

Department of law

Master I in real estate law

The Saharan lands

According to the legislative concept, the Saharan lands that have not title of property and were not subject peaceful continue possession and without problem since fifteen (15) years at least from the date of publishing this law in the official newspaper that belong to the state.

"Article 54 bis of domonial Law n°08 dated 2008"

TERMINOLOGY:

- according to = على حسب
- the legislative concept = في مفهوم التشريع
- the Saharan lands = الاراضي الصحراوية
- title of property = سند ملكية
- subject peaceful, continue possession = محل حيازة هادئة ومستمرة
- At least = على الاقل
- publishing this law = نشر هذا القانون
- official newspaper = الجريدة الرسمية
- that belong to the State = التي ملك للدولة

Department of Law

Master I: real estate law

The activity zone and zone of touristic expansion

The activity zone is created by decision of Wali (governor) on proposition of local authority. It contributes of local development in several activities like commercial and small industrial projects etc...

However the zone of touristic expansion is created by inter-ministerial decision on proposition of Wali. It is signed by tourism, interior and finance ministers. It contributes in local and national economy. It wears of great projects of tourism.

In conclusion, The creation of two zones create the employment and the richness.

TERMINOLOGY:

- activity zone : منطقة النشاط
- zone of touristic expansion : منطقة توسع السياح
- To create : خلق
- proposition of local authority : اقتراح من طرف السلطة المحلية
- To contribute : مساهمة
- small industrial project : مشاريع صناعية صغيرة
- interministerial decision : قرار مشترك بين الوزارات
- on proposition of wali : اقتراح من الوالي
- national economy : الاقتصاد الوطني
- employment and richness : التوظيف والثروة

University of Er-oued

Faculty of Law and political sciences

Department of Law

Master I in Real estate Law

The Cadastre

- The cadastre of the landed property is a raising (constituted of plans and registers) of landed assets of a determined territory and owners with these assets belong.
- This registers show the identity of asset and of their proprietors (owners)
- However the plans indicate the position of every property and its limits.

Terminology

- cadastre = سجل الأراضي
- landed property = ملك عقاري
- landed book = دفتر عقاري
- landed register = سجل عقاري
- raising = ترقية = cadastrial survey = مسح
- landed assets = أصول عقارية
- owner = مالك

- limits = حدود
- To belong = ينتمي - يملك
- identity = هوية
- constituted = يتكون
- To determine = يحدد

Landed conservation

Decree 76-63 of 25 March 1976 relating to the institution of the landed register :

Article 1 : The landed conservation is created within the sub-directorate of wilaya of domonial and landed affairs, a landed conservatory managed by a landed conservator.

article 2 : the landed conservations referred to in articles 1 above have their main role to determine and make known by the means of the landed publicity, the rights of property and others real rights existing on the building.

TERMINOLOGY :

- landed conservation : المحافظة العقارية
 - landed conservator : المحافظ العقاري
 - sub-directorate : نيابة المديرية
 - domonial and landed affairs : الشؤون البلدية والقروية
 - managed = مسيرة
 - main role : الدور الرئيسي
 - landed publicity : النشر العقاري
 - building : المبنى
- To determine the rights of property!
تحديد حقوق الملكية

The landed Conservator

The landed conservator is responsible in particular:

- To establish and update the real estate file
- To follow up on requests for publication of acts relating to property ownership and other rights.
- To examine the deeds.
- To include in formations on the landed booklets concerning the real rights and landed charges established on the building subject to publication and all the formalities subsequent to this publication.

Terminology :

- landed conservator : مسافة العقارى
 - responsible in particular = مسؤول بصفة خاصة
 - To establish = يؤسس
 - update the real estate file : يحدث من الوقت الى الوقت
 - property ownership : الملكية العقارية
 - to examine the deeds : يفحص العقود
 - To include informations : يدرج المعلومات
 - the real rights : الحقوق الحقيقية
 - landed charges : الأعباء العقارية
 - formalities = الإجراءات
 - subsequent = لاحقة
- publication : النشر

University of "El-Oued"
Faculty of Law and Political Sciences

Department of law
Master I = real estate law

The Pastoral lands
الاراضي الرعوية

Article 104 of the Law n° 08-14 dated of 20/08/2008 :
Pastoral lands or lands with a pastoral vocation and the alfetiere table cloths as defined by the law are subject by their vital and strategic nature for the needs of the population and the economy to a particular regulation of protection, management and the exploitation in accordance with the legislation in vigour especially the pastoral law.

Translation :

المادة 104 من القانون رقم 08-14 المؤرخ بتاريخ 20/08/2008
تخضع الاراضي الرعوية أو ذات المال الرعوي وحقوق
الخلافا كما عدها القانون بحكم طبيعتها الحيوية و
الاستراتيجية واحتياجات السكان والاقتصاد الى
تنظيم خاص بالحماية والتسيير والاستعمال طبقاً للتشري
المعمول به لا سيما قانون الرعي.

Exploitation of natural resources

Article 77 of the Law n° 98-30 dated 01/18/1990 relative to the
domanial Law 2008 after modification:

The exploitation of the wealth and of soil and of subsoil gives place obligatory to the payment for the benefit of the State of subsurface rent. The conditions, the rates and amounts of duties, taxes, rents attached to the activities of research and exploitation of wealth and natural resources aforementioned are fixed by the law."

I) TERMINOLOGY:

- exploitation of natural resources: استغلال الموارد الطبيعية
- Wealth: ثروة
- soil and subsoil: (تحت سطحه، الجوفية) الأرض وباطن الأرض
- obligatory: إجباري
- subsurface rent: أتاوي باطن الأرض
- the rates: النسب
- the amounts: المعايير
- taxes: الرسوم
- rents: الأتاوي
- aforementioned: المذكورة سابقاً
- fixed by the law: المحددة من طرف القانون

II) Translation: المادة 77 و الترجمة:

يتعين على من يستغل الثروات والموارد السطحية والجوفية أن يدفع للدولة أتاوي باطن الأرض. ويحدد القانون شروط ونسب الحقوق والرسوم والأتاوي ومبالغها المترتبة باستغلال الدولة عن هذه الثروات والموارد الطبيعية. ويستحدد لقاء

The domanial forests

Article 78 of the law n° 98-30 dated of 01/12/1998
relative at the domanial law 2008 after modification:

The exploitation of forest resources and the rights to use forest lands or lands intended for forestry are authorized within the frame of laws and regulations governing the national forest heritage and the protection of nature. They are productive of property income whose the allocation is regulated in accordance with the legislation in vigor.

- I Translation :
- the domanial forest : غابات الأملاك الوطنية
 - the exploitation of forest resources : استعمال الموارد الغابية
 - the rights to use forest lands : حقوق استعمال الأراضي الغابية
 - or lands intended for forestry : أو ذاب المال الغابي
 - To authorize = يرخس
 - within the frame = في إطار
 - Laws and regulations = القوانين والالتزامات
 - the national forest heritage : الثروة الغابية الوطنية
 - protection of nature : حماية الطبيعة
 - in accordance : طبقا
 - the legislation in vigor : التشريع المعمول به

المادة 78 : يرخس باستغلال الموارد الغابية وحقوق استعمال الأراضي الغابية أو ذاب المال الغابي، في إطار القوانين والالتزامات المنصوص عليها على الثروة الغابية الوطنية وحماية الطبيعة، وتنتج على ذلك صراخ مادية يذلم تخصيصها طبقا للتشريع المعمول به.

08

National office of Agricultural lands

This office is created by executive decree n°96-87 dated of 24 february 1996.

The main missions of this organism are :

- the preservation of agricultural lands -
- To sue the farmers who are changed the vocation of their agricultural lands.
- To follow the agriculturists who are showed a lack at their duties.

TERMINOLOGY :

- National office of agricultural lands : الدريوان الوطني للأرض الفلاحية
- is created : قد أنشأ
- executive decree : مرسوم تنفيذي
- Main missions : المهام الرئيسية
- the preservation of agricultural lands : حماية الأرض الفلاحية
- to sue the farmers = متابعة وتطبيق المزارعين
- To sue : يتابع (تتبع)
- To follow = يتابع
- agriculturists - الفلاحين
- a lack at their duties : نقص في الواجبات
- agricultural vocation = طابع فلاحية

University of El-Oued

Faculty of law and political sciences

Department of law

Master I in real estate law

Article 10 of domania Law n°08 dated of 2008

The representation of the State and group of territories about affairs in justice concerning the national properties is assured by the delegated minister of finance, the governor (Wali), the mayor according to the law.

④ Terminology :

- representation = تمثيل
- group of territories = المجموعات الإقليمية
- national properties = الأملاك الوطنية
- delegated minister = وزير مفوض
- governor = الوالي
- mayor = رئيس البلدية
- according to = على حسب
- Law = القانون

⑤ Translation

يتولى الوزير المكلف بالمالية والوطني ورئيس المجلس الشعبي البلدي لدى تمثيل الدولة والمجموعات الإقليمية في الدعوى القضائية المتعلقة بالأملاك الوطنية طبقاً للقانون