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Real estate law

Methods of Acquiring Real Property Ownership in Algeria

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Methods of Acquiring Real Property Ownership in Algeria

1. Introduction:

In Algeria, real property ownership is governed mainly by the Algerian Civil Code, the Land Registry Law (موروثات السجل العقاري), and the Cadastre system.

Property rights become fully effective and opposable to third parties only when the ownership is registered in the Conservation Foncière (الحفظ العقاري).

Algeria adopts the principle:

“No property ownership without registration.”

This makes the land registry essential for securing and proving ownership.

2. Methods of Acquiring Real Property Ownership in Algeria:

1. Acquisition by Contract (Sale) – الشراء:

The most common method Ownership passes through:

- A written notarized sale contract (عقد بيع رسمي عند الموثق)
- Payment of taxes and fees
- Registration at the Land Conservation Office (المحافظة العقارية)

Registration is mandatory for ownership to be recognized.

2. Acquisition by Inheritance – الميراث:

When a property owner dies, their heirs acquire ownership through:

- A certificate of inheritance (شهادة توارث)
- Division of the estate
- Registration of each heir's share in the land registry

Inheritance is one of the most common ways of acquiring property in Algeria.

3. Acquisition by Donation (Gift) – الهبة:

A property owner may transfer real estate to another person without payment.

Conditions in Algeria:

- Notarized donation contract
- Acceptance by the beneficiary
- Registration at the land registry

Unregistered donations have no legal effect regarding real estate.

4. Acquisition by Exchange – المقايضة:

Both parties exchange ownership of two assets (e.g., two pieces of land).

Must be:

- Written by a notary
- Registered

After registration, each party becomes the legal owner of what they received.

5. Acquisition by Prescription (Adverse Possession) – التقادم المكسب:

In Algerian law, a person may acquire property by long-term possession if:

Possession is peaceful, continuous, public, and uninterrupted

The possession lasts 15 years (as per the Civil Code)

However:

Properties registered in the Land Conservation cannot be acquired by prescription.

6. Acquisition by Court Judgment – حكم قضائي:

Courts may transfer property ownership in cases of:

- Boundary disputes
- Confirmation of ownership
- Fraud or conflict in contracts
- Division of inherited property
- Bankruptcy or forced sale

Once the judgment is final, it must be registered in the land registry.

7. Acquisition by the State (Concession or Allocation) – منح الدولة :

The Algerian state may allocate land for:

-Housing programs

-Agriculture

-Industrial or investment projects

These allocations may take the form of:

-Concession (امتياز)

-Allotments (تجزئات)

-Public housing distribution

Ownership becomes effective only after receiving the official deed and registering it.

3. Importance of Registration in Algeria

Algerian law strictly requires land registration.

Without registration:

Ownership is not complete

It cannot be enforced against third parties

The owner has no real protection

This system reduces disputes and enhances property security.

Bilingual Glossary:

Real Property العقار

Ownership الملكية

Property Transfer نقل الملكية

Sale Contract عقد البيع

Notary الموثق

Donation / Gift الهبة

Inheritanceالميراث

Heirالوريث

Exchangeالمقايضة

Prescription / Adverse Possessionالتقادم المكسب

Land Registryالسجل العقاري

Land Conservation Officeالمحافظة العقارية

Title Deedسند الملكية

Cadastreالسجل المساحي

Court Judgmentحكم قضائي

Concessionامتياز

Allocationمنح

Registrationالتسجيل

Property Rightsحقوق الملكية

Public Landأملاك الدولة