

Settlement of Unclaimed Real Estate during the General Land Survey Operations under the Finance Laws of 2015, 2018 and 2025

Brahim GHERBI^{*1}, BEN AISSA zaid²

¹University Center of El Bayadah (Algeria), b.gherbi@cu.elbayadh.dz

²University Center of El Bayadah (Algeria), zaidbenaissa77@gmail.com

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Abstract:

The study explores legal frameworks for resolving the status of unclaimed real estate during land survey operations under Ordinance No. 75/74 and its implementing decrees. It traces the evolution of Article 23 bis through the Finance Laws of 2015, 2018, and 2025, noting the transition from definitive registration in favor of the State to a fifteen-year provisional system. Attention is given to administrative mechanisms designed to handle claims, emphasizing the reforms introduced by the 2025 Finance Law. This legislation unified the settlement period at fifteen years, expanded eligibility to holders of registered and unregistered deeds as well as possessors, and reopened previously rejected cases. The analysis demonstrates how these measures reinforce administrative settlement as a preferred alternative to judicial litigation, aiming to broaden access to property regularization and reduce reliance on courts.

Keywords: Real Estate Registration; Deeds; Account of Unclaimed Real Estate; Administrative Settlement; Land Registrar.

1. INTRODUCTION

The cadastral survey in Algeria constitutes one of the most important legal and regulatory mechanisms aimed at regulating real estate ownership and defining the rights attached thereto. For this purpose, the Algerian State mobilized material and human resources, together with a comprehensive legal arsenal, to undertake the survey across the entire national territory. Accordingly, Ordinance No. 75/74 of 12 April 1975 was issued concerning the general land survey and the establishment of the land registry, followed by two implementing decrees: Decree No. 76/62 of 25 March 1976 on land surveying, as amended and supplemented, and Decree No. 76/63 of 25 March 1976, as amended and supplemented by Decrees No. 80/210 and No. 93/123. These instruments

^{*} Corresponding author

aim to determine the material and legal character of real estate holdings, thereby providing a reference framework for the establishment of the land registry.

Despite these efforts, survey operations and field inspections revealed real estate holdings without owners, or with owners who were unknown or absent at the time of the survey teams' presence. In some cases, this resulted from the lack of diligence and responsibility on the part of survey teams, such as failing to leave notices of passage for concerned parties to attend the field operations. Consequently, survey teams resorted to recording such holdings in an account formerly known, prior to 2015, as the "unknown account," later designated as the "account of unclaimed real estate" during survey operations. This continues to raise profound legal issues, particularly when disputes are brought before the administrative courts to review rights arising from definitive registration, which entails the issuance of a land title following the judicial ruling. When the true owner of the property subsequently appears and seeks recovery before the administrative judiciary, the court issues a judgment of inadmissibility on the basis that the administrative court cannot review its own final judgments.

Accordingly, the significance of the subject emerges through examining the innovations introduced by the Algerian legislator in the Finance Laws of 2015, 2018, and 2025, aimed at administratively settling the status of unclaimed real estate during survey operations prior to resorting to the judiciary. The central problem of this study is encapsulated in the following question: What are the legal mechanisms adopted by the Algerian legislator to settle the status of real estate not claimed by its owners or possessors during survey operations? To address this issue, we relied on the analytical and comparative method by analyzing and comparing Article 23 bis, introduced under Article 67 of the Finance Law of 2015 and subsequently amended by Articles 89 and 166 of the Finance Laws of 2018 and 2025, respectively. On this basis, the study is divided into the following sections:

First Section: Settlement under Law No. 14-10 concerning the Finance Law of 2015

Second Section: Settlement under Law No. 17-11 concerning the Finance Law of 2018

Third Section: Settlement under Law No. 24-08 concerning the Finance Law of 2025

First Section: Settlement under Law No. 14-10 concerning the Finance Law of 2015:

The registration of real estate during survey operations in the account of unclaimed real estate (formerly known as the “unknown account”) produced complex legal situations, prompting the Algerian legislator to intervene through Law No. 14-10, containing the Finance Law of 2015¹. Article 67 thereof introduced Article 23 bis into Ordinance No. 75-74 concerning the general land survey and the establishment of the land registry². Its text provides as follows: *“Every unclaimed property during survey operations shall be definitively registered in the name of the State. In the event of a justified objection supported by a lawful deed of ownership, the Land Registrar shall be competent, within fifteen (15) years from the date of filing the survey documents with the land registry, to proceed, in the absence of any dispute, and after an investigation conducted by the State Property Services and the usual verification, and based on the opinion of a committee composed of representatives of:*

- *The Directorate of Land Conservation (formerly the Directorate of Survey and Land Conservation);*
- *The Land Registry;*
- *State Property;*
- *Land Survey;*
- *Agriculture and Religious Affairs and Endowments;*
- *The Municipality, to register the claimed property in the name of its owner.”*

Accordingly, this section will address two sub-topics: the first will examine the innovations introduced by Article 23 bis within Ordinance No. 75-74, while the second will analyze the shortcomings inherent in Article 23 bis of Ordinance No. 75-74.

First Requirement: Developments of Article 23 bis under Ordinance No. 75/74

By examining the text of Article 23 bis included in Ordinance No. 75/74 concerning the general land survey and the establishment of the land registry, the following points become clear:

- The expression *“real estate registered in the account of the unknown”* was replaced with *“real estate unclaimed during the survey process.”*
- Unclaimed real estate during the survey process is definitively registered in the name of the State instead of provisionally for two years, with the possibility of

¹ Law No. 14/10 dated 30 December 2014 concerning the Finance Law for 2015, *Official Gazette* No.78 dated 31 December 2014.

² Ordinance No. 75/74 dated 12 November 1975 concerning the General Land Survey and the Establishment of the Land Registry, amended and supplemented by Law No. 14/10 concerning the Finance Law for 2015.

reviewing the rights resulting from this registration within fifteen years, calculated from the date of filing the survey documents with the land registry, before the Land Registrar, when an objection is submitted by a person holding a legal ownership deed.

- Representatives of certain administrations were included, such as the Department of Agriculture and the Department of Religious Affairs and Endowments, whereas previously the Land Registrar only contacted the Department of State Property and the Land Survey. The purpose of this addition is to protect real estate from violations, particularly agricultural and waqf real estate¹.
- The scope of application of Article 23 bis is limited to the settlement of requests supported by legal ownership deeds only.
- The settlement request is submitted by the claimant to the Land Registrar, who registers the claimed real estate in the name of its owner if no dispute exists, after investigations carried out by the State Property Department of the relevant province, and after consultation with the following authorities:
 - o State Property Department
 - o Land Survey Department
 - o Directorate of Survey and Land Conservation
 - o Land Registry
 - o Department of Agriculture and Religious Affairs and Endowments
 - o The municipality in which the claimed real estate is located

Second Requirement: Shortcomings of Article 23 bis under Ordinance No. 75-74

The weaknesses inherent in Article 23 bis of Ordinance No. 75-74 are as follows:

The substitution of the term “*real estate registered in the unknown account*” with “*unclaimed real estate during survey operations*” is of no substantive effect, since the decisive rule remains unchanged²: the real estate is definitively registered in the name of the State, whether after the expiry of the provisional registration period or directly upon the passage of the survey team.

The definitive registration of real estate in the name of the State immediately upon survey implies that ownership is transferred to the State. Through such

¹ Djamila Jebbar, *Problems of Purifying Private Real Estate Ownership Registered in the Account of the Unknown and Its Impact on Economic Development*, *Journal of Studies and Research*, Vol.11, No.02, June 2019, P.651.

² *Ibid.*, P.651.

registration, the State is issued a land title, which is the sole instrument evidencing ownership in surveyed areas. This provision conflicts with Law No. 90-30 of 1 December 1990, as amended by Law No. 08-14 of 20 July 2008 on State Real Estate, and with Executive Decree No. 12-427 of 9 December 2012, which regulates the management of public and private real estate belonging to the State.

The incorporation of vacant real estate without owners, without heirs, or in cases where heirs renounce their shares in favor of the State, must follow the legal procedures prescribed in Articles 51–53 of Law No. 90-30 and Articles 173–182 of Decree No. 12-427. These procedures vary depending on the circumstances, such as the absence of an owner or heir, the renunciation of inheritance rights, or the situation of a missing or absent owner, each requiring specific legal measures¹.

Thus, the State acquires vacant real estate according to prescribed legal procedures, not by acquisitive prescription under general rules.

Article 23 bis conflicts with Article 16 of Decree No. 76-63, which stipulates that rights arising from definitive registration may only be reviewed by the competent judiciary. By contrast, Article 23 bis authorizes the Land Registrar, within fifteen years from the filing of survey documents, to reconsider definitive registration granted to the State. In practice, however, it is not possible to contest the State's ownership of real estate already incorporated into its assets².

Article 23 bis restricts admissible objections to those supported by lawful ownership deeds. Yet many holders of such real estate may lack formal deeds but possess them through lawful possession, fulfilling the legal requirements of duration, continuity, peacefulness, publicity, clarity, and absence of ambiguity.

Although Article 23 bis remedied the deficiency in the composition of the survey committee by involving additional administrative bodies in addressing real estate recorded in the unknown account, it failed to amend Article 7 of Decree No. 76-62 on land surveying to include a representative of the Waqf Administration, thereby leaving waqf real estate vulnerable to violations³.

Overall, the provisions of Article 23 bis under Ordinance No. 75-74 have demonstrated limited practical effectiveness. They conflict with the legal framework established by Decree No. 76-63 on the land registry, the Civil Code, Law No. 90-30 on State Real Estate, and Executive Decree No. 12-427. As a result, they do not provide realistic solutions to the problems posed by surveyed real estate registered in the account of unclaimed real estate, leading rights holders to turn to the judiciary as an

¹ Hadjer Sma'ine, *Settlement of Registered Real Estate in the Account of the Unknown*, *Journal of Scientific Research in Environmental Legislation*, Vol.3, No.01, June 2015, P.107.

² Othmane Houidek, *Problems of Surveyed and Registered Real Estate in the Account of the Unknown and Methods of Settlement*, *Journal of Legal and Political Sciences*, Vol.9, No.02, June 2018, P.762.

³ *Ibid.*, P.762.

alternative to administrative settlement in order to recover their rights lost through the survey process.

Second Section: Settlement under Law No. 17-11 concerning the Finance Law of 2018

Given the shortcomings in the application of Article 23 bis introduced by the Finance Law of 2015, particularly the contradictions it contained and its lack of effectiveness in providing realistic solutions for real estate registered in the unknown account during survey operations, the legislator amended Article 23 bis through Article 89 of Law No. 17-11. The text reads as follows:

“Every private real estate not claimed during land survey operations, and whose owner or possessor could not be identified by the survey services, shall be recorded in an account called ‘account of unclaimed real estate during land survey operations’ and shall be provisionally registered for fifteen (15) years from the date of filing the survey documents with the land registry. In the event of a claim based on a registered deed of ownership within the aforementioned period, the Land Registrar, in the absence of pending judicial proceedings, and after the usual investigations and inquiries with the State Property Services and the Land Survey Department, shall definitively register the claimed real estate in the name of its owner. In the event of a claim based on an unregistered deed or on possession, in accordance with applicable legislation, within two (2) years from the date of filing the survey documents with the land registry, the Land Registrar, after the usual investigations and inquiries with the State Property Services and the Land Survey Department, shall provisionally register the claimed real estate for two years in the name of the claimant, effective from the date of the request. If the investigation establishes that the claimed real estate belongs to the State or local authorities, the real estate shall be immediately registered definitively in accordance with the results of the investigation. After the expiry of the fifteen (15) year period mentioned above, the real estate shall be definitively registered in the name of the State.”

Through Law No. 17-11 of 27 December 2017, containing the Finance Law of 2018, the Algerian legislator sought to remedy the deficiencies of Article 23 bis introduced by Article 67 of Law No. 14-10 of 2015. Accordingly, the following will be addressed:

First Requirement: The main provisions introduced under Law No. 17-11 concerning the Finance Law of 2018.

Second Requirement: Memorandum No. 4060 issued by the Directorate General of State Property, which details the modalities of settlement based on the provisions of Article 23 bis.

First Requirement: The Main Provisions under Law No. 17-11 concerning the Finance Law of 2018

From the examination of the amended text of Article 23 bis, the following key provisions can be identified:

- Real estate not claimed during survey operations is recorded in the account of unclaimed real estate. This amendment did not introduce novelty, as the same terminology had already been employed in Article 23 bis prior to the amendment.
- The amended Article 23 bis broadened its scope of application. Administrative settlement of claims now covers objections supported by registered ownership deeds, unregistered deeds, and even possession, in accordance with applicable legislation.
- The amended Article 23 bis stipulates that if an objection is lodged against provisional registration for fifteen years in the name of the State, and the objection is accompanied by a registered ownership deed, the Land Registrar must examine the request by verifying the date of receipt of the survey documents, ensuring that the fifteen-year provisional period has not expired¹.
- The Land Registrar is vested with competence to examine requests for settlement of unclaimed real estate during survey operations, whether supported by registered deeds, unregistered deeds, or possession.

Assigning this responsibility to the Land Registrar imposes a heavy burden, as he is already tasked with daily duties such as endorsing contracts, registering deeds, and performing publication formalities. It would have been more appropriate to entrust the Directorate of Land Conservation with this responsibility.

- A new provisional registration of fifteen years in favor of the State was introduced for real estate recorded in the account of unclaimed real estate. This differs from the provisional registrations provided under Articles 13 and 14 of Decree No. 76-63, as amended. It would have been preferable for the legislator to amend Decree No. 76-63 by adding a specific provision for this new type of registration.
- In the case of objections based on unregistered deeds or possession, the Land Registrar examines the request within two years from the date of filing the

¹ Othmane Houidek, *Op. cit.*, P.763.

survey documents with the land registry. This means that holders of unregistered deeds or possessors cannot submit settlement requests after the two-year period has elapsed.

- The amended Article 23 bis obliges the Land Registrar to conduct investigations and inquiries by contacting the State Property Administration and the Land Survey Department. However, other bodies previously included under Article 23 bis were excluded, notably Agriculture and Waqf. The legislator should have emphasized the necessity of consulting these bodies to protect agricultural and waqf real estate from encroachment.

Second Requirement: Mechanisms of Settlement under Memorandum No. 4060 issued by the Directorate General of State Property

Following the promulgation of the Finance Law of 2018 and the revision of Article 23 bis, originally introduced by Article 67 of Law No. 14-10 in Ordinance No. 75-74, the Directorate General of State Property issued memorandum No. 4060 dated 5 April 2018. This memorandum clarified and detailed the provisions of Article 23 bis as amended by Article 89 of Law No. 17-11.

The memorandum was entitled: *“Administrative settlement of real estate registered in the account of unclaimed real estate during land survey operations – Article 89 of the Finance Law of 2018, amending the provisions of Article 23 bis of Ordinance No. 75-74 on the general land survey and the establishment of the land registry.*

Memorandum No. 4060 specified the types of registered deeds supporting claims, as well as unregistered deeds, and also addressed claims based on possession. What is of particular importance is the manner in which settlement requests are handled depending on the type of deed submitted. Two main situations are distinguished:

Firstly – Processing requests supported by registered ownership deeds

In this case, the applicant must file his request with the land registry, accompanied by the following documents: Ownership deed, Identity documents, Inheritance deed, where applicable.

Upon receipt of the request, the Land Registrar undertakes the following steps¹:

- Record the request in a special register, numbered and sealed by the Director of Land Conservation, maintained at the land registry.

¹ Djamila Jebbar, *Op. cit.*, P.652.

- Verify the date of receipt of the survey documents for the section in which the real estate subject to settlement is located, to ensure that the fifteen-year period has not expired.
- Conduct a preliminary examination to determine whether the real estate falls within the scope of Article 23 bis, based on the survey references provided by the claimant.
- Confirm that no lawsuit has been registered, and verify with the Directorate of Land Conservation that no proceedings are pending in which the Land Conservation or State Property Services are parties.
- Examine the deed submitted to ensure that it is registered in the cadastral record and that it represents an existing right. If the deed is registered in another land registry, the Land Registrar must, within eight days of receipt of the settlement request, contact the provincial director, who in turn requests information on the legal status of the real estate from the competent land registry, whether within the same province or from another province.

After the preliminary examination, and in the event that the conditions for settlement are met, the Land Registrar addresses correspondence to¹:

1- The Director of State Property:

The Director of State Property must provide his reply to the Land Registrar within two months from the date of receipt of the request², and the reply must be clear, indicating whether or not rights belonging to the State exist over the real estate subject to the claim, and, where applicable, specifying the reference of the deed establishing the transfer of these rights to the State, or the legal framework under which these rights were incorporated into State property (nationalization under the agrarian revolution, vacant real estate, expropriation for public utility, seizure, etc.).

2- The Director of Land Survey:

Within eight days of receipt of the settlement request, the Land Registrar must correspond with the Director of Land Survey in order to verify the conformity of the designation contained in the contested deed with the ownership unit subject to settlement.

The Land Survey Services, upon being notified, examine the registered deed presented and determine the status of the claimed real estate, ensuring its conformity with the survey plan, relying on the boundaries mentioned in the

¹ Othmane Houidek, *Op. cit.*, P.764.

² *Ibid.*, P.764.

deeds, as well as all elements contained therein, particularly subdivision numbers, old survey plans, and natural boundaries that can serve as fixed markers. The Directorate of Land Survey must provide its response to the Land Registrar within one month of receipt of the correspondence.

In cases where the requests concern part of an ownership unit registered in the account of unclaimed real estate during survey operations, the Land Survey Services must endorse the measurement document prepared by a certified real estate expert, at the initiative and expense of the claimant, and submit it to the Land Registrar within the one-month period, while the remaining part of the ownership unit remains registered in the same account¹.

After all these investigations and inquiries concerning the real estate subject to settlement, if the results establish that the real estate belongs to the claimant, the Land Registrar proceeds with definitive registration in favor of the owner. If the results are negative, the settlement is refused, and the claimant is notified of the reason for refusal, leaving him only the option of pursuing judicial proceedings before the competent courts².

Secondly – Processing requests supported by unregistered ownership deeds

What should be noted is that the amended Article 23 bis stipulated that the processing of files accompanied by unregistered deeds or based on possession falls under the competence of the Land Registrar, whereas Memorandum No. 4060 dated 5 April 2018 provided that the Provincial Director of Land Conservation is responsible for examining such requests. This was correct, as it alleviates the heavy workload of the Land Registrar³. Regarding this type of request, three situations must be distinguished as follows:

1- The applicant holds an official unregistered deed: this concerns the following cases:

- A notarized deed drawn up before the date of entry into force of Ordinance No. 75-74 on the general land survey and the establishment of the land registry.
- A judgment or judicial decision that has acquired the authority of *res judicata*.
- A deed drawn up by court clerks, judicial notaries, or Sharia judges before the promulgation of Ordinance No. 70-91 on the notarial profession.

¹ Othmane Houidek, *Op. cit.*, P.764.

² Mohamed Hireche, *Settlement of Real Estate Registered in the Account of Unclaimed Properties During Survey Operations Between Legal and Regulatory Texts*, *Comparative Legal Studies Journal*, Vol.12, No.01, 2026, P.118.

³ See Memorandum No. 4060 issued by the General Directorate of State Property on 05 April 2018, concerning the settlement of unclaimed real estate during survey operations, pp. 3–5.

2- The applicant holds a private deed that has probative force against third parties: this concerns private instruments that acquired a fixed date before 1 January 1971.

3- The applicant bases his request on possession: in this case, the facts of possession invoked by the applicant must be assessed on the basis of the documents he provides in support of his request for administrative settlement of the real estate subject to the claim. After the Provincial Director of Land Conservation receives the settlement request supported by an unregistered deed, a private deed, or any document showing that the applicant exercises possession over the real estate subject to the claim, he proceeds as follows:

- Record the request in a special register, numbered and sealed by him.
- Notify the Land Registrar within eight days of receipt of the request, providing him with a copy of the deed or document presented by the applicant, as well as copies of his identity documents or a copy of the inheritance certificate, in order to carry out investigations to ensure that the applicant does not hold any registered deed over the real estate subject to the claim, or that the deed or document submitted has not been used to register another ownership unit in his favor. In this respect, the Land Registrar must reply to the Provincial Director of Land Conservation within fifteen days from the date of receipt of the request addressed to him.
- Verify that the two-year period from the date of receipt of the survey documents at the land registry has not expired for the acceptance of the settlement request.
- Verify that the real estate has not been the subject of any registered lawsuit.
- Correspond with the Director of State Property within eight days, after completion of the investigations carried out at the land registry. The Director of State Property must clarify in his reply the legal status of the real estate subject to the claim with respect to the legislation on national property, and his reply must clearly state whether or not rights belonging to the State exist over the real estate subject to the claim. This reply must be communicated to the Director of Land Conservation within two months from the date of receipt of the request addressed to him.

At the same time, the Provincial Director of Land Conservation contacts the Director of Land Survey within eight days of the preliminary investigations at the competent land registry, to verify the conformity of the real estate subject to the claim with the ownership unit subject to settlement. The reply, including designation and boundaries, must be communicated by the Land Survey Services to the Provincial Director of Land Conservation within one month from the date of receipt of the request addressed to them.

After these investigations and inquiries carried out on the real estate subject to the claim, if they establish that ownership or possession exists, the Director of Land Conservation immediately informs the Land Registrar with a request for provisional registration of the claimed real estate in the name of the applicant for a period of two years, starting from the date of filing the settlement request. If, however, the results of the investigation show that the real estate subject to the settlement request belongs to the State or one of its local authorities, the Director of Land Conservation requests the Land Registrar to carry out definitive registration, while informing the Director of State Property or the representative of the concerned local authority for information purposes, and the claimant is notified in writing of the results of the investigation. In this case, the latter retains only the judicial path to claim his rights over the real estate¹.

It should be noted that Memorandum No. 4060 included transitional provisions allowing for the reconsideration of the status of real estate that had been registered in the “unknown” account as applied before 31 December 2014, as well as those whose owners could not be identified and which had been registered in the State account pursuant to Article 67 of Law No. 14-10 on the Finance Law of 2015. These are to be settled under the new provisions as follows:

- For real estate registered in the “unknown” account before 31 December 2014, they will be incorporated into the new account called “account of unclaimed real estate during survey operations” and settled according to the new procedures set out in Article 89 of the Finance Law of 2018. Settlement requests that were previously rejected for substantive reasons cannot be accepted again under the new provisions, whereas requests rejected due to expiry of the acceptance period may be reconsidered under the new rules.
- For real estate registered in the State account pursuant to Article 67 of the Finance Law of 2015, they must be transferred to the account of unclaimed real estate during survey operations, after which their status will be regularized according to the procedures established by Article 89 of the Finance Law of 2018.

It can be observed that Memorandum No. 4060 contained final provisions indicating that the new rules it introduced would apply retroactively. This constitutes a violation of the principle of non-retroactivity of laws, especially since Law No. 17-11 on the Finance Law of 2018 did not contain any provision authorizing retroactive application.

Thus, we reach the finding in this section that the settlement of the status of real estate registered in the account of unclaimed real estate during survey operations is provisionally recorded for fifteen years under Article 23 bis as amended by Article 89 of

¹ See the aforementioned memorandum, pp. 6–7.

the Finance Law of 2018. However, if an objection is lodged against this provisional registration within the specified time limits, and the claimant submits deeds proving ownership of the real estate, whether registered or not, or provides evidence of possession in accordance with applicable legislation, then the request is submitted either to the Land Registrar or the Director of Land Conservation and the Land Survey depending on the deed presented. If the investigations and inquiries yield a positive result, the status is settled by definitive registration in the name of the owner or provisional registration according to the deed submitted by the claimant. If the investigations yield a negative result, the settlement request is rejected, the claimant is notified in writing, and his only recourse to claim the real estate remains before the competent judicial authorities in accordance with Article 16 of Decree No. 76-63 on land registration.

Third Section: Settlement under Law No. 24-08 concerning the Finance Law of 2025

Real estate registered in the account of unclaimed real estate during survey operations was subject to settlement procedures under Article 89 of the Finance Law of 2018, which amended and supplemented Article 23 bis of Ordinance No. 75/74, followed by Memorandum No. 4060 dated 18 May 2018 issued by the Directorate General of State Property.

As for the second situation, relating to real estate registered in the name of the State by mistake, this was addressed without recourse to the judiciary, given the lack of entitlement of the State to the real estate concerned. Instruction No. 910 dated 29 January 2020 provided for the possibility of initiating settlement procedures in favor of persons holding registered deeds only¹.

By applying the provisions of Article 23 bis as amended and supplemented by Article 89 of the Finance Law of 2018, together with Instruction No. 910 mentioned above², it was found that the Land Survey Services, Land Conservation, and State Property Services faced several difficulties that prevented them from handling all situations presented to them, due to the expiry of deadlines for requests concerning the settlement of real estate registered in the account of unclaimed real estate during survey operations and supported by registered possession certificates or deeds with sufficient probative force to establish real estate ownership, such as private instruments drawn up before 1 January 1971 and deeds drawn up by personal status judges³, or based on possession, which had to be processed within two years from the date of filing the

¹ See the aforementioned memorandum, p. 9.

² *Ibid.*, pp. 9–10.

³ Madjid Khelloufi, *Publication of Real Estate Transactions in Algerian Law*, Houma Publishing House, First Edition, 2008, Algiers, P.6.

survey documents with the land registry. For registered deeds, however, the settlement period extended to fifteen years.

These provisions did not allow a wide category of citizens to benefit from administrative settlement, compelling them to resort to the judiciary to obtain land titles for real estate over which they exercised property rights. Therefore, in this section, we will address the provisions contained in Article 166 of Law No. 24-08 (First Requirement), followed by Memorandum No. 4300 issued by the Directorate General of State Property (Second Requirement).

First Requirement: Provisions contained in Article 166 of Law No. 24-08

For the purpose of giving new impetus to the process by addressing all possible cases and settling them administratively, in order to avoid harm that may be caused to holders of real estate rights and to relieve citizens and judicial authorities, it became necessary to reconsider the provisions of Article 23 bis of Ordinance No. 75/74 mentioned above, as well as Instruction No. 4060 dated 18 May 2018 and Memorandum No. 910 dated 29 January 2020¹. In this context, Law No. 24-08 concerning the Finance Law of 2025 was promulgated, and Article 166 thereof amended and supplemented Article 23 bis of Ordinance No. 75/74. New measures were introduced aimed at enabling citizens to benefit from settlement without resorting to judicial authorities, by extending the settlement period to fifteen years from the date of filing the survey documents with the land registry, instead of two years, for persons holding registered possession certificates, deeds with sufficient probative force in establishing real estate ownership recognized by law, registered administrative contracts, or based on possession in accordance with applicable legislation. The scope of settlement was also expanded to include files previously rejected due to expiry of deadlines².

Article 23 bis, as amended by the Finance Law of 2025, precisely defined the cases that may be taken into account when initiating settlement procedures, namely requests supported by the following documents:

- Registered ownership deeds, Registered possession certificates, Ownership deeds with sufficient probative force in establishing real estate ownership, Registered administrative contracts, Possession exercised in accordance with applicable legislation.

¹ Moustapha Boudiaf, *Settlement of Real Estate in the Account of the Unknown and Unclaimed Properties in Algerian Law*, *Journal of Legal Studies*, No. 1, January 2022, P.694.

² *Ibid.*, p. 694.

Second Requirement: Settlement under Memorandum No. 4300 issued by the Directorate General of State Property

After the amendment of Article 23 bis by Article 166 of the Finance Law of 2025, the Directorate General of State Property issued Memorandum No. 4300 dated 10 March 2025. This memorandum aimed to explain the new measures introduced in the amended and supplemented Article 23 bis, clarify their scope of application, and set out the procedures for administrative settlement of real estate unclaimed during land survey operations, as well as real estate mistakenly registered in the name of the State¹.

The memorandum explained that the new text opened settlement to applicants whose requests are supported by registered possession certificates, deeds with probative force in establishing ownership rights, or based on actual possession, which had previously been rejected under the application of Article 89 of the Finance Law of 2018 due to expiry of deadlines limited to two years from the date of filing the survey documents with the land registry. The deadline was thus extended to fifteen years for all cases, including those based on actual possession².

Memorandum No. 4300 clarified the meaning of ownership deeds with sufficient probative force in establishing real estate ownership, which had not been specified in the amended Article 23 bis. Holders of such deeds benefit from provisional registration for four months. These include deeds drawn up by Sharia judges or judicial notaries before the promulgation of Ordinance No. 70-91 on the notarial profession, private instruments with a fixed date and judicial deeds and decisions prepared before the entry into force of Ordinance No. 75-74³.

The memorandum also explained that registered administrative contracts concern deeds drawn up by Presidents of Municipal People's Assemblies involving the transfer of plots of land belonging to municipalities, registered with the Registration Administration without being subject to publication, and carried out under Law No. 74-26 on real estate reserves⁴.

¹ See Memorandum No. 4300, p. 2.

² *Ibid.*, p. 2.

³ Mohamed Hireche, *op. cit.*, p. 128.

⁴ *Ibid.*, p. 128.

Conclusion

The Algerian legislator, through Ordinance No. 75/74 on the general land survey and the establishment of the land registry and its implementing decrees, particularly Decrees No. 76/63 and 76/62 as amended and supplemented, sought to strike a balance between protecting individual rights on the one hand and purifying real estate ownership on the other. However, field reality revealed the existence of properties without owners during survey operations, either due to their absence or due to the negligence of survey teams in informing them and raising awareness of the importance of the survey. These properties were recorded in the “unknown” account, prompting the legislator to intervene through the Finance Laws of 2015, 2018, and 2025 to address this complex situation by establishing legal mechanisms for the administrative settlement of such properties claimed by owners through registered deeds and other instruments, before resorting to the competent judicial authorities.

Based on the foregoing, several conclusions and recommendations can be drawn:

- **Activate awareness efforts:** Intensify information campaigns before the start of survey operations to ensure the presence of owners and possessors and the submission of supporting documents, thereby avoiding the recording of their properties in the account of unclaimed real estate during survey operations.
- **Simplify administrative settlement procedures:** Facilitate the process of reclaiming rights recorded under the account of unclaimed real estate during survey operations and reduce the associated administrative and financial burdens.
- **Comprehensive digitization:** Accelerate the digitization of the Land Survey and Land Conservation Directorate to ensure accuracy of information and ease of retrieval, thereby reducing errors in identifying true owners.
- **Coordination among different authorities:** Strengthen cooperation between municipalities, land survey services, and land conservation authorities to establish accurate nominal lists of property owners.

BIBLIOGRAPHY LIST:

1 Books

- Madjid Khelloufi, *Registration of Real Estate Transactions in Algerian Legislation*, First Edition, Houma Publishing, Algiers, 2008, P.16.

2 Journal Articles

- Moustapha Boudiaf, *Settlement of Real Estate in the Account of the Unknown and Unclaimed Properties in Algerian Law*, *Journal of Legal Studies*, Issue 1, January 2020, P.694.
- Djamila Jebbar, *Problems of Surveyed Properties Registered in the Account of the Unknown and Their Impact on Economic Development*, *Journal of Studies and Research*, Vol.11, No.02, June 2019, P.651.
- Mohamed Hireche, *Settlement of Properties Registered in the Account of Unclaimed Real Estate during Land Survey Operations between Legal and Regulatory Texts*, *Journal of Comparative Legal Studies*, Vol.12, No.01, June 2026, P.128.
- Hadjer Sma'ine, *Settlement of Registered Properties in the Account of the Unknown*, *Journal of Scientific Research in Environmental Legislation*, Vol.3, No.01, June 2015, P.107.
- Othman Houidek, *Problems of Surveyed Properties Registered in the Account of the Unknown and Methods of Settlement*, *Journal of Legal and Political Sciences*, Vol.9, No.02, June 2010, P.762.

3 Ordinances, Laws, and Memoranda

- Ordinance No. 70/91 dated 15 December 1970 concerning the Notarial Profession, repealed by Law No. 88/27, *Official Gazette* No.107 dated 25 December 1970.
- Ordinance No. 74/26 dated 20 February 1974 concerning the Establishment of Real Estate Reserves for Municipalities, *Official Gazette* No.20 dated 12 March 1974.
- Law No. 75/74 dated 26 September 1975, amended and supplemented, concerning the Algerian Civil Code.

- Ordinance No. 75/74 dated 12 November 1975 concerning the General Land Survey and the Establishment of the Land Registry, *Official Gazette* No.92 dated 18 November 1975.
- Law No. 14/10 dated 30 December 2014 concerning the Finance Law of 2015, *Official Gazette* No.78 dated 31 December 2014.
- Law No. 17/11 dated 27 December 2017 concerning the Finance Law of 2018, *Official Gazette* No.76 dated 28 December 2017.
- Memorandum No. 4060 dated 18 April 2018 issued by the Directorate General of State Property concerning the settlement of unclaimed real estate during land survey operations.
- Memorandum No. 4300 dated 25 March 2025 issued by the Directorate General of State Property concerning the status of unclaimed real estate during land survey operations and those mistakenly registered in the name of the State.