

University of Mila Mouhamed Boussof

Department of Law and Political Science

Faculty of Law

Second year master -1st semester

English

2025/2026

Real estate law

Real Estate Disputes

Mrs : Fennour Ahlem

Real Estate Disputes

1. Introduction

Real estate disputes refer to conflicts that arise between individuals, institutions, or public authorities regarding the ownership, use, boundaries, or transfer of property. These disputes are common due to the economic and social importance of land, especially in countries where land plays a central role in development, such as Algeria.

2. Causes of Real Estate Disputes

Real estate disputes usually result from several factors, including:

- Ambiguous or conflicting property titles, especially when land is not fully registered.
- Boundary disputes between neighboring landowners.
- Inheritance conflicts among family members.
- Illegal occupation or unauthorized construction.
- Errors in cadastral surveys or land classification.
- Conflicts arising from state land allocation, concessions, or withdrawal of concession.

3. Legal Framework

In Algeria, real estate disputes are governed by:

- The Civil Code, which regulates property rights and ownership.
- The Civil Procedure Code, which outlines how courts handle real estate cases.
- The Land Registry Law (Act 90-25) regarding land organization and registration.
- The Cadastral Law (Act 90-30), which provides rules for surveying and defining boundaries.

These laws aim to ensure legal certainty, protect private and public property, and resolve conflicts fairly.

4. Methods of Resolving Real Estate Disputes

Real estate disputes can be resolved through several mechanisms:

a. Judicial Resolution:

Courts remain the primary authority for resolving disputes. Judges examine documents, expert reports, and cadastral maps to determine ownership or rights.

b. Mediation and Conciliation:

These alternative methods help parties reach an agreement without going to court. They save time and reduce costs.

c. Administrative Procedures:

Some disputes related to state-owned land can be resolved by administrative bodies such as land services, cadastral offices, or municipal authorities.

d. Expertise (Expert Reports):

Judges often rely on technical experts to determine boundaries or assess property value. Expert reports are crucial in resolving complex cases.

5. Types of Real Estate Disputes

The most common types include:

- Disputes over ownership.
- Boundary conflicts.
- Disputes regarding easements and rights of way.
- Problems with sales contracts (fraud, invalid contracts).
- Conflicts related to concessions or economic property.
- Illegal construction or land occupation.

6. Importance of Real Estate Conflict Resolution

Resolving real estate disputes is essential for:

- Protecting property rights.
- Ensuring stability in the real estate market.
- Encouraging investment.
- Reducing social tension.

-Guaranteeing legal security for citizens and institutions.

7. Conclusion

Real estate disputes are a natural result of the complexity of land ownership and management. Through clear laws, efficient courts, and accurate land registration, these conflicts can be minimized, ensuring stability and sustainable development.

Bilingual Glossary:

Real estate disputes المنازعات العقارية

Property title سند الملكية

Ownership الملكية

Boundary dispute نزاع حدود

Land registry السجل العقاري

Cadastral survey المسح العقاري

Illegal occupation الاحتلال غير الشرعي

Inheritance dispute نزاع الميراث

Concession الامتياز

Easement حق الارتفاق

Right of way حق المرور

Civil Code القانون المدني

Civil Procedure Code قانون الإجراءات المدنية

Administrative resolution التسوية الإدارية

Mediation الوساطة

Conciliation المصالحة

Court judgment حكم قضائي

Land classification تصنيف الأراضي

Registration التسجيل

Public property الأملاك العمومية