

Respecting Others Between Right and Duty: Redefining Neighborhood Responsibility in Light of extraordinary damage.

احترام الآخرين بين الحق والواجب: إعادة تعريف مسؤولية الحي على ضوء الأضرار الجسيمة

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Date of send:17/09/2025 Date of acceptance:26/11/ 2025 Date of publication:30/12/2025

Abstract:

The newly emerging nuisances of neighbors in Algerian law have become a major challenge due to the weak legislative handling of the issue, in addition to the shortcomings of traditional theories. The Supreme Court has made considerable efforts by playing a pivotal role in establishing the principle of "**extraordinary damage**," thereby reinforcing a liability based on the imbalance between neighbors' rights and affirming that administrative authorization does not exempt from civil liability. This study emerge the judge has discretionary power regarding the type of compensation, as he can suffice with specific restitution by halting the harmful activity, or issuing a ruling for financial compensation to be imposed on the party causing the damage. Than, the study recommends the urgent need for legislative intervention to activate dispute resolution mechanisms, ensuring a fair and balanced community environment that respects the rights of all parties.

Keywords: Emergent neighborhood nuisances, Strict liability, Compensation, Abatement of nuisances, Pecuniary compensation.

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Introduction

As a result of rapid technological advancement and urban growth, modern cities and communities have undergone fundamental transformations that have negatively impacted daily life. Despite the advantages of these developments, they also bring new challenges, the most prominent of which is the increase in newly emerging neighborhood nuisances. Which are no longer limited to traditional forms such as boundary crossing or minor annoyances, but have taken on more complex and intertwined forms, such as environmental pollution, excessive noise resulting from industrial or artisanal activities, vibrations, obstruction of light or air, or encroachment on visual and auditory privacy, all within an urban environment characterized by density and overlap.

These issues raise fundamental questions about the nature of the relationship between property rights and their limitations, and how the legal system can balance the owner's right to benefit from and freely dispose of their property with the neighbor's right to enjoy their property in peace and tranquility, without causing harm that exceeds the usual and acceptable limits within the framework of neighborly relations. In many cases, these damages arise from legitimate activities that are administratively authorized, complicating the issue of determining and assigning liability according to traditional rules that focus on fault or abuse of rights.

The Algerian Civil Code, like most legislations inspired by the French Civil Code, lacks a clear and comprehensively organized provision regarding newly emerging neighborhood nuisances. However, Article 691 of the Algerian Civil Code¹ addresses the customary conditions related to the boundaries of neighbors. It is the only article that explicitly refers to these nuisances, but it does not provide a clear standard for dealing with extraordinary nuisances of a novel nature.

This explicit legislative absence has compelled the judiciary to take a central role in shaping the rules governing this phenomenon. The Algerian Supreme Court has worked on adapting the general texts of tort liability, particularly Articles 124 and 124 bis of the Algerian Civil Code² to establish this liability on the principle of "extraordinary damage", which restores the lost balance between the rights of neighbors, inspired by the pioneering French judicial precedents in this field.

On this basis, the present study highlights the following central problematique: How has Algerian civil law addressed the issue of extraordinary neighborhood nuisances through the judicial mechanisms adopted for their legal characterization and the assessment of compensation?

To answer this question, the research will examine the following themes:

Section One: The legal basis of liability for newly arising neighborhood nuisances.

Section Two: The criterion of "extraordinary damage" and the role of the judge in its characterization and in the assessment of compensation.

The purpose of this research is to show the pivotal role of judicial precedent in filling legislative gaps, to clarify the methods of assessing newly arising damages and the means of providing reparation, thereby contributing to a better legal

understanding of this increasingly complex phenomenon in our contemporary environment.

Firstly: The fundamental basis for accountability of discovered neighborhood annoyances

In modern cultures, the emergence of neighborhood nuisances poses a serious legal challenge, because of urbanization and technological and industrial advancements. The law recognizes the owner's right to use and dispose of their property as they see fit, but this right is limited by the non-caused damage principle. This limitations are encapsulated in the general provisions of civil law, specifically those concerning tort liability and property rights, along with the singular provision that explicitly addresses neighborhood nuisances, which constitutes the foundational basis for establishing liability in these instances.

1. The Limitations of Traditional Theories

Extraordinary neighborhood nuisances pose a challenge to the traditional theories of tort liability, which focus on the concept of fault as an essential condition for establishing liability. In many instances, serious harm may be inflicted upon neighbors without the presence of fault in its conventional sense on the part of the person causing the damage

1.1 The leagle framework of traditional Theories .

1.1.1 The shortcomings of the fault theory.

The principle that **"any act committed by an individual through their negligence, resulting in harm to another, obligates the negligent party to provide compensation"** serves as the fundamental foundation of tort liability. It is clear that this theory rests on fault, which must be proven³. This approach is the same as that adopted by the French legislator in Article 1240 of the French Civil Code.⁴

The implementation of this provision regarding neighborhood nuisances faces considerable challenges, as the activities responsible for these nuisances are frequently lawful and may even be administratively sanctioned, and the owner's actions do not constitute any deviation from standard conduct, negligence, or omission. How, then, can he be held liable to compensate when no fault has been committed ? This limitation has prompted both doctrine and jurisprudence to seek an alternative basis for liability.

1.1.2 The Limitations of the Theory of Abuse in the Exercise of Rights

Through Article 124 bis of the Algerian Civil Code, the legislator established the abuse of rights theory by identifying certain instances that constitute abuse and therefore amount to fault giving rise to liability. These instances are provided by way of example rather than limitation, as they represent the most common forms of abuse: the intent to harm others, obtaining a negligible benefit compared to the harm inflicted on others, and, finally, pursuing an unlawful objective.⁵ The same article specifies that abuse exists, inter alia, **"where the interests sought are wholly disproportionate to the harm caused to others"**, or where the purpose pursued is unlawful.

Despite the importance of this provision, it does not offer a comprehensive solution to the problem of newly arising neighborhood nuisances. Abuse of rights generally presupposes an intention to cause harm or a clear deviation from a legitimate purpose, whereas serious neighborhood nuisances may result from lawful activities whose owner does not intend to harm his neighbors but merely seeks to pursue a legitimate private or public interest. The core difficulty thus lies in situations where the property owner exercises his right in an ordinary manner, yet such exercise results in harm that exceeds the ordinary limits of neighborhood tolerance.

1.1.3 The Ambiguity of Article 691 of the Algerian Civil Code

Article 691 of the Algerian Civil Code says an owner shouldn't abuse their property rights so much that it harms their neighbor's property. This means an owner has to use their right in a way that doesn't go beyond what's normally accepted in society, so they don't cause abnormal harm to their neighbor.

If the owner does cause abnormal problems, that are more than what neighbors should have to put up with the other neighbor can demand that the nuisance be removed. The law lets the judge decide if the nuisance is beyond the normal limit and the judge has to look at many things, like local customs what the properties are used for where they are located and why they were built there in the first place. So the main point is that you have to use your rights in good faith and within limits. Then you don't unfairly harm your neighbor's rights.

An abnormal nuisance is a special case that lets a court step in and get rid of the harm, either by stopping the activity or paying the victim. They can even fine people who refuse to follow the order. Then Article 691 is a legal guarantee to balance property rights and neighborhood rights, to make sure there's mutual respect. People can live together peacefully and it stops people from abusing their rights, in a way that harms neighbors or disturbs the peace.

But the problem refers in "customs" or in Article 688, which talks about public or private interests and that makes it too vague to deal with modern problems. "Customs" or what neighbors are used to tolerating from each other might not be enough to decide what's "normal" or "abnormal" with all the new complex technologies and industries we have today.⁶

In other side, the article doesn't give a clear way to measure how bad the harm is or how to compensate for it when the owner's actions weren't clearly a fault or an abuse. This vagueness is why the courts had to find better and more flexible grounds for their decisions.

2. The responsibility basis on the principle of balance

Th traditional theories is shortcomings and face to the ambiguity in some texts, jurisprudence and the judiciary, particularly in France and later in Algeria, have tended to base liability for damages to the neighbourhood on a new principle. This principle known as a balance principle (equivalence), between the rights of neighbours, or the theory of "unusual disturbances of the neighbourhood".

2.1 The concept of balance principle

The origine of this principle is based on the idea that every owner has the right to use their property, but this right is not absolute. It is constrained by the necessity of not causing harm to others that exceeds the usual or natural limits of neighborly relations. Traditionally, there has been a tolerance for a certain degree of harm, and a commitment to not causing disturbances to neighbors beyond the usual limits.⁷ Neighborhood in itself imposes some minor burdens that each neighbor must bear.

However, when the harm exceeds this limit, the balance between neighbors' rights is upset, and the party responsible for the disturbance must restore the lost balance, even if they did not commit a mistake or act arbitrarily in the traditional sense. The goal here is to achieve reconciliation between the conflicting interests of neighbors, as long as the law grants them the right to peace and tranquility. The responsibility of the neighbor who causes the harm is based on ensuring that they do not cause any inconvenience to their neighbors.⁸

This basis is reinforced by a deeper understanding of the limitations of the right of ownership itself, as indicated by Article 688 of the Algerian Civil Code, which states that **"the owner must take into account, in exercising his right, the requirements of laws and regulations relating to the public or private interest."**

2.2 The Algerian judiciary's position on the principle of balance (equivalence)

The Algerian Supreme Court has used this principle both directly and indirectly in many of its rulings. It considers that liability for neighborhood nuisances is based on "causing abnormal nuisance" to the neighborhood, even if there's no clear fault or abuse. The Supreme Court has used Articles 124 and 124 bis to apply this idea. This is what the following points entail:

2.2.1 Consolidation of the Principle that an Administrative Permit Does Not Exempt from Liability.

The Supreme Court's decision No 410719⁹ is a really important one, because it established a key principle for neighborhood nuisances. The decision clearly said that **"The owner of a property cannot invoke permits and the conformity of works with urban planning rules. To be exempted from liability for neighborhood nuisances as these permits, are issued subject to the rights of third parties being respected"**.

This ruling shows a deep understanding of what liability for neighborhood nuisances means and it shows how the Supreme Court uses Article 124 of the Algerian Civil Code focusing just on the "harm" itself without needing traditional fault this locks in the principle of balancing interests

2.2.2 The affirmation of liability for unusual damage arising from the abuse of rights or licenses

The Supreme Court decision No 1030535,¹⁰ reinforced a principle that "Abnormal neighborhood nuisance arises as a result of the abuse of a right or the abuse in the execution of permits and therefore obtaining a permit does not prevent its holder from

the obligation not to harm his neighbors in accordance with what is decided by custom the nature of the property and its location".

By examining this decision, and according to the data presented by the Supreme Court, it becomes clear that this decision constitutes a qualitative addition, as it clearly links the concept of "unusual harm" with "abuse of right" or "abuse of licenses." Here, the court does not necessarily view abuse as an intention to cause harm, but rather expands its concept to include any abuse in exercise the right which causes an unusual harm to others.

The legislator has obliged the administration, when granting the license, to do so only after a thorough examination and investigation that addresses the damages and benefits that may result from it.¹¹ Because the purpose of the license is to provide the legal conditions for practicing the activity and it has nothing to do with the rights of others, and the ruling issued by the judge regarding compensation has nothing to do with the license, but rather it is to compensate the harmed neighbor for the damage that has befallen him.¹²

The decision reaffirms that administrative licensing is not an immunity from civil liability, and refers to objective criteria in assessing "**unfamiliarity**" such as custom, the nature of the property, and its location. This qualification demonstrates how the Supreme Court reconciles Article 124 bis, which stipulates "**abuse of rights**," with Article 691, which stipulates "**custom and the nature of the property**," to establish liability for neighborhood harm, while emphasizing that unfamiliar harm is the essential measure, even if the activity is licensed.

2.2.3 The notion of unusual damages

Based on Supreme Court Decision No. 103755,¹³ which represents an important practical dimension of the concept of neighborhood nuisances, the court upheld a ruling by the council judges. who ordered the cessation of activities at a car painting and spraying shop within residential complexes, classifying its presence as an unusual neighborhood nuisance. They based their ruling on an expert report that confirmed it caused health damages due to the paint containing chemicals that could widely pollute the air outside the shop, in addition to the noise generated by the process of repairing old car tires.

Additionally and most importantly, the Supreme Court here establishes a fundamental principle, that distinguishes between removing the harm (cessation of activity) and compensating for past harm. Once the harmful activity is halted, although it ends future harm, it does not exempt the perpetrator from the responsibility of compensating for the damages actually caused to the neighbor in the previous period.

This decision also highlights the judge's discretion in determining the nature of the unusual harm based on the type of activity and its location. Since Article 691, which mandated the repair of the damage thru the phrase "removal of these harms," stipulates the restoration of the situation to what it was before the damage occurred.¹⁴

Fanilly as a result, this decision suggests that a judge may suffice with compensation in kind, represented by the cessation of the harmful activity, without necessarily resorting to monetary compensation. This applies if the judge deems the cessation of the activity sufficient to eliminate the harm and restore the lost balance, or if no material or moral damage is proven that warrants monetary compensation for the period prior to the cessation of the activity.

This reinforces the principle that compensation is redress for harm, regardless of whether its source continues or ceases, and that the judge has broad discretion in choosing the most appropriate form of compensation.

Secondly : The criterion of "unusual damage" and the role of judge in adapting and estimating it compensation.

The assessment of "unusual damage" is the essence of liability for new neighborhood harms. This process requires broad discretion on the part of the judge to adapt the standard to changing circumstances and then determine appropriate compensation to redress the harm.

1. The role of the judge in adapting the standard of unusual damage

The unusual damage is anything that results in the weakening or demolition of a building so that the neighbor cannot benefit from his home.¹⁵ It is the pivotal point in establishing liability for damages caused by neighbours, it is what distinguishes it from simple disturbances or normal or familiar damages according to custom or dealings between people, which the neighbour must bear. That they do not lead to the establishment of liability for the owner.¹⁶ As it is imposed by life in society and considered part of the normal burdens of neighborhood.

The nature of this standard gives the judge broad discretion to evaluate each case individually, taking into account all the surrounding circumstances. Since what is considered "unusual" may vary from one environment to another and from one time to another. The goal is to restore the lost balance between the owner's right to use and the neighbor's right to peace and enjoyment of his property, thus contributing to achieving a kind of reconciliation between the interests of both parties.

1.1 The objective standard for assessing unusual damage

This point divide in two section.

1.1.1 A re-evaluation of the traditional factors for damage assessment

Courts traditionally rely on a range of factors to determine whether harm has exceeded the normal threshold, including:

A- The nature of the area : The noise emitted by a factory in an industrial area may be familiar, while the same level of noise in a quiet residential area is considered unusual. What is considered familiar in one neighborhood may not be so in another, as whether the area is residential, agricultural, industrial, or commercial is subject to

regulatory rules determined by the nature of the area, and can thus be contested by others.¹⁷ This point has become more complicated in light of modern urban intermingling.

B- Time and place of the damage: Disturbances that occur at night or during rest periods are more impactful and more likely to be considered unusual than those that happen during the day. The damage caused by the neighbor may require tolerance at a certain time, as it is customary to endure it among neighbors, but it may constitute an unusual nuisance at another time, necessitating compensation.¹⁸

C- Seriousness of the damage: Minor or transient damage is considered common, while serious damage that deprives the neighbor of the ability to enjoy his property or threatens his safety is the basis of liability.

D- Continuity or recurrence of damage: Accidental or one-time damage may be possible, so the concept of unusual damage acquires the characteristic of permanence and continuity, meaning that it is repeated or successive, such as the case of noise and rising smoke, which makes it unusual damage for which the person responsible for causing it is obligated to compensate.¹⁹

E- Consider local customs and neighborhood conditions: The customs, traditions, and lifestyle prevailing in the area are taken into consideration to determine what is acceptable and what is not.

1.1.2 Factors for assessing emerging harms

With the complexity of modern life, new factors have emerged that contribute to determining the “unfamiliarity” of harm:

A- Legal statutes regulating urban planning and insulation: Legal texts related to urban planning and development, most notably Law No. 90-29 of December 1, 1990, relating to urban planning and development, as amended and supplemented,²⁰ are the primary reference for determining building standards, including sound and thermal insulation requirements and legal distances. Failure to comply with these texts or a defect in their application that causes harm to neighbors constitutes strong evidence of the unfamiliarity of the harm, even if the construction is administratively authorized. These laws define the frameworks within which construction and development must proceed, and any violation of them casts a shadow over the extent of the harm's familiarity.

B- Environmental quality standards: Environmental standards relating to noise levels, radiation, and the physical properties of water and air—the World Health Organization has set the permissible noise level in residential areas at 55 decibels during the day and 45 decibels at night²¹—and lighting standards (light pollution) provide objective indicators of what constitutes unusual harm, even if the legal limits are not exactly exceeded. These standards, although often administrative, form the basis for assessing harm from a legal perspective.

C- The nature of the technologies used: The use of new technologies, such as devices that measure vibrations resulting from construction or industrial work, which may affect neighboring buildings,²² as well as drones, highly sensitive alarm devices,

or innovative construction techniques, may create new types of disturbances (violations of visual or auditory privacy) that did not exist previously, and require a new adaptation of the standard of unfamiliarity, in keeping with technological development.

1.2 Comparison with the standard adopted by French courts in determining unusual damage

1.2.1 Development of judicial jurisprudence

The French judiciary is considered a pioneer in defining the criterion of abnormal disturbance. (*Le trouble anormal du voisinage*, and it provides a rich reference for the development of this theory. The French Court of Cassation focuses in its rulings on the principle of "balance of interests" (*l'équilibre des intérêts*) between neighbors as a general rule, that determines the extent to which the damage exceeds acceptable limits. It does not suffice to establish the existence of fault or abuse; rather, it considers the severity and extent of the damage in relation to the surrounding circumstances.

To illustrate this development, we review the most prominent judicial precedents that established and developed this theory:

A- The foundational ruling (the beginnings of the theory): The decision of the French Court of Cassation (Ch. civ, 20 Nov. 1836, S. 1837. 1. 265) One of the oldest decisions that established the principle of not exceeding the usual limits of neighborhood nuisances. Despite its age, it represents an important starting point in the independence of liability for nuisance from traditional fault rules.

B- The pivotal decision (establishing the theory and its independence): The French Court of Cassation (Cass. Civ. 2e, 19 Feb. 1986, n° 84-17.261, Published in *Bulletin civil II* n° 37) The principle of liability for unusual neighborhood disturbances definitively. In this decision, the court clearly stated that "the damage caused by disturbances that exceed the normal inconveniences of neighborhood life necessitates compensation even in the absence of any fault on the part of the perpetrator." This decision constitutes the cornerstone of the independence of this liability from tortious fault, and opens the door to broader protection for affected neighbors.

C- Recent decision (adaptation and expansion of application): The recent jurisprudence reflects the continuity of applying this theory and adapting it to new circumstances. For example, the decision of the French Court of Cassation (Cass. Civ. 3e, 11 May 2017, n° 16-16.536, Published in the *Bulletin*) Civ. 3e, May 11, 2017, n° 16-16.536, Published in the *Bulletin*) addressed a case concerning noise from activities ongoing within a neighboring property, and how the court reaffirms that the assessment of "unfamiliarity" requires consideration of the nature of the place, time, and intensity of the disturbance, even if the activities are conducted with permission. This decision highlights the judicial flexibility in applying the standard to encompass various types of damages.

D- Another recent decision (emphasizing the importance of judicial expertise and environmental factors): In cases involving light but persistent environmental pollution or visual disturbances, recent decisions, such as the French Court of Cassation (Cass. Civ. 3e, 10 October 2019, Pourvoi no. 18-18.729, Inédit au Bulletin), emphasize the role of judicial expert reports in measuring damage and determining the extent to which it exceeds acceptable limits. This reflects an evolution in assessment criteria to more precisely include environmental and technical aspects.

French jurisprudence applies this standard with great flexibility, taking into account economic, social, and technological developments, to ensure reconciliation between property rights and the right of neighbors to a healthy environment.

2. The role of the Supreme Court's judicial interpretation in adapting the "unfamiliarity" criterion

The judicial jurisprudence of the Algerian Supreme Court constitutes a pivotal element in shaping and developing the concept of "unusual damage," especially in the absence of an explicit legislative text detailing the provisions of newly introduced neighborhood nuisances. The court has taken upon itself the responsibility of filling this legislative gap, using its authority to interpret the general provisions of the Civil Code (Articles 124 and 124 bis) in particular to establish a theory of liability that aligns with the complexities of contemporary life. This role is not limited to merely applying the law, but extends to formulating judicial standards that assist lower courts in assessing the severity of the damage and its extent beyond acceptable limits.

The Supreme Court's decisions demonstrate a commitment to achieving a balance between property owners' rights, affirming that the exercise of property rights is not absolute and is constrained by the necessity of not causing unusual harm to others.²³ These decisions highlight that an administrative license for an activity causing harm does not exempt one from civil liability if the damage exceeds acceptable limits.

2.1 The Supreme Court's methodology in assessing "unfamiliarity"

The Supreme Court bases its assessment on a number of factors, and emphasizes the need for judges to take into account the various circumstances surrounding each individual case, including:

✓ The nature of the activity causing the damage: Is it industrial, commercial, agricultural, or residential? Is it consistent with the nature of the area?

✓ The location of the damaged property and the area in which it is located: Is it a quiet residential area, an area with mixed activities, or an industrial area? Some properties naturally require peace and quiet, such as hospitals, and others that naturally require movement, commotion, and noise, such as commercial properties.²⁴

✓ The timing and duration of the damage: Is the damage ongoing or occasional? Does it occur during rest or work hours?

✓ The extent to which the damage can be avoided or mitigated: Did the person causing the damage take all necessary precautions to minimize the disturbance?

✓ The sensitivity of the affected person and the extent of their contribution to the damage: Is the damage exceptional due to their particular nature (for example, a specific disease that increases their sensitivity to noise)?

2.2 The Algerian Supreme Court decisions established the "unfamiliarity" principle

To clarify this role, we review the Supreme Court decisions that established or applied the principle of liability for unusual neighborhood harm, highlighting how the implicit legislator (the judiciary) deals with legal texts.

2.2.1 Establishing the principle

The first decision confirms that "administrative authorization is not exempt from liability for neighborhood disturbances." Supreme Court Decision No 410719²⁵. This decision is considered a fundamental principle in protecting neighbors, as the Supreme Court affirmed that "the property owner is not entitled to rely on permits and compliance with urban planning regulations to exempt themselves from liability for neighborhood nuisances, as these permits are granted under the condition of respecting the rights of others."

This highlights that The court applies Article 124 of the Algerian Civil Code within the framework of the concept of "harm" alone, regardless of fault, thereby establishing the principle of the independence of liability for neighborhood disturbances from traditional fault rules and the legality of the activity administratively. The court here sees that unusual damage is sufficient to establish liability, and that the protection granted by licenses does not extend to harming others.

2.2.2 Confirmation of liability for unusual damage arising from the abuse of rights or licenses

The Supreme Court decision No 1030535²⁶ reinforces the principle established by the court **"Unusual neighborly harm arises from the abuse of the right or the abuse of licenses, and thus obtaining a license does not prevent its holder from committing to not harming their neighbors according to custom, the nature of the property, and its location."**

This decision highlights that the concept of abuse of right, as stipulated in Article 124 bis of the Civil Code, extends to cases where the exercise of the right or the use of licenses exceeds reasonable limits, causing unusual harm to others. And it reestablishes the link between liability and the traditional factors for assessing damage, such as custom, the nature of the property, and its location, demonstrating the convergence of the texts (Article 124, 124 bis, 691) in building the judicial foundation for neighborhood nuisances

2.2.3 The distinguish between cessation of activity and compensation

The Supreme Court ruling, in decision no 1037556²⁷, provides a clear example of an activity (car painting and coating) that is inherently harmful to the neighborhood

when practiced in a residential environment, due to the unpleasant odors and harmful chemicals that may be emitted from it. More importantly, the Supreme Court here establishes a fundamental principle that distinguishes between removing the harm (ceasing the activity) and compensating for past harm.

Simply stopping the harmful activity, even if it ends future harm, does not exempt the perpetrator from the responsibility of compensating for the actual damages caused to the neighbor in the previous period. This emphasizes that compensation is assessed based on the severity of the actual damage that occurred, not merely the cessation of the source of the damage.

This decision also highlights the judge's discretionary power in determining the nature of the unusual harm based on the type of activity and its location. It can be inferred from this decision that the judge may suffice with specific performance in the form of halting the harmful activity, without necessarily resorting to monetary compensation, if he deems that stopping the activity is sufficient to remove the harm and restore the lost balance, or if it is not proven that there is any material or moral damage that warrants monetary compensation for the period prior to halting the activity.

This reinforces the principle that compensation is a remedy for harm, whether its source continues or stops, and that the judge has broad discretionary power in choosing the most appropriate form of compensation.

Conclusion

This paper addressing the emerging neighborhood harms in Algerian civil law poses a contemporary challenge stemming from the lack of explicit legislative framework. It reached a set of fundamental findings that shed light on the nature of liability for emerging neighborhood harms and the mechanisms for redressing them in Algerian law, as follows:

✓ Legislative vacuum and shortcomings of traditional theories: The study confirmed that Algerian civil law lacks explicit and comprehensive texts regulating emerging neighborhood harms. Traditional theories of tort liability based on proven error (Article 124 of the Civil Code) or abuse of rights (Article 124 bis of the Civil Code) appear insufficient, on their own, to encompass all cases of unusual harms that may result from legitimate and necessary activities.

✓ The pivotal role of the judiciary and the adoption of the principle of "unusual harm": The study highlighted the pioneering role of the Algerian Supreme Court in establishing and enshrining the principle of "unusual harm to the neighborhood." This principle, strongly inspired by comparative jurisprudence and law (especially French), constitutes an independent legal basis for liability. It is based on the idea that the right to property is not absolute, and that its exercise must not disrupt the fair balance between the rights of neighbors. Consequently.

✓ Lack of immunity from administrative licenses: Supreme Court decisions have unequivocally confirmed that obtaining an administrative license to engage in a particular activity does not exempt the business owner from civil liability for unusual

damages they cause to the neighborhood. Licenses are granted to ensure that the activity complies with general laws, but they do not constitute immunity from the right of neighbors to enjoy property free from excessive harm, as administrative protection does not extend to harm to third parties.

✓ Discretionary power of the judge in awarding damages (in-kind and monetary compensation). This paper revealed that Algerian judges have broad discretionary power in determining the form and nature of damages. In addition to monetary compensation for actual material and moral damages.

To strengthen the legal framework and improve the effectiveness of protecting neighborhoods from emerging harms, this study proposes the following points:

- Initiate legislation specific to emerging neighborhood harms: Enacting a separate and comprehensive legislative text is an urgent necessity. These provisions should include a clear definition of unusual neighborhood harms, specify their forms (such as noise, visual, and environmental pollution, odors, and vibrations), establish precise criteria for their assessment.

- Developing judicial and technical expertise: Since many neighborhood damage cases are technically complex (noise measurement, chemical analysis, vibration assessment), it is essential to train and qualify judges in the technical aspects of these cases.

- Encouraging and activating alternative dispute resolution mechanisms: Legislators and judicial institutions should promote mediation and conciliation mechanisms in neighborhood damage cases. These mechanisms are more flexible and expeditious, enabling parties to reach consensual solutions that preserve neighborhood relations, reduce the burden on courts.

- Raising citizens' awareness of their rights and duties: It is crucial to organize broad awareness campaigns at the national and local levels targeting citizens to inform them of their rights to a healthy neighborhood environment, their duties towards their neighbors, the legal consequences of harming others, and how to act in the event of unfamiliar harm.

- Activating preventive administrative oversight: The competent administrative authorities, especially at the municipal and state levels, must activate their oversight role regarding licensed activities that may cause harm to the neighborhood. Emphasis should be placed on ensuring that these activities adhere to environmental and urban standards, and strict preventive measures should be taken.

Margins:

1-Article 691 of Ordinance N 75-58 dated September 26, 1975, containing the Civil Code, amended and supplemented, Official Gazette of the People's Democratic Republic of Algeria, No. 78, issued on September 30, 1975.

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