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Bodies Responsible for the General Cadastre Process

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ABSTRACT

This study examines the conceptual and organizational framework of the general land survey process and its governing authorities in Algerian legislation, as a fundamental gateway to clearing property titles and establishing the real property registration system pursuant to Order No. 75-74. The research addresses both the doctrinal and legal concepts of the land survey, distinguishing between its main types: the general survey (urban and rural) and the forest survey. It also highlights the administrative and organizational evolution, spanning from the establishment of the National Land Survey Agency in 1989 to its dissolution in 2021, the reintegration of its functions into the central administration and external services of the Ministry of Finance (Directorate General of National Domains), and its subsequent reorganization in 2024. Furthermore, the study reveals the rigorous structural and administrative hierarchy connecting the Central Administration, Regional Directorates, Provincial Directorates, Provincial Survey Committees, and Land Conservation Offices—acting as the direct local services responsible for publishing legal deeds, issuing land certificates, protecting property ownership, and digitizing real estate data.

Keywords: General Land Survey; Land Registry; Land Conservation Office; Directorate General of National Domains; Provincial Survey Committee; Real Estate Registration.

Introduction:

The real estate system constitutes the fundamental pillar of economic and social development in any society, given the pivotal role of real estate in driving investment, establishing financial stability, and protecting real property rights. From this standpoint, the Algerian legislator sought to establish an integrated legal and technical environment that guarantees the settlement of real estate ownership, protects it from disputes, and embodies the concept of 'real estate legal security.' The general land survey (cadastral survey) process serves as the technical tool and mandatory procedural gateway upon which the real property registration system and the establishment of the land registry were built pursuant to Ordinance No. 75-74. To ensure efficiency in performing these field and technical tasks, the administrative and organizational framework supervising land surveying and real estate management has undergone successive developments under the oversight of the Ministry of Finance—extending from the creation of the National Land Survey Agency in 1989 to its dissolution, the re-integration of its functions, and the reorganization of the General Directorate of National Domain along with its centralized and decentralized external services and specialized committees. The importance of this topic lies in shedding light on the conceptual and organizational framework governing the land survey and real estate registration processes, in order to evaluate the balance achieved by Algerian legislation between the technical aspect (cadastral survey) and the legal aspect (real estate preservation and administrative governance). Accordingly, the following central problem is raised: How has the conceptual framework of the general land survey process, alongside the organizational hierarchy of the administrative bodies and committees supervising it, contributed to regulating real estate ownership and achieving legal security in Algeria? To address this problem, a descriptive-analytical approach was adopted by reviewing the governing legislative and regulatory texts. Consequently, the research is divided into two main chapters: - Chapter One: The Conceptual Framework of the General Land Survey Process (Definition and Types) - Chapter Two: The Bodies Responsible for Land Surveying and Real Estate Registration (Administrative Evolution, Organizational Structure, and Specialized Committees)

Chapter One: The Conceptual Framework of the General Land Survey Process

Real estate constitutes the fundamental pillar of economic and social development, as well as an essential element of financial and social stability, which necessitates establishing a legal and technical environment to ensure its protection and stability. In this context, the general land survey process (cadastral survey) serves as the primary tool and principal entry point for clarifying real estate ownership, regulating it, and achieving legal security. In this chapter, we will address the definition of the general land survey process and determine its types.

Section One: Definition of the General Land Survey Process

The real estate survey is considered one of the most vital operations due to its role in preserving property rights, contributing to real estate stability, and fostering national development across various sectors. The terminology used to designate this process varies from one legislature to another. Despite these variations in nomenclature, they converge on a unified concept and aim for a common goal: identifying real estate properties and determining their legal and physical status.

Subsection One: Juristic Definitions

The general land survey has been defined juristically as: 'A technical process undertaken by competent administrative authorities to verify the legal status of various types of real estate properties and the rights arising therefrom.'¹

It has also been defined as: 'A technical and legal process leading to the determination of ownerships and the preparation of cadastral documents illustrating the composition, natural form, and physical structure of real estate, in addition to establishing the right of ownership and other real rights encumbering the property through competent administrative bodies.'²

Furthermore, it is defined as: 'A technical and legal process aimed at identifying and gathering data that allows for the full and clear identification of the property's identity, including its location, boundaries, composition, classification, the owner's name, the legal grounds of ownership, and any rights accruing to or encumbering the property.'³

Despite the multiplicity of juristic definitions for the real estate survey and their variations in phrasing and emphasis, there is no single exhaustive and mutually exclusive definition. Some definitions focus on its technical and engineering nature, while others emphasize its legal objectives and effects. Accordingly, the real estate survey can be defined as a set of legally specified technical and engineering procedures aimed at preparing cadastral plans and documentation for each real estate unit. This allows for the establishment of its physical and legal condition and the collection of vital information concerning it. This data includes full identifying details regarding the property's identity—such as its location, designation, municipal jurisdiction, components, classification, area, and appurtenances—in addition to the owner's name, legal basis of acquisition, and any encumbering rights, whether primary or accessory real rights. Ultimately, this process aims to establish, regulate, and

¹ Amar Boudiaf, Real Estate Survey and Its Legal Issues, Journal of Human and Social Sciences, Faculty of Law, Vol. 3, Issue 1, No. 3, Algeria, 2006, p. 41.

² Fadhila Kernan, Real Estate Investigation in Land Surveying, Doctoral Dissertation, Faculty of Law, University of Blida, 2018/2019, p. 9.

³ Djamila Kessih, Surveying and Parallel Mechanisms for Real Estate Settlement, Journal of Jurisprudence and Law, Issue 25, Kingdom of Morocco, 2014, p. 93.

update the land registry, effectively rendering the real estate survey analogous to a civil status register (vital statistics) for property, by virtue of its role in defining property identity and standardizing its legal and physical parameters

Subsection Two: Statutory Definition

The Algerian legislator defined the general land survey process through the lens of its objectives and purposes. Article 2 of Ordinance No. 75-74, amended and supplemented, which governs the establishment of the general land survey and the land registry, stipulates that the general land survey determines and defines the physical extent of real estate properties and serves as the physical foundation for the land registry.⁴

Article 4 of the same Ordinance further provides that, across the entire national territory, properties shall be demarcated to prepare a cadastral plan and establish the general land survey.⁵

Referring to Article 1 of Decree No. 84-400 of December 24, 1984, amending and supplementing Decree No. 76-62 of March 25, 1976, relating to the preparation of the land survey, it is noted that it elaborates in greater detail, stating that the general land survey process encompasses all real estate properties, during which the following shall be identified:

- The physical structure and nature of the lands, where applicable.
- The pattern of agricultural crops, regarding rural properties.
- The physical structure and nature of land occupancy or allocation, the pattern of plant utilization established thereon, their exploitation, and their description floor by floor, regarding urban properties.
- Apparent owners and apparent holders of real rights, as well as the mode of exploitation.⁶

This operation must be accompanied by the demarcation of public and private properties. Furthermore, boundaries of all types must, as needed, be permanently marked either by stone boundary posts or other marks, in accordance with the instructions of the service responsible for land surveying. Additionally, Article 15 of Decree No. 76-62 provides that the land survey, divided into sections and named localities, provides a graphic representation of the municipal territory in full detail through its subdivision into property units and land parcels. A cadastral section (section) refers to a portion of the municipal territory defined in such a way that it can be transferred onto a sheet of the cadastral plan, preferably bounded by perimeters exhibiting a sufficient degree of permanence. A named locality (lieu-dit) corresponds to a grouping of property units within the same section, commonly designated by a specific name by the local population. From the analysis of the aforementioned legal texts, it becomes evident that the purpose of the general land survey

⁴ Ordinance No. 75-74, governing the establishment of the general land survey and the land registry, amended and supplemented, dated November 12, 1975, Official Journal, No. 92.

⁵ Ibid.

⁶ Decree No. 84-400 of December 24, 1984, amending and supplementing Decree No. 76-62 of March 25, 1976, relating to the preparation of the general land survey, Official Journal, No. 71.

process is to conduct a technical, engineering, and legal operation concerning real estate. It aims to establish the identity of real property through its physical demarcation, field investigation, and verification of related data. This process includes defining sections, property groups, land parcels, and their respective areas, as well as assigning a specific identification to each property by stating its nature, location, named locality, classification (rural or urban), mode of acquisition, and encumbering rights, in addition to identifying apparent owners and holders of real rights. Collectively, these data elements constitute the essential physical and legal basis required to construct the land registry and to regulate information concerning real estate properties and the rights pertaining to them.

Section Two: Types of Real Estate Survey

To understand the types of real estate survey, it is essential first to define the territorial framework within which this process takes place, as the nature of the real estate zone dictates how the survey is conducted, the data to be collected, and the resulting documents and cadastral plans. Through Algerian legislation governing real property, it becomes evident that the surveying process encompasses the general land survey and the forest land survey, within the framework of legal and regulatory texts governing cadastral surveying.

Subsection One: General Land Survey

As previously established, the general land survey operation is executed at the level of each municipality (commune), being the primary territorial unit in which the process is carried out. Considering the nature of real estate properties and their components, a distinction is made within the municipal territory between urban real estate and rural real estate. Article 21 of Decree No. 76-63 of March 25, 1976, amended and supplemented, stipulates that cadastral survey operations shall be conducted at the level of each concerned municipality by order of the territorially competent Wali, dividing the municipality into urban and rural zones based on the type and nature of the real estate.

First: Urban Survey (Cadastral Urbain)

Under the legal and regulatory provisions governing land surveying and the land registry, urban properties are defined as built or unbuilt real estate located within zones that meet the legal criteria to be designated as urban areas. Urban properties are characterized by the fact that their identification and data recording require precise determination of their location and boundaries. They are identified in documents, schedules, and extracts, where applicable, by reference to the street name, building number, and other data allowing for the precise location and differentiation of the property from others. Defining the urban scope is also linked to urban planning and development instruments aimed at regulating land use and

defining fundamental directions for urban growth.⁷

Second: Rural Survey (Cadastral Rural)

Real estate properties that do not qualify as urban fall within the rural domain and are subject to the rural land survey process. Physically, the rural survey involves determining the physical structure of the property, the nature of the land, and the types of agricultural crops cultivated thereon, in addition to identifying apparent owners, holders of real rights, and the mode of land exploitation.⁸

Accordingly, the rural survey aims to regulate various data pertaining to rural property, allowing for the determination of its nature, area, boundaries, pattern of exploitation, ownership, and encumbering rights. Therefore, the distinction between urban and rural surveys does not imply a difference in the fundamental purpose of the survey; rather, it stems primarily from the differing nature of real estate properties and the physical environment in which the operation occurs, while maintaining the common objective of identifying properties and establishing their boundaries, areas, and physical and legal data in preparation for establishing the land registry.

Subsection Two: Forest Land Survey (Cadastral Forestier)

Forest land surveying constitutes the second type of real estate survey, given the distinct nature of forest lands and their importance as a natural resource extending over vast real estate areas. The Algerian legislator has dedicated a specific legal framework to forest domain properties, particularly as they form part of the public national domain pursuant to Law No. 90-30 relating to the National Domain, amended and supplemented.⁹

A forest, in general terms, refers to all lands covered by forest species in the form of forest stands under normal conditions. A forest stand refers to any contiguous parcel of land measuring ten (10) hectares with a forest density estimated at one hundred (100) trees per hectare for arid and semi-arid regions, or three hundred (300) trees per hectare for humid and sub-humid regions, in accordance with the specific regulations governing forest lands.¹⁰

Despite its specificities, the forest land survey does not differ in substance from the general land survey regarding its primary objective of identifying real estate properties and

⁷ Articles 20 and 21 of Decree No. 76-62 relating to the establishment of the land registry, amended and supplemented, dated March 25, 1976, Official Journal, No. 30. [Note: Footnote text references Decree 76-62]

⁸ Article 20 of Decree No. 76-62 relating to the establishment of the land registry, amended and supplemented.

⁹ Law No. 90-30 relating to the National Domain, amended and supplemented, dated December 2, 1990, Official Journal, No. 52.

¹⁰ Articles 3 and 4 of Executive Decree No. 2000-115 specifying the rules for preparing national forest land surveys, dated May 24, 2000, Official Journal, No. 30.

establishing their nature, area, boundaries, and legal status. The distinct nature of forest areas frequently necessitates the assistance of technical authorities specialized in real estate surveying—specifically land survey and real estate preservation services—given their technical expertise and survey instruments in this domain.

Owing to the technical, engineering, and legal competence and expertise accumulated by land survey and real estate preservation services through field practice, cooperation between forestry authorities and land survey/real estate preservation services contributes to ensuring greater precision in conducting forest survey operations. This is achieved by combining field knowledge of forest regions with technical and legal expertise in surveying and plan preparation, thereby facilitating the demarcation of national forest properties, establishing their perimeters, and providing the necessary data for their protection and management in accordance with applicable legal and regulatory rules.

Chapter Two: The Bodies Responsible for the Land Surveying Operation

The land survey and real estate preservation sector in Algeria has experienced significant administrative evolution, transitioning from a traditional system to a modern organization aimed at protecting property ownership and digitizing real estate assets under the authority of the Ministry of Finance. This organizational structure is reflected in an integrated administrative hierarchy starting with the General Directorate (at the central level for planning), followed by the Regional Directorate (for supervision and coordination), the Wilaya Directorate (for technical and legal management locally), and culminating in the Real Estate Conservation Office (la Conservation Foncière) as the direct community service responsible for registering contracts and issuing land titles (land books).

Section One: Administrative Evolution

Initially, the land survey process in Algeria fell within the competence of the Ministry of Finance, being the administrative body tasked with managing the national domain and related operations. However, the organization of the body responsible for land surveying underwent several developments, which can be divided into three main stages.

Subsection One: The Stage of Establishing the National Land Survey Agency (1989–2021)

Within the framework of reorganizing the land survey process and assigning it to a specialized entity, the National Agency for Land Surveying (Agence Nationale du Cadastre - ANC) was established pursuant to Executive Decree No. 89-234 of December 19, 1989

¹¹which was amended by Executive Decree No. 01-110 of May 5, 2001 ¹².

It was a public administrative institution possessing legal personality and financial autonomy, headquartered in Algiers—with the possibility of relocating its seat by executive decree. Its governing bodies comprised a Board of Directors and a Director-General. The Board of Directors was chaired by a representative of the Minister of Finance and included representatives from several central administrations.¹³

The Agency was entrusted with executing the technical operations leading to the preparation of the general land survey through carrying out real estate investigations, boundary demarcation, and topographic measurements (whether by terrestrial methods or aerial photogrammetry) to establish the physical and natural extent of real estate properties. It was also tasked with preparing general cadastral plans, section registers, land survey ledgers, and forming a continuous inventory of national domain properties while ensuring their constant reconciliation. ¹⁴[4] Thus, the Agency became the specialized entity responsible for carrying out technical operations relating to land surveying during this period.

Subsection Two: The Stage of Dissolving the Agency and Re-integrating Land Survey Functions into the Ministry of Finance (As of 2021)

The administrative organization of real estate surveying underwent a new transformation in 2021, as the National Land Survey Agency was dissolved pursuant to Executive Decree No. 21-251 of June 6, 2021¹⁵, with all of its assets, rights, obligations, and personnel being transferred to the Ministry of Finance. Concurrently, Executive Decree No. 21-252 of June 6, 2021, concerning the organization of the central administration of the Ministry of Finance, was promulgated, assigning to the General Directorate of National Domain the competencies related to real estate surveying—specifically carrying out the technical operations leading to the preparation of the general land survey, as well as establishing and maintaining the land registry and preserving cadastral and real estate records.

¹¹ Executive Decree No. 89-234 establishing the National Land Survey Agency, dated December 19, 1989, Official Journal, No. 54.

¹² Executive Decree No. 01-110 amending and supplementing Decree No. 89-234 establishing the National Land Survey Agency, dated May 5, 2001, Official Journal, No. 26.

¹³ Article 11 of Executive Decree No. 89-234, op.cite

¹⁴ Article 3 of Executive Decree No. 89-234, op.cite

¹⁵ Executive Decree No. 21-251 concerning the dissolution of the National Land Survey Agency, dated June 6, 2021, Official Journal, No. 47

Subsection Three: The Stage of Reorganizing the General Directorate of National Domain (2024)

Within the framework of continuing the reform and structural organization of the Ministry of Finance, Executive Decree No. 24-150 of April 30, 2024, was issued, amending and supplementing Executive Decree No. 21-252. This decree reorganized the General Directorate of National Domain to align with the nature of the tasks entrusted to it in the fields of national domain, land surveying, and real estate preservation ¹⁶.

The reorganization strengthened specialized structures in this domain, notably the Directorate of Land Survey Operations and the Directorate of Real Estate Conservation, alongside the remaining structures provided for in the regulation. The Directorate of Land Survey Operations oversees tasks related to survey operations, their follow-up, and the updating of cadastral documents, whereas the Directorate of Real Estate Conservation specializes in duties associated with real estate preservation, public notice (land registration), and the maintenance of real estate records and registries. Accordingly, it becomes evident that the organization of bodies supervising real estate surveying in Algeria transitioned from the initial oversight by the Ministry of Finance, to the establishment of the National Land Survey Agency in 1989, followed by its dissolution and the re-integration of its competencies into the Ministry of Finance in 2021, culminating in the reorganization of the General Directorate of National Domain in 2024.

Section Two: Central Organizational Structure of the General Directorate of National Domain

The General Directorate of National Domain falls within the central administration of the Ministry of Finance and holds a set of competencies related to State property, land surveying, and real estate preservation. Its central organization rests upon two primary divisions: the State Domain Division and the Land Survey and Real Estate Preservation Division. Each division branches into specialized central directorates.

Subsection One: The State Domain Division

This division specializes in matters related to the management and development of State property. At the central level, it comprises:

- The Directorate of State Property Management: Responsible for matters associated with managing State property and following up on related operations.
- The Directorate of State Property Valorization: Responsible for matters associated

¹⁶ Executive Decree No. 24-150 amending and supplementing Executive Decree No. 21-252, dated April 30, 2024, Official Journal, No. 32

with developing and exploiting State property in accordance with applicable legal and regulatory provisions.

These directorates further branch into sub-directorates that undertake more specialized tasks within the scope of each directorate's competence.¹⁷

Subsection Two: The Land Survey and Real Estate Preservation Division

Pursuant to Article 8 of Executive Decree No. 21-252 of June 6, 2021, regarding the organization of the central administration of the Ministry of Finance, the duties of the Land Survey and Real Estate Preservation Division consist of exercising national competencies covering the entire Algerian territory, with the possibility of executing certain tasks at the level of decentralized services, in accordance with applicable regulations. These duties include establishing the strategy for producing, renewing, and correcting the land survey, carrying out technical operations aimed at establishing the general land survey and founding the land registry, as well as executing activities related to real estate registration (land publicity).

This structure aims to unify supervision over the fields of land surveying and real estate preservation, coordinate related competencies, and eliminate jurisdictional overlaps previously existing between the General Directorate of National Domain and the former National Land Survey Agency, thereby contributing to enhanced administrative coordination and improved management efficiency of these services.

At the central level, this division branches into:

– **The Directorate of Land Survey Operations:** Within the limits of the competencies assigned to it under regulatory texts, it oversees the implementation of the strategy related to producing, renewing, and correcting the land survey, tracking its execution operations, updating its documents, ensuring compliance with relevant technical standards, and contributing to determining the property tax and preparing related rolls, in accordance with applicable legal and regulatory provisions.

– **The Directorate of Real Estate Conservation:** Handles tasks associated with real estate preservation—specifically real estate public notice (land registration), real estate registrations/immatriculations, and monitoring the services of the Real Estate Conservation Offices. Each of these two directorates includes sub-directorates representing specialized internal organizational levels operating under the authority of their respective central directorate.

¹⁷ Article 8 of Executive Decree No. 21-252 regarding the organization of the central administration of the Ministry of Finance, op.cite

Accordingly, this constitutes the central organizational hierarchy directly connected to the subject of land surveying and real estate preservation.¹⁸

Section Three: The Regional Directorate of National Domain

The Regional Directorate of National Domain represents an extension of the central administration at the regional level, serving as a strategic link between the General Directorate of National Domain and the Wilaya services within its territorial jurisdiction. It ensures the standardization of work methodologies and the harmonious application of legislative and regulatory provisions. This will be detailed through its definition and a summary of its key functions.

Subsection One: Definition of the Regional Directorate of National Domain

The Regional Directorate of National Domain represents the central administration of the General Directorate of National Domain at the regional level, serving as a connecting bridge between the central administration and the Wilaya Directorates of State Property, as well as the Wilaya Directorates of Land Survey and Real Estate Preservation within its territorial jurisdiction. The relevant decree fixed their total number at twelve (12) regional directorates across the national territory¹⁹, whereas they were previously limited to only four (4) regional directorates.

Their headquarters are located in: Chlef, Biskra, Béchar, Blida, Tamanrasset, Tlemcen, Algiers, Sétif, Annaba, Constantine, Ouargla, and Oran.

Subsection Two: Functions of the Regional Directorate of National Domain

The Regional Directorate represents the central administration at the regional level, carrying out its programs, instructions, and decisions. It monitors compliance with laws and regulations concerning the management of State property, as well as land surveying and real estate preservation operations across the Wilayas within its jurisdiction. Furthermore, it contributes to stimulating, guiding, and coordinating the work of the Wilaya directorates under its territorial authority.

Its duties also include monitoring, evaluating, and supervising the activities of Wilaya directorates in the fields of State property, land surveying, and real estate preservation, alongside inspecting the activity of Wilaya services and compiling related performance reports and balances.

¹⁸ Article 8 of Executive Decree No. 21-252 regarding the organization of the central administration of the Ministry of Finance, op.cite

¹⁹ Article 4 of Executive Decree No. 21-393 specifying the organization of the external services of the General Directorate of National Domain, dated October 18, 2021, Official Journal, No. 80.

Additionally, it tracks the execution of land survey and real estate preservation duties, ensures the standardization of operational procedures in accordance with legal and regulatory texts, prepares statistics and activity balances concerning Wilaya services, and submits them to the hierarchical authority.²⁰

Accordingly, the Regional Directorate forms an organizational link between the central administration and Wilaya services, without constituting part of the central structure of the General Directorate.

Section Four: The Wilaya Directorate of Land Survey and Real Estate Preservation

The Wilaya Directorate of Land Survey and Real Estate Preservation represents the territorial management level responsible for implementing the national real estate administration policy at the Wilaya level. It integrates both technical and legal oversight to safeguard and manage real property.

Subsection One: Statutory Definition of the Wilaya Directorate of Land Survey and Real Estate Preservation

Pursuant to Articles 2, 3, and 12 of Executive Decree No. 21-393 of October 16, 2021, specifying the organization of the external services of the General Directorate of National Domain, the Wilaya Directorate of State Property, Land Survey, and Real Estate Preservation constitutes decentralized external services attached to the General Directorate of National Domain under the Ministry of Finance. Established in each Wilaya, it is tasked—under the authority of the Wilaya Governor (Wali) and the technical supervision of the Regional Directorate—with executing and ensuring the follow-up of operations relating to State property, land surveying, and real estate preservation within its territorial jurisdiction.

Accordingly, it functions as an administrative body at the Wilaya level, responsible for implementing and monitoring competencies associated with land surveying and real estate preservation. It applies instructions and regulations issued by the central authority and competent regional services in this field. Furthermore, it coordinates and monitors the activities of its subordinate services, particularly regarding cadastral operations, real estate preservation and land publicity, litigation management, digitization, and archives, as well as managing the human and material resources necessary to perform its functions.

²⁰ Article 2 of the Interministerial Order defining the competencies and structures of the Regional Directorate of National Domain, dated April 7, 2022, Official Journal, No. 34.

Subsection Two: Functions of the Wilaya Directorate of Land Survey and Real Estate Preservation

The Wilaya Directorate plays a pivotal role in managing the real estate system at the territorial level. Its functions span technical aspects, embodied in land surveying, and legal aspects relating to the protection and consolidation of real estate ownership. Its primary functions and powers are reflected in the following:

First: The Land Survey Service

This service represents the technical and field cornerstone of real estate administration. It is responsible for inventorying real estate properties, consolidating their boundary markers, and updating territorial demarcation lines to prevent boundary disputes.

- The Survey Operations Office: Responsible for planning and directly supervising field survey operations (general, rural, and urban), organizing survey teams, and managing field demarcation and numbering operations.
- The Topographical Operations Office: Specializes in precise engineering operations, including taking topographical measurements, mapping projections, preparing detailed cadastral maps, calculating areas, and incorporating physical changes as they occur.
- The Cadastral Maintenance Office: Handles the continuous processing of survey data, preserves completed cadastral plans and drawings, and continuously updates them whenever structural alterations occur (such as property subdivisions or amalgamations).

Second: The Real Estate Preservation Service

This service constitutes the legal arm of the Directorate, translating the field outputs of survey operations into established legal rights protected through public notice and registration.

- The Real Estate Registration Office: Supervises the public notice and registration of all contracts and transactions transferring ownership or establishing real rights (such as sales, donations, exchanges, mortgages, and easements) to ensure their enforceability against third parties
- The Land Registry Office: Specializes in establishing and maintaining land registries, securing personal and real property card indexes (fichiers immobiliers), and updating them following changes in owner identity or legal status of the property.
- The Card Index, Documentation, and Real Estate Conservation Services Office: Provides logistical and informational support to local Real Estate Conservation

Offices, ensures the regularity of land records, and facilitates public inspection and document extraction (such as real estate certificates and certificates of non-encumbrance/negatives).

- **The Office for Monitoring Real Estate Conservation Activities and Revenue Follow-up:** Conducts internal inspections and periodic audits of the work of Real Estate Conservators (Conservateurs Fonciers), ensuring the collection and assessment of rights, fees, and duties resulting from contract registrations.

Third: The Land Survey and Real Estate Preservation Litigation Service

Tasked with protecting administrative decisions and defending the validity of survey and registration procedures before judicial authorities.

- **The Petitions and Legal Briefs Office:** Conducts legal reviews of lawsuits filed by or against the administration, builds legal defenses, and drafts petitions, responsive briefs, appellate briefs, or actions for annulment.
- **The Judicial Proceedings Follow-up Office:** Tracks the progress of cases before Courts, Judicial Councils, and Administrative Courts, receives final judgments and rulings, and coordinates their execution with relevant technical services.

Fourth: The Digitization, Communication, and Archives Service

Established as a strategic necessity for digital transformation, facilitating public service accessibility for citizens, and safeguarding historical real estate archives.

- **The Office for the Digitization of Land Survey and Real Estate Preservation Activities:** Oversees complete digital transformation, automates cadastral and real estate holdings, and manages digital platforms and fast-access databases to minimize paper transactions.
- **The Orientation and Communication Office:** Serves as the public interface for communicating with citizens, service users, and professionals (such as notaries and real estate experts), handling complaints, guiding users, and providing information.
- **The Archives Office:** Collects, classifies, and preserves documentary archives, map collections, and ancient land records, ensuring their physical security and protection against loss or degradation.

Fifth: The General Resources Service

Manages resources and provides necessary means to ensure continuous operations and administrative management of human and material assets.

- **The Personnel Management Coordination Office :** Manages the administrative

and professional career paths of administrative employees, technicians, and experts, covering recruitment, promotion, training, leave, and disciplinary matters.

- The Resources and Accounting Office: Manages the financial budget of the Wilaya Directorate, equips service branches with technical and logistical equipment, and maintains facilities and infrastructure.²¹

Section Five: The Real Estate Conservation Office (la Conservation Foncière)

The Real Estate Conservation Office represents the practical and direct field level of the land registration system. It serves as the local administrative body interacting directly with citizens to establish their rights and safeguard their property ownership. To understand the role of this entity, we will first address its statutory definition (Subsection One), and subsequently examine its organizational structure and internal sections (Subsection Two).

Subsection One: Statutory Definition of the Real Estate Conservation Office

The Real Estate Conservation Office is a local, community-level administrative service attached to the State Domain and Real Estate Preservation sector. It specializes in executing real estate public notice procedures (land registration) and protecting real property ownership within its territorial jurisdiction. This is achieved through the deposit and registration of documents and contracts transferring or establishing real rights, establishing and updating land registries and card indexes, processing real estate registrations resulting from land survey operations, issuing land titles (livrets fonciers) and real estate certificates, alongside preserving, securing, and digitizing real estate documentary holdings²².

Subsection Two: Organizational Structure of the Real Estate Conservation Office

The Real Estate Conservation Office constitutes the local operational level where a key portion of preservation and real estate registration tasks are executed through specialized sections. These include the Deposit and Accounting Section, the Land Card Index and Research Section, the Real Estate Registration Section, the Land Survey Section, and the Digitization of Real Estate Conservation Activities

²¹ Articles 15 to 22 of the Interministerial Order specifying the internal organization of the external services of the General Directorate of National Domain, dated July 11, 2022, Official Journal of the People's Democratic Republic of Algeria, No. 59, published August 31, 2022.

²² Article 16 of Executive Decree No. 21-393 specifying the organization of the external services of the General Directorate of National Domain, dated October 16, 2021, Official Journal, No. 80.

Section: First: The Deposit and Accounting Section

Serves as the primary interface of the Real Estate Conservation Office, dealing directly with notaries, court clerks, and public administrations.

- Deposit of Contracts: Receives cadastral plans, deeds, and real estate transactions, recording them immediately in the "Daily Deposit Register" (registre du dépôt) to accord the transaction a certified date, legal priority, and precedence.
- Accounting Operations: Calculates and collects statutory fees, duties, and charges levied on land registration operations for the benefit of the Public Treasury.

Second: The Land Card Index and Research Section

Represents the legal and property database of the Conservation Office, relying on the real property card index (a card per real estate unit) and the personal card index (a card per person).

- Updating and Registration: Continuously enters all modifications, mortgages, encumbrances, and easements affecting real estate properties.
- Real Estate Research: Extracts ownership transfer sequences and verifies that properties are free from encumbrances to issue real estate certificates and certificates of non-encumbrance (certificats négatifs) to citizens and judicial authorities.
- Third: The Real Estate Registration Section (قسم الترقيمات العقارية)
- Specializes in translating the field results of land surveys into final ownership titles protected by force of law.
- Processing Registrations: Grants provisional or definitive real estate registrations (immatriculations foncières) based on the nature of the property and its supporting title deeds.
- Issuing Land Titles: Drafts and delivers the Land Title (livret foncier) to the property owner, which constitutes the sole and final title conclusive of all ownership disputes.

Fourth: The Land Survey Section

Ensures continuous linkage between official title documents and cadastral plans prepared by land survey teams.

- Verification and Reconciliation: Reconciles individual parcel boundaries, surface areas, and field cadastral numbers with details stipulated in deposited deeds.
- Graphic Updates: Records any physical modifications to real estate (such as property subdivisions, amalgamations, or takings for public utility) directly onto cadastral maps.²³

²³ Article 25 of the Interministerial Order specifying the internal organization of the external services of the General Directorate of National Domain, dated July 11, 2022, Official Journal, No. 59, published August 31, 2022.

Section Six: The Wilaya Land Cadastre Commission

Upon the opening of the general land survey operation, a Land Survey Commission is established by virtue of a decision issued by the territorially competent Governor. This Commission constitutes an administrative body of a technical and legal nature, playing a pivotal role in settling real estate boundaries and verifying legal statuses related to surveyed properties.

This contributes to drafting accurate cadastre documents and mitigating disputes that may arise regarding boundaries or property rights. The Commission consists of permanent members, with the possibility of co-opting additional members based on the nature of the region and the targeted operation.

Subsection One: Permanent Members

Pursuant to the composition set forth in Article 7 of the aforementioned Decree, the Commission comprises representatives from judicial, administrative, technical, and professional bodies, namely:

- A judge from the court having territorial jurisdiction over the municipality, who serves as President of the Commission.
- The President of the People's Municipal Assembly (APC) or their representative.
- A representative from the local services of the Direct Taxation Directorate.
- A representative from the State Property (Domaines) Services.
- A representative from the Ministry of National Defence.
- A representative from the competent Urban Planning Services²⁴.
- A Notary designated by the competent professional body.
- A Licensed Expert Land Surveyor designated by the competent professional body.
- The territorially competent Land Registrar (Conservateur Foncier) or their representative.
- The local official of the National Land Cadastre Agency (Agence Nationale du Cadastre) or their representative²⁵.

It is worth noting that the diversity of the Commission's members reflects the interdisciplinary nature of the land survey process. It is not limited strictly to the technical aspect of delineating boundaries and surface areas, but extends to legal, fiscal, and administrative aspects, thereby ensuring a comprehensive examination of the real estate

²⁴ Article 7 of Decree No. 76-62 relating to the establishment of the general land cadastre, as amended and supplemented, op. cit.

²⁵ Ibid.

status from all perspectives.

Subsection Two: Additional Members

The composition of the Commission may be reinforced with additional members depending on the nature of the surveyed region. This includes seeking the assistance of a representative from the Culture Directorate when the operation covers protected areas or heritage sites, as well as representatives from the competent services according to the specific nature of the area, in accordance with the relevant regulatory provisions.

Subsection Three: Functions and Operating Procedures of the Commission

The Commission plays an essential role in the general land survey operation, particularly regarding its contribution to defining the administrative boundaries of the municipality as well as property boundaries within its jurisdiction, and examining issues submitted to it in the context of carrying out the survey. The Commission convenes upon the request of the Wilaya official in charge of the land cadastre and by convocation of its President, and detailed minutes of its deliberations are recorded. Furthermore, decisions are made in accordance with the legally established voting rules and quorum, and are executed by virtue of an executive decision issued by the competent Governor²⁶.

Conclusion

In conclusion, through the study of the conceptual framework and organizational structure of the bodies in charge of land surveying and real estate preservation in Algeria, it becomes evident that the Algerian legislator has adopted a comprehensive approach combining technical precision in field demarcation with legal regulation of real rights. This study has derived a set of key findings:

1. The general land survey operation functions as the "civil status of real estate," as it highlights its physical identity and substance, serving as the essential physical and technical foundation for establishing the land registry and consolidating in rem registration (immatriculation réelle).
2. The differentiation among urban, rural, and forestry land surveys complements the system to cover all components of the national territory, thereby ensuring equal protection for both private and public properties.
3. The structural evolution of the services responsible for land surveying and real estate preservation—specifically the administrative dissolution of the National Land Cadastre Agency in 2021 and the reorganization of the central administration and external services of the Ministry of Finance—reflects a serious commitment to unifying decision-making centers, avoiding jurisdictional

²⁶ Articles 8 and 9, *ibid*.

conflicts, and supporting the strategic digitization plan for real estate archives and registries.

4. The Wilaya Land Cadastre Commission represents a legal, technical, and participatory guarantee that brings together all relevant sectors (the Judiciary, Administration, National Defence, Notaries, and Expert Surveyors) to decide on real estate statuses and mitigate field disputes prior to establishing the land registry.

Based on these findings, we formulate the following recommendations:

1. Accelerating the pace of comprehensive digitization by linking all local sections within Real Estate Conservation Offices and Wilaya Directorates through a unified electronic database, thereby reducing processing times for issuing land titles (livrets fonciers).
2. Activating and streamlining the convening of Wilaya Cadastre Commissions to expedite the examination and resolution of objections, thus avoiding delays in final real estate registration procedures.
3. Strengthening human and technical capacities by equipping Wilaya directorates and land survey services with modern topographical equipment and specialized personnel to address and eliminate cadastral backlogs.

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