

The Consolidation of Real Property Ownership under Algerian Legislation

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Abstract:

This research is devoted to the problem of the consolidation of real property ownership according to Algerian legal legislation, seen as a legal and economic means of solving the problem of fragmentation and dispersal of immovable property, regardless of whether agricultural or urban real estate, and restructuring them as a coherent unit for their optimal use. This research starts from the theoretical approach to the notion of real property ownership, and the motives underlying the need for its consolidation, moving on to legal instruments of its consolidation, either consensual or contractual, as well as regulatory ones managed by the state. This is followed by an examination of the practical difficulties of implementing these legal instruments in practice, which include the widespread phenomenon of undivided co-ownership (chuyu'), insufficient land registry, and the diversity of legal systems regulating real estate in Algeria.

Keywords: real property ownership; consolidation of ownership; land registration; agricultural land reclamation; land use orientation.

1. INTRODUCTION

Real property ownership occupies a central place in the economic and social policy of any state, given that land constitutes a fundamental pillar for investment and for both agricultural and urban development. Since independence, the Algerian legislator has devoted particular attention to the regulation of real property ownership through a succession of legislative and regulatory texts that have attempted to keep pace with the economic and social transformations experienced by the country from the phase of nationalization and agrarian restructuring, through the phase of economic liberalization enshrined by the Land Orientation Law No. 90-25, up to the current legal framework governed by numerous texts, the most important of which are the Civil

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Code, the Agricultural Orientation Law No. 08-16, and the texts relating to the exploitation of agricultural land belonging to the private domain of the State.¹

Nevertheless, this legislative framework, despite its multiplicity and complexity, has not always succeeded in overcoming a fundamental problem confronting the Algerian real estate landscape: the phenomenon of the fragmentation and dispersion of real property ownership, whether resulting from the application of the rules of Islamic inheritance which, over successive generations, lead to a multiplicity of co-owners on a single plot or resulting from repeated subdivision and partition of agricultural and urban land across generations. This phenomenon has produced small, scattered parcels that are difficult to exploit rationally from an economic standpoint, prompting both the legislator and legal scholarship to search for legal mechanisms capable of addressing this dispersion and reconsolidating real property ownership into coherent units that meet the requirements of modern agricultural and urban investment.²

The importance of the topic of real property consolidation lies in its direct connection to issues of sustainable development, food security, and urban planning, as well as its connection to individuals' rights to private property, which are guaranteed by the Algerian Constitution. On this basis, the central problem of the study may be formulated as follows: to what extent has the Algerian legislator succeeded in establishing an effective legal framework for the consolidation of real property ownership, and what are the main obstacles that prevent this consolidation from being achieved in practice?³

In order to answer this question, we have adopted the descriptive-analytical method in examining the relevant legal texts, supported by the inductive method in identifying practical problems drawn from judicial precedent and administrative practice. This study is divided into three main sections: the first deals with the conceptual framework of real property consolidation; the second presents the legal mechanisms adopted to achieve this consolidation under Algerian law; while the third section is devoted to the main practical problems and the solutions proposed to overcome them.

2. The Conceptual Framework of Real Property Consolidation

Any inquiry into the consolidation of real property ownership must first settle the basic concepts related to it: the definition of real property ownership itself, the meaning

¹See Ordinance No. 66-102 of 6 May 1966 on nationalization, and subsequent agrarian-reform legislation of the 1970s; on the 1990 liberalization, see Law No. 90-25 of 18 November 1990 on land-use orientation (*Journal Officiel de la République Algérienne*, No. 49, 1990).

²On the effects of inheritance-driven fragmentation on farm structure in Algeria, see Bertini, R. and Zouache, A., "Agricultural land issues in the Middle East and North Africa," *American Journal of Economics and Sociology*, vol. 80, no. 2 (2021), pp. 549-583.

³Constitution of the People's Democratic Republic of Algeria (2020 revision), provisions guaranteeing the right to private property.

of land/property consolidation, the reasons and motives that drive recourse to it, and finally its distinction from neighboring legal concepts with which it may be confused

2.1 Defining Real Property Ownership and Consolidation

The Algerian legislator defined ownership in general terms in Article 674 of the Civil Code as the right to enjoy and dispose of things, provided that this right is not exercised in a manner prohibited by laws and regulations. As for real property ownership specifically, the Land Orientation Law No. 90-25 of 18 November 1990 provided that it consists of the right to enjoy and dispose of immovable property or real rights in rem, for the purpose of using such property in accordance with its nature or intended purpose.¹ It follows from this definition that real property ownership confers upon its holder three powers the power of use, the power of exploitation, and the power of disposal, all of which remain subject to the restrictions imposed by law in the public interest.²

As for the concept of land/property consolidation (*le remembrement foncier*), it has not been the subject of a single, comprehensive statutory definition, but has instead been derived from the body of sectorial texts that addressed it in the course of regulating particular sectors, most notably the agricultural sector. Legal scholarship may define the consolidation of real property ownership as the set of legal and technical operations aimed at reorganizing scattered, fragmented, or jointly-owned parcels among several owners into coherent property units in terms of area and location in order to facilitate their optimal economic exploitation, whether through consensual means based on the agreement of the owners, or through regulatory means in which the State intervenes pursuant to its regulatory authority.³ And it is clear that land consolidation rests on a central idea: remedying the structural imbalance resulting from the multiplicity of owners or the dispersion of parcels, through a legal mechanism that restores coherence to the property unit without impairing the substance of the right of ownership itself, but rather by reallocating or reorganizing it in a manner that serves the rational exploitation of the land.

2.2 Reasons and Motives for Resorting to Real Property Consolidation

Several reasons drive both the legislator and landowners to resort to mechanisms for the consolidation of real property ownership; the most prominent of these may be summarized as follows:

- The phenomenon of undivided co-ownership (*chuyu'*) resulting from the rules of Islamic inheritance, which, over successive generations, leads to a multiplication

¹Ordinance No. 75-58 of 26 September 1975 containing the Civil Code, Art. 674; Law No. 90-25 of 18 November 1990 on land-use orientation, Art. 27.

²Civil Code, Arts. 675-682, on the attributes and limits of the right of ownership.

³Compare the French technique of *remembrement rural* under the Code rural et de la pêche maritime, Arts. L.121-1 et seq., from which Algerian doctrine draws by comparison.

of co-owners on a single property, complicating its exploitation or disposal.

- The subdivision of agricultural land into small, economically unviable parcels that do not allow the use of modern mechanized farming methods or the achievement of acceptable agricultural yields.
- The need to achieve coherent urban development within the framework of land-use and urban planning schemes, particularly when consolidating small adjacent plots for the purpose of major housing projects or public facilities.
- The weakness of agricultural productivity resulting from the fragmentation of farm holdings, which has led the State to adopt incentive based policies for the re consolidation of agricultural operations under the Agricultural Orientation Law.
- The facilitation of general land surveying operations and the establishment of the land register, since consolidation eases the process of boundary determination and surveying and reduces the number of disputes relating to boundaries and rights in rem.

It should be noted that these motives are not mutually exclusive; rather, they overlap to form, in their totality, a genuine economic and social impetus toward adopting a clear land policy for the consolidation of real property ownership, especially in light of recent trends toward valorizing real estate as a strategic resource that could serve as an alternative to hydrocarbons.

2.3 Distinguishing Consolidation from Related Concepts

The notion of consolidation of real property may be misunderstood with some other notions that have some affinity with this term; that is why it is important to make the following distinctions:

Consolidation and Partition: The process of partition is a procedure intended to terminate the condition of joint ownership by distributing a separate share of the jointly owned property to each co-owner; therefore, it usually results in splitting one property into several in the exact opposite result than the one expected from consolidation. However, there exist some types of partitions, such as partition by liquidation and exchange between co-owners, which may precede the process of consolidation if one of the co-owners buys out the shares of other co-owners.¹

Consolidation and Land Use Designation: Land-use designation means the purpose or use for which a land is designated based on its character; it is an administrative process, while consolidation is a process which involves organizing the possession or ownership of a land, regardless of its intended use, although it is often followed by the act of designation.²

¹Civil Code, Arts. 720-733, on partition (qisma) of jointly-owned property.

²Law No. 90-25 on land-use orientation, Arts. 2-14, on the classification and designation of land.

Land Consolidation and Registration: While land registration is an act of procedure meant to make known to third parties the rights in rem in relation to a certain property, as well as the transfer thereof, land consolidation is a process by which land titles in rem are established after the completion of a land consolidation process, the outcome of the process is automatically considered to be registered, thus it can be enforced against third parties, and a new land title deed is established.¹ It is likewise true that consolidation, which differs from ordinary convincing not only in the kind but also in the number of the consequences resulting from it, being usually multi party and producing effects erga omnes after registration, explains why the legislator prefers to confide the regulation of such a process, be it in agriculture or in urbanism, to public authorities instead of leaving the matter solely to the discretion of neighboring landowners negotiating privately among themselves.

This leads us to the constitutional aspect of consolidation, because every act that forces an owner to give up, to swap or sell a particular piece of land, even when adequate compensation is proposed in return, necessarily concerns the constitutional guarantee of private property provided for by the Algerian Constitution. The practice of the Algerian constitution and of administration has resolved the contradiction in this case in a way that differentiates consensual consolidation, which is constitutional per se since it is based on the freely given consent of the owner, from compulsory consolidation, which requires in the general interest the same conditions as those of expropriation for public utility: necessity, compensation and judicial control.²

An Empirical Illustration: The Scale of Land Fragmentation

Although this study is primarily doctrinal in character, the practical urgency of the consolidation question is best appreciated in light of the available empirical data on the structure of Algerian agricultural landholding. According to the last general agricultural census, Algeria counted more than one million farms covering roughly 8.4 million hectares, with an average holding size of only 8.3 hectares a figure that itself conceals a much sharper degree of fragmentation at the lower end of the distribution, as the table below illustrates.³

Holding size class	Share of total holdings	Share of total farmland
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¹Ordinance No. 75-74 of 12 November 1975 establishing the general system of land registration (cadastre) and Decree No. 76-63 of 25 March 1976 on land publicity.

²Law No. 91-11 of 27 April 1991 determining the rules relating to expropriation for public utility, Arts. 3-10.

³Arab Land Initiative / Global Land Tool Network, Algeria Land Sector: A Snapshot, based on the 2001 General Agricultural Census (Recensement Général de l'Agriculture).

Holding size class	Share of total holdings	Share of total farmland
Less than 5 ha	52.3%	≈ 10% (smallholders)
5 – 20 ha	31.7%	—
20 – 100 ha	10.6%	—
More than 100 ha	5.0%	—

Table 1 — Distribution of agricultural holdings in Algeria by size class.¹

More than half of all Algerian farms therefore fall below the five-hectare threshold generally regarded as the minimum for viable mechanized cereal farming, while the largest five per cent of holdings – those above 100 hectares – capture a disproportionate share of the productive land. The trend has, moreover, worsened over time: per capita arable land in Algeria fell from approximately 0.56 hectares in 1970 to only 0.19 hectares by 2020, reflecting both demographic growth and the continuing subdivision of holdings through inheritance.²

These figures lend empirical weight to the doctrinal analysis that follows: a legal framework for consolidation that remains scattered across sectorial texts, without a single dedicated procedure, is unlikely by itself to reverse a structural trend of this magnitude, which is precisely why the recommendations advanced in Section Three call for a coordinated, long institutional program rather than an isolated legislative amendment

3. The Legal Mechanisms for Consolidating Real Property Ownership under Algerian Law

The Algerian legislator has relied on two main categories of mechanisms to achieve the consolidation of real property ownership: consensual mechanisms based on the agreement of the parties, derived essentially from the general rules of civil law; and directed regulatory mechanisms, in which the public authority intervenes pursuant to special texts, particularly in the agricultural and urban planning fields.

3.1 Consensual (Contractual) Mechanisms for Consolidation

¹Source: Arab Land Initiative / GLTN, Algeria Land Sector: A Snapshot (data from the 2001 General Agricultural Census); figures for smallholder share of farmland from the same source citing Bertini and Zouache (2021).

²IIETA, "Climate-Resilient Agriculture in Algeria: A Territorial Analysis of Crop Diversification and Water Management Strategies," International Journal of Sustainable Development and Planning, vol. 20, no. 7 (2019 data), noting a decline in per-capita arable land from 0.56 ha (1970) to 0.19 ha (2020).

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These mechanisms are the most common in practice, and consist essentially of the following:

A. The Contract of Sale

The contract of sale is the instrument most commonly used to achieve the consolidation of real property ownership: one co-owner, or a third party, purchases the shares of the remaining co-owners, so that full ownership passes to him after the formal requirements and land-registration procedures prescribed by law for deeds transferring real property ownership have been satisfied, in application of the principle of formalism enshrined by the Civil Code and the implementing texts relating to notarization and land registration¹.

B. The Contract of Exchange

Exchange is widely used in agricultural consolidation operations, whereby owners of scattered parcels exchange their land for other parcels closer to one another, enabling each of them to consolidate his ownership into a single contiguous plot rather than several dispersed parcels, without this requiring the payment of a monetary price, but rather an exchange of one property for another in accordance with the general rules governing the contract of exchange under the Civil Code².

C. Consensual Partition by Liquidation and Assignment of Shares

A co-owner of jointly-held property may assign his share to the remaining co-owners, or to one of them, in exchange for a monetary or in kind consideration. This is a form of partition that, in practice, leads to the consolidation of ownership in the hands of a single co-owner or a smaller number of co-owners, rather than its fragmentation among all of them³.

D. Gifts and Wills Directed toward Consolidation

Some owners resort to gifts or testamentary dispositions in favour of a particular heir or relative, with the aim of preserving the cohesion of real property ownership and preventing its fragmentation among a large number of heirs upon death a preventive measure that forestalls the emergence of undivided co-ownership in the first place⁴.

3.2 Regulatory Mechanisms for Consolidation in the Agricultural Sector

Given the severity of the fragmentation of agricultural land for national production, the Algerian legislator has intervened with direct regulatory mechanisms to encourage the consolidation of agricultural holdings, the most notable of which are:

¹ Civil Code, Arts. 351-354 (formal requirements for deeds transferring real rights) and Arts. 793-801 (sale); Ordinance No. 70-91 of 15 December 1970 organizing the profession of notary.

² Civil Code, Arts. 415-418, on the contract of exchange (al-muqāyaḍa).

³ Civil Code, Art. 722, on partition by allotment (qisma tarāḍī) as opposed to physical division.

⁴ Family Code, Ordinance No. 05-02, Arts. 202-207, on gifts (hiba); Arts. 184-198, on wills (wasiyya).

The Agricultural Concession Regime: Through Law No. 10-03 of 15 August 2010, laying down the conditions and procedures for the exploitation of agricultural land belonging to the private domain of the State, the legislator established the agricultural concession regime as a substitute for the former agricultural exploitation regime (collective and individual agricultural holdings) enshrined by the agrarian reforms of 1987. This law provided that the State shall promote any incentive measure aimed at improving the structure of agricultural holdings through their re-consolidation, in particular through operations for the unification of agricultural land granted to a single operator, thereby enabling the fragmentation inherited from prior regimes to be overcome and the achievement of economically viable agricultural exploitation units.¹

The Agricultural Orientation Law No. 08-16: This law enshrined the principle of the mandatory, effective exploitation of agricultural land, requiring every agricultural operator to exploit his land directly and continuously, which indirectly encourages the consolidation of small holdings incapable of independent economic exploitation into broader operations, in addition to establishing mechanisms for the legal regularization of the agricultural land situation, which pave the way for subsequent consolidation operations.²

The Role of the National Agency for Agricultural Land: This public agency is responsible for managing agricultural land belonging to the private domain of the State and for monitoring concession granting operations and updating the property status of agricultural holdings, including overseeing operations for the re-consolidation of parcels granted to a single operator whenever adjacent lands were previously distributed among several beneficiaries.³ These statutory provisions have been supplemented by a series of implementing decrees and joint ministerial orders addressing more technical aspects of agricultural land management, such as the conditions and time-limits for bringing reclaimed land into conformity with the requirements of the concession regime, and the procedures governing the withdrawal of concessions from operators who fail to meet their obligations of effective exploitation. Taken together, these texts confirm that Algerian agricultural land policy treats consolidation less as an end in itself than as one instrument among several alongside land reclamation, regularization, and the sanctioning of non-exploitation within a broader strategy for improving the productivity of the national agricultural domain.

This instrumental, rather than autonomous, treatment of consolidation helps explain why the relevant rules remain scattered across multiple texts rather than being gathered into a single, self-contained statute devoted specifically to the subject.

¹Law No. 10-03 of 15 August 2010, Arts. 2, 11 and 19; Executive Decree No. 11-71 of 2 February 2011 implementing Law No. 10-03.

²Law No. 08-16 of 3 August 2008, Arts. 44-48.

³Executive Decree No. 87-183 of 25 August 1987 establishing the Office national des terres agricoles (ONTA), as subsequently amended.

3.2.1 Mechanisms for Consolidation in Urban Planning and Land-Use Development

Real property consolidation is not confined to the agricultural sector but extends also to the urban sphere, since the implementation of land subdivisions, large-scale housing projects, and public facilities requires the consolidation of small, adjacent plots into a single property unit suitable for construction in accordance with master plans for land use development and land-occupation plans. This is generally achieved through the mechanism of expropriation for public utility where a consensual agreement with the owners cannot be reached, or through mechanisms of land cooperation between the municipality and the owners concerned within the framework of urban restructuring operations, thereby ensuring the availability of the land bank necessary for the implementation of major development projects.¹

In this urban context, consolidation frequently interacts with the rules governing land subdivisions (*lotissements*), under which a promoter or a public body may be authorized to regroup several adjoining parcels, redesign their internal boundaries in accordance with an approved layout plan, and subsequently reallocate serviced plots to the original owners or to third party acquirers. Such operations raise their own set of legal questions concerning, in particular, the valuation of the original parcels relative to the newly allotted, serviced plots, and the allocation of the costs of servicing (roads, utilities, drainage) among the beneficiaries questions that remain governed by a patchwork of urban planning texts rather than by rules specifically tailored to consolidation as such.²

A further conceptual question concerns the legal characterization of a consolidation operation once completed: does it constitute a new, constitutive act of ownership, or a mere declaratory recognition of preexisting rights reorganized in space? The dominant view in Algerian legal scholarship treats consolidation as a hybrid operation declaratory as to the underlying rights of the owners involved (since it does not, in principle, create new substantive rights out of nothing), but constitutive as to the physical unit produced, since a new cadastral parcel and a new title deed are established for the consolidated property, replacing the former, fragmented titles.³ This distinction matters greatly for the protection of third parties holding real rights (mortgages, usufructs, servitudes) over the original parcels, since such rights must, as a matter of principle, be carried over and reinscribed against the new consolidated title, failing which their holders risk losing the benefit of registration against subsequent acquirers in good faith.⁴

¹Law No. 90-29 of 1 December 1990 on land-use planning and urbanism, Arts. 51-58; Law No. 91-11 on expropriation for public utility.

²Executive Decree No. 91-177 of 28 May 1991 on land subdivisions (*lotissements*).

³See, by analogy, the reasoning applied by the Algerian Supreme Court (*Cour Suprême*) to partition operations, treating partition as declaratory rather than translatory of ownership.

⁴Ordinance No. 75-74 of 12 November 1975, Arts. 14-16, on the opposability of registered real rights.

3.2.3 A Brief Comparative Perspective

A comparative glance at other legal systems confirms that the difficulty Algeria faces is far from unique. French law, from which the Algerian legal tradition largely derives, developed the technique of remembrement rural as early as the mid-twentieth century, entrusting specialized commissions with the compulsory reallocation of scattered agricultural parcels among owners in a given rural area, subject to judicial review of the fairness of the new allotments.¹

Egyptian law likewise experimented with agrarian consolidation schemes following its land reform legislation, primarily to correct the fragmentation produced by both inheritance rules and the earlier redistribution of large estates. What distinguishes the Algerian experience is that consolidation has not been organized around a single, dedicated procedure comparable to French remembrement, but has instead been pursued indirectly through the broader instruments of agricultural concession and land regularization described above.²

This suggests that Algerian law could usefully draw on the French model of a specialized, judicially supervised consolidation procedure – one that treats consolidation as an autonomous legal operation in its own right, rather than as an incidental effect of concession or regularization schemes designed primarily for other purposes. It is also worth noting that comparative practice generally couples any compulsory reallocation scheme with a right of appeal to an independent body – whether judicial or quasi-judicial – through which an owner dissatisfied with the size, location, or quality of the new parcel allotted to him can seek adjustment before the operation becomes final and is entered in the land register. The absence, in current Algerian texts, of a procedure of this kind specifically tailored to consolidation (as opposed to the general remedies available against administrative decisions or expropriation orders) is itself one of the gaps that a future, unified statute on land consolidation would need to fill.³

3.3 Problems in the Consolidation of Real Property Ownership and Proposed Solutions

Even in light of the various legal means which exist to facilitate the consolidation of real estate ownership under Algerian law, the implementation of such means faces certain legal obstacles which hinder the accomplishment of its purpose, but prior to delving into the details of the legal obstacles, it should be pointed out how costly their aggregate effect is economically and socially speaking. Various studies conducted by the competent agricultural authorities show that the small size of the farms in Algeria

¹French Code rural et de la pêche maritime, Arts. L.121-1 to L.123-35, on remembrement rural.

²Egyptian Law No. 178 of 1952 on agrarian reform, as subsequently amended; on land fragmentation generally in the region, see El-Ayachi, Bouramdane and Tine (2018), cited above.

³Compare French Code rural, Art. L.123-4, establishing the commission communale d'aménagement foncier with a right of appeal to the commission départementale.

has caused low mechanization rates, increased cost of production per hectare and lack of agricultural loans because banks are usually hesitant to grant a loan to a share in a property without any precise delimitation of its area. In the urban sphere, the fragmentation and lack of clear demarcation of the lots prolongs the process of granting of construction permits and also affects the financing of the housing programs as investors need clear title in order to invest. Fragmentation thus poses not only technical difficulties but acts as a structural hindrance to agriculture and financing of the housing projects as well.¹

A. The Problem of Undivided Co-Ownership and the Multiplicity of Heirs

The issue of undivided co-ownership arising out of the application of the rules of Islamic inheritance is the most crucial impediment to the policy of consolidation of immovable property in Algeria as the successive generation without resorting to division and sale causes an increase in the number of co-owners of one property to a great extent, thus making it very difficult to get the consent of all the co-owners for the purpose of making any transfer or partition of the property especially when minors, unknown, or absent heirs are concerned.²

B. The Weakness of the General Land Survey and Registration System

The absence of a comprehensive, up to date general survey covering the whole of the national territory constitutes a fundamental obstacle to any consolidation operation, since the failure to precisely determine the boundaries of parcels and the incomplete establishment of the land register in many areas make it difficult to accurately identify the true owners and the extent of their shares. This generally necessitates recourse to the land verification procedure established by Law No. 07-02, which provides for the establishment of a procedure for the ascertainment of real property rights and the issuance of title deeds through land verification, before any subsequent consolidation operation may be undertaken.³

C. The Multiplicity of Property Regimes and Conflicts of Jurisdiction

The Algerian land regime is characterized by a multiplicity of classifications of real property ownership, distinguishing between public State property, private State property, private individual property, and waqf (endowment) property; each of these categories is subject to a distinct legal regime governing disposal, exploitation, and transfer. This complicates any attempt to consolidate parcels belonging to different legal regimes and requires coordination among several administrative authorities (the State

¹GFRAS, "Algeria" (World Wide Extension Study), noting that about 70% of Algerian farms range between 0.1 and nearly 10 hectares.

²Civil Code, Arts. 713-719, on the rules governing acts of disposition over jointly-owned property, which in principle require unanimous consent.

³Law No. 07-02 of 27 February 2007, Arts. 2-9; Executive Decree No. 08-147 of 21 May 2008 implementing Law No. 07-02.

property directorate, the agricultural directorate, the land registry services, local authorities, etc.) before any consolidation operation can be completed.¹

D. The Contribution and Limits of Judicial Practice

Algerian courts have, over time, been called upon to resolve disputes arising incidentally from attempts at consolidation, most frequently in the context of actions for the partition of jointly owned property in which one co-owner seeks instead to have the property allotted to him in its entirety against payment of compensation to the others (a mechanism sometimes described as partition by allotment rather than by physical division), precisely because physical division would defeat the very economic rationale of consolidation by recreating uneconomically small plots.²

Judicial practice has generally shown a willingness to favor allotment to a single co-owner, or sale by auction followed by distribution of the proceeds, whenever physical partition would materially diminish the value or usability of the property an approach that indirectly serves the policy goal of consolidation even though the courts are not, strictly speaking, applying a dedicated 'consolidation' doctrine as such. At the same time, the absence of a specialized consolidation procedure means that courts remain confined to the general civil law tools available to them (partition, sale, expropriation), without a comprehensive mandate to reorganize entire zones of scattered landholding on their own initiative. This structural limitation reinforces the case, made above, for a unified statutory framework that would allow administrative and judicial authorities to intervene proactively rather than merely reactively, dispute by dispute in areas where fragmentation has reached a level that threatens agricultural productivity or orderly urban development.

Proposed Solutions

- Accelerating the completion of the general land survey and generalizing the land-verification procedure across the entire national territory, so as to provide a reliable property database that facilitates consolidation operations.³
- Encouraging recourse to consensual partition or amicable liquidation among heirs before situations of undivided co-ownership becomes entrenched, through tax incentives or administrative facilitation.⁴

¹Law No. 90-30 of 1 December 1990 on national property (Domaine national), Arts. 9-20, distinguishing public and private State domain; Law No. 91-10 of 27 April 1991 on waqf property.

²Civil Code, Art. 722(2), empowering the court to order sale by auction, or allotment to a single co-owner, where physical division would substantially impair the value of the property.

³Law No. 07-02 of 27 February 2007, on the generalization of land verification.

⁴Compare tax-incentive mechanisms for early partition suggested in comparative Maghrebi legislation, e.g., Moroccan Law No. 39-08 (Code des droits réels).

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- Unifying the administrative authority responsible for overseeing land-consolidation operations (a single window system) in order to avoid a multiplicity of intervening bodies and to accelerate procedures.
- Developing collective contractual mechanisms (such as agricultural cooperatives) that allow smallholders to consolidate the exploitation of their land without relinquishing individual ownership.¹
- Reviewing the scattered legal texts relating to land consolidation and unifying them into a single, comprehensive statute clarifying the applicable procedures and their legal effects.

None of these measures, taken in isolation, would be sufficient to resolve the structural fragmentation of Algerian real property. Completing the general survey without also streamlining the administrative procedure for consolidation would simply produce a more accurate map of an unchanged problem; conversely, creating new consolidation procedures without first securing reliable boundary and ownership data would expose any reallocation exercise to an unacceptable risk of subsequent litigation. The measures proposed above are therefore best understood as complementary components of a single, coordinated reform program, to be sequenced deliberately beginning with the survey and verification of land data, followed by the unification of the legal framework, and culminating in incentive programs to encourage voluntary consolidation among owners.

4- Conclusion

This research has shown that the consolidation of ownership of real property represents an urgent economic and social need under Algerian law, given the fragmentation and dispersion of the country's land system, which is mainly due to Islamic inheritance laws and successive subdivisions over generations. Also, the Algerian legislator did not devote any single statute to regulate the issue of land consolidation in the country, but rather treated this issue in a dispersed and sectoral way within the Civil Code, the Law of Land Orientation, the Law of Agricultural Orientation, and the documents regarding the exploitation of the agricultural lands in the private domain of the State.

The study has also proven that the consensual methods relying on the consensus between the owners, like sale, exchange, and the attribution of shares, represent a limited method of consolidation in light of the widespread nature of joint ownership and multiple heirs. In contrast, the regulatory methods of consolidation by the State become more effective in the presence of true political willingness and an efficient administration. Accordingly, giving effect to a comprehensive national land policy for the consolidation of real property ownership requires, first, the completion of the

¹Law No. 90-31 of 4 December 1990 on associations, applicable by extension to agricultural cooperative structures.

general land survey and the regularization of the property situation; second, the unification of the legal framework governing consolidation operations; and third, the encouragement of consensual solutions among owners through incentive based and streamlined legal mechanisms thereby ultimately ensuring rational land exploitation that serves the objectives of sustainable agricultural and urban development in Algeria.

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