

OFFENCES AGAINST PRIVATE PROPERTY AND ITS POLARIZATION MECHANISMS



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Abstract:

In any State, real property takes an important place in the life of individuals. The Penal Code, in its provisions and articles, provides a large protection of national and private property.

Special laws complement the criminal and penal provisions established in the Penal Code. There are many provisions protecting property ownership in these laws. They prohibit attacks against property and regulate physical activities by imposing administrative schemes, licences and certificates by which the administration can maintain its control with a view to establishing urban cities and eliminating chaotic excesses.

By enacting these laws, the Algerian legislator has taken into account the upgrading of the urban environment and the promotion of the urban aesthetic aspect, which has come under the heading of the public good, by causing owners to settle the status of their buildings and then obtain property contracts.

Key words: Construction; demolition; licence; scheme; certificate.

Introduction:

The Algerian legislator has not failed to subject the construction activities to administrative licenses in order to guarantee a physical space within a proper legal framework. In view of the rampant phenomenon of chaotic structures in Algerian society and the illegal start of construction work, the legislature has set aside special space - whether within general laws or in special legal provisions - to curb the phenomenon of chaotic construction or demolition.

The Penal Code, in its provisions and articles, protects property in its national, private and property, and allocates to each type of offense a share of

sentences and penalties to impose deterrent force and to pay the harm and danger to such property.

The other special laws complement the offenses and punishment provisions of the Penal Code, which provide for the protection of real property in these laws. These include the provisions of the Law on Real Estate Promotion and physical Authority, the National Property Law and the Wakfs Law, the latter two of which are referred to the Penal Code; In addition, other provisions have been added to these provisions, including those amended and updated.

A real estate promotion consists of a system that performs construction that may be for housing or to practice a profession, and the person who contracts in this framework is called a real estate promotion agent. He may be a natural person, because the private sector was given the opportunity to participate in such operations after the state had been the monopoly of this activity, which shows the new orientation of the state. The agent may also be a moral person.

Within the framework of the economic and political reforms adopted by Algeria and the repercussions of the housing crisis on the social and economic situation, the legislature has laid down rules to regulate real estate activity through the Act No. 86/07 of 4 March 1986 on real estate promotion, which is designed to meet social needs in the housing field and defines the general framework for real estate promotion.

Legislative Decree No. 93/03 of 01 March 1993, which incorporated real estate activity, repealed Act No. 86/07 expanding the area of real estate promotion and introduced a new concept of real estate promotion, which is the sale of designs.

In view of the confusion caused by these laws in the absence of detailed rules and conditions for the exercise of activity and the failure to specify the rights and obligations of the parties, the legislator, in the Act 11/04 of 17/02/2011 defining the rules for the activity of real estate promotion, attempted to fill the legal gaps that caused the problems experienced by the real estate promotion sector. He defined the conditions to be met in real estate projects and established a basic law for property ownership.

As for the offenses committed under this act, the penal sanctions are limited to section III of the act, including those described as offenses and those described as offenses from articles 69 to 78 (Act No. 11/04 of 17/02/2011 establishing the Real Estate Promotion Act., 2011) .

In the face of these considerations and facts, this reading can give rise to many questions, but it can be reduced to the most important question. Can the various legislative texts promulgated by the legislator reflect the truth of the legal text on the physical reality of Algerian cities?

In order to analyze this question, which has some sub-questions and relative answers, a simple plan of action has been adopted, the main points of which are the offenses set out by the legislature in acts 90/29 and 08/15.

FIRST:

Criminal activity under Acts 90/29 and 08/15

The owner is free of ownership, but for every exception, the law intervenes to limit or regulate this freedom of preparation and development. If this restriction is mentioned, it is in order to preserve public order and public interest within the community. This organization is generally attributed to the Department and it distributes these roles to special bodies to do so.

In this regard, the legislature promulgated Law N°. 90/29 of 01/09/1990 of urban development, as amended and updated by Law N°. 04/05 and Legislative Decree N°. 94/07 of 18/05/1994 on the conditions of the architectural production and practice of the architect's profession, which, by article 59 of which, repealed articles 76 and 78 of Law N°. 90/29, They criminalized the act provided for in article 77 of Act N°. 90/29 and confined it to a single offense of carrying out work or using land by ignoring the obligations imposed by this Act and the regulations adopted to enforce it or the licenses issued in accordance with its provisions.

The penalties provided may also be imposed against users of land, beneficiaries of works, architects, contractors or other persons responsible for carrying out such works.

Law N°. 90/29, which is concerned with the planning and regional construction processes in the State, is designed to frame the administrative authority in the area of construction regulation, since it is a specialized substantive law related mainly to the right to use and the methods and procedures for using the property or building. It has even become called the urban administrative law because it contains the legal rules that work on the regular and material development of the city through the technical and administrative mechanisms that

it imposes on the owners for the purpose of tightening control over the proper execution of the physical operation.

In the language of legal texts, the text of article 10 of Law No. 90/29 sets out what is meant by the instruments of reconstruction. The main purpose of these instruments is to control the real estate fabric of a municipal territory and to occupy the land properly in the context of preserving the property from assault.

Law No. 08/15 of 20/07/2008, which contains the rules for the reconciliation of buildings and the completion of their completion, sets out the new laws relating to construction and engineering, with a view to settling the status of non-compliant buildings that were completed prior to 2008. The certificate of conformity is an administrative document received after the completion of the works to determine its conformity with the approved designs and the terms of the building permit, and it enables the imposition of obligations and restrictions on the building licensee.

This law also serves to end the non-termination of buildings and to achieve reconciliation of buildings completed or in the pipeline prior to the promulgation of this law.

On the other hand, the Act of 08/15 establishes the conditions for the employment or exploitation of buildings, especially the establishment of deterrent measures in the area of non-respect for building time and construction rules because most properties are not completed, let alone building without a license or not applying the license scheme. The State, represented by the Ministry of Housing and Housing, has therefore sought to ratify Act No. 08/15 which obliges all citizens with a home to obtain a certificate of reconciliation or a settlement permit.

In 2008, an extensive process was initiated to receive building settlement files in the framework of the implementation of Law 08/15 which establishes the rules for the reconciliation of buildings and the completion of their completion. This process was due to be completed in August 2012 but was extended to August 2013 and to 2016 by the Finance Act 2014.

The government did not stop extending the deadline for the application of Law No. 15/08. The term was extended by three new years starting from 03 August 2019, although this law was passed up to more than 11 years, according to article 93 of the Finance Act of 2019, the government has already extended the terms of application of Act No. 08/15 of 20 June 2008 and has already been extended In order to put an end to the state of non-completion of the buildings, upgrade the frame of a beautiful and harmonious building and improve the image

of the Algerian city, it is proposed to extend the deadline for the application of the provisions of Law No. 08/15 by three years starting from August 2019.

It is possible that those who are familiar with the legal provisions and the land provisions may notice the extent to which the application of this type of provision is extremely cumbersome, such as the Land Registry and the General Land Survey Law No. 75/74 which was promulgated in the previous century and whose failure to apply it comprehensively to the national territory remains the reason for the lack of qualified hand for the survey and the scarcity of financial resources to finance These operations.

By issuing law No. 08/15, the Algerian legislature took into account the promotion of the urban environment and the promotion of urban beauty, as mentioned above, which came under the title of the public benefit, by pushing the owners to settle the status of their construction and then obtain property contracts. There may be questions, however: Is this law a means of preserving the property of its owner and preserving the esthetic aspect of the construction, or a means of overtaxing the owner who has not yet been built and who has been exhausted by construction expenses and costs?

Another question may arise: If the purpose of this law is to expedite the work of the owners who have not yet obtained the certificate of conformity or have not been completed since 2008, what is the secret of the delay in implementing these provisions since 2008?

If this law has been extended until August 2016 under the Finance Law of 2014 and to three years from August 2019, will this extension be sufficient to give effect to this law and its effective implementation? That is, will this law achieve its objectives over the remaining three years unless it has achieved all the previous years (2008-2019) or will it accompany the Land Registry and Public Land survey law to its further implementation?

With regard to the offenses and penalties provided for in this Act, the offense of building without a permit, the offense of attempting to build a building that does not meet the requirements of a building permit and the offense of failing to carry out the permit and publicity procedures, some of these offenses may amount to demolition.

1.1. The crime of building or attempting to build without a permit

The requirement of a building permit was introduced under article 25 of Act No. 90/29 of 10/09/1990 on the construction and construction of new

buildings, whatever their use and by whoever the owner. Article 53 of the same Act exempts only buildings of a confidential nature that are related to national defense.

Article 53 of Act No. 90/29 excluded buildings of a confidential nature related to the national defense system from the building permit, but stipulated that construction works must conform to the legislative and regulatory provisions in the area of construction and construction. The military base structures assigned to carry out the main tasks of the Ministry of National Defense and some of the special base structures which are primarily strategic in nature and which are attached to certain ministerial departments, bodies or institutions do not deal with the building permit (Executive Decree No. 15/1999 of 07/01/2015 establishing the modalities for the preparation and delivery of reconstruction contracts, 2015)

In addition to being a technical means that enshrines legislative and regulatory respect for the preparation and reconstruction operations, the building permit is considered an administrative decision in advance that aims at granting or not granting it is to work to investigate and impose prior supervision on the construction work. This is the reason for the enactment of Law No. 05-18 which guarantees the general order of the urban planning.

If the Algerian legislator is keen to link construction with the requirement of the license, the desired importance is to achieve a balance between the economic management of the land and the regulation of the property containers which can be reconstructed, in addition to the preservation of the environment and the ocean and the protection of the historical and tourism heritage (Act no. 90/29 of 01/12/1990 on planning and town planning., 1990)

Not only did the legislator associate and impose the existence of this license for construction only, but the scope of the license was limited to the beneficiaries and stipulated that it should be present even in the event of construction. If it is so important, anyone who ignores this obligation shall be liable to a person who commits a physical offense specified in article 77 of Law No. 90-29: **"a fine of between 3.000 and 300.000 DJ for carrying out work or use of land that ignores the obligations imposed by this law and the regulations adopted to enforce it. Licenses delivered in accordance with their provisions.**

The sentence of one to six months' imprisonment may also be imposed on users of land, beneficiaries of works, architects, contractors or other persons responsible for carrying out the said works."

Since construction without a license is considered one of the most important crimes against the real estate, the legislator has worked to develop the necessity of this document to establish the control of the administration over the physical field with regard to the extent to which the construction works comply with the law or the requirements of the good belt for the construction of the buildings. Otherwise, a violation of the construction of a building without a permit shall be committed (Fadel, 2018), as article 79 of Law No. 08/15 stipulates that "**anyone who has built or attempted to construct a building without a building permit shall be liable to a fine of 50,000-Dhs100,000. In the case of a lone, the offender shall be punished by imprisonment for six months to one year and the fine shall be doubled.**"

1.2. The crime of constructing a building that does not meet the requirements of a building permit

In a previous statement, a building permit is the decisive guarantee in regulating the movement of the real estate and the buildings, and therefore if the building is not in conformity with the license obtained, this means that the building has taken an illegal form in the field of construction. Consequently, he is the perpetrator of a crime of urban life.

This crime occurs when a person benefits from a building permit but does not respect its content and construct a construction contrary to the charts on the basis of which he receives the license. Article 76 of Law No. 04/05 makes this clear when it states **that " it is prohibited to start construction work without a license or to complete it without respecting the charts that allowed it to be obtained"** (القانون) (Act No. 04/05 amending and supplementing Act No. 90-29 of the 01/02/90 on Preparation and Reconstruction, 2005)

If it is confirmed that the building permit handed over does not match the building, the competent aid should be released, stating the lack of conformity, sending it to the competent judicial authorities and sending a second copy to the Speaker of the Municipal People's Assembly and another prefect within 72 hours.

On the basis of that record, the competent judicial authority decides either to carry out the reconciliation or the partial or total destruction of the construction within a period specified by it.

If the offender fails to comply with the judgment decided by the judiciary within the prescribed term, the President of the Municipal People's Assembly or the Governor shall automatically carry out the work scheduled at the offender's

expense (Act No. 04/05 amending and supplementing Act No. 90-29 of the 01/02/90 on Preparation and Reconstruction, 2005)

The crime of construction that does not conform to the construction permit specifications may take various forms of practical reality and, in its summary, violate or violate the provisions of the building permit, and it is fine to address some of these images.

Construction that does not conform to a building permit may occur if the authorized height is not respected, and if the building owner adds an illegal floor under the pretext of satisfying the needs of the population and creating a wider space. However, it should be noted that the construction's high profile is restricted in the terms as required by the procedures for the planning and urban planning procedures. According to article 23 of Executive Decree No. 91-175 establishing the rules for the planning and urban planning procedures, if completed by a public road, the height of the building should not exceed the distance calculated horizontally between the two sides of the road and if otherwise, (Kamel, 2009) the buildings in this case have special and important economic and administrative importance.

This crime may also appear in the form of modifying a façade or setting up illegal outlets. Such as opening additional doors or windows leading to the public arena or demolishing an apartment wall for the purpose of turning it into a commercial shop, the owner of the building may not act to create or change a facade without respecting the building permit's specifications or without involving the relevant management (Kamel, 2009)

On its part, article 82 of Law No. 08/15 criminalizes the act **of building without conformity with the building permit and stipulates that'' anyone who operates and exploits a building before achieving its conformity which is confirmed by the certificate of conformity shall be liable to a fine of 20,000 dinars to 50,000 dinars.**

The judicial authority may order the immediate evacuation of the premises. In the event of non-compliance, the offender may be sentenced to six to 12 months' imprisonment and the fine shall be doubled.'

It is no secret that any license granted by the competent administrative authority is after a full study of the application file and the engineering designs accompanying the application file, where the license is granted according to the extent that it meets the technical standards and geological requirements of the area on which it is based and the extent of its impact on the environment. The license is

then granted in accordance with these conditions. The implementing engineer shall ensure that the work performed conforms to the specifications of the building permit and any excess of these specifications will lead to the criminal responsibility of the engineers supervising the execution (AMRAWI, 2001)

In view of the importance of the effects of the crime of building a building not in conformity with the specifications of a building permit, the legislator has increased its punishment and adjusted it for a misdemeanor in the event that the offender does not appear on court orders (BENZEKRI, 2010)

1.3. Offence of failure to carry out disclosure and publicity procedures

During the entire duration of the workshop, the beneficiary must place a banner visible from the outside indicating the references to the building permit granted and the type of construction. The sign should include the opening date of the workshop, the expected completion date and, if necessary, the name of the entrepreneur, the Office of Studies and the institutions responsible for carrying out the work. The model of the sign is set by the Minister for Reconstruction (Executive Decree No. 91-176 of 28/05/1991 establishing the modalities for the preparation and delivery of the reconstruction certificate, the building permit, the conformity certificate and the demolition permit, 1991)

With regard to article 50 of Executive Decree No. 91/176 of 28/05/1991, on the preparation and delivery of a construction certificate, a retail permit, a partition certificate, a building permit, a certificate of conformity and a demolition permit, it is clear that the beneficiary of a building permit must inform the President of the Municipal People's Assembly, who is competent at the regional level, of the date of opening the workshop, in accordance with the model established by the Minister responsible for reconstruction and construction.

The purpose of this information is for the President of the Municipal People's Assembly to be able to take the necessary precautions to avoid any emergency that may occur during the completion period, as well as for the construction project to disrupt traffic or economic activity in that area (AMRAWI, 2001)

Responsibility may arise if the legal sign is not placed on the architect or the office in charge of architectural studies if the project owner has undertaken to execute the project to them.

It is also clear from article 60 of Executive Decree No. 15/1999 (Executive Decree No. 15/1999 of 07/01/2015 establishing the modalities for the preparation

and delivery of reconstruction contracts, 2015) that the legislator made it mandatory to place the legal sign at the place of completion of the building, indicating the need to determine its form and all available data until the completion of the work. This is only a guarantee that the holder and engineer will carry out the work in accordance with technical specifications, which will make it easier to monitor the competent bodies.

Consequently, the obligation to place the legal sign on the start and end of the works is incumbent upon the entrepreneur and the failure to place the sign on the building permit is a violation of the obligation of the beneficiary of the work for the entire duration of the workshop work, punishable by article 77 of Act No. 90-29

The fact that only such crimes are committed on real estate does not mean that they are mentioned exclusively, but quite the contrary, since many crimes are mentioned but not all are allowed to be mentioned. These include: refraining from implementing business correction decisions, lack of compulsory insurance, demolition without a permit, failure to engage the architect, failure to verify the designs and conformity of the building materials used with technical specifications, fraud in the use of building materials, delays in the completion of works and other offences contained in the property.

SECOND:

Legal mechanisms for the reduction of physical offences

The Algerian legislature has adopted a number of legal provisions relating to crimes against life, both in public law and in private law. The means of preventing and reducing these criminal offences have been defined and given a very important role to play in view of the space occupied by architecture and construction in general.

If these provisions are of such importance, the regulation and incorporation of these instruments in the urban sphere will ensure good control over the movement of construction, preserve the aesthetics of cities and provide the necessary protection for the environment.

According to the reality of the pension, persons, whether natural or moral, are often obliged to change the external or internal shape of the building or to

create processes that affect the whole or part of the building, whether it serves the public or private good.

What is important is not change per se, but the need for this process to be monitored by relevant and specialized bodies. The control imposed is either tribal as indicated at the beginning of this work or ad hoc as will be addressed later.

The purpose of this control remains to prevent any encroachment on life that would constitute a capital crime punishable by the perpetrator and thus allow for control and management of the works before they are attempted.

Law No. 90/29 and Law No. 08/15 specify a number of permits for reconstruction and construction. It also specified the procedures for the preparation and delivery of such licences and certificates in other regulatory texts.

2.1. Pre-construction and reconstruction actions and measures

The control of property before it begins to be built has become an imperative since the enactment of the laws on development. This control is regulated by means of instruments that are regarded as restrictions on the owner before the construction, demolition or even fragmentation of his property is initiated (TOLBA, 2010)

90/29, beginning with, these include the planning and reconstruction guidelines and land occupancy schemes:

In order to balance the creation of the largest legal space for citizen housing with the protection of the rest of the peasant land and the exercise of industrial activities, **the Planning and Reconstruction Scheme** is an instrument for urban planning and management (Act no. 90/29 of 01/12/1990 on planning and town planning., 1990)

On the other hand, this guideline is a mandatory measure for all municipalities where each municipality must be covered by a draft directive prepared at the initiative and under the responsibility of the Municipal People's Assembly (Act no. 90/29 of 01/12/1990 on planning and town planning., 1990)

The purpose of the scheme is to determine the overall allocation of land to the entire municipal territory and the expansion of residential buildings, as well as the areas of intervention in urban tissue and areas to be protected (Act no. 90/29 of 01/12/1990 on planning and town planning., 1990)

The legislator has not only prepared the development plan as a tool for the control of reconstruction. The legislator has also made provision for another

scheme called **the Land Occupancy Scheme**, which he includes under the title of Reconstruction Tools, for which seven articles of article 31 to 38 of Act No.

The Land Occupancy Scheme is a tool for determining the urban shape of each region by regulating building rights and showing how they are used in line with the guidelines set out in the Planning and Reconstruction Directive (MAJAJI, 2007).

The fact that the land occupancy scheme is an administrative regulatory decision requires that both the applicant for the building permit and the administrative authority legally competent to grant the permit must be subject to it (AZZAOU, 2006).

In order to ensure that these tools are respected, there are competent administrative bodies that provide a set of documents through which they can exercise their oversight function.

In other words, management has the right to control, exploit and use urban land, only through **licences and certificates**. These documents are other instruments and unilateral administrative acts that reflect the will of the administrative authority to regulate urban activity and are prior decisions that restrict the freedoms of individuals in order to achieve public order.

One of the most important licences granted is **the building permit**, which has already been explained, the mandatory existence of which has been explained, and the provisions punishing its absence. There is no need to repeat it. Other licences are **a demolition licence and a retail licence**.

By reading article 60 of Act No. 90/29, the text of the Act only specifies the cases in which a demolition permit is required and no concrete legislative definition has been given. However, the doctrinal definition describes a demolition permit as an administrative decision issued by a competent authority that gives the beneficiary the right to remove the construction in whole or in part when the construction is located within a classified location or in the manner of classification (Ezzine., 2005).

To the extent that demolition and construction are equally important, demolition, whether in whole or in part, also requires a prior licence issued in the form of an administrative decision by the President of the Municipal People's Assembly (Act no. 90/29 of 01/12/1990 on planning and town planning., 1990)

The primary objective of the need for a demolition permit is to protect adjacent buildings, if they are based on the building to be demolished, and to

protect buildings located in classified or classified areas within historical, tourist, cultural or natural properties (Executive Decree No. 91-176 of 28/05/1991 establishing the modalities for the preparation and delivery of the reconstruction certificate, the building permit, the conformity certificate and the demolition permit, 1991).

15/19 states that demolition shall only take place with prior authorization.

In order to maintain permanent management control, the Department not only granted total licences, but also imposed the need to obtain certification for the preparation and reconstruction of a comprehensive control of the physical operations, following up on the consistency of the construction project.

Among the most important are the certificate of reconstruction, which shows the owner's right of construction and the property to which the land in question may be subject, and the certificate of division, on the basis of which a real estate can be divided into several sections.

The conformity certificate (08/15) is included in subsequent proceedings and will have a portion of the detail later.

Article 51 of Act No. 90/29 stipulates that this provision is one of the legal provisions which are not binding, in a broader sense. It has already been pointed out that construction or demolition requires both a permit and a certificate.

Article 02 of Executive Decree No. 15/19 defines the Certificate of Reconstruction as a document to be delivered at the request of each person concerned, which sets out his rights to construction and interference in all forms of the land block concerned. The definition of this certificate may be reduced to a document issued by the municipality, which is an identity card of each real property.

The legislator does not provide for any sanction if it is not obtained as long as it is not compulsory, and despite its permissive nature, its importance is specified in the rights to build and the agreements of the property in question.

For the other pre-management certificate, **the division certificate**, this certificate is for real estate built if its owners wish to divide it. This certificate is handed over to the owner of the built property and, at his request, if he wishes to divide his property, as required by article 34 of Executive Decree No. 15/1999 and article 59 of Act No. 90/29.

The difference between a partition certificate and a retail license lies in the fact that the former belongs only to build real estate, while the latter requires it to

be located in vacant land and the partition certificate does not create new building rights, nor does it indicate building rights, nor does it indicate construction status, as is done by the construction certificate (MANSOURI, 2010)

Thus, the concept of a partition certificate can be inferred as an important construction document in the organization of construction operations and it authorizes the beneficiary to divide the built real estate (Ezzine:, 2005) (Act No. 08/15 of 20/07/2008 establishing the rules for the conformity and completion of buildings., 2008), without changing the size of the built property, so it does not affect the origin of the right but rather confers a formality.

No matter how important a physical licence or certificate may be, it is essential that conditions be met in the applicant's application and that the legal and administrative procedures for obtaining it be respected in accordance with the privacy of each certificate or licence, as required by the provisions on preparation and reconstruction, and in general most of them are subject to the same conditions and procedures and are issued by a competent administrative authority.

2.2. Post-reconstruction physical control mechanisms

Previously detailed, the Administration - for its control and for the establishment of an exact management of the two buildings It was explained that there were instruments that had been imposed by urban texts prior to the construction and reconstruction process, and that there were other post-reconstruction mechanisms through which the rules of architecture were applied to limit the widespread spread of chaotic protocols, which had become a threat to the aesthetic landscape of cities and to their violation of the principles of public order.

Through this study, only the most important of these mechanisms can be detailed through **the urban planning Police and the Certificate of Conformity.**

The urban planning Police, as an operational body, ensures the proper implementation of legislation and regulations and the protection of the environment and the surroundings against violations of life. This is through the imposition of a permanent presence at the head of the construction operations by organizing surveillance patrols for the purpose of examining irregularities, which are based on the editing of transcripts that are primarily directed at justice.

The role of the urban planning Police, while seemingly harsh and rigorous outside, is thus achieved in monitoring the aesthetics of cities and residential communities and suppressing illegal prostitution.

As the urban planning Police is one of the branches of the Administrative Police working to define and enforce the general rules, article 02 of Executive Decree No. 06-55 identifies those agents who are qualified to search for violations of preparation and reconstruction under legal records. Their task is mainly to monitor the implementation of physical regulation, to monitor the implementation of the provisions established by reconstruction schemes and to suppress any illegal and illegal construction(القانون رقم 15/08، 2008)

The absence of the urban planning Police certainly leaves room for the emergence of abuses affecting urban areas and thus has a negative impact on the failure to follow up on those responsible for such violations. This section of the police was established after the promulgation of Act No. 82/02 of the 06/02/1982 on the Building Permit and the Retail Permit, as amended by Act No. 90/29. The effective establishment of the urban planning Police and Environmental Protection Police took place on 09 May 1983 by decision of the Directorate-General of National Security (www.dgsn.dz)

The plans that were drawn up to generalize the work of teams in the month of OT 2000 were circulated at the level of all the states of the country after the work of the teams was prohibited only in some states and regions.

The pairing certificate has been the subject of considerable controversy from the day it was approved in 2008 to the present. (2020), in which the legal texts stress that the completion of unfinished housing, which has spread incomprehensibly, has had an impact on the urban fabric of Algeria. Every building owner who decomposes engineering designs, turns and changes the form of construction, thus ignoring the importance of these illegal physical excesses, even as the traveller in Algerian cities thinks that Algeria as a whole is an unfinished construction workshop, which has been reflected negatively in the social context.

Therefore, Law No. 08/15 established and incorporated the idea of addressing anarchist eggs whose work had not yet been completed, despite the expiration of the building permit, by correcting the deviations relating to conformity and giving them new periods of time which would give them legal legitimacy, as explained in the foreword to this work.

Before reaching the date of 2008 when Act No. 08/15 was promulgated, article 75 of Act No. 90/29 on Construction and Development confirmed that at the conclusion of the construction works, the conformity of the works with the building permit shall be established by a certificate of conformity, which shall be

received as the case may be by the President of the Municipal People's Assembly or the Governor. The owner or builder must notify the Municipal People's Assembly of the completion of the construction until the certificate of conformity is handed to him.

Through the provisions of these articles, it is clear that the certificate of conformity is also an administrative decision of a competent administrative authority whereby the Department imposes its control authority on the conformity of the work performed with the building permit issued (Act no. 90/29 of 01/12/1990 on planning and town planning., 1990)

In a later year (2015), it was confirmed that the certificate of conformity was delivered by the sole will of the administrative authority of the regionally competent President of the Municipal People's Assembly as the primary authority for monitoring the completion of the construction works, with the legal effect of confirming the legality of the work performed and its conformity with the building permit (BACHA, 2018)

The conformity certificate shall be delivered after the Conformity Control Committee has established this in the inventory record on the basis of the reconciliation of the works performed with the building permit (المرسوم التنفيذي 15/19 (Executive Decree No. 15/1999 of 07/01/2015 establishing the modalities for the preparation and delivery of reconstruction contracts, 2015)

However, if the inventory shows that the construction is not in conformity with the approved designs on the basis of the building permit, the certificate of conformity is rejected with the builder's excuses that the violation must be settled. Lack of conformity is also a violation of the rules of age, a punishable offence, in accordance with article 76 bis 5 of Act No. 04/05, as amended and supplemented, and article 77 of Act No. 90/29.

Thus, the conformity certificate is an administrative means of monitoring the compliance of the beneficiaries of the building permit and a subsequent procedure after the construction permit has been issued. The latter means that the direct interest in the use of the building shall deposit a permit on the understanding that it has completed the work and construction work in accordance with the specifications set out in the building permit in two copies of the Municipal People's Council headquarters to which the place of construction shall be sold. This is in order to obtain the certificate of conformity after proof of conformity of the works.

Conclusion:

At the conclusion of this simple reading of the criminal offences, we see that the Algerian legislature did not elaborate on the provisions relating to the preparation and reconstruction in vain, but rather on the basis of a mess that must be controlled, controlled and regulated. It is also necessary to respect the existing provisions and to consider any violation of these obligations as a punishable criminal offence.

In order to attract these physical excesses, the legislator has put in place administrative and regulatory mechanisms to be imposed on urban activities, including those required by the legislator to exist prior to the start of construction, including those granted after the completion and termination of construction, as well as the authorization of certain special agencies and qualified personnel to carry out monitoring.

In view of the number of monitoring mechanisms imposed by the Reconstruction Act, both in terms of regulatory decisions, such as the planning plans for the preparation, reconstruction and occupation of land and in terms of individual decisions, licences and certificates, pre-construction and post-construction, especially in view of the date on which these texts and provisions were issued, we assume that there has been a comprehensive reform of Algeria's reconstruction and development system and that the latter has become an example of global beauty.

But are we essentially blaming the physical legal reality and giving it the difficulty of applying it, the ambiguity of its texts and the thumb on its interpretation? Or is it the fault, ignorance, and premeditation of the citizen himself and his difficulty in adapting to a high society whose aesthetic reality rests at the top of an orderly and disciplined life list? Or are we retweeting the fact that, despite the violations committed, the deterrent policy remains low with the scale of the crimes and that it distinguishes one builder from another? Thus, it can be said that the Algerian Government and its legislators, for their part, have not shied away from architecture in terms of its organization and control in terms of text, law and judgment, but the strict policy of deterrence, which qualifies cities with universal aesthetic descriptions, is still absent, despite the fact that such excesses exist within the sight of the reconstruction system and the urban planning police.

This opens the possibility for the builder to flout these textual provisions and, as engineered, to continue without regard for the prescribed respect for schemes, licences and certificates.

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