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Management and Utilization of Vacant Real Estate Properties

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Abstract:

Vacant real estate refers to unclaimed properties resulting from abandonment or the absence of heirs and transferred to state ownership through procedures that vary between surveyed and unsurveyed areas. The Civil Code assigns temporary cadastral numbers until legal status is resolved. Algerian laws and decrees provide the framework for their management, which depends on legal classification and may include judicial custody. Article 89 specifies the process for their transfer to the State and the conditions governing provisional registration.

key words: Vacant property; Real estate; National assets; Cadastral operations; Judicial custody.

Introduction:

According to Article 773 of the Civil Code unclaimed property without an owner together with estates from people who died without heirs or whose estates remain unclaimed become state property. This article fits into the category of appropriation because it deals with two types of appropriation which include temporary appropriation under Article 679 and following sections of the Civil Code and permanent appropriation. The government uses temporary appropriation to keep public services running but it can happen through voluntary agreements or forced measures which include payment to affected parties. Permanent appropriation functions to move property ownership from one owner to another during times when the property stands empty.

Unclaimed property exists in two main categories. The first consists of unoccupied real estate that nevertheless has an owner, contrary to the sense of Article 773 of the Civil Code. Les biens vacants represent the property which former settlers used to own before they left Algeria during the country's independence. The land fell under the control of two legal documents which included Ordinance No. 62-02

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from August 24 1962 and Decree No. 62-02 from October 22 1962 which created management committees for vacant agricultural land.

The second category comprises property with no owner at all, which falls under the Public Property Act pursuant to Article 48.[1] This article provides that unclaimed property and ownerless property are deemed state property. Executive Decree No. 12-427 of 16 December 2012 sets forth the conditions and modalities for the administration and management of public and private property belonging to the state, as well as the procedures for incorporating such property into state assets.

The Finance Act of 2015 classified unclaimed property that was not claimed during cadastral survey operations under an "unknown account." This classification was later modified by the Finance Act of 2018, which reclassified such property under "unclaimed real estate," as clarified in Explanatory Note No. 04060 issued by the Ministry of Finance on 5 April 2018,[2] particularly in Article 89 thereof. This article outlines the legal procedure by which unclaimed property—namely, real estate that was not claimed during cadastral surveys—reverts to the state's private domain. This category includes property without an owner, as well as the estates of persons who die without heirs or whose estates are abandoned.

This article focuses on the procedures adopted by the state for appropriating and managing such properties, whether located in surveyed or unsurveyed areas. These procedures proceed through successive stages, culminating in their provisional registration: for a period of fifteen years in the case of unclaimed real estate, and thirty-three years for abandoned estates, during which they are placed under judicial administration.

Accordingly, this article seeks to shed light on the exploitation and management of vacant real property that was not claimed during cadastral operations, by setting out the procedures applied in unsurveyed areas—particularly with respect to ownerless property, property belonging to persons who died without heirs, and property abandoned by its owners. We also examine the status of such property in surveyed areas following the Ministry of Finance's 2018 explanatory circular, with a focus on how to handle applications supported by registered or unregistered deeds, or premised on possession, until these properties are ultimately recorded within the State's private domain with provisional numbering according to their nature.

This study is structured around a central research question:

1- Law No. 90-30 of 1 December 1990, Article 48, concerning the National Property Law, Official Gazette No. 52, 2 December 1990.

2- Explanatory Memorandum, Ministry of Finance, No. 04060 of 5 April 2018, concerning the administrative settlement recorded in the account of unclaimed properties during land survey operations.

What procedures are followed to incorporate vacant real property into the State's assets, and how is such property managed?

To answer this question, we adopt a bipartite plan and divide the article into two sections:

- First: Procedures followed in unsurveyed areas.
- Second: Procedures followed in surveyed areas.

THE FIRST TOPIC: PROCEDURES FOLLOWED IN UNSURVEYED AREAS

The National Property Law and Executive Decree No. 12-427 set out the procedures to be followed for incorporating vacant property that has no owner, the property of persons who die without heirs, and property abandoned by heirs.

FIRST REQUIREMENT: VACANT REAL PROPERTY WITH NO OWNER

Property is any real right vested in a thing, whether movable or immovable. When the right pertains to an immovable, it is termed real property. Real property thus encompasses any real right over an immovable, including ownership. If such a right has no known owner, the property is entered into the State's private domain in accordance with the following procedures:

Firstly: Investigation

Pursuant to Article 180 of Executive Decree No. 12-427, the territorially competent Director of State Property, once notified—either by the President of the Municipal People's Assembly when asked to issue a certificate of possession[3] under Article 39 et seq. of the Land Orientation Law,[4] or by the National Office of Agricultural Lands in cases of non-exploitation under Article 48 et seq. of the same law,[5] or when the matter is brought into dispute upon the filing of possessory actions—shall open an investigation with the land registry offices and the tax authorities, and, where necessary, with the consular services. In parallel, a notice announcing the investigation and seeking any potential owner or heirs shall be published in two national newspapers, posted for four months at the headquarters of the municipalities within the wilaya, and, where possible, served at the last known domicile or residence of the owner.

3- Article 181 of Executive Decree No. 12-427 defining the conditions and modalities for the administration and management of public and private state property, as well as the procedures for incorporating such property into the State's domain.

4- Law No. 90-25 of 18 November 1990, Article 39 and Article 56, concerning Land Orientation, Official Gazette No. 49 of 1990, as amended and supplemented by Ordinance No. 95-26 of 25 September 1995, Official Gazette of 1995.

5- Ibid., Article 48.

In addition, if the property is occupied or being used, a notice shall also be addressed to the occupant or user to ascertain the legal basis on which they occupy or use the property.

Secondly: Request for Judicial Custody

Pursuant to the provisions of Article 181 of Executive Decree No. 12-427, if no claim of ownership is made by a third party within one year — a period which begins upon the expiration of the four-month[6] public notice period — the Director of State Property, acting on behalf of the Minister of Finance, shall submit a petition to the competent court against the occupant or user of the property. If there is no occupant or user, the petition shall be submitted by the Director of State Property, again on behalf of the Minister of Finance, against the State Representative before the Administrative Court. The petition requests that the property be placed under judicial custody and that its management be entrusted to the State for the entire statutory limitation period set forth in Article 827 of the Civil Code,[7] which is fifteen years or ten years, depending on the circumstances.

Throughout this limitation period, the Directorate of State Property is responsible for guarding and maintaining the property. It may also lease it for residential or professional purposes, authorize its use for commercial activities, or grant a concession for agricultural land to the occupant or user of the property.

Thirdly: Declaration of Vacancy and Inclusion in the Private Property of the State

Upon the expiry of the limitation period stipulated in Article 827 and subsequent articles of the Civil Code, the State, represented by the Minister of Finance, shall initiate legal proceedings to obtain a judicial declaration of vacancy. Once the judgment is registered with the Real Estate Registry, the property is incorporated into the State's private domain and exploited in accordance with the provisions of Law No. 10-03 of 15 August 2010 concerning the management and use of agricultural lands belonging to the national private domain.[8]

If the property is residential, it may be allocated as functional housing or leased in accordance with the provisions of Article 100 of Executive Decree No. 12-427.[9]

Fourthly: Restitution of the Property to Its Owner

If the owner reappears after the property has been incorporated into the State's private domain, Article 182 of Executive Decree No. 12-427 grants him or her the

6- Executive Decree No. 12-427, op. cit., Article 181.
7- Article 827 of the Civil Code.
8- Law No. 10-03 of 15 August 2010 on the Exploitation of Agricultural Lands belonging to the Private State D-omain, Official Gazette No. 46, 18 August 2010.
9- Executive Decree No. 12-427, op. cit., Article 100.

right to claim restitution of ownership[10] in accordance with Article 54 of the National Property Code,[11] provided that restitution is still possible — that is, the property has not been sold, its agricultural character has not been altered, nor has it been designated for urban development under land-use and urban-planning instruments. In such cases, the owner shall be compensated with an amount equal to the value of the property as calculated on the date the ownership right is recognized.

Restitution or compensation is conditional upon the owner or rightful heirs paying the amount of any capital gain the State may have realized.

If an amicable agreement cannot be reached, the amount is determined by the Directorate of State Property in accordance with the rules governing expropriation for public utility. In the absence of such agreement, a lawsuit is filed to claim compensation.

SECOND REQUIREMENT: REAL ESTATE OF INDIVIDUALS WHO DIE WITHOUT HEIRS

If the owner of a property dies leaving no heirs, the State, once notified by the notary pursuant to the provisions of Article 173 of Executive Decree No. 12-427,[12] shall petition the competent judicial authorities—namely, the ordinary courts, Family Affairs Division—to issue a judgment declaring the absence of heirs. This is done after conducting an investigation to search for and verify the existence of potential heirs. Once the judgment becomes final, the property shall be placed under judicial administration for a period of thirty-three (33) years, in accordance with Article 829 of the Civil Code. Upon the expiry of this period, a final judgment shall be issued declaring the property vacant and transferring it to the private domain of the State.

Where the property belongs to a missing person—defined in Article 109 of the Family Code as a person whose whereabouts and status (life or death) are unknown, and who is not deemed missing except by judicial ruling[13]—or to an absentee, as defined in Article 110 of the Family Code as someone prevented by compelling circumstances from returning to their residence or managing their affairs personally or through an agent for one year, causing harm to others and thus treated as a missing person[14]—a petition for a declaration of death may be filed pursuant to Article 114 of the Family Code and Article 32 of Ordinance No. 06-01 implementing the Charter for Peace and National Reconciliation. Such a petition may be filed by

10- Ibid., Article 182.
11- Law No. 90-30, op. cit., Article 54.
12- Executive Decree No. 12-427, op. cit., Article 173.
13- Law No. 84-11 of 9 June 1984, Article 109, Family Code, Official Gazette No. 24 of 1984, as amended and supplemented by Law No. 05-02 of 27 February 2005 and approved by Law No. 05-09 of May 2005, Official Gazette No. 43 of 2005.
14- Ibid., Article 110.

one of the missing person's heirs, any interested party, or the Public Prosecutor before the competent Family Affairs Judge.

Accordingly, the Public Prosecutor is required to initiate legal proceedings before the Family Affairs Judge to obtain a ruling declaring the person missing or absent and to implement the measures provided for under Article 111 of the Family Code.[15]

After the expiry of the period of investigation and waiting established by the judge in accordance with the law, the State may request the judge to issue a ruling declaring the missing person or absentee deceased. The estate is then opened, taking into consideration the legal provisions governing the event that the missing person returns or is discovered alive. If the missing person has left no heirs, the provisions of Article 51 of the National Property Act and Article 175 of Executive Decree No. 12-427 shall apply.[16]

THIRD REQUIREMENT: ABANDONMENT OF THE ESTATE

Pursuant to the provisions of Article 53 of the National Property Act (Law No. 90-30), the Algerian legislator classifies all estates without heirs, as well as abandoned estates, as unclaimed property. Article 18 of the same law further stipulates that abandoned estates constitute part of the state's private domain, provided that the rights in rem over such property have been relinquished. Following the opening of the estate, the state may petition the family court judge to confirm the abandonment, after an investigation. Such confirmation leads to the implementation of judicial guardianship procedures,[17] followed by the application of Article 51 of the National Property Act.

Under this provision, when a property has no known owner or when the owner has died without leaving heirs, the state may, through legally recognized authorities—namely, the Public Prosecutor or the Minister of Finance acting through the Director of State Property—petition the competent judicial bodies for a ruling declaring the absence of heirs. This process must follow the conditions and procedures governing real estate claims. Once the court has carried out the necessary investigation to verify the possible existence of heirs, and if none are found, a final judgment is issued. This judgment triggers the application of the judicial guardianship regime, in accordance with Articles 827 to 829 of the Civil Code.

THE SECOND TOPIC: PROCEDURES IN SURVEYED AREAS

15- Ibid., Article 111.
16- Executive Decree No. 12-427, op. cit., Article 175.
17- Law No. 90-30, op. cit., Article 53.

On 12 November 1975, Ordinance No. 75-74 was enacted,[18] establishing the framework for the general land survey and the creation of the real estate register, later amended and supplemented. Article 2 of this ordinance defines the general land survey as a process that determines and delineates the natural boundaries of real estate, serving as the physical basis for the real estate register. Decree No. 76-62 of 25 March 1976, concerning the preparation of the general land survey,[19] entrusts this responsibility to the National Land Survey Agency, created by an executive decree dated 19 December 1989,[20] with a directorate in each wilaya (province). However, the Finance Act of 2021 provided for the integration of this agency within the Real Estate Conservation Authority.[21]

The real estate register performs the legal function of recording property rights and documenting the circulation of rights in rem. It consists of a collection of property cards. In this respect, Executive Decree No. 76-63 of 25 March 1976, as amended and supplemented, governs the establishment of the real estate register.

Upon completion of the survey, the land survey documents are deposited at the real estate conservation office within each district, for the purpose of determining and registering ownership rights and other rights in rem in the real estate register. This deposit is made upon completion of the survey for each section or group of sections within the municipality.

The registrar then assigns cadastral numbers to the surveyed properties. Registration is final for properties whose owners hold valid title deeds. For properties whose apparent owners do not possess legal title deeds but exercise possession that could lead to acquisition through acquisitive prescription, registration is provisional for four months. If no objection concerning ownership is raised, or if objections are withdrawn or rejected, the registration becomes final.

When apparent owners have no documentary evidence of ownership and the registrar cannot determine the ownership rights, the registration remains provisional for a period of two years. After this period, if no objections have been raised by third parties, the provisional registration becomes final.

If a property is not claimed during the land survey operations and the survey authorities cannot determine its owner or possessor, it is recorded, pursuant to Article 89 of the Finance Act of 2018 (which amended Article 23 bis of Ordinance No. 75-74 of 12 November 1975), as “unclaimed property during land survey

18- Ordinance No. 75-74 of 12 November 1975 on the General Land Survey and the Establishment of the Land Register in Algeria, Official Gazette No. 92, 16 November 1975.
19- Decree No. 76-62 of 25 March 1976 on the General Land Survey.
20- Executive Decree of 19 December 1989 establishing the National Agency for Land Survey, as amended and supplemented by Decree No. 92-63 of 12 February 1992.
21- Decree No. 76-63 of 25 March 1976 on the Establishment of the Land Register, as amended and supplemented, Official Gazette No. 30, 13 April 1976.

operations." It is then provisionally registered for a period of fifteen years from the date the survey documents are deposited with the real estate conservation office. Upon the expiration of this fifteen-year period, the property is definitively registered in the name of the state.

FIRST REQUIREMENT: ISSUANCE OF AN EXPLANATORY MINISTERIAL CIRCULAR

The General Directorate of State Property within the Ministry of Finance issued an explanatory memorandum on April 5, 2018 (No. 04060), which addresses the administrative settlement and provisional registration of real property that was not claimed during cadastral operations.[22] The memorandum applies the provisions of Article 773 of the Civil Code, the National Property Law, and Executive Decree No. 12-427 of December 16, 2012, which defines the conditions for the administration and management of State-owned private property, on the basis that such property is considered vacant.

In line with Article 23 bis of Ordinance No. 75-74 of November 12, 1975—amended by Article 89 of Law No. 17-11 of December 27, 2017, which enacted the Finance Law for 2018—the following rule was established: any privately owned property that was not claimed during cadastral operations, and for which cadastral authorities were unable to identify an owner or possessor, shall be recorded in a register known as the "Account of Properties Not Claimed During Cadastral Operations." Each such property shall be provisionally numbered for a period of fifteen years starting from the date of the filing of cadastral documents with the land registry.

The scope of application of this article was clarified by the memorandum issued by the General Directorate of State Property (No. 04060, dated April 5, 2018), which sets forth the procedures for the settlement of privately owned properties that meet the following conditions: properties that were not claimed during cadastral operations and that were not the subject of a registration request by any individual between the date of the cadastral operations and the date of filing of the cadastral documents.

SECOND REQUIREMENT: Applications Supported by Registered Title Deeds

Article 89 of the 2018 Finance Act explicitly provides that applications supported by registered title deeds may be considered. In this context, "registered title deeds" refers to all documents establishing a real property right, duly registered with the Real Estate Registry, and constituting a current right as recorded in the cadastral register.

22- Explanatory Memorandum, Ministry of Finance, No. 04060 of 5 April 2018, op. cit.

This category includes deeds and contracts executed by a public officer, a competent administrative authority, or a judicial authority (in the case of judicial decisions and rulings), as well as all analogous documents that have been duly registered with the Real Estate Registry and relate to the right of ownership. Such deeds acquire absolute probative force immediately upon their registration.

In this case, the settlement procedures are completed before the territorially competent real estate registrar. The application must be filed with the registrar along with proof of identity, the registered title deed, and, where necessary, the inheritance certificate. The application is then entered into a special register, numbered and stamped by the Director of Real Estate Preservation. The registrar must verify that:

- The period of provisional registration — which is limited to fifteen years from the date of receipt of cadastral survey documents by the Real Estate Registry — has not expired.
- The property falls within the scope of paragraph 02 of Article 23 bis, as amended by Article 89 of the 2018 Finance Act.[23]
- The deed is valid and duly registered in the cadastral register.

If the submitted title deed has been registered in another Real Estate Registry, the registrar must, within eight days of receiving the application, notify the provincial director, who in turn requests the legal status of the property from the so-called "parent" Real Estate Registry, provided both registries are within the same province. If they are in different provinces, the relevant counterpart registrar is contacted.

Direct investigations are then carried out at the original or parent Real Estate Registry to examine the content of the submitted deed — received in the form of a registration document — and verify that the references appearing on the registration document correspond to those recorded in the relevant deposit register.

If the preliminary review confirms that the conditions for settlement are met, the registrar contacts the Director of State Property to decide on the legal status of the property in question. The Director must reply within two months of receiving the request, clearly indicating whether or not the State has any rights over the property. Within eight days of receiving the settlement application, the registrar must also contact the Director of Land Survey to confirm that the description in the contested deed matches the ownership unit subject to the settlement request. The Director of Land Survey must respond within a maximum of 30 days from the date of receipt of the registrar's request.

Furthermore, if the application concerns part of a property unit recorded under "unclaimed properties" during cadastral survey operations, the land survey services

23- Law No. 17-11 of 27 December 2017 on the Finance Law for 2018, Official Gazette No. 76, 28 December 2017.

must annotate the measurement report prepared by a certified land surveyor. This process is carried out at the applicant's initiative and expense, and the annotated report must be submitted to the registrar within 30 days, specifying that the remaining portion remains recorded as unclaimed property and subject to the same settlement procedures as provided for in Memorandum No. 04060 dated 05 April 2018.[24]

If the investigation confirms that the property claimed — which had previously been recorded as unclaimed during cadastral operations — rightfully belongs to the applicant, the registrar proceeds with its definitive registration in favor of the rightful owner.

THIRD REQUIREMENT: APPLICATIONS SUPPORTED BY UNREGISTERED TITLE DEEDS OR BASED ON POSSESSION

Memorandum No. 04060 defines "unregistered deeds" as any notarized instrument executed prior to the entry into force of Ordinance No. 74-75 dated 5 July 1975; a judgment or judicial decision that has acquired the authority of res judicata; an instrument drawn up by court clerks or by sharia judges prior to the issuance of Ordinance No. 70-91 dated 15 December 1970;[25] or an instrument falling under Article 328 of the Civil Code.[26]

Where the applicant grounds the request on the exercise of possession, the matter turns on the assessment of the facts of possession alleged by the claimant, on the basis of the documents submitted in support of the regularization request. If an authenticated certificate of possession has been registered, it is presumed that the necessary on-site inquiries will encounter no particular difficulties, bearing in mind Article 2 of Executive Decree No. 91-254 of 21 July 1991, which sets the conditions and procedures for issuing the certificate of possession.

If the application is not based on a certificate of possession, the Director of the Land Registry may, where appropriate, rely on a comparison between the document submitted and other instruments on the basis of which other persons have obtained a land title number in the same section or an adjacent section whose survey documents have been filed. This comparison may assist in reconstructing the chain of transactions relating to the property and in assessing the actual exercise of possession by an adjoining owner who holds a duly registered legal title.

Regularization proceedings are conducted before the Wilaya Director of the Land Registry, by filing the application with the Directorate of the Land Registry,

24- Memorandum issued by the General Directorate of National Property, No. 04060 of 5 April 2018, containing settlement procedures relating to properties, p. 6.
25- Ordinance No. 70-91 of 15 December 1970 on the Notary Profession, Official Gazette No. 107, repealed.
26- Civil Code, op. cit., Article 328.

accompanied by proof-of-identity documents as well as the unregistered official instrument, the private (underhand) deed, or any document evidencing the applicant's actual possession prior to the date of the cadastral surveying works. Where applicable, a lawful inheritance statement (farīḍa sharʿiyya) must be provided in the event of the possessor's death. The same Director shall, within eight (08) days, notify the competent Land Registrar and transmit copies of those documents for the purpose of carrying out the necessary inquiries at the land office with jurisdiction over the property and at the so-called "mother" land office.

The Land Registrar must provide a response to the request for information concerning the legal status of the property within fifteen (15) days from the date of receipt of the request from the Wilaya Director of the Land Registry. The Registrar must also verify that the period for accepting a regularization request—set at two (02) years from the date the cadastral survey documents were received by the land office—has not expired, and also ascertain that:

- The applicant does not possess any registered title deed for the property being claimed.
- The deed or document submitted has not been previously used for the registration of another property in his favor.
- The property being claimed has not been the subject of a registered judicial proceeding.

The applicant must correspond with the Director of State Property within a maximum of eight (8) days following the investigations conducted by the registrar of real estate. The Director is required to provide a clear response as to the existence or absence of any state rights over the claimed property, specifying the legal framework under which such rights may have been incorporated into state property. This response must be delivered within two (2) months from the date of receipt of the request.

Concurrently, within eight (8) days from the date of the preliminary investigations conducted at the relevant real estate conservation office, the provincial director of real estate conservation contacts the Director of Land Surveying to verify the correspondence between the claimed property and the property group subject to the regularization request. The director must respond, attaching a boundary demarcation report, to the registrar of real estate within one (1) month of receiving the request.

If the request concerns the regularization of a portion of a property group registered under the category of unclaimed real estate during cadastral operations, the land survey services are responsible for annotating the measurement document prepared by the certified land surveyor, commissioned and paid for by the interested party. This annotated document must be attached to the response sent to the registrar

of real estate, with a clarification that the remaining portion of the property group remains recorded under the category of unclaimed real estate during cadastral operations.

If the investigations confirm that the ownership and possession of the claimed property are valid, the registrar of real estate is notified by the director of real estate conservation to grant a provisional registration of the property in the applicant's name for a period of two (2) years, starting from the date of filing the regularization request.

The registrar may receive potential objections to the provisional registration and must record them in the register of objections, handling them in accordance with Article 15 of Executive Decree No. 76-63 of 25 March 1976, as amended and supplemented.[27]

If the investigations reveal that the property belongs to the state or one of its local authorities, the director of real estate conservation instructs the registrar to carry out the final registration of the property accordingly, while notifying the Director of State Property or the representative of the relevant local authority for informational purposes.

FOURTH REQUIREMENT: UTILIZATION OF UNCLAIMED REAL PROPERTY

Article 89 of the Finance Law for 2018 introduced new provisions establishing a fifteen-year (15) provisional registration period for properties unclaimed during cadastral operations. This diverges from the rules contained in Executive Decree No. 76-63 of March 25, 1976, concerning the establishment of the land registry—amended and supplemented by Executive Decree No. 93-123 of May 19, 1993—particularly Articles 13 and 14, which prescribed a provisional registration period of four (4) months for properties whose apparent owners hold valid legal titles, and two (2) years for properties whose apparent owners lack sufficient documentary proof of ownership.[28]

This raises a fundamental question regarding which entity is responsible for managing these provisionally registered properties—entered into an anonymous account for a period of fifteen (15) years—and how they are to be monitored and preserved throughout this period.

The fifteen-year provisional registration, counted from the date of filing the cadastral documents for unclaimed properties, constitutes their entry in the "Account of Properties Not Claimed During Cadastral Operations." As such, these properties are considered vacant and without custodians, and the State assumes responsibility for their protection. Pursuant to Article 184, in application of Article 181 of

27- Decree No. 76-63, op. cit., Article 15.
28- Articles 13 and 14 of Executive Decree No. 93-123 of 19 May 1993, op. cit.

Executive Decree No. 12-427,[29] the Director of State Property, acting on behalf of the Minister of Finance, files a petition before the Administrative Court against the State's Commissioner to request judicial custody of the property and to be granted authority over its management throughout the statutory limitation period set forth in Article 89 of the Finance Law for 2018.

Based on the court ruling issued in this regard, the unclaimed property is recorded with the Directorate of State Property, precisely identified, and cross-referenced with the judicial decision that authorizes its custodianship by the Directorate for the duration of the period. The Directorate is also required to record the revenues generated and expenses incurred in its management.[30] Furthermore, it may dispose of the property by granting residential leases, leases for professional or commercial premises, or concessions in the case of agricultural land.

Conclusion:

The Algerian real estate system depends heavily on vacant property management because these properties represent unclaimed assets from past cadastral surveys which used to be called "unknown properties." The legislator through Ordinance No. 75-74 together with the 2018 Finance Act created a more defined legal system for managing these properties. The system brings them under national authority through an organized procedure which starts with property assessment and ends with official registration and court supervision.

The implemented reforms have exceeded standard regulatory changes because they create complete legal protection for property rights which guarantees ownership security. The law stops rights from fading away and protects against legal loopholes that appear in situations when properties remain unclaimed after someone dies or when someone chooses to give up their inheritance.

Thus, the management of vacant properties reflects the State's commitment to strengthening oversight of the real estate inventory and consolidating public ownership. This approach contributes to reintegrating these properties into the economic and social cycle, while simultaneously reinforcing the principle of real estate security and stability as one of the pillars of sustainable development.

This study has led to several key findings, summarized as follows:

- Properties that lack owners, whose owners have died without heirs, or that have been abandoned, are considered part of the State's property.
- The inclusion of vacant real estate properties in the State's domain is subject to special procedures, which differ between surveyed and unsurveyed areas.

29- Executive Decree No. 12-427, op. cit., Article 181.

30- Kahila Hakima, Lectures on Real Estate Conservation, 2nd year Master's, Faculty of Law and Political Science, University of Blida 2, academic year 2022–2023.

- Vacant real estate properties are first recorded under "unclaimed properties" during cadastral operations, assigned provisional registration according to their status, and, after the statutory period has elapsed, incorporated into the State's private domain.
- The judicial custody system is a precautionary measure taken by the State to manage unclaimed properties until they are claimed or until the expiration of the protest period.
- Memorandum No. 04060 issued by the Ministry of Finance—particularly Article 89—specifies the mechanism by which vacant real estate passes to the State, defining the procedures for provisional registration and management. This has provided the administration with greater clarity in handling such properties.

Study Recommendations:

In light of these findings, the following recommendations are proposed:

- Harmonize the legal and regulatory framework between the provisions of the explanatory memorandum and those of the Civil Code with respect to provisional registration of real estate.
- Strengthen digitalization efforts by establishing a dedicated database for vacant real estate properties, enabling their placement under judicial custody and facilitating their protection.
- Ensure that unused vacant properties are redirected toward agricultural or urban investment projects under public-private partnership schemes.

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