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Real estate law

National Property Law in Algeria

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National Property Law in Algeria

Introduction:

National property in Algeria represents all assets that belong to the State and local public authorities. These assets play a key role in economic development, public services, and the protection of national heritage. The main legal framework governing national property is Law No. 90-30 of December 1, 1990, which defines the types of public assets, their management, and the methods of protecting them.

1. Definition of National Property:

National property refers to all movable and immovable assets owned by:

- The Algerian State,
- Public institutions,
- Local authorities (wilayas and municipalities).

The law classifies national property into two main categories: public domain and private domain.

2. Public Domain (Domaine Public):

The public domain includes all assets dedicated to public use or public service.

Characteristics:

- Inalienable (cannot be sold or transferred)
- Imprescriptible (cannot be acquired by others through time or possession)
- Insusceptible to seizure
- Protected by administrative and penal measures

Examples:

- Public roads and highways
- Beaches, ports, and natural resources

-Public parks and squares

-Historical and archaeological sites

3. Private Domain of the State (Domaine Privé de l'État):

The private domain includes properties owned by the State but not dedicated to public use, meaning they can be sold, leased, exchanged, or developed.

Examples:

-Public housing units

-Unallocated lands

-Agricultural lands owned by the State

-Administrative buildings not used for public service

4. Management of National Properties:

National properties are managed by several institutions, including:

-The General Directorate of National Property (Direction Générale des Domaines)

-Local authorities (wilayas and municipalities)

-The National Office for Agricultural Lands (ONTAF)

-The Land Registry Services (Conservation Foncière)

Their duties include registration, protection, valuation, and monitoring of national assets.

5. Methods of Acquisition by the State:

The Algerian State may acquire property through:

-Expropriation for public interest

-Donation or inheritance

-Purchase or exchange

-State recovery of unused or abandoned land

-Legal prescription (for private domain)

6. Protection of National Property:

Algerian law provides strict measures to protect public assets:

- Prohibition of illegal occupation
- Criminal penalties for damage or unauthorized use
- Mandatory land registration
- Administrative oversight

The goal is to prevent loss, misuse, or unlawful privatization of national resources.

Conclusion:

National Property Law in Algeria establishes a solid legal system for managing and safeguarding State-owned assets. By distinguishing between the public and private domains, the law ensures both the protection of public resources and the possibility of economic development through the State's private assets. This legal framework remains essential for preserving national heritage and supporting sustainable development.

Bilingual Glossary – National Property Law in Algeria:

Administration — الإدارة

Administrative authority — السلطة الإدارية

Acquisition of property — اكتساب الملكية

Agricultural land — الأرض الفلاحية

Asset — أصل / ممتلك

Concession — الامتياز

Conservation of property (Land Registry) — الحفظ العقاري

Council (Municipal/Local) — المجلس البلدي / المحلي

Domain — الدومين / الإقليم

Public Domain — الأملاك العمومية

Private Domain of the State — الأملاك الخاصة للدولة

Donation — الهبة

Expropriation for public utility — نزع الملكية للمنفعة العامة

Estate — ملك / عقار

Eviction (legal removal) — الإخلاء

Heritage — التراث

Hypothec / Mortgage — الرهن العقاري

Illegal occupation — الاحتلال غير الشرعي

Immovable property (real estate) — العقار

Inspection — التفتيش

Land — الأرض

Land title — سند الملكية

Lease — الإيجار

Legal framework — الإطار القانوني

Management of property — تسيير الأملاك

Movable property — المنقولات

National Property — الأملاك الوطنية

National heritage — التراث الوطني

Public service — الخدمة العمومية

Protection measures — إجراءات الحماية

Property valuation — تثمين العقار

Registration of property — تسجيل الملكية

Real estate — العقار / الملكية العقارية

Regulation — التنظيم

Seizure — الحجز

State-owned property — الممتلكات المملوكة للدولة

Surveying (land measurement) — المسح العقاري

Transfer of ownership — نقل الملكية

Trespassing — التعدّي على الملك

Title deed — عقد الملكية / سند الملكية

Urban property — الأملاك الحضرية

Use permit — رخصة الاستعمال