

University of Mila Mouhamed Boussouf

Department of law and Political science

Faculty of law

First year master-1st semester

Lecture one

English module

REAL- ESTATE LAW

An introduction to real estate law

Mrs :Fennour Ahlem

Real Estate Law:

1. Introduction

Real Estate Law is a major branch of civil law that governs the ownership, use, transfer, and regulation of land and buildings. It provides a legal framework that ensures stability in real estate transactions and protects the rights of property owners, buyers, tenants, and investors.

Because real estate has high economic and social value, it requires special legal rules and registration systems.

2. Definition of Real Estate Law:

Real Estate Law is the legal field that regulates real property, which includes land, houses, apartments, commercial buildings, and all structures permanently attached to the land.

It covers ownership rights, property transfers, leasing, mortgages, land development, and disputes involving real property.

3. Types of Property in Real Estate Law:

a. Real Property:

Real property (immovable property) refers to land and anything permanently fixed to it, such as buildings, fences, and underground structures.

b. Personal Property:

Personal property includes movable items such as furniture, cars, and personal belongings.

Real Estate Law is mainly concerned with real property, not personal property.

4. Main Areas Regulated by Real Estate Law:

1. Property Ownership:

- The law defines ownership rights, including:
- The right to use the property
- The right to benefit from it
- The right to sell, lease, or transfer it

These rights are protected by law and must be registered.

2. Buying and Selling Real Estate

Real estate transactions require:

- A written contract
- Legal documentation
- Land registration
- Payment of taxes and fees

The law ensures transparency, prevents fraud, and protects the interests of both buyers and sellers.

3. Leasing and Tenancy

Real Estate Law regulates rental agreements between landlords and tenants.

It defines:

- Duration of the lease
- Rent amount
- Rights and duties of both parties
- Conditions for eviction

4. Mortgages

A mortgage is a legal agreement where the property is used as collateral for a loan.

Real Estate Law sets the rules for:

- Creating a mortgage
- Bank obligations
- Borrower protections
- Foreclosure procedures

5. Land Registration

Registration is essential in real estate.

It provides:

- Proof of ownership
- Clear boundaries
- Public records
- Protection from disputes and fraud

Many legal systems consider registration a mandatory step for the validity of property transfer.

6. Land Use and Zoning

The government may regulate how land can be used through:

- Zoning laws
- Building permits
- Environmental regulations
- Urban planning rules

These ensure organized development and protect public interests.

7. Real Estate Disputes

Real Estate Law provides legal mechanisms to resolve conflicts such as:

- Boundary disputes
- Ownership conflicts
- Breach of contract
- Tenant–landlord disagreements
- Construction defects

5. Importance of Real Estate Law:

Real Estate Law is important because it:

- Protects property rights
- Prevents fraud and illegal claims
- Ensures fair transactions
- Maintains organized development

-Encourages investment and economic growth

-Reduces disputes and promotes legal security

★Bilingual Glossary for Real Estate Law

Real Estate العقار

Real Property الملكية العقارية / العقار غير المنقول

Personal Property المنقولات

Property Ownership ملكية العقار

Title Deed سند الملكية

Land Registry / Registration السجل العقاري / تسجيل الملكية

Property Transfer نقل الملكية

Transfer Deed عقد نقل الملكية

Sale Contract عقد البيع

Lease / Tenancy الإيجار

Landlord (المالك) (مؤجر)

Tenant المستأجر

Rent (الإيجار) (القيمة المالية)

Mortgage الرهن العقاري

Foreclosure حجز عقاري / نزع الملكية بسبب عدم السداد

Collateral الضمان / الكفالة

Appraisal تقييم العقار

Property Value قيمة العقار

Real Estate Agent وسيط عقاري

Broker سمسار

Boundary حدود العقار

Plot / Lot قطعة أرض

Easement حق الارتفاق

Right of Way حق المرور

Zoning تنظيم استعمال الأرض

Building Permit رخصة البناء

Land Use استعمال الأرض

Construction Law قانون البناء

Encumbrance / عبء عقاري / حق مقيد للعقار

Lien حجز على العقار

Dispute نزاع

Real Estate Dispute عقاري نزاع

Agreement اتفاق

Contract عقد

Ownership Rights حقوق الملكية

Use Rights حقوق الاستعمال

Development التطوير العقاري

Investment Property عقار استثماري