parties, such arrangements must remain within the limits established by the original allocation and the applicable public-law rules. The possibility of secondary use cannot be regarded as an independent private right. It remains derivative of the concessionaire's own right and therefore cannot exceed the scope or duration of the principal concession.

The administration must consequently exercise effective supervision over the concessionaire. Such supervision should concern not only contractual compliance but also the physical condition of the property, environmental impact, respect for public access where applicable, and compliance with the purpose for which the property was allocated. This is particularly important in coastal areas, where intensive economic use can generate environmental consequences that may extend beyond the boundaries of the concession itself.

The possibility of early termination or reallocation of the property raises another important legal issue. Where the public authority decides to terminate or modify a concession before its contractual expiry for reasons attributable to public interest, the concessionaire may, depending on the applicable legal and contractual framework, be entitled to compensation in accordance with the terms of the agreement[15]. Such compensation reflects the need to protect legitimate contractual expectations, but it should not be interpreted as limiting the administration's power to protect public property or adapt its management to changing public needs.

The balance is therefore between two principles: the continuity and adaptability of public-service management and the protection of the legitimate rights of the concessionaire. Public authorities must retain sufficient flexibility to respond to environmental, social, or economic changes affecting the maritime domain. At the same time, predictable legal rules and contractual guarantees are necessary to prevent arbitrary interference with legally established rights.

A particularly sensitive issue concerns the extraction of natural materials such as sand, gravel, stones, or other aggregates from public maritime property. Because such

activities may directly affect the physical and ecological integrity of coastal areas, Algerian legislation subjects them to prior administrative authorization. The competent Wali may issue a temporary permit specifying the nature of the materials to be extracted, the authorized location, the quantities permitted, and the applicable fees. The authorization remains revocable under the conditions established by law and may be withdrawn where the beneficiary violates its requirements or where public interest requires the cessation of the activity[16].

The strict regulation of material extraction illustrates the preventive dimension of the legal regime governing maritime public property. Unlike ordinary recreational use, which generally has a limited and reversible physical impact, extraction may permanently alter the coastal environment. The requirement of prior authorization is therefore not merely a procedural formality; it enables the administration to assess the compatibility of the proposed activity with the protection of the public domain.

The temporary and revocable nature of the authorization is also significant. It confirms that the beneficiary does not acquire a permanent right over the natural resources or the area from which they are extracted. The authorization remains subordinate to the continuing public interest and to the preservation of the public domain. Where the conditions justifying the authorization cease to exist, the administration may intervene to prevent further damage.

However, the exercise of administrative powers must remain subject to the principle of legality. Revocation or termination should be based on a legally recognized ground and should respect the conditions attached to the authorization. The fact that the public domain enjoys special protection does not eliminate the requirement that administrative action be justified, proportionate, and legally grounded.

The use of natural public maritime property in connection with public facilities therefore demonstrates the complexity of reconciling public service requirements with the preservation of the public domain. Whether the user is a public administration or a concessionaire, the decisive consideration should remain the purpose for which the property is used. The public-service function may justify a limitation of ordinary collective use, but such limitation must remain necessary, proportionate, and temporally connected to the service concerned.

More broadly, the legal framework suggests that the public character of maritime property cannot be preserved solely through prohibitions. It also requires effective institutional coordination, continuous supervision, environmental assessment, and transparent decision-making. The administration must therefore move beyond a purely authorization-based approach toward a management model capable of anticipating environmental and social consequences. Such an approach would strengthen the compatibility between economic and public-service uses and the long-term protection of Algeria's maritime public domain.

Ultimately, the use of natural public maritime property allocated to public facilities should be understood as a form of functional use rather than a transfer of private control. Whether management is exercised directly by the administration or indirectly through a concessionaire, the property remains subject to its public-law regime. The legitimacy of the use therefore depends on maintaining the connection between the occupation, the public purpose, and the preservation of the property itself.

Conclusion:

This study demonstrates that natural public maritime properties in Algeria, as part of the national properties with a special character, are subject to a precise legal framework aimed at balancing the guarantee of public access and use on the one hand, and the necessity of protecting and preserving these assets from excessive or uncontrolled exploitation on the other.

The legal treatment of the use of these properties reveals that the Algerian legislator distinguishes between collective use, which is free and direct for the public, and special or functional use, which occurs under licenses or concession contracts governed by strict conditions related to the nature of the allocation and the user's compliance with legal and regulatory controls.

Despite the existence of a general legal framework, practical application faces several challenges, including weak oversight mechanisms, overlapping jurisdictions among various administrative bodies, as well as some legislative gaps that could be exploited improperly, potentially threatening the environmental and economic sustainability of these sensitive properties.

Recommendations:

Update the legal framework governing public maritime properties, particularly by clearly defining the powers of the various stakeholders involved in granting licenses and concessions, while taking into account modern approaches to coastal environmental protection.

Issue detailed regulatory texts to complement Law No. 90-30, clarifying the conditions and standards for special use, especially regarding temporary permits, concessions, and usage fees, along with obligating users to submit periodic reports documenting their activities and commitments.

Strengthen environmental monitoring of activities on public maritime properties by involving environmental inspectorates and civil society experts to mitigate coastal degradation caused by irrational exploitation.

Establish transparency and competition principles in granting concession contracts or special licenses to avoid any abuse or misuse of administrative discretionary power.

Adopt a participatory approach involving local communities and environmental organizations in coastal planning and regulation to ensure the harmonious use of public properties with sustainable development requirements.

Create an independent national authority responsible for managing and monitoring the use of public maritime properties, serving as a reference for dispute resolution and allocation oversight.

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