



The new real estate reforms under the 2025 Finance Law aim to address unclaimed properties and those incorrectly registered in the name of the state



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Abstract

The land and property survey system encounters legal and administrative obstacles that impede the regularization of unclaimed properties or those mistakenly registered under the State's ownership, leaving numerous citizens without their rightful claims.

Recent changes to Article 166 of the 2025 Finance Law seek to tackle these challenges by broadening the range of beneficiaries and prolonging the legal timeframes for reclaiming property rights.

These reforms demonstrate the lawmakers' dedication to harmonizing property security with individual rights, reflecting contemporary trends in property governance and fostering enhanced legal and administrative stability within this domain.

Keywords

Unclaimed properties ;
Property surveying;
Administrative settlement ;
Official documentation ;
Possession.

الكلمات المفتاحية

العقارات غير المطالب بها؛
المسح العقاري؛
التسوية الإدارية؛
الرسمية؛
الحيازة.

الإصلاحات العقارية الجديدة المرصودة ضمن قانون المالية لسنة 2025 والمتعلقة بمعالجة العقارات غير المطالب بها أثناء عمليات المسح والمسجلة بالخطأ في حساب الدولة

ملخص

يواجه نظام مسح الأراضي والعقارات مجموعة من التحديات القانونية والإدارية التي تعرقل تسوية وضعية العقارات غير المطالب بها أو المسجلة بشكل خاطئ باسم الدولة، مما يؤدي إلى حرمان العديد من المواطنين من حقوقهم. وقد تم إدخال تعديلات جديدة على المادة 166 من قانون المالية لعام 2025 بهدف معالجة هذه القضايا، من خلال توسيع دائرة المستفيدين وتمديد المهل القانونية لاستعادة الحقوق العقارية. تعكس هذه الإصلاحات التزام المشرع بتحقيق توازن بين الأمن العقاري وضمان حقوق الأفراد، بما يتماشى مع الاتجاهات الحديثة في إدارة الملكية العقارية ويساهم في تعزيز الاستقرار القانوني والإداري في هذا المجال.

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Doi:

Introduction :

Land and property surveying is essential for regulating ownership and maintaining the integrity of legal transactions. However, this process frequently faces legal and administrative obstacles that impede its effectiveness. Key challenges include unclaimed properties and those erroneously registered in the name of the State, which have resulted in many citizens losing their rightful claims.¹

Despite prior attempts to tackle these issues through legal and regulatory measures, the complexity of procedures and stringent time limits have hindered the resolution of many cases. This situation has prompted authorities to reevaluate the current legal framework.

In this context, the amendment of Article 166 of the 2025 Finance Law marks a significant advancement in enhancing property settlement processes. This reform broadens the criteria for eligibility and extends the legal timelines for reclaiming property rights. These changes demonstrate the lawmakers' dedication to balancing property security with the protection of individual rights, while also adapting to contemporary practices in property governance and the evolving landscape of real estate management.²

To tackle this matter, the Algerian legislator has implemented legal measures, bolstered by directives and memoranda from the General Directorate of State Property within the Ministry of Finance, articulated in precise legal terminology. The latest of these measures is found in the 2018 Finance Law, where Article 89 modifies the stipulations of Article 23 of Ordinance 75-74, enacted on November 12, 1975, which had previously been amended by Article 67 of the 2015 Finance Law. Furthermore, Memorandum 4060, released on April 5, 2018, was established to elucidate Article 89, specifically concerning the administrative regularization of unclaimed properties discovered during land surveying activities.³

The research problem is framed by the following question: What are the key reforms included in the 2025 Finance Law concerning unclaimed properties?

To address this issue, we employed an analytical approach by examining new legal texts relevant to the study topic. Additionally, we utilized a comparative method to contrast Instruction No. 4060⁴ issued by the National Property Authority with the updates introduced in Instruction No. 4300,⁵ which clarifies the application of Article 166 of the 2025 Finance Law.

Consequently, we aim to resolve the issue by investigating the new procedures implemented for settling unclaimed properties during the surveying process. This includes elucidating the perspective of the legislator in transitioning from judicial settlement to administrative settlement, thereby alleviating the burden on primary authorities and integrating these matters into administrative bodies that possess the necessary information to address such cases effectively.

We concluded our study with a summary of the key findings derived from this research, along with several suggestions that could serve as potential topics for future inquiries.

1. The legal framework and practical procedures for resolving unclaimed properties:

1.1 Legal and administrative procedures for resolving incorrectly registered properties:

The newly implemented measures focus on the administrative regularization of unclaimed properties identified during land survey activities, as well as properties that have been incorrectly registered as belonging to the state or local authorities. In instances where municipal properties have been inaccurately documented, a formal declaration from the President of the Municipal People's Council is necessary to affirm that the municipality has no legal entitlement to the property.

Additionally, the Director of State Property is tasked with asserting claims on unclaimed properties that investigations verify as state-owned, ensuring these properties are permanently registered under state ownership and that land titles are issued. However, properties claimed by private individuals will still be subject to administrative and legal scrutiny to establish rightful ownership.

The revised Article 23 bis explicitly outlines the types of properties that qualify for settlement, which include: Officially registered contracts⁶, Possession certificates⁷, Legally binding deeds⁸, Registered administrative contracts⁹, Possession in accordance with relevant legislation¹⁰. These amendments are designed to simplify the legal framework for property settlement, protect individual rights, and improve the efficiency of land administration.

1.2 Extension of real estate settlement deadlines and enabling beneficiaries:

Article 166 of the 2025 Finance Law sets a 15-year period for submitting property regularization requests, starting from January 1, 2025, for applications made prior to this date. For those submitted after this date, the deadline will be determined from the date the cadastral document handover report is signed and submitted to the appropriate land registry office.¹¹

The competent land registry office is responsible for processing applications that are supported by registered deeds, as long as the area specified in the deed corresponds with the area recorded in the cadastral survey documents.

Conversely, applications based on other documentation, including registered deeds that show discrepancies in land area compared to cadastral records, will be handled by the Land Survey and Property Preservation Directorate.¹²

The regularization process initiates with the submission of an official request using an approved form, which must be accurately filled out by the applicant or their legal representative and registered in a specific registry at the relevant directorate or land registry office. A submission receipt will be issued for each request. The application should include supporting documents that verify ownership or possession, such as a valid identification document, a copy of the inheritance certificate (if applicable), and an extract from the land section record (CC12). Once received, the documents will undergo an initial verification to confirm that there are no outstanding legal claims on the property, that the application has not been submitted before, and that the property is eligible for regularization without any legal obstacles.¹³

1.3 Practical procedures for real estate settlement:

If the details in the registered deed align with the results of the cadastral survey regarding the area, the application will be subject to an initial assessment by the appropriate land registrar.

1.3.1 Procedures for Handling Applications Backed by Registered Deeds:

The initial phase of the regularization process involves confirming that the property description in the registered deed aligns with the cadastral measurements.

If the deed is recorded at a different land registry office within the same province, the land registrar is required to reach out to their counterpart within eight (8) days to obtain a copy of the deed. A reply must be received within ten (10) days.

In instances where the deed is registered in a different province, the request should be directed through the Provincial Director of Land Surveying and Property Preservation, adhering to the same timeline.

Should there be a mismatch between the area stated in the deed and the cadastral measurements, the file will be promptly forwarded to the Directorate of Land Surveying and Property Preservation, accompanied by all relevant documentation for further action. The applicant must be formally informed of the file transfer within eight (8) days.

For deeds recorded prior to March 1, 1961, it is necessary to collect additional information regarding the property's legal status, unless the application was made at the original land registry office where the deed was initially filed.

1.3.2 Verification of State Ownership Rights during the Regularization Process:

Once the preliminary assessment verifies that the criteria for regularization are satisfied, the land registrar is required to promptly reach out to the State Property Services after acquiring the necessary information. This action is specifically for deeds recorded prior to July 5, 1975, to determine if the state holds a valid claim to the property in question.

After conducting the cadastral investigation, the State Property Services must provide a legal opinion regarding the property. They are obligated to respond within a maximum timeframe of one (01) month, clearly stating whether the state possesses ownership rights over the property, while strictly following the established timelines.

If there is a discrepancy between the area specified in the deed and the measurements from the cadastral survey, the Directorate of Land Surveying and Property Preservation will manage the application. Upon receipt of the file, the Provincial Director must promptly forward the issue to the State Property Services, adhering to the same conditions and deadlines. The response must be clear and conclusive, offering a definitive determination on whether the state has a legal claim to the property in question.

When the area indicated in the registered deed corresponds with the actual property requiring regularization, the land registrar is obligated to formally request the Director of Land Surveying and Property Preservation to perform an assessment of site and shape conformity. This requirement is compulsory, except for co-owned properties where the recorded area matches the cadastral records. For files transferred from the Land Registry Office and accompanied by registered deeds, the Provincial Director adheres to the same verification protocols.¹⁴

For files sent from the Land Registry Office to the Directorate of Land Surveying and Property Preservation, initial investigations are conducted first. Following this, properties with larger surface areas are subjected to specific procedures as outlined in Article 47 of the 2005 Finance Law¹⁵ and Directive No. 10787, issued on November 29, 2008.¹⁶

In situations where registered deeds do not support the case, including applications that rely on registered possession certificates, documents with legal standing for property ownership, or registered administrative contracts, the Provincial Directorate of Land Surveying and Property Preservation handles these files.

All applications are subject to an investigation by the State Property Services, which must be officially informed by the Provincial Directorate within eight (08) days. The State Property Services are obligated to issue a formal response within one (01) month. Furthermore, the legitimacy of registered administrative contracts is assessed by the relevant authorities to ensure adherence to Article 166 of the 2025 Finance Law.

For the verification of submitted documents against the property in question, if the documents include detailed plans, the Provincial Directorate of Land Surveying and Property Preservation will carry out the matching process.

Conversely, if detailed plans are absent or the property description is vague, the applicant is required to hire a certified real estate expert to perform a survey that identifies the cadastral references of the property.¹⁷

In instances where only a portion of a jointly owned property is being regularized, an expert survey report is approved, while the remaining part continues to be recorded under the same account. If the property's compliance is validated based on the available information, a field inspection by the surveying authorities is deemed unnecessary.¹⁸

1.3.3 Procedures for Regularization in Possession-Based Cases:

In cases of regularization related to possession, the Provincial Directorate of Land Surveying and Property Preservation is responsible for confirming the presence of actual possession indicators. These indicators may include evident occupation or utilization of the property, which can be shown through the construction of structures, installation of fences, or participation in agricultural or artisanal activities.

Possession can be substantiated with any relevant documentation, as long as it is accompanied by a notarized affidavit. The submitted documents or investigations must demonstrate that possession was held before the cadastral survey team conducted their assessment.

The State Property Services are tasked with investigating the legal status of the property and are required to provide their opinion within one month from the date the application is submitted. Their response must be explicit and conclusive regarding the state's ownership rights, with strict compliance to the established timeline.

If the application pertains to a portion of a jointly owned property, the same procedures will be followed, including the verification of possession, gathering of supporting documents, and conducting necessary investigations to ensure proper legal regularization of the property.¹⁹

1.4 Procedures for Revising Cadastral Records and Completing Property Registration:

If the investigations verify that the property in question is owned or possessed by the applicant, the relevant authority will initiate the necessary updating procedures.

For cases overseen by the Land Registrar, a PR12 document is dispatched to the Provincial Directorate of Land Surveying and Property Preservation to update the cadastral records. After the updates are finalized, an updated cadastral matrix (M04) is sent to the Land Registry Office to complete the property registration process.

In instances managed by the Directorate, a Property Record (T10) is created and forwarded to the Land Registry Office to advance the registration process. If the situation involves possession without an official title, a Verification Record (T7) is included as well.

For properties backed by registered contracts that exhibit area discrepancies, the Directorate submits the Property Record (T10) to the Land Registry Office, attaching the measurement document when necessary to ensure precise registration.

When it is confirmed that the property is state-owned, it is permanently registered in the name of the State, with the cadastral records updated accordingly, and the land title issued to the State Property Services.

If the application fails to satisfy the legal criteria for regularization, the Land Registrar or the Director of Land Surveying and Property Preservation is required to formally inform the applicant of the rejection, providing clear legal reasons for the decision.

2. Legal and administrative procedures for resolving unclaimed properties and their final numbering:

2.1 Property Registration Process:

2.1.1 Final Property Registration:

The Land Registrar is tasked with executing the final property registration once all required legal criteria have been satisfied. This process is applicable when the property is supported by a registered ownership deed or a possession certificate that has been in effect for a minimum of fourteen (14) years. This timeframe indicates that the actual possession of the property has persisted for at least fifteen (15) years, thereby suggesting ownership acquisition through adverse possession. Upon completion of these steps, the Land Registrar issues the property title and hands it directly to the owner.

2.1.2 Provisional Property Registration:

In certain circumstances, property registration may be provisional, granting the property a temporary registration status effective from the date the Identity Change Document (PR12) is issued by the Land Registrar. This situation arises in the following instances:

- Provisional registration for four (04) months: This applies in two primary scenarios: - When an application for property registration is based on a registered possession certificate, but the legal possession duration necessary for final

ownership has not yet been fulfilled. - When ownership is substantiated by a recognized legal document, such as a court ruling or a registered administrative deed.

- Provisional registration for two (02) years: This is applicable when adequate ownership documentation is lacking, yet field inspections by cadastral survey agents verify that the applicant effectively controls the property and maintains stable and continuous possession.

At the conclusion of the provisional registration period, and provided there are no legal challenges, the Land Registrar will upgrade the registration to final status and issue the property title to the owner.

2.2 Addressing Concerns

Certain properties may undergo a temporary registration process, which can lead to objections or disputes during the specified provisional registration period, lasting either four (04) months or two (02) years.

In these instances, it is essential that all objections are documented in the appropriate registry, ensuring they are addressed in line with Article 15 of Decree No. 76-63, dated March 25, 1976, as amended and supplemented.²⁰

This procedure is designed to safeguard the rights of all involved parties and to assist the relevant authorities in resolving any potential disputes in accordance with the applicable legal standards.

2.3 Regional Directorate Monitoring of the Procedure:

The Regional Director of National Property oversees the ongoing supervision of the property registration process. This role involves consistently monitoring the implementation of procedures and intervening as needed by issuing directives to the Director of Land Surveying and Property Registration. Such interventions guarantee that applications are processed within the legally mandated timeframes and according to established protocols, while the follow-up is directed to the appropriate property registrar.

Moreover, the Regional Director must provide monthly statistical reports to the central administration, outlining the progress and various stages of the registration process.

In addition, applications for property settlement that were submitted prior to the issuance of this directive and remain unresolved will fall under the guidelines of this decision. These cases should be expedited, ensuring that new applications submitted after the enactment of the 2025 Finance Law are not hindered.

This initiative is designed to facilitate the resolution of outstanding cases while maintaining the efficient processing of new applications.

2.4 Final Registration in Favor of the State Following the Expiration of Settlement Requests

Once the deadline for submitting settlement requests has elapsed, all properties identified as "unclaimed properties" during land survey operations—those for which no settlement requests have been submitted within a fifteen (15) year period—will be officially recorded.

For properties registered prior to January 1, 2025, this fifteen-year timeframe will be calculated from that date. Conversely, properties registered after this date will follow the same timeline, beginning from the date the survey documents are filed with the property registry.

If no settlement requests are received by the end of this designated period, these properties will be permanently registered in the name of the State, which will then have full authority to manage and dispose of them in accordance with relevant legal procedures.

This initiative is designed to regulate property ownership, incorporate unclaimed assets into the public domain, and improve land stability, ultimately benefiting the public interest.

Conclusion:

This research paper highlights that the presence of unclaimed properties during land survey operations, along with properties incorrectly registered in the name of the State, has created significant challenges in the property settlement process and the issuance of property deeds to rightful owners.

Although earlier legal frameworks—specifically Article 23 bis of Ordinance No. 75-74 and Directive No. 4060—offered a basis for addressing these issues, the restrictive deadlines and complex procedures often obstructed the resolution of numerous disputes, leading many citizens to pursue legal action.²¹

The changes introduced by Article 166 of the 2025 Finance Law have broadened the criteria for property settlement and extended the settlement timeframe to 15 years, enabling the resolution of cases that were previously dismissed due to lapsed deadlines.

Moreover, the decision to exclude registered contracts dated after July 5, 1975, from administrative investigations is intended to streamline file processing under the Torrens title system, thereby alleviating bureaucratic pressures on citizens and reducing the need for litigation. Additionally, a legal framework has been established to correct properties that have been mistakenly registered under the State or local authorities, contingent upon claimants providing valid ownership documentation, such as registered contracts or legally recognized proof.²²

Recommendations:

- Improving Administrative Investigation Processes: The Land Survey and Property Registration Directorates should enhance verification processes by digitizing records and creating centralized databases to speed up processing and minimize disputes.
- Public Awareness Initiatives: Public awareness campaigns should be launched to inform citizens about settlement procedures, particularly concerning the necessary documents and deadlines, to ensure that the public can fully benefit from the new amendments and reduce legal conflicts.
- Enhancing Legislation and Implementation Protocols: It is essential to clarify and improve the regulatory procedures associated with the implementation of Article 166 to facilitate its effective execution. Furthermore, providing additional explanatory memoranda could assist in addressing specific situations that may occur during the application process.

Referrals and References:

[1] Ordinance No. 74-75, dated November 12, 1975, as amended and supplemented, concerning the preparation of the general land survey and the establishment of the property register, was published in the Official Gazette of the People's Democratic Republic of Algeria, Issue No. 92 on November 18, 1975.

[2] Law No. 24-08, dated November 24, 2024, includes the finance law for the year 2025, published in the Algerian Official Gazette, Issue 84, on December 26, 2024.

[3] Law No. 17-11, dated December 28, 2017, includes the finance law for the year 2018, published in the Algerian Official Gazette, Issue 76, on December 28, 2017.

[4] Memo No. 4060, dated April 5, 2018, issued by the General Directorate of National Properties at the Ministry of Finance, pertains to the administrative settlement of properties recorded under the unknown account, specifically "properties not claimed during land surveying activities."

[5] Memo No. 4300, dated March 10, 2025, issued by the General Directorate of National Properties - Ministry of Finance, outlines the new provisions included in the 2025 Finance Law regarding the settlement of properties recorded in the account of "unclaimed properties during land surveying" that are mistakenly registered in the name of the state.

[6] Registered ownership deeds are formal documents that have been officially recorded with the Land Registry. They provide definitive evidence of property ownership and serve as a legal reference that validates the current property rights as reflected in the land registry records.

[7] Registered Possession Certificates are official documents established by Article 39 of Law No. 90-25, which was enacted on November 18, 1990, and has since been amended and supplemented in relation to the Land Orientation Law.

Law No. 25-90, dated November 18, 1990, concerning real estate guidance, was published in the Algerian Official Gazette, issue 49 on November 18, 1990. This law was amended and supplemented by Law No. 95-26, dated September 25, 1995, which appeared in the Algerian Official Gazette, issue 55 on September 27, 1995.

The procedures for their preparation, format, and issuance are outlined in Executive Decree No. 91-254, which was issued on July 27, 1991.

Executive Decree No. 91-254, dated July 27, 1991, outlines the procedures for the preparation and issuance of the possession certificate, established under Article 39 of Law No. 90-25, dated November 18, 1990, which pertains to real estate guidance. This was published in the Algerian Official Gazette, Issue No. 36, on July 31, 1991.

[8] customary contracts that are legally recognized for proving property ownership. Among these documents are deeds and judicial decisions issued before the enforcement of Ordinance No. 75-74 of 1975, which were not subject to registration due to the optional nature of the process at the time.

This category also includes contracts drawn up by certified court clerks, notarized judges, and Sharia judges before the enactment of Ordinance No. 70-91 of 1970, as these contracts held the same legal validity as official documents issued by public officers.

Additionally, it encompasses customary deeds registered with the Tax Administration before January 1, 1971, as well as contracts recorded between June 1983 and December 1992, in accordance with financial laws that previously allowed the registration of customary contracts.

Law No. 82-14, dated December 30, 1982, which includes the finance law, was published in the Algerian official journal, issue number 57, on December 30, 1982.

However, this provision was repealed under the Finance Law of 1993, which terminated the possibility of registering customary contracts, thereby complicating the legal status of numerous properties that had not undergone formal land registration.

The legislative decree No. 93-01, dated January 19, 1993, which includes the finance law, was published in the Algerian official gazette, issue number 04, on December 20, 1993.

[9] Registered administrative contracts are agreements created by the Presidents of Municipal People's Councils prior to the implementation of Law No. 90-25 on November 18, 1990, mainly related to the transfer of municipal land parcels. While these contracts were properly registered with the Tax Administration, they did not undergo the necessary land registration processes, which has diminished their legal standing in establishing property ownership. As a result, these contracts need to be legally regularized to secure their official acknowledgment and to provide rightful owners with complete property rights.

[10] The process of verifying actual possession, as per the relevant legal guidelines, is undertaken through field investigations by the Land Survey and Property Registry Directorate. These investigations are designed to collect evidence to determine if the criteria for possession are satisfied. According to Article 808 of the Civil Code, possession is deemed legal when it is continuous, peaceful, public, and undisputed. This procedure facilitates the acknowledgment of property rights for individuals who can prove their actual possession of the property in accordance with legal standards.

Law No. 08-09, dated February 25, 2008, encompasses the Civil and Administrative Procedure Code published in the Algerian Official Gazette, Issue No. 21 on April 23, 2008. This law was amended by Law No. 22-13, dated July 12, 2022, as published in the Algerian Official Gazette, Issue No. 48 on July 17, 2022.

[11] Article 166 of Law No. 24-08, which encompasses the Finance Law for the year 2025, as referenced earlier.

[12] Ameur Aloui, The Land Regime and Cadastre in Algeria, published by the National Cadastre Agency, 1993, p. 103

[13] This document pertains to assessing the status of a property during comprehensive land survey activities. It serves to document properties that remain unclaimed throughout the survey and is essential for formalizing their administrative and legal standing in compliance with relevant regulations.

[14] Order No. 70-91, dated December 15, 1970, which includes the Notary Law, was published in the Algerian Official Gazette, issue number 78, on September 15, 1970.

[15] Law No. 04-21, dated December 29, 2004, includes the finance law for the year 2005, published in the Algerian Official Gazette, Issue 85, on December 30, 2004.

[16] Memo No. 10787, dated November 29, 2008, issued by the General Directorate of National Properties at the Ministry of Finance, Methods for reconciling discrepancies in observed areas between property deed measurements and survey measurements.

[17] Abdul Rahim Awsehla, Resolution of the Status of Unclaimed Properties During the Survey Process, Journal of Real Estate and Environment Law, Volume 11, Issue 02, 2023, p. 132.

[18] Hassan Abdul Latif Hamdan, "Real Estate Registration Regulations," University Press for Printing and Publishing, no publication year, p. 138.

[19] Memo No. 4300, dated March 10, 2025, The previous reference.

[20] The executive decree No. 63-76, dated March 25, 1976, concerning the establishment of the real estate register, was published in the official journal of the People's Democratic Republic of Algeria, issue number 30 on February 27, 1976. This decree was amended and supplemented by executive decree No. 93-123, dated April 7, 1992, which appeared in the official journal of the People's Democratic Republic of Algeria, issue number 34 on May 19, 1993.

[21] Memo No. 4060, dated April 5, 2018, The previous reference.

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Fourthly: Notes

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