



REAL ESTATE INVESTIGATION AS A LEGAL MECHANISM TO CLEANSE REAL ESTATE PROPERTY IN ALGERIA

BOUCHRITTE HASNA

Laboratory of the Impact of Judicial Jurisprudence on the Algerian Legislation Movement, University of Mohamed Khider Biskra (Algeria), E-mail: h.bouchritte@univ-biskra.dz

Received: 10/2024, Published: 11/2024

Abstract:

The Algerian legislator sought to purify real estate ownership by issuing Law No. 07/02 of 27/02/2007 establishing a procedure for examining the right of real estate ownership and handing over title deeds through real estate investigation, and the implementing text of Executive Decree No. 08/147 of May 19, 2008.

It stipulates that every holder of unsurveyed and non-state-owned property has the right to initiate a request to open a real estate investigation before the competent administrative authority in order to receive the title deed, which results in either the holder benefiting from the title deed, or not benefiting from a reasoned decision that can be challenged before the competent administrative judicial authorities.

Keywords: *Ownership - Real Estate - Investigation - Survey - Bonds.*

INTRODUCTION:

The issue of regulating real estate is one of the important priority issues for many countries, due to the economic, social and political importance of the latter, as it contributes to the development of the national economy as a source of renewable sources of wealth and an effective component in achieving investment and social development. In view of this importance, the Algerian legislator, like many legislations, was interested in purifying real estate ownership and its stability, as he issued an arsenal of legal texts, all aimed at a real cleansing of real property ownership, which began with Order No. 75/74 of 12/11/1975 containing the preparation of the general survey of land and the establishment of the real estate registry, which witnessed a significant delay in its results due to the difficulty of the material and human resources required, and the lack of awareness of citizens of the importance of the outputs of the general survey, in addition to taking long periods with the urgent need to obtain Owners on bonds proving their ownership.

On the basis of these problems, the legislator hastened to issue Decree No. 83/352 of 21/05/1983 on the procedure for proving the prescription of gain and preparing the goodwill contract containing the recognition of ownership, which also raised many contradictions, the most important of which is the annulment of many contracts concluded in the context of this law, whose owners have disposed of the real estate rights established therein to others, in addition to its limited impact as it is based on mere declarations of the parties concerned before the notary, which resulted in instability and destabilization of real estate transactions. Hence, it has become necessary for the Algerian legislator once again to think about finding alternative effective mechanisms for the purification of real estate ownership, which has already been done through the issuance of Law No. 07/02 of February 27, 2007, which includes the establishment of a procedure for examining the right of real estate ownership and the delivery of title deeds through real estate investigation, and the implementing text of it represented in Executive Decree No. 08/147 of May 19, 2008 on real estate investigations and the delivery of title deeds. following:

To what extent has the real estate investigation mechanism provided for in Law No. 07/02 been able to cleanse real estate ownership in Algeria in order to ensure real estate security and stability?

To answer this problem, we decided to develop two hypotheses: the first related to the possibility of the real estate investigation mechanism contributing to the cleansing of real estate ownership,

and the second the extent to which there are some problems that hinder the process, which results in the emergence of some disputes.

For this study, two methodologies were used, a descriptive approach and an analytical approach to describe and analyze everything related to the issue of real estate investigation as a tool to cleanse real estate ownership.

Based on the foregoing, this study was divided into two sections, so that the first section included the conditions and procedures of real estate investigation as a legal mechanism to cleanse real estate ownership, while the second section the effects of the real estate investigation process as a legal mechanism to cleanse real estate ownership.

The first axis: Conditions and procedures for real estate investigation as a legal mechanism to cleanse real estate ownership

In order to carry out the process of examining the right of ownership through real estate investigation and obtaining the title deed in accordance with Law No. 07/02 establishing a procedure for examining the right of real estate ownership and handing over title deeds¹, the Algerian legislator required the availability of a set of conditions and a set of legal procedures, which we will address according to the following stages: the conditions of real estate investigation first, and then the real estate investigation procedures second.

First: Conditions of real estate investigation

The Algerian legislator required the applicant for real estate investigation in order to benefit from the granting of the title deed the availability of a number of conditions, including those related to the property subject of real estate investigation, and some of them related to the possession of the property, and these conditions were determined under articles 2, 3 and 4 of Law No. 7 0/02 mentioned above, although it is noticeable on this determination that it came negative by excluding cases in which it is not permissible to claim an investigation, which is represented in²:

1- Conditions of the property under investigation

A- The property must be unsurveyed :

In the sense that the property is among the real estate areas that have not yet undergone the general survey of the lands stipulated in Order No. 75/74 containing the preparation of the general land survey and the establishment of the real estate registry³, and accordingly the lands or real estate that have been surveyed are excluded as their owners benefit from real estate books after completing the necessary legal procedures or a temporary numbering certificate⁴ The real estate book according to Article 19 of this order is an administrative document that constitutes strong evidence in proving real estate ownership and / or real estate rights⁵, and unsurveyed lands and real estate, whatever their material nature, remain subject to this procedure⁶, and the purpose of the existence of this exception is due to the fact that the inspection procedure on the basis of which the real estate investigation is carried out in parallel with the general surveys and numbering in the real estate registry, where each of them aims at the same goal, which is the delivery of title deeds, and therefore it can be said that the real estate investigation is in this sense a complementary procedure to the surveys General land where it includes real estate for which the survey process was delayed, and therefore it is a consolidation of the purpose for which the survey was found, which is the complete cleansing of illegal real estate ownership⁷, noting that the legislator does not require whether the property is built or not built, agricultural or urban, it is sufficient to be in an unsurveyed area only⁸.

B- The property must be privately owned:

This condition is not mentioned in the articles related to the conditions of real estate investigation, especially the text of Article 02 of Law No. 07/02, but it was derived from the text of Article 3 of the same law, which excluded two types of real estate property from the scope of application of this law, namely, national property and endowment property, as national property, whether public or private, or including the lands of the throne, is not subject to prescription. As for endowment properties, this is due to their nature and the goal they seek to achieve, which is the public benefit⁹, which made them subject to a legal system of their own.

It should be noted that the real estate investigation process includes both real estate that was not the subject of title deeds, as well as real estate that was not subject to general land surveys as we have seen previously, and real estate for which title deeds were prepared before March 1961, which were under one of the following forms:

- Bonds delivered following the investigation procedures provided by the Varney Act.
- Bonds related to real estate property rights publicized in mortgage offices.
- Sharia judges' contracts involving real estate transactions between Algerians.

Decisions related to dispositions related to the right of real property issued by judicial bodies¹⁰.

2- Conditions for the possession of the property under investigation

It is not enough to benefit from the real estate investigation procedure in order to obtain the title deed that the property is not surveyed and that it does not belong to the national property or endowment, but the property must be in actual possession by the applicant for the real estate investigation, and this is in accordance with the text of Article 4 of Law No. 07/02, which states: "Every natural or legal person can exercise possession of a property, whether by himself directly or by another person, or possesses a title deed. As indicated in Article 02 above, a real estate investigation may be requested to inspect a title deed and hand it over a title deed.

A. Definition of possession

Real estate tenure is defined from a jurisprudential perspective as: <<Seizure of a real estate right and actual control over it and its use and what is consistent with its nature with the intention to do so, whether this property is owned by the holder or not >>, or it is <<a temporary situation protected by law, and it results in the transformation of a material fact into a legal situation that leads to the acquisition of ownership of the property under possession through the statute of limitations>>¹¹ While in the legal perspective, the Algerian legislator has dealt with it and regulated it in articles 808 to 842 of the Civil Code, but he did not define it, leaving this to jurisprudence and the judiciary, which agree that possession is a presumption of ownership of the thing, but as long as it is a matter of real estate, procedures and formalities must be followed to prove real estate ownership definitively and definitively.¹²

B. Elements of Possession

In the legal possession provided for under Law No. 07/02 leading to the recognition of real estate ownership, the possession must be in the form of actual control over the property and the appearance of the holder in it as the real owner so that he has a real and actual authority that allows him the right to use, exploit and use, with the need for the intention to own, the lesson in the profitable possession of real estate ownership is that the seizure is accompanied by the intention of the holder to acquire a real estate right (the right of ownership)¹³ Article 808 of the Civil Code also stipulates that this possession does not appear to be characterized by the following descriptions:

- The possession should be quiet in the sense that it is free from any claims or objections from third parties.
- Possession shall be public by showing the acts exercised therein to all.
- That the possession is continuous and this is through the continuous and regular use of this property, so that the holder uses the property as the owner's use of his property usually because if the possession is accompanied by coercion, concealment or ambiguity, it does not have a direct effect on the person who was coerced or influenced except from the time when this defect disappears.
- Possession should be clear and unambiguous, to facilitate knowledge of the capacity in which use is exercised¹⁴.

C. Duration of Possession

The Algerian legislator distinguished in the provisions of the Civil Code between possession by a deed and possession without a title in terms of the required period, where if the holder owns a valid deed, this ownership may be invoked only 10 years from the actual possession of the property, in accordance with Article 827 of the Civil Code, while if the holder is not the owner of any valid

deed justifying his possession, the acquisition of ownership cannot be pleaded by prescription unless his possession of this property has passed for at least 15 years¹⁵.

Second: Real Estate Investigation Process Procedures

The real estate investigation process is a set of legal procedures initiated by the competent administrative authority at the request of each natural or legal person, including field work for the purpose of physical and legal inspection of the real estate property in possession to ensure its validity and the delivery of title deeds, and on this basis, the process of conducting the real estate investigation is subject to a set of procedures, the most important of which is the request to initiate the investigation, which can be an individual or collective initiative, in the light of which we will study these procedures¹⁶.

1- Individual initiative to inspect the right of real estate ownership

The individual procedure of real estate investigation is the basis for initiating real estate investigations concerned by Law No. 07/02, without prejudice to the possibility of resorting to the collective procedure of the process within the framework of the implementation of rural or urban real estate construction or development programs, where any natural or legal person who exercises possession of real estate, either directly or through another person, or possesses a title deed before the date of March 1961, may request the opening of a real estate investigation to inspect a title right and hand over the title deed.

Where a written request written in a form in the name of the natural or legal person is addressed to the regionally competent state real estate conservation services officer, and the content of this application and the documents attached to it are determined in accordance with Article 3 of Executive Decree No. 08/147 related to real estate investigations and the delivery of title deeds¹⁷, which relate specifically to information about the applicant and information about real estate.

The real estate investigation shall be conducted under the authority and control of the official of the state real estate conservation services, where the investigation shall be carried out by a real estate investigator appointed by the official of the state real estate conservation services from among the agents of the corps of inspectors of state property¹⁸, and if necessary, the concerned minister may assign any of the agents affiliated with the equivalent wires, in order to avoid the shortage of human resources that the real estate conservation services may face, especially in cases where in the case of real estate investigation, the director of real estate conservation shall issue an individual petition within a maximum period of one month from the date of receipt of the application, the decision to open a real estate investigation, provided that the latter is sent to the president of the concerned municipal people's assembly in order to attach it to the municipal headquarters for a period of 15 days before the date of the real estate investigator's move to the place¹⁹. This is in order to inspect in the presence of the applicant and search for the owners or owners of the property in order to provide and benefit from any information regarding the legal status and material content of the property under investigation²⁰.

All of this shall be abstracted in a report, after which he shall write a temporary record in which all his findings shall be recorded within 15 days from the date of his move to the place of the property, provided that the temporary minutes shall be published by pasting for a period of 30 days at the headquarters of the municipality of the property site within 8 days at most, after the date of its release for public information, in order to submit possible protests or objections.²¹

Accordingly, we find that the Algerian legislator, in giving the status of authenticity to the real estate investigation, has surrounded it with a wide publicity process that would raise any possible objection by persons.

A- Failure to submit protests or objections by the public within the legally specified deadlines:

In the event that the public does not submit any protest or objection within the specified period, the real estate investigator shall write a final record in which he records the results of the real estate investigation, and based on this order, the real estate expert engineer shall attend the investigator at the expense of the applicant or the concerned person to set the contours of the boundaries of the property, to then complete the topographic plan by referring to the boundaries and the real estate unit number and then hand it over to the real estate investigator²².

B- Submit protests and objections by the public within the legally specified deadlines:

In the event that protests or objections are submitted by the public during the open period for this purpose stipulated in Article 12 of Executive Decree No. 08/147, which is equal to thirty days after eight days from the beginning of the period of affixing the provisional report, the real estate investigator shall fix a reconciliation session of eight days at most 8 days after the date of submission of the protests or objections, and shall, if necessary, make a new movement to the site. The reconciliation procedure mentioned above and announced by the real estate investigator shall result in one of two things:

- In case of an attempt to reconcile leads to an agreement: The real estate investigator shall draw up a minutes of reconciliation and resume his procedures normally in accordance with the provisions of the aforementioned Article 13.

- In the event that the reconciliation attempt fails: In this case, the real estate investigator shall draw up a report of non-reconciliation and deliver it during the session to the parties, indicating that the investigation procedure is a position, and that the party who submits a protest or objection has a legal period of two months to file a lawsuit before the competent authorities²³.

2- The collective initiative to inspect the right of real estate property through real estate investigation

With reference to the text of the aforementioned Article 6, we find that a real estate investigation can be opened collectively within the framework of the completion of a rural or urban real estate construction or development program, and this determination is legally related to the completion of collective construction programs or rural or urban real estate development, as this matter is done by virtue of a decision issued by the governor that includes the initiation of collective procedures for real estate investigation, which is carried out on his own initiative or at the request of the President of the competent municipal people's assembly²⁴.

In this context, the decision of the Wali shall determine the region or regions concerned, and the period during which the person concerned shall be placed. Which claims in the body of the text "meaning" with the Directorate of Land Conservation a file containing the same documents in the individual initiative. The governor's decision to open a collective real estate investigation process shall be published in the state's administrative contracts register and shall be widely published by pasting it for a month before the beginning of the period of receiving the files.

For the same purpose, the director of real estate conservation pastes it at the level of the directorate's headquarters, and sends copies of it to the heads of the municipal people's councils concerned, and to the state directors in charge of surveying land, state property, taxes, endowments, construction, reconstruction and agricultural interests for affixing them, hence we find that the processes of rural or urban modernization require consulting the officials concerned in addition to being subject to a wide dissemination process²⁵. << This is due to the fact that the governor's decision to open a collective real estate investigation includes a group of properties, the opening of individual investigations in each property covered by the governor's decision remains subject to the issuance of the decision to open the investigation issued by the director of real estate conservation at the request of the concerned person, in the same modalities and conditions that are in the individual investigation process, and this is in accordance with the text of Article 9 of the Executive Decree No. 08/147 >>²⁶.

The second axis: the effects of the real estate investigation process as a legal mechanism to cleanse real estate ownership.

With reference to the text of Article 14 of Law No. 07/02 establishing the procedure for inspecting the right to real estate and handing over title deeds, we find that as a final stage of the investigation process, the real estate investigator prepares a final report in which he records the results of the investigation he reached, which he delivers along with the application and the documents attached to it and the interim investigation report to the state real estate conservation director, who takes a final decision on the outcome of the investigation process, which is either the issuance of the real estate numbering decision and the delivery of the title deed, or the issuance of a decision Rejection of real estate numbering and thus not granting the title deed, which results in

the emergence of some judicial disputes that are competent to be adjudicated by both the ordinary judiciary and the administrative judiciary, and in light of these points, we will address the final stage of the real estate investigation process first, and then the disputes resulting from the real estate investigation process second.²⁷

First: The final stage of the real estate investigation process

The State Director of Real Estate Conservation shall be responsible for deciding on the outcome of the real estate investigation process, which may end either with the issuance of the numbering decision and the delivery of the title deed or the issuance of a decision rejecting the real estate numbering.

1- Issuance of the numbering decision and delivery of the title deed

If the analysis of statements, statements and certificates, as well as the documents submitted and the investigations carried out by the real estate investigator, results in the applicant exercising possession that would allow him to obtain the right of ownership through the statute of limitations, he shall be recognized as entitled to the property, through the issuance of a decision by the state real estate conservation officer, on the basis of the final minutes stipulated under Article 13 of the Law, a decision related to the real estate numbering in the name of the owner concerned, to send this decision to the regionally competent real estate governor. In order to implement, to publicize the real estate numbering decision by marking the group of temporary real estate cards, and the publicity procedure implemented in this case within the meaning of Article 88 of Decree No. 76/63 relating to the establishment of the amended and supplemented Land Registry constitutes the starting point for the right of ownership enshrined by²⁸.

Following this publicity, the real estate governor prepares the title deed, which becomes the only starting point for ownership without any other document that may have been prepared and publicized before. In application of Article 22 of Ordinance No. 07/02 in the case of commonality, the director of real estate conservation shall not deliver the title deed to one of the owners in the common, except on the basis of a written declaration made by the owners in the commune before him or on the basis of a notarized power of attorney.²⁹ The Directorate of Real Estate Conservation maintains for each real estate investigation a file containing all the documents collected during the investigation and as the case may be. Either a copy of the title deed containing the real estate registration visa, or a copy of the decision to reject the numbering stipulated in Article 17 of Law No. 07/02, and these files are arranged according to each municipality³⁰.

2- Issuing a decision to reject the real estate numbering

Article 17 of Law No. 07/02 stipulates that if the real estate investigation does not lead to a result in the sense of the futility of the investigation, based on the lack of possession elements, the official of the state real estate conservation services shall prepare a reasoned decision that includes the rejection of numbering, which is subject to appeal before the competent administrative judicial authorities within the legally prescribed deadlines, where the rejection decision, as the case may be, shall be delivered to the concerned or the governor within a maximum period of six (6) months from the date of filing Order³¹.

Second: Disputes resulting from the real estate investigation process

In it, we address each of the special conditions for filing lawsuits arising from real estate investigation disputes, and disputes resulting from the real estate investigation process in the second branch.

1- Special conditions for filing lawsuits arising from real estate investigation disputes

A- Reconciliation procedure:

One of the procedures of the real estate investigation is that the real estate investigator in the field receives statements of meaning according to which he presents the facts and circumstances that allowed him to exercise possession of the property that he claims the right to own, and this real estate investigator carries out all investigations and investigations to prove the right of ownership claimed and protect the rights of others, based on these landmarks he writes a temporary report legally justified that includes the results of the investigation and puts it available to the public for review. In the event that any specific protests or objections are restricted, a

reconciliation session shall be fixed within 8 days at most after its submission, after which a report shall be drawn up by agreement on the composition or a report of non-reconciliation.

Hence, no objector or protester can resort to the judiciary except by passing the reconciliation procedure, and this is in accordance with Article 12 of Law No. 07/02, as reconciliation is a fundamental formality that results in the absence of which the lawsuit is rejected in form. The reconciliation procedure is not considered a new procedure for the Real Estate Conservation Department because it was applied within the framework of Decree No. 76/63 of March 25, 1976 establishing the Land Registry, where it was stipulated in Article 15 thereof that in the case of temporary real estate numbering disputes, the real estate governor has the authority to reconcile between the disputants, but the difference between the two matters appears in the person making the reconciliation, where within the framework of Decree 76/63, the real estate governor is the competent one; 07 / 02 Real Estate Investigator³².

B- Deadlines for filing a lawsuit :

Article 12 of Law No. 07/02 stipulates that the objector or protester may, starting from the date of receiving the minutes of non-reconciliation under penalty of rejection of his application within a period of two (2) months, file a lawsuit before the competent judicial authority, where all procedures are suspended until the issuance of a judgment in the case. This is confirmed by Article 16 of Decree No. 08/147, which stipulates that the party who submitted the protest or objection in the event of non-reconciliation has a legal period of two (2) months to file a lawsuit before the competent judicial authorities, and the wisdom of restricting the filing of a lawsuit with a time limit is not to suspend the real estate investigation for a long time, and to add the speed factor in purifying real estate ownership, especially after the delay in the general survey process³³.

C- Publication of the opening petition of the lawsuit:

Article 12, paragraph 5, of Act No. 07/02 stipulates that the petition must be subject to publicity procedures. Where the opening petition is publicized in the event that the lawsuit is filed within 8 days at most following the end of the legal period mentioned in Article 16, which is two months, and the real estate governor immediately implements the required real estate publicity procedure, and this is done by marking on the group of temporary real estate cards by opening a personal card in the name of the applicant or the concerned person with mentioning the legal framework in which the lawsuit was filed in addition to the designation of the property.

The director of real estate conservation informs the applicant or the concerned person of stopping the real estate investigation procedure until the issuance of a judicial ruling in the case of an individual initiative to request an investigation, or the governor and the president of the People's Municipal Assembly in the case of collective initiative, and if the petition for publicity is not submitted within the legal period, the director of real estate conservation informs the owner of the request or the meaning and the real estate investigation continues in accordance with the provisions of Article 13 of Decree No. 08/147 without taking into account protests or objections³⁴.

2- Disputes resulting from the real estate investigation process:

Law No. 07/02, which includes the establishment of a procedure for examining the right of real estate ownership and the delivery of title deeds through a real estate investigation, has granted broad powers to the state managers of real estate conservation in the conduct and control of real estate investigation that results in the preparation and delivery of title deeds, which can result from its application some judicial disputes, whether between the owners of possession and third parties or the state and its local group, so we will address these disputes and indicate the competent judicial authority to adjudicate them according to the following.

A- Disputes that the administrative judge is competent to adjudicate

Article 17 of Law No. 07/02 stipulates that if the real estate investigation does not lead to a result, the official of the state real estate conservation services shall prepare a reasoned decision that includes the refusal of numbering. The latter shall be challenged before the competent administrative judicial authority, within the time limits specified by law in Articles 17 and 18 of Executive Decree No.

08/714 related to real estate investigations and delivery of title deeds. Article 18 of Law No. 07/02 stipulates that in the event that a numbering made on the basis of incorrect declarations or false documents is discovered, the official of the state real estate conservation services shall file a lawsuit demanding the cancellation of the numbering in question.

A public action is filed on the basis of false statements or forged documents submitted by the holder benefiting from the real estate numbering process, in the light of which a final penal judgment is issued convicting the holder of false statements, forgery or use of forgery in accordance with the rules of the Penal Code, and this is to be based on filing another lawsuit that includes the cancellation of the real estate numbering that will be initiated before the administrative court³⁵.

B- Disputes over which the criminal judge is competent to adjudicate

With reference to the text of Article 18 of Law No. 07/02, we find that the legislator restricted the authority to initiate public action in the event of discovering numbering on the basis of false or forged statements to the regionally competent state real estate conservation director, without the rest of the other victims of the process of obtaining the title deed through real estate investigation, although there are those who believe that this power should be left to all those affected by the crime, whether the real owner, the holder of preference, or those who have another right in kind over the property³⁶.

Conclusion:

By addressing the subject of real estate investigation as a legal mechanism to purify real estate ownership in Algeria, it is clear to us the extent of the legislator's interest and keenness to enact legal texts that are compatible with this last goal in order to ensure the existence of real estate security, and therefore we conclude:

- The Algerian legislator has introduced a new mechanism, namely real estate investigation, especially after the abolition of Decree No. 83/352 containing the procedure for proving the prescription of gain and the preparation of the goodwill contract, which is an optional procedure exercised on the possession of real estate that has not yet been surveyed, or that the property was without a title deed, or with a title deed issued before 1961.
- We find that real estate investigation differs from the general survey of land, as the latter is a technical process undertaken by the competent administrative authorities in order to ascertain the legal status of real estate of all kinds, and it also includes all the national territory and is compulsorily delivered on the basis of a real estate book and is the only document to prove real estate ownership. Real estate investigation is a process that is carried out under the authority and control of the regionally competent state real estate conservation manager and ends with the delivery of a title deed.
- The title deed is an administrative deed prepared by the director of real estate conservation in accordance with the legal forms and within the limits of his competence, which includes the declaration of ownership on the basis of the statute of limitations and this is in parallel with the general land surveys, but it is striking that this deed does not gain absolute authority because it is possible to claim the cancellation of real estate numbering and the rights resulting from it by filing a lawsuit before the administrative court by the real estate governor.
- Many disputes may arise in which jurisdiction is shared by both the ordinary and administrative courts.
- It is considered a single mechanism that is insufficient to cleanse real estate on the basis that it is optional based on the freedom of individuals and does not bear the character of binding. From this framework, we will propose some suggestions that may and may contribute to the effectiveness of this mechanism in order to ensure the existence of real estate security and stability in Algeria:
 - The need to amend the real estate legal system in Algeria in line with the current developments.
 - The need to alleviate the problems facing the real estate investigation process to eliminate bureaucracy and nepotism.
 - Trying to fine-tune the task of the real estate investigator, whether organically or functionally, in order to control well the real estate investigation process.

**BIBLIOGRAPHY:****1- Books:**

- Abdelaziz Mahmoudi, Mechanisms of Purification of Property and Settlement of Private Real Estate Deeds in Algerian Legislation, 2nd Edition, Baghdadi Publications, 2010.
- Omar Hamdi Pasha, Mechanisms of Purification of Private Real Estate Property, Dar Houma for Printing and Publishing, 2013.
- Majid Khalfouni, Real Estate in Algerian Law, Dar Khaldounia, Algeria, 2012

2- Theses:

- Chehenaz Ben Bouaicha, Real Estate Investigation in the Algerian Law System, PhD thesis, specializing in private law, Faculty of Law, University of Algiers 1 Ben Youssef Ben Khadda, 2017.
- Hazem Azzoui, Mechanisms of Purification of Private Real Estate Property in Algerian Law, Master's Thesis, Specialization in Real Estate Law, University of Hajj Lakhdar Batna, 2009.

3- Articles:


- Badr Chnouf, Real Estate Investigation as an Alternative Mechanism to the Goodwill Contract to Prove Private Real Estate Ownership, Journal of Comparative Legal Studies, Vol. 8, No. 01, Hassiba Ben Bouali University Chlef, Algeria, 2022.
- Abdelaziz Mahmoudi, Real Estate Investigation as a Mechanism for the Delivery of Private Real Estate Titles, Journal of the Department of Legal and Political Research and Studies, Issue 6, Faculty of Law and Political Science, Mursali Abdullah Tipaza University Center, 2019.
- Alaeddine Aichi, Property Control through Real Estate Investigation: An Analytical Study of Law No. 07/02, Journal of Administration, Volume 17, Issue 2, Journal of the National School of Administration, Algeria, 2007.
- Imad Eddin Rahimia, Real Estate Investigation as a Procedure to Prove Private Real Estate Ownership, Al-Muthinker Magazine, Issue 9, Faculty of Law and Political Science, University of Biskra, 2013.
- Farid Baqa, Real Estate Investigation as a Mechanism for the Settlement of Real Estate Title Deeds in Algerian Law in accordance with Law No. 07/02 and its implementing decree, Al-Ma'aras Magazine, No. 11, Ahmed Ben Yahya Alouncheris Tsimsilt University Center Publications, Algeria, 2015.

4- Legal texts:

- Law No. 07/02 of 27/02/2007 establishing a procedure for examining the right of ownership and handing over title deeds through real estate investigation, Official Gazette No. 15, dated 28/02/2007
- Order No. 75/74 of 12/11/1975 on the preparation of the general land survey and the establishment of the Land Registry, Official Gazette No. 92, dated 18/11/1975. - Executive Decree No. 08/147 of May 19, 2008 on real estate investigations and the delivery of title deeds, Official Gazette No. 26, dated May 25, 2008.

Marginalization:

- 1- Law No. 07/02 of 27/02/2007 establishing a procedure for examining the right of ownership and handing over title deeds through real estate investigation, Official Gazette, No. 15, dated 28/02/2007
- 2- Badr Chenouf, Real Estate Investigation as an Alternative Mechanism to the Goodwill Contract to Prove Private Real Estate Ownership, Journal of Comparative Legal Studies, Vol. 8, No. 01, Hassiba Ben Bouali University Chlef, Algeria, 2022, p. 753
- 3- Alaa Eddine Aichi, Property Control through Real Estate Investigation: An Analytical Study of Law No. 07/02, Journal of Administration, Volume 17, No. 2, Journal of the National School of Administration, Algeria, 2007, p. 49
- 4- Order No. 75/74 of 12/11/1975 on the preparation of the general land survey and the establishment of the Land Registry, Official Gazette, No. 92, dated 18/11/1975
- 5- Omar Hamdi Pasha, Mechanisms for Purification of Private Real Estate, Dar Huma for Printing and Publishing, 2013, p. (135)

- 
- 6- Majid Khalfouni, Real Estate in Algerian Law, Dar Khaldounia, Algeria, 2012, p. (236)
 - 7- Farid Baqa, Real Estate Investigation as a Mechanism for Settling Real Estate Title Deeds in Algerian Law in accordance with Law No. 07/02 and its implementing decree, Al-Ma'dar Magazine, No. 11, University Center Publications Ahmed bin Yahya Aloncheris Tsimsilt, Algeria, 2015, p. 288
 - 8- Badr Chenouf, op. cit., p. 754
 - 9- Imad Eddin Rahimia, Real Estate Investigation as a Procedure for Proof of Private Real Estate Ownership, Al-Muthinker Magazine, No. 9, Faculty of Law and Political Science, University of Biskra, 2013, p. 106
 - 10- Farid Yaqa, previous reference, p. 288 - Badr Shnouf, previous reference, p. 755
 - 11- Emad Eddin Rahimiya, op. cit., p. 107
 - 12- Badr Shannouf, op. cit., p. 756
 - 13- Imad al-Din Rahimiyya, op. cit., pp. 107-108
 - 14- Badr Shanouf, op. cit., p. 756
 - 15- Farid Baqa, op. cit., p. 229
 - 16- Imad al-Din Rahimiya, op. cit., p. 108.
 - 17- Badr Shnouf, op. cit., p. 758
 - 18- Executive Decree No. 08/147 of 19 May 2008 on real estate investigations and the delivery of title deeds, Official Gazette, No. 26, dated 25 May 2008.
 - 19 Omar Hamdi Pasha, op. cit., p. 149.
 - 20- See articles 7 and 8 of Executive Decree No. 08/147
 - 21- Ibid., p.55
 - 22- See articles 11 and 12 of Law No. 07/02 - Imad Eddine Rehamieh, op. cit., p. 109
 - 23- See article 13 of Executive Decree No. 08/147.
 - 24- See Articles 11 and 12 of Law No. 07/02 and Articles 15 and 16 of Executive Decree No. 08/147
 - 25- Abdelaziz Mahmoudi, Real Estate Investigation as a Mechanism for the Delivery of Private Real Estate Titles, Journal of the Department of Legal and Political Research and Studies, No. 6, Faculty of Law and Political Science, Mursali Abdullah Tipaza University Center, 2019, p.18
 - 26- See Articles 6 and 7 of Law No. 07/02 - See Articles 5 and 6 of Decree No. 08/147 - Abdelaziz Mahmoudi, op. cit., p.18
 - 27- Badr Chenouf, op. cit., p. 759
 - 28- Ibid., p. 761
 - 29- See the text of Article 20 of Executive Decree No. 08/147
 - 30- Hazem Azzoui, Mechanisms for the Purification of Private Real Estate Property in Algerian Law, Master's Thesis, specialization in real estate law, University of Hajj Lakhdar Batna, 2009, pp. 111-112
 - 31- See Article 23 of Executive Decree No. 08/147
 - 32- Badr Chennouf, op. cit., p. 762 Farid Baqa, op. cit., p. 234
 - 33- Shahinaz Ben Bouaicha, Real Estate Investigation in the Algerian Law System, PhD thesis, specializing in private law, Faculty of Law, University of Algiers 1 Ben Youssef Ben Khadda, 2017, p. 160
 - 34- Ibid., p. 163
 - 35- See Articles 18-19 of Decree No. 08/147
 - 36- Abdelaziz Mahmoudi, Mechanisms for Purification of Property and Settlement of Private Real Property Deeds in Algerian Legislation, 2nd Edition, Baghdad Publications, 2010, p. 286