

Analytical Study on the Legal Framework Governing the Regularization of Unauthorized construction under Executive Decree N. 22-55

دراسة تحليلية للإطار القانوني المنظم لتسوية البناءات غير المرخص بها في ظل
المرسوم التنفيذي رقم 22-55

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abstract:

The resort of individualsto construct buildings without a license or without their conformity tolicenses caused the spreadof the chaotic buildings phenomenon,which prompted the Algerian legislator to intervene in order to find solutions to this negative phenomenonthat affected negatively the aesthetic view of Algerian cities. Therefore, the legislator issued several laws, most notably the law N. 08-15relatedto defining the rules for conforming buildings andcompleting their realization, which faced manydifficulties and did notend the urban chaos.

Finally, he issued the executive decree N. 22-55, defining the conditions for settling non-conforming buildings, as it set the date of August 3rd, 2022as a lastdeadline for filing the settlement files a deadline that was later extended to December 2024, then to December 2025 and finally on December 2026 pursuant to successive Finance Laws,which raises many questions centered about how effective this decree is in the elimination of the inconsistency problem in the urban fabric and the lack of sufficient information that confused the citizen despite the apparent procedural facilities on the one hand and the technical obstacles that he came up with on the other hand.

Keywords: Chaotic construction,Settlement ,Building permit, Certificate of conformity,Buildings conformity.

ملخص:

لجوء الأفراد إلى بناء المباني دون ترخيص أو دون مطابقتها للتراخيص تسبب في انتشار ظاهرة المباني الفوضوية، مما دفع المشرع الجزائري للتدخل من أجل إيجاد حلول لهذه الظاهرة السلبية التي أثرت سلبا على المظهر الجمالي للمدن الجزائرية. لذلك أصدر المشرع عدة قوانين، أبرزها القانون رقم 08-15 المتعلق بتحديد قواعد مطابقة البناءات واستكمال إنجازها، والذي واجه

العديد من الصعوبات ولم ينهي الفوضى العمرانية. أخيراً، أصدر المرسوم التنفيذي رقم 22-55، الذي يحدد شروط تسوية المباني غير المطابقة، حيث حدد تاريخ 3 أغسطس 2022 كآخر موعد لتقديم ملفات التسوية، ثم تم تمديده إلى ديسمبر 2024، ثم ديسمبر 2025، وأخيراً ديسمبر 2026 بموجب قوانين المالية، مما يثير العديد من التساؤلات حول مدى فعالية هذا المرسوم في القضاء على مشكلة عدم التوافق في النسيج الحضري ونقص المعلومات الكافية التي أربكت المواطن رغم التسهيلات الإجرائية الظاهرة من جهة والعقبات التقنية التي ظهرت من جهة أخرى.

الكلمات المفتاحية: البناء الفوضوي، التسوية، رخصة البناء، شهادة المطابقة، مطابقة البناءات.

Introduction :

Increasing spread of chaotic buildings led to functional imbalances within urban neighborhoods, as those buildings were often constructed on real estates without titles, or incomplete, and while constructing them, legislative and organizational texts related to initialization and reconstruction were not considered, not to mention the risks resulted from the buildings' bad localization. This fact forced the Algerian legislator to the necessity of setting initialization and reconstruction rules that aim to adjust the urban expansion process, which is called "the initialization and reconstruction schemes" that are necessary for the realization of balance between the construction sector and different sectors.

Furthermore, and under the large expansion of chaotic and incomplete buildings, the legislator issued the law N. 08-15, related to the rules of buildings conformity and completing of their realization. This law aims to end the cases of incomplete buildings, to realize the constructed buildings' conformity¹, or the ones that are in progress before the issuing of this law, and to determine the conditions of occupying and exploiting these buildings in order to promote the constructed frame that has an aesthetic appearance and that is harmonically initialized.

The initial legislative framework established under Law 08-15 imposed a five-year deadline for resolving non-conforming buildings, introducing a procedural mechanism to regularize such structures. However, practical challenges in implementation, coupled with insufficient timeframes, prompted successive legislative amendments. The 2014 Finance Law² first extended the regularization period by an additional three years. Subsequent extensions were enacted through the 2018 Finance Law³, prolonging the deadline until August 2, 2019, and further through the 2020 Finance Law⁴. These iterative adjustments underscored persistent systemic and temporal inadequacies in addressing non-compliance. Ultimately, the Algerian legislature promulgated Executive Decree No. 22-55 on February 2, 2022, which codified specific

conditions for the regularization of buildings constructed without proper permits⁵. This legislative evolution reflects the state's sustained efforts to mitigate the operational shortcomings of Law 08-15, emphasizing the necessity of examining regularization mechanisms as a critical tool for resolving urban planning irregularities. The topic's significance lies in its alignment with the legislator's objective to institutionalize pragmatic solutions for persistent regulatory gaps, thereby balancing legal compliance with urban development realities.

Attempting to set the urban fabric on a clearly defined road, where legal procedures are respected and legal centers are preserved and settled down, but what is most important is to guarantee a harmonious, integrated and secured urban layout. However, A critical challenge stems from the stringent seven-month regularization window stipulated under the legislative framework, which expired on August 3, 2022. This abbreviated timeline proved untenable due to systemic non-compliance, compounded by resistance and limited awareness among obligated stakeholders. Consequently, the legislature intervened to prolong the regularization period incrementally, first to December 31, 2023, and subsequently to December 31, 2024, 31 December 2025 and finally to 31 December 2026, to accommodate practical exigencies. Therefore, the problematic of this article is: To what extent do the legal mechanisms instituted by Executive Decree No. 22-55 (February 2, 2022) demonstrate functional efficacy in resolving non-compliant or incomplete constructions vis-à-vis building permits? This question underscores the imperative to evaluate whether the procedural frameworks codified by the decree align with on-the-ground urban governance realities, particularly in mitigating persistent regulatory and enforcement gaps.

The following sub questions fall under this problematic:

What are the buildings concerned with the application of the executive decree N. 22-55? What are the procedures that are followed in the settlement process And what are the organs in charge of the execution of settlement and the penalties resulted from violating the provisions of the executive decree N. 22-55?

We will answer this problematic using the descriptive analytical method, through the presentation of legal texts, analyzing them and commenting on their content, ending the study with a conclusion that includes the most important results and suggestions that we find useful.

Section One: The legal organization of the settleable buildings by virtue of the executive decree N. 22-55

Section two: Organs in charge of considering the settlement file and penalties resulting from violating the legal provisions of the decree N. 22-55

Section One: The legal organization of the settleable buildings by virtue of the executive decree N. 22-55

The legislator issued the executive decree N. 22-55, and in order to simplify its provisions and facilitate their understanding, the Minister of Housing, Urbanism and the City issued the Ministerial proclamation N. 01⁶ related to the measures' application of the provisions of the executive decree N. 22-55 that obliges every Wali to notify it to the Presidents of the People's Municipal Assemblies as well as to the Directors of Urbanism, Architecture and construction.

In the following part of this article, we will show the application scope of the executive decree 22-55 (subsection one) and the legal procedures to get the settlement (subsection two).

Subsection one: The application scope of the executive decree N. 22-55:

The clarification of the application scope of the executive decree N. 22-55 requires a knowledge of buildings where it is applied (Paragraph one), then Settleable and unsetttable cases (Paragraph two).

Paragraph one: Buildings where the decree is applied

The limited efficacy of the statutory framework governing unauthorized construction regularization stems from multifaceted determinants, chief among them being: insufficient public awareness of regulatory provisions, non-adherence by citizens to stipulated obligations, and inadequate statutory timelines allocated for regularization procedures⁷. This systemic inefficiency is further compounded by bureaucratic complexities within municipal planning departments, characterized by procedural redundancies, administrative delays, and a significant backlog of unresolved cases. Of particular concern is the statutory paradox permitting the ex post facto regularization of non-compliant structures a provision that fundamentally undermines the legislative intent to curb illicit construction practices.

As an inevitable result, all the real estate transactions were disrupted, including selling, renting, loans, and even some commercial activities that require the conformity license before starting them. In response to these systemic challenges, supplementary regulatory instruments were enacted to refine administrative protocols governing constructive regularization. The subsequent legislative amendments introduced precise eligibility parameters for structures qualifying for remedial legalization. These provisions primarily target two categories of non-conforming edifices: structurally completed constructions exhibiting substantive deviations from authorized building permits, and developments subject to retroactive regularization mechanisms through exceptional conformity certification. The decree also extends to include buildings in progress⁸, which are non-conforming to the building permit that was delivered before the issuing of this decree, which means that they are the subject of granting the modified building permit. That point was stated in the article 03 of the previously mentioned decree, including

buildings that were realized before the issuing of the law 08-15 dated on July 20th, 2008, determining the rules of buildings conformity and the completion of their achievement⁹, which means that the decree's provisions are applied retroactively on them. That will contribute to reduce the burden on Municipalities and districts, and to make the settlement subject to the application of new procedures, which appear as more flexible and less complicated than the ones in force previously. Therefore, the objective of this decree is to settle only the buildings that were constructed legally, to limit chaotic buildings through the settlement of their situation as well as by stopping them and organizing urbanism. In addition to the completion of procedures concerning the settlement of legally constructed buildings within an integral urban style¹⁰. In case of violation, deterrent measures are to be taken if the settlement deadlines and the reconstruction rules were not respected.

It is imperative to verify that the legalization of unauthorized constructions and the regularization of their status are intrinsically contingent upon the proprietary rights pertaining to the underlying land parcel, as well as its compliance with statutory zoning and construction eligibility criteria. This principle derives from the legal doctrine that construction entitlements constitute an inherent component of real property rights. Consequently, regularization petitions shall be deemed inadmissible absent demonstrable proof of either lawful ownership of the land in question, or valid documentary authorization conferring construction rights under applicable planning regulations. Such authorization may include, but is not limited to, certified occupancy permits or statutory land use certificates issued by competent municipal authorities in accordance with urban development legislation.

In this framework, we find the decision issued by the real estate chamber of Supreme Court on October 28th, 1998, where it was stated that: "by referring to the appealed decision, it shows that the Council judges considered that the disputed land is now attributed to the inheritance of the defendants in appeal; by virtue of the deliberation of the People's Municipal Council, and that this deliberation replaces the property contract until the settlement of the situation administratively.

Given that the judicial determination in question lacks formal validation through an executed notarial deed registered with the competent land registry body – a statutory prerequisite for property conveyance under civil law provisions governing real rights – the contested territorial claims advanced by the respondents remain legally inoperative. This juridical vacuum arises from the fundamental principle that proprietary interests in immovable assets cannot be transferred inter partes without strict adherence to the *numerus clausus* of real rights formalization. Consequently, the

respondents' reliance solely on appellate judicial determinations as evidentiary foundation for their possessory claims proves insufficient in se to establish lawful entitlement to the disputed premises. The appellate bench of Annaba Judicial Council contravened this axiomatic legal doctrine through its disposition, thereby committing a substantive violation of mandatory civil law prescriptions pertaining to property rights crystallization. Such judicial ultra vires inherently vitiates the impugned decision, rendering it susceptible to cassation ex officio through extraordinary recourse mechanisms¹¹”.

Paragraph two: Settleable and unsettleable cases

The articles 14, 15, 16 and 17 of the executive decree N. 22-55 dated on February 02nd, 2022 stated the settleable cases (first) and the unsettleable cases (second).

First – Settleable cases:

They are the subject of granting the decision of a modified building permit or a conformity certificate as a settlement for the following buildings:

- All the buildings that are constructed with a permit are settleable, except those that are stated in the article 16 of the law 08-15, which are destined to be demolished at the expense of the violator, after being previewed by qualified agents¹².

- Trespassing on a space owned by the State or the Municipality does not violate the general rules of reconstruction, which means that respecting the set of legal and organizational laws that organize neighborhood and approach buildings, facade openings, floor and size inclusions as well as building and security criteria.

- Additional floors that are not stated in the delivered building permit and that do not violate the general rules of reconstruction as well as the building and security criteria¹³. This latter means that all the rights as well as the legal and technical duties must be respected, for they permit to guarantee the respect of building rules in the field of the project's stability and security against all types of potential risks, especially earthquakes.

- Exceeding the lands' occupation spaces does not violate the general rules of reconstruction, especially neighborhood as well as the building and security criteria¹⁴.

- Trespassing the retreat space inside the property¹⁵.

- Openings on the realized facades, which do not disturb neighborhood with direct confrontation, as long as they are not stated in the delivered building permit¹⁶.

- Additional floors that do not violate the general rules of reconstruction and the building criteria.

In all the mentioned cases, which are settleable, administrative decisions are delivered according to the situation of the building subject to settlement. This decision is either a modified building permit, in the case of

an incomplete building having a building permit, or a conformity certificate as a settlement, in the case of a complete building that do not conform to the building permit.

The preceding analysis substantiates that the statutory framework mandates strict adherence to the regulatory prerequisites governing regularization entitlements, as enshrined within the operative provisions of the enabling legislation. These foundational requirements principally encompass: compliance with urban safety parameters and structural rehabilitation standards; and observance of construction code specifications that collectively form the ex ante evaluative matrix for administrative authorities. This compliance framework serves as the determinative basis for regulatory bodies to undertake categorical assessments of infrastructural non-conformities, subsequently dictating the appropriate remedial juridical measures commensurate with the severity and typology of statutory breaches identified. A critical examination of the regulatory framework reveals a notable omission in compliance enforcement mechanisms specifically, the mandatory adherence to statutorily prescribed construction timelines established through amended development authorizations. Equally imperative is the observance of temporal constraints governing the resolution of encumbrances, the breach of which triggers automatic sanctioning mechanisms under statutory delay penalty provisions. This lacuna in regulatory oversight fundamentally undermines the temporal dimension of urban governance, creating jurisprudential ambiguities in determining actionable breaches of constructive obligations.

That last point was not stated explicitly in the executive decree N. 22-55, while it was confirmed in the Ministerial proclamation N. 01 directed to administration, which confirms that the Ministry of Housing gives great importance to the application of this condition and emphasizes its respect and execution.

Second – Unsettleable cases:

These cases are the subject of demolition, which are:

- Trespassing the external space of others, either by private persons or the public.
- Buildings obstructing or harming the construction of buildings of public benefit and whose transport is impossible.
- Buildings that are constructed on lands designated for easements, where construction is forbidden, which means administrative easements restricting the use of the property right and the land allocation for public benefit, especially the non-building easements. It is divided to the reconstruction easements¹⁷ and the non-building easements related to the heritage protection¹⁸.
- Buildings that are constructed on agricultural and forestry lands.

- Buildings that are constructed by violating the security rules or that disfigure the environment and the public appearance.
- Buildings existing in the protected locations or regions, which are stated in the legislation (touristic expansion areas, archaeological landmarks, the coast, ports, airports and related easements).
- Openings on the achieved facades, which do not disturb the neighborhood with direct confrontation.
- Additional floors that violate the general rules of reconstruction and the building criteria.
- Exceeding the lands' occupation space violates the general rules of reconstruction, especially neighborhood as well as the building and security criteria.

Through the settleable and unsettleable cases stated in the decree, we noticed that the phenomenon of illegitimate buildings is characterized by complication and diversity, which calls for finding solutions in order to settle and treat them through the determination of these buildings and their settlement framework. That requires determining the legal nature of the real estate basis, how it respects the initialization rules and the building criteria, as well as its direction, use, location and the initialization networks' status.

Subsection two – Legal procedures to get the settlement:

Legal procedures must be followed in order to get the settlement, where the person commits to the preparation of the settlement file (Paragraph one) and to the file's deposit and treatment (Paragraph two).

Paragraph one – The file that must be presented by the settlement applicant:

As for the file that should be deposited, we must distinguish between 3 types of buildings because of the necessity of this classification while studying files, especially while determining the value of the building part that is the subject of violation, in addition to the fine amounts¹⁹. These types of buildings are:

1. Buildings related to investment projects and the ones receiving the public, other than housing (such as hotels, trade centers as well as other facilities and clinics).
2. Rural subsidized housing and houses constructed within social units that are subsidized by the State.
3. Individual and collective houses.

Furthermore, the State now aspires to generalize digitization inside every administration in order to reduce the burden on citizens and to fasten procedures. In accordance with that, the request, whose module is stated in the executive decree 22-55, is attached to one copy on an electronic brace. In

addition to a file in 3 copies for individual houses and 5 copies for other projects, clarifying all the other modifications that were realized or that are in process²⁰. Accordingly, the documents included in the file are determined in each case:

First – For buildings in process that do not conform to the delivered building permit:

The following documents are presented:

- A copy of graphic documents and schemes, certified in the delivered building permit.

- Written documents and schemes, in accordance with the provisions of the executive decree N. 15-19 dated on January 25th, 2015, modified and completed. These documents and schemes are elaborated by a certified architect and civil engineer, and they show clearly the parts where modifications were made and the ones in process, accompanied by:

- A memorandum that contains the descriptive and estimative disclosure of the achieved works and the works in process, with the determination of the modified and added part value.
- A report that is clarified by pictures.
- The works' completion deadline is estimated by the architect.

- An expertise report elaborated by a certified civil engineer, in case of making changes on the load-bearing structure of a building.

Finally, this file is completed by an expertise report approved by the National Organization for Technical Construction Control, when the matter is related to buildings receiving the public, to investment projects and to collective houses.

Second – For completed buildings that do not conform to the delivered building permit;

The formal documentation of regulatory non-compliance pertaining to development authorizations necessitates potential initiation of multi-jurisdictional legal proceedings, with the judicial forum (civil litigation, administrative adjudication, or criminal prosecution²¹) being determined *ratione materiae* by the severity of the regulatory breach. Under standard administrative review protocols, the evidentiary baseline requires submission of authenticated technical documentation, including but not limited to:

- A copy of the schemes that are certified in the delivered building permit.

- Written documents and schemes in accordance with the provisions of the executive decree N. 15-19 dated on January 15th, 2015, modified and completed, which show the realized buildings' status²², and which are elaborated by a certified architect and civil engineer, accompanied by:

- A memorandum that contains the descriptive and estimative disclosure of the achieved works, and shows the amount of the modified and added part.
- A report that is clarified by pictures.
- An expertise report elaborated by a certified civil engineer, in case of making changes on the load-bearing structure of a building.

- This file is completed by an expertise report approved by the National Organization for Technical Construction Control, when the matter is related to buildings receiving the public, to investment projects and to collective houses²³.

The legislative framework governing regularization mechanisms has been subject to scholarly critique for establishing a discretionary participation model that fails to incorporate mandatory compliance structures. This regulatory design flaw manifests through the statutory non-mandatoriness of regularization protocols, which places the onus of procedural initiation entirely upon non-state actors. The resultant paradigm of voluntary engagement creates systemic inertia within implementation frameworks, evidenced by suboptimal public participation metrics that undermine the policy's remedial objectives. Such statutory permissiveness contravenes fundamental principles of administrative efficacy enshrined in contemporary regulatory theory, particularly regarding the necessity of prescriptive mandates to ensure equitable access to juridical remedies. Therefore, it would have been preferable if he made the settlement obligatory, and when not claimed, deterrent penalties result. From this point, the effective role that digitization can play in the field of reconstruction shows through the accurate inventory process of buildings that are subject to settlement; via electronic records at different administrations and offices in charge of reconstructions by the determination of the building's type, its property nature, location and time framework. Moreover, the practical reality proved the existence of a tardiness while delivering the building permit or the buildings' conformity certificate to many citizens who deposited their files years ago, because of the longtime of replying to files, and not making decisions considering the files that were deposited at the offices of building and reconstruction, which prevented the completion of some houses. This question caused the dissatisfaction of citizens, whose buildings remained incomplete, with a view that disfigures the urban appearance. As until the end of the year 2021, 780 000 files were treated out of more than 984 000 files within the framework of the buildings' settlement. Furthermore, and according to a resource from the Ministry, it was declared that the number of houses that are subject to settlement is 480 000 houses across the National territory, whose owners commit to start their

settlement procedures. While rejected files were estimated by 80 000 files, and more than 53% of the buildings' settlement files were settled across the country²⁴.

Paragraph two – The file deposit and treatment:

The administrative file pertaining to structural rehabilitation must be formally lodged with the Urban Renewal Bureau of the competent Municipal jurisdiction. Upon verification of documentational compliance with statutory requirements (as stipulated under enabling legislation governing regularization protocols), the declarant shall receive an officially endorsed acknowledgment instrument contemporaneously executed by both the Bureau's authorized signatory and their legally recognized proxy²⁵.

-The Urban Renewal Bureau is statutorily obligated to effectuate interdepartmental transmittal of comprehensive case portfolios to the Municipal authority within a forty-eight hour operational timeframe subsequent to initial submission. This procedural mandate requires concurrent transmission of standardized routing documentation to the Consolidated Regulatory Interface, encompassing detailed chronological protocols governing interagency coordination²⁶.

-Following the registration of the file by the technical secretariat, the president of the specialized one-stop shop shall transmit the file to the chairman of the competent committee for examination within a period not exceeding forty-eight hours. The committee is thereafter required to process the file, including any necessary site inspections, within a maximum timeframe of thirty days from the date of its receipt. Upon completion of the review, the committee shall issue its findings, accompanied by a preparation form duly signed by the committee's president and all of its members, in accordance with the template provided by the specialized one-stop shop²⁷.

-In cases of documentary insufficiency within administrative submissions, the adjudicative authority is statutorily required to issue formal notification of evidentiary supplementation to the petitioner through the competent local governance body. This procedural suspension initiates a thirty calendar day moratorium on adjudicative timelines, with recommencement of proceedings conditional upon receipt of compliant evidentiary submissions via the Municipal Urban Compliance Directorate. Resumption of review protocols necessitates full alignment with statutory evidentiary thresholds governing regularization frameworks.

- The Consolidated Regulatory Interface retains discretionary authority to issue tripartite juridical outcomes pertaining to regularization petitions: affirmative resolution without encumbrance; negative determination with prejudice; or qualified authorization subject to specific performance conditions. Notification of such determinations must be served through

official channels by the competent municipal authority within a statutorily mandated eight (8)-calendar day notification window ab initio from the date of final adjudication. This procedural requirement is enshrined within the operative provisions governing administrative formalism in urban regularization proceedings²⁸.

-Upon approval and subsequent settlement of the prescribed administrative penalty with the Municipal Treasury, the competent authority shall issue either;an amended building permit incorporating requisite modifications, or a conformity certificate effectuating regularization, as stipulated under Decree No. 22-55 and its supplementary annexes.

-Such determination shall be formally communicated to the applicant party through due process within a statutory period not exceeding eight (8) calendar days, calculated ab initio from the date of submitting the official proof of penalty payment to municipal authorities²⁹.

- In case of approval with reservations, and after the committee's preview to restore reservations within deadlines determined by itself, and after the payment of the due fine to the Municipal treasury, a decision including the modified building permit is delivered, or a decision including the conformity certificate, as a settlement, then the decision is notified to the request owner within a maximum deadline of 08 days, counting from the date of the delivery of the fine payment receipt to the Municipality.

In the event of an adverse determination, the aggrieved party retains the right to institute appellate proceedings through prescribed statutory avenues, as authorized under the provisions of amended Executive Decree No. 15-19, modified and completed. However, and in spite of all these long procedures and complicated files that the citizen is committed to prepare and to deposit in order to settle his legal status, he confronts a bigger obstacle, which is bureaucracy practiced by the administration that leads to forbid citizens from getting their legitimate rights, and that encourages partiality, leading to create the lack of trust by the citizen.

- The Ministry of Interior and Local Communities issued the directive N. 18 dated on December 30th, 2020, directed to the Walis in order to eliminate bureaucracy, Competent authorities shall implement comprehensive regulatory measures to mitigate such procedural irregularities within the operational framework governing reconstruction contract application dossiers³⁰, pursuant to the authority vested herein, the Walis are obliged to give strict instructions in order to respect the deadlines included in legal and organizational texts, which are granted to the Municipality within a deadline of 08 days in order to transfer files to the one-stop shops, which possess, in their turn, a deadline of 15 days to decide on the different reconstruction contracts' requests, then to eliminate complaints, and to represent appeals by

the reconstruction contracts' applicants, which leads to give effectiveness to the work of administrative offices.

Section two: Organs in charge of considering the settlement file and penalties resulting from violating the legal provisions of the decree N. 22-55

After the field visit carried out by the committee, and after studying the schemes as well as the delivered building permits, and those deposited in the settlement request, and after considering the request file by all the organs in charge (subsection one), violations are previewed and the fine that must be paid is estimated (subsection two). Method of determining and paying the fine value (subsection three).

Subsection one – Organs in charge of considering the settlement file:

The law has assigned special organs to be in charge of deciding on the settlement deposited files, where we find the committee of the modified building permit requests' treatment or the conformity certificate as a settlement (Paragraph one), the reconstruction office at the Municipality (Paragraph two) and the one-stop shop at the Municipality (Paragraph three).

Paragraph one – The committee of the modified building permit requests' treatment or the conformity certificate as a settlement:

The designated committee is responsible for addressing the appeals related to modified construction permit requests or conformity certificates³¹, and it is referred to as "the settlement committee." This committee is established based on speciality by a decision from either the President of the People's Municipal Council³², via the one-stop shop at the Municipality, or by a decision from the delegate Wali through the one-stop shop at the administrative district, or by the Wali through the one-stop shop of the Wilaya.

First – Its formation:

The committee is established by a resolution of the People's Municipal Council and is responsible for addressing requests³³. The committee's membership may align with that of the one-stop shop. It comprises a representative from the State's rebuilding offices and a president of the Wilaya committee. Furthermore, the president of the reconstruction contracts office may also be designated as a representative, alongside the representative of the reconstruction municipality offices and the representative of Civil Protection, both serving as members.

This committee can also be enlarged to include other representatives if it comes to collective houses or buildings receiving the public, or to investment projects. They are the representatives of: Sonelgaz, Public Works, Water Resources, Industry and Environment.

Second – Its tasks:

The committee is in charge of the following tasks³⁴:

- To give an opinion concerning the building's settlement and the fine's value determination according to the nature of violation.
- To carry out field visits in order to verify and confirm the previously mentioned violations.
- To complete the study card for the files in accordance with the module attached to Executive Decree No. 22-55, duly signed by all committee members.
- To receive all the files delivered to it by the president of the specialized one-stop shop, and to register them in a signed and certified register, which means a paper register, as well as in a digital register.
- To request additional information if applicable, which entails the suspension of deadlines.
- To propose the necessary steps and to compute the penalties based on the nature of the violations documented in accordance with the module appended to the decree.
- To emphasize the respect of deadlines that are determined to treat files within a maximum period of 30 days, counting from the file reception date (procedures).
- The district committee was formerly the specialised entity delineated in Articles thirty-two and forty-seven of Law 08-15.

It is created in districts and appeal committees, which are both legally responsible for deciding on the realization of buildings conformity. As the district committee used previously to send its decisions to the People's Municipal Council that is provincially specialized, and that commits to deliver the building permit as a settlement or the realization completion license or the conformity certificate. The district committee's decisions will not deviate from the following cases: either an approval, or a conditions' restricted approval, or a rejection³⁵.

Paragraph two – The Municipal reconstruction office:

This office is in charge of the following tasks:

- To receive files deposited by the requests' owners.
- To deliver the file deposit receipt in the same day after verifying the necessary documents and information which must adhere to the papers comprising the file³⁶ as stipulated in Article 9 of the presidential decree.
- To register files into a signed and certified register and also into a digital file.
- To send the complete file to the specialized one-stop shop through a transmission schedule signed by the responsible of the office or his representative within the 48 hours following its deposit.

- To prepare draft resolutions according to the two modules attached to the executive decree after the payment of due fines, and to report them to the requests' owners after signing them within a maximum deadline of 8 days counting from the date of delivering the fine payment receipt to the Municipality.
- The Municipal Reconstruction Office should issue the decision, including the conformance certificate, for all types of buildings, signed by the President of the People's Municipal Council.
- To apprise and advise the requestors of all issues pertaining to the prospective settlement process of their properties.
- To ensure the strict respect of deadlines.

Paragraph three– The Municipality's one-stop shop:

The Municipality's one-stop shop is created by virtue of a decision signed by the President of the Province who is regionally specialized³⁷, where the one-stop shop must³⁸, through its technical secretariat³⁹, accomplish the following tasks:

- To receive and to register files⁴⁰ in a register (signed and certified) and in a digital register.
- To deliver a complete file to the president of the committee for treatment within the 48 hours following the file's reception.
- To receive the file that was treated by the committee, accompanied by the preparation card in order to prepare requests in accordance with the previously mentioned executive decree N. 15-19.
- To send its decision to the President of the People's Municipal Council, who reports it to the request owner within a maximum deadline of 8 days counting from its reception date.
- To prepare draft resolutions for the amended building permit or the conformity certificate as a settlement (in accordance with the two modules attached to the executive decree), following the payment of the requisite fine, and to notify the applicant through the Municipality offices after obtaining signatures; within a maximum timeframe of 8 days from the receipt of the fine payment confirmation by the Municipality.
- The Municipal Reconstruction Office makes the choice to include the conformance certificate in all instances (all building kinds), which is signed by the President of the People's Municipal Council, underscoring the imperative adherence to timelines.

Subsection two – Violations and due fines:

These violations are determined and proved by comparing the delivered building permit schemes to the schemes of buildings subject to settlement after the field preview carried out by the committee. In this claim, we will touch on violations related to trespassing space (Paragraph one) and the

violation relation to trespassing openings on unauthorized facades in the delivered building permit (Paragraph two), while (Paragraph three) is related to the violation related to adding floors, and finally the violation related to the transgression of the space of lands' occupation inside the property (Paragraph four).

Paragraph one – Violations related to trespassing space:

These violations can be summarized in what follows:

First – For the violation related to trespassing the undo space inside the property:

This violation is settleable in exchange for paying a fine. This latter is estimated according to the trespassed space and to the number of modified facades.

Second – For the violation related to trespassing the external space of others either public or private:

This infringement is irreparable, as the demolition occurs at the expense of the request owner, encroaching upon the property of others without incurring a penalty.⁴¹.

Paragraph two – For the violation related to trespassing openings on unauthorized facades in the delivered building permit:

It includes what follows:

First – Windows and balconies not disturbing the neighborhood by direct confrontation:

This violation is settleable in exchange of paying a fine, where this latter is lump sum for every facade according to the nature of the building.

Second – Violations related to trespassing and disturbing the neighborhood by direct confrontation:

The settlement is executed through closing openings without paying a fine⁴².

We should note that closing unsettleable openings and demolishing parts of the unsettleable building both constitute reservations, according to the case that must be filed to execute the settlement, which is not included while calculating the fine amount.

Paragraph three– The violation related to adding floors:

It includes the following violations:

First – For adding floors without violating the general rules of reconstruction as well as the building and security criteria:

This violation is settleable in exchange of paying a fine. The latter is assessed based on the additional space, the building's utilisation, and the quantity of altered facades.

Second – For violating general rules of reconstruction especially neighborhood as well as the building and security criteria:

In this instance, no settlement occurs; instead, a demolition is executed at the expense of the requestor, targeting the infringing floors without incurring a penalty⁴³.

Paragraph four – The violation related to the transgression of the space of occupying lands inside the property:

First – For violations not disrupting general rules of reconstruction especially neighborhood and the building and security criteria:

This violation is settleable with the payment of a fine. This latter is estimated according to the added spaces, the use of the building and the number of concerned facades.

Second – For violations disrupting general rules of reconstruction especially neighborhood as well as the building and security criteria:

This infringement is unsettleable; however, a demolition decision is rendered, performed at the expense of the requestor, about the additional offending components without incurring a fine⁴⁴.

We should note that the demolition of the building's unsettleable parts is reserved according to the case that must be informed in order to carry out the settlement process, and it is not included while calculating the fine amount.

Subsection three – Method of determining and paying the fine value:

We will touch on the method of determining the fine value (paragraph one), then on the fine calculation and payment of its (paragraph two).

Paragraph one – Determination of the fine value:

The value of the building section affected by the violation, whether realised or in progress, is assessed based on a rate of 5000.00 DA per square metre for the floor and 10.000 DA as a lump sum value applied on every modified facade, concerning rural houses and social units subsidized by the State. 10.000.00 DA/sqm for the floor and 30.000 DA as a lump sum value applied on a modified facade, concerning collective and individual houses. 15.000.00 DA/sqm for the floor and 50.000 DA as a lump sum value applied on every modified facade for the rest of buildings⁴⁵.

Paragraph two – Calculating the fine and paying its value:

The fine is calculated according to the houses' quality as follows:

-Subsidized rural houses and houses realized within subsidized social units in the South and in high plateaus, which are subsidized by the State: the fine rate is set at 10%, where the square meter value is set at 5.000 DA X the space of the modified or added part (a), while the lump sum value of each facade is set at 5.000 DA X the number of modified facades (b), and the fine is set at 10% of (a) + (b).

-Individual and collective houses: 15%, where the square meter value is set at 10.000 DA X the space of the modified or added part (a), while the lump sum value is calculated as follows: 30.000 DA X the number of modified facades (b), then we calculate 15% from (a) + (b).

-Buildings related to investment projects and buildings receiving the public as well as non-residential equipment: 20%, where the rate is applied on the basis of the square meter value and the lump sum value applied on the facade or on modified facades, such as hotels, trade centers, clinics and other facilities where the square meter value is set at 5000 DA X the space of the added or modified part (a), while the lump sum value of each facade is calculated as follows: 50.000 DA X the number of modified facades (b). Calculating the fine with 20% from (a) + (b) means 20% of the square meter value and the lump sum value of each facade.

The rates are included within a ladder that ranges between 10% and 25% as a max limit, determined by virtue of the law of finance of the year 2022, or it is the rate that was not reached because it did not exceed 20% in order to reduce the fine. Furthermore, the fine is paid at the Municipality treasury, where the payment receipt is delivered, and then a decision is made, including either the modified building permit, if the request subject is to modify the building permit, or a decision including the conformity certificate as a settlement, if the request subject is to get the conformity certificate⁴⁶.

In case of rejecting the request, the law has authorized the request owner to deposit an appeal within the forms determined in the executive decree N. 15-19, modified and completed. Moreover, and within the framework of determining the methods of treating appeals related to reconstruction contracts, appeal committees were created by virtue of the Common Ministerial Decision dated on July 18th, 2022⁴⁷.

The finance Law for 2026⁴⁸ introduced a legislative extension of the deadlines for examining applications concerning the regularization of buildings constructed without a building permit or in violation of the issued permit, setting the new deadline at 31 December 2026. This measure was adopted pursuant to Article 165, which amended Article 94 of Law No. 15-08 of 20 July 2008, governing the rules of building conformity and the completion of construction works.

Article 165 revises the provisions of Article 94 while preserving the continuity of the successive amendments previously introduced thereto prior to the enactment of the Finance Law. In this respect, the legislature provided an updated consolidated version of Article 94, explicitly establishing the immediate executive effect of extending the statutory time limit for the submission and examination of conformity and completion files until 31 December 2026. Notably, this extension does not institute a new legal

mechanism nor does it alter the substantive principle of regularization; rather, it is confined to prolonging the legal timeframe governing the processing of files under Law No. 15-08, with the applicable conditions and procedures remaining fully regulated by the original legislative framework.

Accordingly, the scope of the extension encompasses both owners of non-conforming buildings and the competent administrative authorities, including municipalities, wilayas, urban planning services, and technical control bodies. The extended deadline provides these actors with additional time to fulfil the verification requirements, evidentiary standards, and conformity procedures prescribed by the law, without implying any form of automatic or implicit regularization. In this context, the practical effectiveness of the extension is intrinsically linked to the administrative authorities' capacity to expedite the examination of applications and to issue the corresponding decisions within the newly established timeframe

Conclusion:

We concluded to a set of results, and we preferred to present some suggestions, but first we note the results as follows:

- The legislator took a positive step by the creation of new legal procedures characterized by flexibility and simplicity, in spite of what was in force in the law N. 08-15. In addition to that, the legislator tried through issuing the executive decree N. 22-55 to find effective mechanisms in order to enhance the aesthetic urban character of Algerian cities within an integral secured layout, and to eliminate chaotic buildings within the legal and organizational framework, which allows occupying them and facilitates their exploitation.

- Nevertheless, the legal procedures established by executive decree N. 22-55 lacked significant impact due to insufficient information and the limited legal awareness among citizens, coupled with their procrastination in executing settlement procedures. This hindered the efficiency of resolving outstanding issues and failed to rectify the legal status of settlement applicants, who sought modified building permits or conformity certificates. Accelerating their application process could have been h Establishing the temporal scope of the implementation and enforcement of the new presidential decree provisions is the optimal way to eradicate illicit acts that detract from the visual appeal of Algerian towns.

- The legislator could not ascertain the timeframe for submitting the settlement files, with the final date being August 3, 2022. Moreover, and to realize the necessary efficiency by applied measures, we must work on attracting the biggest number of files subject to settlement through mobilizing all the available media, traditional or digital, and social media; in order to encourage citizens to respond quickly to the settlement of the legal status; either by getting the modified building permit, or the conformity certificate as

a settlement, especially since the legislature extended the deadlines for the second time until 31/12/2023 according to article 67 of the law of finance of the year 2023⁴⁹, which changed Article 94 of Law N. 08-15. We believe that this time frame is too short because there are so many files that have been submitted. The time frame was then extended until December 31, 2024, thanks to Article 121 of the 2024 Finance Law, which changed Article 94 of Law N. 08-15⁵⁰. As on January 1, 2025, Article 166 of the 2025 Financial Law⁵¹, and 2026 Financial Law sets a 15-year window for filing settlement applications. New claims must follow the same timeline, which is based on the date that land survey evidence is officially sent to the Real Estate Registry Authority. Applications with contracts that have been "officially registered" by the Real Estate Registry Authorities will be looked at for approval, but only if the "consistency in land measurements" between the terms of the contract and the surveyed data is met.

- The studies' offices often reject the realization of civil engineering schemes, which are considered as one of the documents that must be included in the settlement file. This matter complicated things, in addition to their high costs and the heavy file, which led to the reluctance of citizens.

- The long period of the files' study and the non-commitment to deadlines stated in the decree.

Therefore, we suggest the following solutions:

- Tight control of the urban field is obligatory through framing the building movement, within an integral and coordinated framework between different organs and offices in charge of studying and making decisions on settlement and conformity files, particularly technical offices focused on rehabilitation inside the Municipality, the rehabilitation Directorate, the architect, and the construction sector on one side, alongside the one-stop shop and the Municipality office on the other side.

- To ensure the involvement of the individuals affected by the settlement and giving it a mandatory character not an optional one, with the necessity to impose financial penalties because of the late payment of the violations' value, with the necessity to find a solution for buildings that were constructed without a license by merging them within the application range of the executive decree N. 22-55.

- It has to be worked on creating committees at the real estate provinces, the Directory of State Properties, the Directory of Lands Survey and the real estate agency, in addition representative from the Municipality properties, it is essential to resolve the real estate status, since the attainment of compliance and its fulfilment cannot occur without clarifying the real estate status.

- The architects' ideas must be excluded due to their exorbitant cost, necessitating the activation of the reconstruction police to effectively deter violators.

- The application deadlines of Executive Decree No. 22-55 should be extended to address the issue of non-compliant buildings and to establish a coherent urban policy that respects legal conditions, prioritises safety, and considers the aesthetic integrity of cities.

¹ - The law N. 08-15 dated on July 20th, 2008, related to the determination of the rules of buildings conformity and the completion of their achievement, Official Journal review 44, dated on 2008.

² - The article 79 of the law N. 13-08, dated on December 30th, 2013, Official Journal review 68, dated on December 31st, 2013.

³ - The article 113 of the law of finance of the year 2018, N. 17-11, dated on December 27th, 2017, Official Journal review 76, published on December 28th, 2017

⁴ - The article 102 of the law of finance of the year 2020, N. 19-14, dated on December 11th, 2019, Official Journal review 81, published on December 30th, 2019

⁵ - The application method of the provision of the executive decree N. 22-55 dated on February 2nd, 2022, determining the conditions of the settlement of buildings that do not conform to the building permit, Official Journal review 09, dated on February 3rd, 2022.

⁶ - The Ministerial proclamation N. 01 issued by the Ministry of Housing, Urbanism and the City, edited on March 13th, 2022, related to the application of the measures and the provisions of the executive decree N. 22-55 dated on 02/02/2022, determining the settlement conditions of the buildings that do not conform to the delivered building permit.

⁷ Aissa Haddad and Widad Atoui, Settlement of the chaotic building under the law N. 08-15, the Research Professor magazine of legal and political studies, vol 05, review 02, 2020, p. 116.

⁸ - Aissa Haddad and Widad Atoui, Settlement of the chaotic building under the law N. 08-15, the Research Professor magazine of legal and political studies, vol 05, review 02, 2020, p. 116.

⁹ - Awatef Mohyeddine, Illegal buildings' problematic : procedures of confrontation and settlement under the law 08-15, the Algerian general and comparative law magazine, vol 06, review 02, December 2020, p. 90.

¹⁰-The article 35 of the previously mentioned law N. 08-15

¹¹ - Decision N. 360-182 issued on 28/10/1998, the Judicial Magazine of the year 1999, first review, p. 83.

¹² - The article 76 bis 4 of the law N. 90-29 related to initialization and reconstruction

¹³ - The article 16 of the previously mentioned executive decree N. 22-55.

¹⁴ - The article 17 of the previously mentioned executive decree N. 22-55.

¹⁵ - The article 14 of the previously mentioned executive decree N. 22-55.

¹⁶ - The article 15 of the previously mentioned executive decree N. 22-55.

¹⁷ - The article 16, paragraph 01, of the law 08-15

¹⁸ - The article 16, paragraph 02, of the law 08-15.

¹⁹ - The article 13 of the executive decree N. 22-55.

²⁰ - The article 9 of the previously mentioned executive decree.

²¹ - Assia Amar Cherif, Conflicts of the settlement of buildings that do not conform to the building permit, The Legal Studies magazine, published by Yahya Fares University, Medea, vol 09, review 01, January 2023, p. 1306.

²² - The article 42 of the previously mentioned executive decree N. 15-19.

²³ - The article 09 of the previously mentioned executive decree N. 22-55

²⁴ - Suleiman Aidouch, Numbers of the pending building's settlement do not bode well, an article published on August 22nd, 2022 on the electronic website: rlmaghrebelawsat.dz. Date of browsing: September 15th, 2022, at: 04:45 pm.

²⁵ - The article 08 of the executive decree 22-55.

²⁶ - The article 10 of the executive decree 22-55.

²⁷ - The article 11 of the executive decree 22-55.

²⁸ - The article 18 of the executive decree 22-55.

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- ²⁹- The article 19 of the executive decree 22-55.
- ³⁰- The Ministry of Interior and Local Communities issued the directive N 18 dated on December 30th, 2020, directed to the Walis in order to eliminate bureaucracy and take all the measures reducing this phenomenon in the field of preparing the files of the reconstruction contracts' requests.
- ³¹- The article 5 of the previously mentioned executive decree N. 22-55.
- ³²- Karima Al-Aifaoui, Settlement of buildings that do not conform to the delivered building permit according to the executive decree N. 22-55, The legal and political thought magazine, sixth vol, review 2, 2022, p. 586.
- ³³- The article 6 of the previously mentioned executive decree N. 22-55.
- ³⁴- The article 7 of the previously mentioned executive decree N. 22-55.
- ³⁵- Cherif Yahmadi, The conformity law intervention field (08-15) in the settlement of chaotic buildings, The politics and law notebooks' magazine, review 11, June 2014, p. 180.
- ³⁶- The article 9 of the executive decree 15-19.
- ³⁷- If the one-stop shop collects many Municipalities, and if it is open in the Province for remote Municipalities, after the evaluation of the Wali or the Province President, in case where the Municipalities belong to the same Province, in this case the one-stop shop can be created by virtue of a decision made by the Wali.
- ³⁸- The Municipality's one-stop shop is opened in the Municipality, and it consists of permanent members and others who are invited and who can be present or represented. This shop is created with a decision signed by the President of the Province who is regionally specialized, or by virtue of a decision made by the Wali if it collects many Municipalities. It can be opened in the Province in case of remote Municipalities; after the evaluation of the Wali or the President of the Province if the Municipalities belong to the same Province (the article 58 of the previously mentioned executive decree N. 15-19).
- ³⁹- In addition to the tasks determined in the executive decree N. 15-19 dated on 25/01/2015, determining the methods of reconstruction contracts and their delivery, the modified and the completed.
- ⁴⁰- The article 58 of the executive decree N. 15-19, dated on 25/01/2015, including the methods of the reconstruction contracts' preparation, the Official Journal review 07, dated on 12/02/ 2015.
- ⁴¹- The article 14 of the executive decree N. 22-55
- ⁴²- The article 15 of the same decree
- ⁴³- The article 16 of the same executive decree
- ⁴⁴- The article 17 of the same executive decree
- ⁴⁵- The article 13 of the same executive decree.
- ⁴⁶- Both the decision of the modified building permit and the one of the conformity certificate as a settlement are elaborated in accordance with the two modules attached to the previously mentioned executive decree N. 22-55, which is stated in the article 19 of the same decree.
- ⁴⁷- The Official Journal review 63 dated on September 22nd, 2022
- ⁴⁸- The law N. 25-17 dated on December 14th, 2025, including the law of finance of the year 2026, the Official Journal review 88, dated on December 31th, 2025
- ⁴⁹- The law N. 22-24 dated on December 25th, 2022, including the law of finance of the year 2023, the Official Journal review 89, dated on December 29th, 2022.
- ⁵⁰- The law N. 23-22 dated on December 24th, 2022, including the law of finance of the year 2024, the Official Journal review 86, dated on December 31th, 2023.
- ⁵¹- The law N. 24-08 dated on November 24th, 2024, including the law of finance of the year 2025, the Official Journal review 84, dated on December 26th, 2024.