

**Settlement of of non-confirming constructions in light  
of Executive decree No 22/55**

تسوية البناءات غير المطابقة في ضوء المرسوم التنفيذي رقم 55/22

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**Abstract:**

The settlement of the buildings is a matter of concern to the competent public authorities in Algeria. Executive Decree No. 22-55 is designed to address these concerns. Dunn seeks to settle these buildings, which do not conform to the content of the building permit by simplifying the procedures and establishing a set of conditions that are incompatible.

**Keywords:** Building Settlement, Construction License, Certificate of conformity, achieving conformity.

الملخص:

إن عملية تسوية البناءات من الأمور التي تشغل السلطات العمومية المختصة في الجزائر، حيث جاء المرسوم التنفيذي رقم 55-22، لمواجهة هذه الانشغالات من خلال السعي إلى تسوية هذه البناءات التي لا تتطابق ومضمون رخصة البناء من خلال تبسيطه للإجراءات و تحديده لمجموعة من الشروط التي جاءت غير مطابقة.

الكلمات المفتاحية: تسوية البناءات، رخصة البناء، شهادة المطابقة، تحقيق المطابقة.

## Introduction :

The Algerian legislature has endeavored to create alternative measures to avoid demolishing non-conforming buildings as much as possible, by creating methods to settle buildings in a way that accepts their illegal status.

We find that the legislator's initiative was to create a legal procedure known as building conformity realization through Law 08-15 on the rules for the conformity and completion of buildings to resolve the illegal status of a category of buildings concerned.

However, the realities of construction in reality made it difficult to rectify the difficulties under this law, and to remedy the situation, he enacted Executive Decree No. 22-55<sup>1</sup> which defines the conditions for the settlement of buildings that do not conform to the issued building permit, which was intended to allow citizens to settle the status of their buildings, in addition to the process of eliminating visual pollution that distorts the aesthetic character of the urban environment, which was issued in application of Article 113 of the Finance Law for the year 2017.<sup>2</sup>

In this paper, we will try to elaborate on the issue of regularization under Decree 22-55 by posing the following questions: What are the procedures introduced by Executive Decree 22-55 for the regularization of non-conforming buildings, and how effective are they?

### **What are the procedures introduced by Executive Decree No. 22-55 for the regularization of non-conforming buildings and how effective are they?**

We will try to answer this question by dividing this study into two axes:

The first axis: The legal provisions contained in Executive Decree No. 22-55 on the regularization of buildings

Second Axis: Mechanisms and procedures for judicial settlement under the provisions of Decree 22-55

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<sup>1</sup>- Executive Decree No. 22-55 of 02 February 2022, establishing the conditions for the regularization of buildings that do not conform to the building permit issued, J. R., No. 09, published on 03 February 2022. R, No. 09, issued on 03 February 2022.

<sup>2</sup>-Law No. 16-14 of 28 December 2016, containing the Finance Law for 2017, c.r.no.No. 77, of 29 December 2016, Article 113 was amended by Article 144 of Law No. 20-16 of 31 December 2020, containing the Finance Law for the year 2021, C.R. No. 83, of 31 December 2020.

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### **Axis I: The legal provisions contained in Executive Decree No. 22-55 on the regularization of buildings**

#### **I: The extent of regularization of non-conforming buildings under the provisions of Decree No. 22-55**

The scope that relates to the regularization of non-conforming data refers to the area in which the application of this decree is applied, and we will try to address in this element the scope of application of this decree as follows:

##### **01 - Completed buildings that do not conform to the content of the building license that are subject to the regularization process under Decree 22-55:**

These are buildings whose construction works have been completed, but the specifications in which the tasks were completed do not comply with the building permit issued to the concerned person.<sup>1</sup>

As this matter is generated by a set of unauthorized modifications, the owner of the building may make a set of modifications that affect the design without obtaining the approval required by the competent authorities, where he changes the size of the building, dimensions or materials used without observing the required standards, for example, exceeding the permitted area where the building is completed with an area that exceeds what is allowed in the subject of the license, whether it is for the area of the floor, heights or any other parameters specified in the license, as well as violating the construction tools in terms of descriptive plans, perimeter or potential easements<sup>2</sup>. In addition to the process of changing the use of the building from the purpose for which it was allocated.

##### **02 - Buildings in the process of completion that do not conform to the content of the building license issued:**

This refers to buildings in which the owner has obtained a building license but has not been able to complete it due to the expiry of the license for one of many reasons that do not comply with the works carried out in this building, which in turn contradicts the content of the instructions and standards stipulated in the building license delivered to the owner of the building, which specifies the basic conditions and guidelines necessary for

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<sup>1</sup>Mansour Nasreddine and Naima Dhiaybia, Procedures and Problems of Buildings in the Framework of Law 08-15, Journal of Construction and Building Legislation, Issue 03, 2017, p. 179.

<sup>2</sup>Cherif Bahmaoui, The scope of the intervention of Law 08-15 in the regularization of informal buildings, Journal of Politics and Law, No. 11, 2014, p. 168.

the design and construction of buildings in a way that achieves safety and security.

We may also find that the non-conformity of the data in the process of completion with the requirements of the delivered building permit is due to the violation of the required standards and guidelines, or as a result of unauthorized changes in the original design of the building, or the lack of follow-up and control by the competent authorities concerned with the construction process, and these buildings are the subject of the delivery of the amended building permit as a settlement.

We can say that the buildings concerned by the settlement under the new decree are the legally constructed buildings that have a building permit but are in violation of its provisions, as these buildings were subject to the settlement provisions stipulated in Law 08-15, which was applied to buildings that existed before 03 February 2021. By virtue of Article 03 to include all buildings existing before 03 August 2008, i.e. the settlement will take place in light of the new procedures, which are less complicated and simpler compared to the provisions of Law 08-15, which has been dispensed with<sup>2</sup>. Which sets an expiry date of 05 years from the date of its publication in the Official Gazette, which has been extended several times, unlike Executive Decree No. 22-55, which is characterized by the lack of roofing of the settlement process, as no specific deadlines have been set for the settlement process<sup>3</sup>.

## **II: Requirements for achieving the regularization of non-conforming buildings under the provisions of Decree No. 22-55**

With reference to the content of the articles of Executive Decree No. 22-55, we conclude that the Algerian legislator has included the conditions for the regularization of buildings provided with a building permit, regardless of whether they are completed or under construction, that do not conform to the building permit issued. Article 04 stipulates that the buildings to be regularized must respect two basic conditions, namely:

### **1. Respect for the general rules of construction:**

According to Article 02 of Executive Decree No. 22-55, we find that the legislator has limited the general rules of construction within the meaning of this decree to 03 elements, namely:

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<sup>1</sup>See Article 03, Executive Decree 22-55,

<sup>2</sup>Al-Afawi Karima, Reconciliation of data not conforming to the building permit delivered according to Executive Decree No. 22-55, Journal of Legal and Political Thought, Vol. 06, No. 02, 2022, p. 579.

<sup>3</sup>Ibid, p. 580.

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Adjacency and proximity of buildings, façade openings, ground contents and size, we find that through Article 04, paragraph 01, the legislator has defined the reconstruction rules to be taken into consideration during the data reconciliation process, which are as follows:

### **A. Encroachment on the retreat area within the property:**

The settlement process for buildings is carried out if the infringement of the space within the property, by paying financial penalties calculated on the basis of the infringed area according to the use of the building, but in the case of infringement on the external space belonging to the third party (public or private) , the applicant must carry out the demolition of the part added to the space belonging to the third party<sup>1</sup>.

### **B. Raising the height of floors without obtaining a license:**

Based on the contents of Article 16 of the aforementioned Decree 22-55 and the publications of the Minister of Housing, Urban Development and the City, in the case of the construction of added floors that are not mentioned in the content of the license issued to the owner of the building.

In the case of the construction of new floors that have been added and are not mentioned in the license and do not violate the general rules of reconstruction and standards of construction and security, making the buildings subject to settlement, according to which a set of financial penalties are imposed that are subject to assessment on the basis of the added area and according to the use of the building. However, if the added floors are not stipulated in the issued building license and violate the general rules of reconstruction and the requirements of construction and security, we find that the penalty of demolition of the added floors is often imposed without the obligation to impose financial penalties<sup>2</sup>.

### **C. Openings on facades that are not authorized within the delivered license:**

We find that what is meant by façade: “those faces that appear to us from the outside, which are represented by the main facade, the rear facade and the side facades, so each face of the building is considered as a facade, according to the importance of the extension it takes and the function of its special decorative character.<sup>3</sup>”.

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<sup>1</sup>See Circular of the Minister of Housing, Urbanism and the City, 18 March 2022.

<sup>2</sup>Circular of the Minister of Housing, Urbanism and the City 18 March 2022.

<sup>3</sup>Inter-ministerial circular specifying how to handle the work of completing the external envelope of buildings subject to conformity 2016.

#### **D. Exceeding the space allocated for land occupation:**

The Algerian legislator distinguishes between two main cases:

- Exceeding the area allocated for land occupation that does not violate the general rules of reconstruction, especially the neighborhood, building and security standards, where the building is settled by paying a financial penalty, the assessment of which is subject to the amount of the added area and according to what was used in the building and the facades that were modified.
- Exceeding the area of land occupation that affects the general rules of reconstruction, especially the neighborhood, building and security standards, which requires the building owner to demolish the added parts without the process of paying financial penalties<sup>1</sup>.

#### **2. Building and security standards:**

These standards are a set of legal and technical rights and obligations that allow for the respect and observance of the various construction rules, and this observance in light of the stability and security of the project in the face of all possible dangers<sup>2</sup>.

#### **3. Respect the deadlines for the lifting of reservations set by the weft:**

This requirement was addressed in the text of Article 113 of the 2017 Finance Law and was included in the text of Articles 12 and 20 of Executive Decree No. 22-55 mentioned above, where the legislator emphasized this matter by the ministerial circular issued on the measures and provisions of Executive Decree No. 22-55, which stipulates the following: “Respect the deadlines for the completion of the works specified in the amended building license as a settlement granted under this procedure.”

We conclude that the Algerian legislator has not restricted the applicant to a specific deadline but left the discretion to the committee in charge of processing all applications, which determines the time period for lifting all the reservations registered during the field inspection, and this may be due to the nature of the violations from one building to another<sup>3</sup>.

#### **4. The payment of the fine is based on the type of offence:**

The Algerian legislator has stipulated the payment of a fine by the person violating the provisions and specifications of the building license,

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<sup>1</sup>Circular of the Minister of Housing, Urbanization and City 18 Mars 2022.

<sup>2</sup>See Article 02 of Executive Decree No. 22-55, op. cit.

<sup>3</sup>See the content of the ministerial decree implementing the measures and provisions of Executive Decree No. 22-55.

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calculated by reference to percentages between 10% and 25% of the value of the part of the building that is modified or added to the subject of the violation, depending on the use of the building, according to the text of Article 12 of Executive Decree No. 22-551.

### **Second Axis: Mechanisms and procedures for judicial settlement under the provisions of Decree 22-55**

#### **I: Legal mechanisms related to the settlement of non-conformity disputes and their effects under Ordinance 22-55**

The Algerian legislator has provided, through urban legislation, a set of post-construction means, which are embodied in a document proving the conformity of the completed works with the provisions of the building license, and among these means or mechanisms we will address as follows:

##### **1 - The certificate of conformity mechanism introduced to settle buildings that do not conform to the building license:**

The conformity certificate is defined by Article 75 of Law 90-29, which relates to

urbanization and development, as follows: “Upon completion of the building works by proving the conformity of the works with the building permit, the conformity certificate shall be issued by the president of the municipal people's council or the governor, as the case may be.”<sup>2</sup>

We also find that some have defined it as “a mechanism to ensure the conformity of buildings to the assets and technical specifications as the most important tool in the hands of the administration to monitor the extent to which building licensees comply with the content of the provisions and specifications of the building license granted, as the beneficiary of the building license often neglects to observe the designs and specifications on the basis of which the license is granted, as well as the rules governing construction, which the beneficiary of the license undertakes to respect, which prompted the legislator to intervene to provide for this mechanism to ensure construction control especially in the field of real estate promotion<sup>3</sup>.”

In the same context, we note that it has been jurisprudentially defined as “a document that declares that the construction, boundaries, nature and external appearance of the building conforms to what is specified in the building

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<sup>1</sup>See Article 12 of Decree 22-55, op. cit.

<sup>2</sup>See Article 75 of Law 90/29 on Planning and Construction, Official Gazette No. 52, 1990, p. 166.

<sup>3</sup>Safia Aglouli Ould Rabah, Algerian Urban Law, Urban Objectives and Legal Means, Dar Houma, 3rd edition, 2016-2017, p. 185.

permit related to it, so the certificate of conformity is limited and confined to the limits of the studied points specified through the provisions of the building permit<sup>1</sup>.”

We point out that the certificate of conformity has a set of features that distinguish it from other documents and is subject to a set of legal procedures that must be adhered to in order to obtain it, which we list as follows:

#### **A . Advantages of the Certificate of Conformity:**

The Certificate of Conformity has a number of characteristics and features, which are as follows:

- **The Certificate of Conformity is an administrative document:**

Administrative, since it is issued by an administrative body identified by law, they are the competent authorities to issue it, as the incompetent administrative authority cannot grant the certificate of conformity, otherwise it is invalid and this is due to lack of competence, so the head of the municipal people's council, the governor, or the minister in charge who grants the certificate of conformity according to the procedures stipulated by law<sup>2</sup>.

- **The certificate of conformity is a legal document regulated by special texts:**

Law 90-29 on Planning and Construction as amended and supplemented, and Law 08-15, which defines the rules for the conformity of buildings and the termination of the certificate of conformity, as well as Executive Decrees 15-19 on the modalities for the preparation of the construction certificate, and Executive Decree 22-55 on the regularization of buildings in violation of building permits.

- **The certificate of conformity is characterized by its mandatory nature:**

The certificate of conformity is one of the mandatory and compulsory certificates apart from the fact that it is only issued after being requested by the building owners, who are required by law to issue it after the completion of works and construction, under the penalty of financial fines and penalties up to the degree of demolition if necessary, according to Article 10 of Law No. 08-15.

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<sup>1</sup>Aida Diram, Administrative Control of Development and Construction Works in Algerian Legislation, first edition, Dar Qana, Batna, Algeria, 2011, p. 107.

<sup>2</sup>Safia Aglouli Ould Rabah, op. cit. p. 191.

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- **The certificate of conformity is an administrative decision of a unilateral nature:**

This means that the certificate of conformity is an administrative decision issued by a competent administrative authority, which makes it subject to challenge by the injured party before the ordinary or administrative judiciary<sup>1</sup>.

- **A certificate of conformity is a means of maintaining public order:**

The certificate of conformity plays the role of a monitor as a post facto tool to confirm the conformity of the construction works specified in the delivered building permit, as well as in maintaining the overall public order, or what is known as the system of elegance and splendor, which is an element of the new public order<sup>2</sup>.

### **B. Procedures for granting a certificate of conformity:**

In order to obtain a certificate of conformity, there are a number of stages to be followed, which are as follows:

- **Initiating the procedure for obtaining a certificate of conformity:**

According to Executive Decree 15/19, it is clear that the conformity procedure is initiated by the person concerned, who declares to the administration that the works have been completed, which is the norm.

Exceptionally, it is initiated by the administration in case the person refuses to declare the end of the building works<sup>3</sup>.

- **The Control Committee verifies the conformity of the completed works:**

Pursuant to Article 66 (04) of Decree 15/19, the Control Committee meets at the invitation of the President of the Municipal Popular Council within 15 days from the date of deposit of the declarations of completion of construction works, where the Committee consists of:

- The President of the Municipal People's Council.

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<sup>1</sup>See Law No. 08-15, op. cit.

<sup>2</sup>Moufak Ibrahim, The Environmental Dimension of Construction and Building Rules, master's thesis in Advanced Administrative Law, Faculty of Law and Political Science, University of Tlemcen, 2017, p. 132.

<sup>3</sup>Safia Aglouli Ould Rabah, op. cit. p. 191.

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- The representative of the reconstruction subdivision at the level of the department.
- Civil protection services in the case of the construction of buildings with industrial and commercial use<sup>1</sup>.
- A representative of the competent departments of archaeology and tourism, if necessary.
- A representative of the state departments in charge of agriculture at the state level.

The President of the Municipal People's Assembly sends a notification to the beneficiary of the building license before starting the conformity verification process, as this notification to the beneficiary of the building license includes a date for the conformity procedure at least 08 days in advance.

After the conformity control process, an inventory report is immediately prepared in which all observations are mentioned and the opinion of the committee on the extent of the conformity inspected, and this report is signed by the members of the committee<sup>2</sup>.

- **Delivery of the certificate of conformity:**

The stages of delivery are limited to two cases as follows:

### **The case where the completed building is in conformity:**

Whereas after the conformity control process is carried out by confirming that the inventory report shows that the completed works conform to the building license, the conformity certificate is awarded<sup>3</sup>.

We also point out that if the inventory process shows that the works are not carried out in accordance with the designs approved in accordance with the provisions of the building permit, the certificate of conformity will be refused, and the concerned person will be notified of this, i.e. to make the construction conform to the designs approved in accordance with the provisions of the building permit, in accordance with the requirements of Law 90-29, where he mentions the penalties to which he is exposed under this law<sup>4</sup>.

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<sup>1</sup>Official Gazette No. 07, p. 19.

<sup>2</sup>Omar Hamdy Pasha, Construction Disputes, Edition 02, Dar Homa Publishing, 2021, p. 135.

<sup>3</sup>Ibid, p. 136.

<sup>4</sup>Official Gazette No. 52, p. 1660.

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### **The case where the completed buildings are non-confirming:**

If the inventory report shows that the completed buildings do not conform to the requirements of the building permit, the delivery of the certificate of conformity will be postponed, and the builder will work to bring his building into conformity with the approved designs. The person concerned is reminded of the applicable penalties stipulated in the aforementioned Law 90-29 and is given a time limit of not more than 03 months to do so.

We note that if the concerned person complies to rectify what was requested of him, the certificate of conformity will be issued to him, and in case of the opposite, it will be rejected<sup>1</sup>.

### **2 - Mechanism for achieving building conformity:**

The Algerian legislator defined it within the text of Article 02 of Law 08-15 defining the rules for the conformity and completion of buildings, where it is stated in the aforementioned article: “It is an administrative process provided that the rules of land occupation and reconstruction are respected<sup>2</sup>.”

It is also stated in the same article that it is “the administrative document through which every building, whether completed or not, is settled in accordance with the legislation and regulations related to land occupation and the rules of construction.”

This definition is contrary to the provisions of Law 90-25 dated 18-11-1990, where the legislator only stipulated the provisions of the settlement without providing a definition for it.

According to Article 08-15, settlement in the context of achieving the conformity of illegal buildings is an administrative and technical process governed by the rules of use and occupation of land of a binding nature, namely the master plan for urbanization and reconstruction and the land occupation plan and in their absence the general rules of urbanization and reconstruction and results in the granting of settlement bonds that transfer

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<sup>1</sup>Lamine Larayedh, Legal mechanisms to protect buildings from the risk of collapse in Algeria, PhD thesis, specialisation in private law, branch of real estate law, Faculty of Law, University of Algiers 1, 2018, p. 189.

<sup>2</sup>Faiza Jarouni, Malika Bettiha, Measures taken to regularize non-conforming buildings under Law 08-15, Journal of Legal and Political Sciences, Vol. 09, 2018, p. 743.

the building from the area of violation to the legitimate area in conformity with the law, in accordance with the law<sup>1</sup>.

Conformance is characterized by a set of characteristics that make it amenable to a range of standards:

### **1. Characteristics of Conformance Achievement:**

The most important characteristics that are unique to what we will try to list as follows:

The provisions and rules of building conformity enforcement are temporary and mandatory.

Conformity verification is characterized as a comprehensive settlement procedure, as it is based on the principle of “the right to build in relation to property.”

Conformity verification is a method of regularization that is influenced by the methodology of dealing with illegal data.

The conformity verification of illegal buildings is applied in accordance with the general rules of construction and building<sup>2</sup>.

### **2. Criteria for achieving building conformity:**

The real-estate regularization process requires the observance of essential criteria that can be summarized in the following elements:

- The legal character of the real estate base, which means the legal nature of the land on which the building is built, i.e. whether it is a piece of land belonging to private or public property.
- Respecting the rules of construction, as the settlement process for buildings must take into account technical matters by respecting the rules of construction and building standards.
- Determine the purpose of the building and its uses.
- Location where I live<sup>3</sup>.

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<sup>1</sup>Awatif Mohieddine, The Problem of Illegal Buildings and the Procedures of Confrontation and Settlement in the Light of Law 08-15, Algerian Comparative Public Law Journal, Volume 09, Issue 06, 2020, p. 61.

<sup>2</sup>Official Gazette No. 34, 1985, containing Executive Decree No. 85/212 establishing the conditions for regularizing the situation of those occupying public lands that were the subject of contracts or buildings that do not conform to the applicable rules and the conditions for their recognition of ownership and housing, p. 1186.

<sup>3</sup>Official Gazette No. 34, op. cit. p. 1186.

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### **Second: The process of regularization of non-conforming buildings under Executive Decree No. 22-55:**

The settlement process for non-conforming buildings goes through a set of procedures stipulated in Executive Decree No. 22-55, which we will try to present as follows:

#### **1. Filing the settlement application:**

Owners of buildings that do not conform to the provisions of the issued building permit must submit or deposit a file requesting a settlement based on an amended building permit or a certificate of conformity issued by the competent administrative authorities, such as the municipality where the building is located, after verifying that the file meets all the necessary documents submitted by the interested party using a deposit receipt.

These documents consist of a copy of the graphical documents and plans indicated in the submitted building license, in addition to the written documents and plans specified under the provisions of Executive Decree No. 15 -19, in addition to the site and block plan prepared by a certified architect and civil engineer. The previous documents are accompanied by a report illustrated with photos and a memorandum containing a descriptive and estimated disclosure of the completed and under-construction works, specifying the added or modified part and the deadline for completion of the completed and under-construction construction works, specifying each added or modified part, noting that the deadline for completion of the works is determined by the architect if the construction process is completed<sup>1</sup>.

We also point out that if there are changes in the structure of the building, the engineer prepares an expertise report and this engineer is an accredited civil engineer, after inspecting the stability of the building.

#### **2. Study of the settlement application file:**

The file is studied and processed by the Settlement Committee, where this committee includes, according to a decision by the President of the National People's Assembly or the governor, as the case may be, a representative of the state services in charge of construction at the governorate level as chairman, as well as a representative of the construction department of the municipality and a representative of the civil protection, with the possibility of having other representatives in collective or future

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<sup>1</sup>Karima El Ayfaoui, Settlement of buildings not conforming to the issued building permit according to Executive Decree No. 22-55, Journal of Legal and Political Thought, Vol. 06, No. 02, 2022, p. 585.

housing for the public or of an investment nature, where the representatives of Sonelgaz, public works, water resources, industrial and environmental companies are involved.

The members of the settlement committee can also be members of the one-stop-shop committee concerning the text of Article 06 of Executive Decree No. 22-55, which stipulates that they can be members of the one-stop-shop committee<sup>1</sup>.

This committee is entrusted with a set of tasks based on the text of Article 07 of the aforementioned Executive Decree No. 22-55, as follows:

Conducting field visits to verify and confirm violations.

Fill out the file study card, the form of which is attached to this decree and is signed by all committee members.

To give an opinion regarding the settlement of the building and the amount of the fine according to the nature of the offence<sup>2</sup>.

### **3 . The stage of issuing the decision to approve or reject the settlement request:**

The decision of approval or rejection is taken by the competent single window, which is notified to the applicant within a maximum of 08 days from the date of notification of the decision of the single window by the President of the Municipal People's Assembly.

In the case of the decision and after the payment of the fine to the municipal treasury, the decision is communicated within a maximum of 08 days from the date of delivery of the fine payment receipt, where the approval decision includes a modified building license or a certificate of conformity as a settlement.

In the case of the approval decision with reservations, after inspection and lifting the reservations within the deadlines set by the settlement committee at the level of the single window, where the decision including the amended building license or a decision including the certificate of conformity is delivered as a settlement within the same procedures related to the issuance of the approval decision.

In the case of a rejection decision, the applicant can exercise his right to appeal within the provisions stipulated in Executive Decree No. 15-193.

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<sup>1</sup>See Article 06 of Executive Decree No. 22-55.

<sup>2</sup>See Article 07 of the same *ibid*.

<sup>3</sup>See Articles 20-21 of Executive Decree No. 22-55, *op. cit*.

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### **Conclusion:**

By issuing Executive Decree No. 22-55, the Algerian legislator intended to simplify the procedures related to the process of settling non-confirming buildings to be able to deal with as many pending cases as possible, as it is characterized by its retroactivity and the possibility of applying it to buildings that have not yet been subject to settlement procedures, which will benefit from the legal advantages contained in Decree 22-55.

### **List of sources and references:**

#### **1: Books:**

— Safia Aglouli Ould Rabah, Algerian Urban Law, Urban Objectives and Legal Means, Dar Houma, Algeria, 3rd edition, 2016-2017.

— Aida Diram, Administrative Control of Development and Construction Works in Algerian Legislation, First Edition, Dar Qana, Batna, Algeria, 2011.

— Omar Hamdi Basha, Construction Disputes, 2nd edition, Dar Homa Publishing, Algeria, 2021.

#### **2: Theses**

— Mine Laarid, Legal mechanisms to protect buildings from the risk of collapse in Algeria, PhD thesis, specialisation in private law, branch of real estate law, Faculty of Law, University of Algiers 1, 2018.

— Moufak Ibrahim, The environmental dimension of reconstruction and construction rules, master's thesis in Administrative Law in depth, Faculty of Law and Political Science, University of Tlemcen, 2017.

#### **3: Articles**

— Manser Nasreddine and Naima Diaibia, Procedures and Problems of Buildings in the Framework of Law 08-15, Journal of Construction and Building Legislation, Issue 03, 2017.

— Cherif Bahmaoui, The scope of intervention of Law 08-15 in the settlement of informal buildings, Journal of Politics and Law, No. 11, 2014.

— El-Afawi Karima, Settlement of non-confirming building permit issued in accordance with Executive Decree No. 22-55, Journal of Legal and Political Thought, Vol. 06, No. 02, 2022.

— Faiza Jarouni, Malika Bettiha, measures taken to settle non-confirming buildings under Law 08-15, Journal of Legal and Political Sciences, Vol. 09, 2018.

— Awatif Mohieddine, The Problem of Illegal Buildings and the Procedures for Confrontation and Settlement in the Light of Law 08-15, Algerian Comparative Public Law Journal, Volume 09, Issue 06, 2020.

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### **4-Legislative and regulatory texts and ministerial circulars**

-- Law No. 90/29, relating to planning and construction, Official Gazette No. 52, 1990.

— Law No. 16-14 of 28 December 2016, containing the Finance Law for the year 2017, G.R. No. 77, of 29 December 2016.

— Law No. 20-16 of 31 December 2020, containing the Finance Law for the year 2021, C.R. No. 83, issued on 31 December 2020.

— Executive Decree No. 85/212 establishing the conditions for the regularization of those who occupy public lands that were the subject of contracts or buildings that do not conform to the applicable rules and the conditions for their recognition of ownership and housing, Official Gazette No. 34, 1985.

— Executive Decree No. 22-55 of 02 February 2022, specifying the conditions for the settlement of buildings that do not conform to the building permit issued, J.R. No. 09 of 03 February 2022.

— Interministerial circular specifying the treatment of works to complete the external envelope of buildings subjects to conformity 2016.

— The circular of the Minister of Housing, Urbanism and the City dated 18 March 2022.