

The subdivision permits as a preventive mechanism for eliminating urban Chaos in Algeria

Mohamed Yousfi ¹

¹ University of Ahmed Zabana - Relizane, Algeria
Email: mohamed.yousfi@univ-relizane.dz

Abstract---In the framework of urban regulation, combating chaotic construction, and preserving public order and the general interest in urban planning, the Algerian legislator, following the example of other jurisdictions, endeavors to enact and amend laws related to planning and development whenever necessary to put an end to the phenomenon of urban chaos before it occurs. The legislator considers the subdivision permit a necessary legal mechanism among urban planning tools and a preventive, a priori control measure that precedes construction operations. Through this permit, the administration monitors real estate properties when their owners intend to divide them into two or more lots, whether for personal use or for the sale or lease of the parts. This permit is of great importance in organizing buildings and protecting the environment, no less significant than the building permit. It is issued as an administrative decision by legally competent administrative authorities, imposed on owners who divide their lands located within the urban perimeter for the purpose of erecting a building. In issuing this permit, the administration must ensure its compliance with the urban plans applicable in the area, or in their absence, with the general rules for urban development and construction. This permit is time-bound; the subdivision work it mandates must be completed within a specified period, or it becomes void.

Keywords---Subdivision permit, urbanism, planning, construction, real estate, Algeria.

Introduction

The paramount importance of real estate is universally acknowledged; it is a fundamental component of the investment equation, prompting a universal desire for its acquisition by any means. However, the mere ownership of property is not the sole cause of individual stability, progress, and development. Rather, stability is only achieved when an individual is secure in their property, which requires a

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dwelling and a place of work. These two elements, in turn, signify urban activity, the most prominent manifestation of which is construction.

As a result of increasing demographic growth and the civilizational development witnessed by the world, urban expansion has increased in nations, including Algeria. This has led to the emergence of numerous cities, varying in their level of sophistication according to the culture of their inhabitants. When discussing the urban civilization of nations, the first thing that captures our attention is the form, harmony, and adornment of their buildings. However, the aesthetic quality of the urban environment can only be achieved if structures are well-founded from their inception. This requires the establishment of property parcels where land allocation and building rights are respected, including all easements such as connections to water, electricity, gas, and other networks. This process is known as land preparation for construction, and it can only be tangibly realized through a legal land subdivision subject to a subdivision permit.

The concentration of industrialization in Algerian cities led to a rural exodus, resulting in urban chaos that disregarded the most basic standards. This prompted the Algerian legislator to attempt to control it through several laws. Thus, Ordinance No. 75-67 concerning the building permit and the land subdivision permit for construction was issued, then repealed by Law No. 82-02 concerning the building permit and the land subdivision permit for construction. The latter was amended by Ordinance No. 85-01, which transitionally established rules for land use to preserve it. Law No. 87-03 on urban planning was also issued, outlining the state's policy in planning and development, which was repealed by Law No. 01-20 on regional planning and sustainable development. Despite this, urban chaos continued to increase, encroaching upon vast agricultural areas, which led the legislator to issue Law No. 90-25 on land guidance, as well as Law No. 90-29 on planning and urbanism and its implementing decrees. Subsequently, Law No. 08-15, which sets the rules for building compliance and completion of their construction, was issued. Finally, Executive Decree No. 15-19 was issued, specifying the procedures for preparing and delivering urban planning deeds, amended and supplemented by Executive Decree No. 20-342.

The subdivision permit is considered one of the most important legal instruments through which the administration exercises its regulatory powers to preserve the public interest in urban planning. The construction process can only fundamentally take place after the subdivision process, which is defined as the division of a single property into two or more lots for the purpose of erecting a building, regardless of its intended use, and allows the owner the freedom to dispose of it by sale or lease. This is evident in the legislator's requirement to reference the subdivision permit in the application file for a building permit, under penalty of rejection. This also involves ensuring the property has been prepared through the implementation of works for the various vital networks, which is certified by the issuance of a certificate of viability.

The subdivision permit has practical benefits, which lie in several points, including the consideration of the authorization to subdivide land as a constraint on its owner. Through this, the administration simplifies its control over real estate transactions and verifies the suitability of the land for division, the extent to which the allocation of these lands is respected, and the building rights and easements imposed therein. It also ensures the conformity of the subdivision with the urban plans previously prepared by the administration in line with the country's urban policy. Furthermore, the permit is considered a means to eliminate the phenomenon of landlocked parcels and all the disputes that may arise from such enclosure. It is also considered a preventive tool for eliminating urban chaos before it occurs. Based on the foregoing, the following problem is posed:

To what extent can the subdivision permit, as a preventive mechanism, contribute to eliminating the phenomenon of urban chaos in Algeria? Accordingly, to answer the posed problem, we have opted for the following structure:

Axis One: The Nature of the Subdivision Permit as a Preventive Mechanism.

Axis Two: Procedures for Granting the Subdivision Permit and its Role in Eliminating Urban Chaos.

Axis One: The Nature of the Subdivision Permit as a Preventive Mechanism.

The subdivision permit is of paramount importance in the organization and coordination of buildings and the protection of the aesthetic character of the urban environment. Through Article 07 of Executive Decree No. 15/19 of 25/02/2015, which specifies the procedures for preparing and delivering urban planning deeds¹, it becomes clear to us that the subdivision permit is required for any operation of dividing a single real estate property or several real estate properties, regardless of their location, into two or more lots, if one or more of the lots resulting from this division is to be used for the construction of a building.

Not every division is a subdivision; rather, there are criteria that govern the process for it to be subject to this permit. There must be a division of a real estate property that constitutes a single property unit into two or more lots, and the parts resulting from the division must be used for the construction of a building.

First - Definition of the Subdivision Permit:

The subdivision permit is considered one of the most important individual urban planning decisions due to its significance in organizing the urban domain. The legislator has given it special attention by clarifying the provisions for its application and the procedures for obtaining it, pursuant to Law No. 90/29 and Executive Decree No. 15/19. However, upon reviewing the articles of this regulation, it is apparent that the legislator did not define its concept, and therefore it is necessary to establish a definition for this permit.

1)- The Legislative Definition of the Subdivision Permit: Referring to Law 82-08 of 06/02/1982 concerning the building permit and the permit for subdividing land for construction, it defined real estate subdivision in Article 24 thereof as: "The subdivision of land for construction is considered the process of dividing one or several real estate properties into two or more lots for the purpose of erecting a building, regardless of its intended use." ²

It was also defined in Law No. 08-15 of 20/07/2008, which sets the rules for building compliance and completion of their construction, in Article 02 thereof as: "The division for the purpose of sale, trade, or the division of a real estate property into two or several lots designated for construction for a use that conforms to the provisions of the urban development plan³.

The Egyptian legislator also defined the subdivision permit through the Unified Building Law, where the division of land is intended as: "any partitioning of a plot of land into more than one plot." ⁴

Egyptian law also defined it as: "any partitioning of a plot of land within the city limits into more than two plots, in accordance with the provisions of the Urban Planning Law, and the construction of more than one building and its annexes on the plot of land, whether attached or separate, is considered a division⁵".

In other words, subdivision is the division into ownership or the enjoyment of a single real estate property or several adjacent properties with the objective of creating one or more lots for the purpose of building on them⁶.

As for Article 07 of the amended and supplemented Executive Decree No. 15-19, it stipulates that "The subdivision permit is required for any operation of dividing a single real estate property or several properties, regardless of their location, into two or more lots, if one or more of the lots resulting from this division must be used to erect a building."

It is clear from this text that not every division is considered a subdivision; rather, there are criteria that must be met for it to be subject to the permit. There must be a division of a single real estate property that constitutes a single property unit or several properties, regardless of their location, into two or more lots, and these resulting lots must be used to erect a building⁷.

2)- Scholarly Definition of the Subdivision Permit: Abdelwahab Arafa has defined it as "the process of dividing a property into two or more plots for the purpose of building thereon." ⁸ Referring to the definition by Omar Hamdi Bacha, it is: "a formal permit to subdivide one or more undeveloped plots of land into several plots for the purpose of erecting buildings on them." ⁹.

As for Azri Zine, he defined it as: "the decision issued by a legally competent authority, by which the right is granted to the owner of one or more real estate properties, or their representative, to divide it into two or several plots to be used for the construction of a building"¹⁰."

It was also defined by Memorandum No. 2000/1479 of March 28, 2000, concerning the role of the Land Registrar in light of certain legislative and regulatory provisions related to urbanism and construction, as: "a document that discloses the permits granted by the competent administrative authorities to carry out the division of a specific plot of land constituting a single property unit (belonging to a natural or legal person, public or private, or held in common) into two or more property units."

From the foregoing, we can define the subdivision permit as: "an administrative document issued in the form of an administrative decision to any natural or legal person who holds ownership or wishes to carry out the division of a single land property or several properties into two or more plots for the purpose of erecting buildings, regardless of their location"¹¹."

Second - Characteristics of the Subdivision Permit: The subdivision permit has numerous characteristics; however, we will attempt to mention the most prominent ones below:

❖ **The subdivision permit is an administrative document issued in the form of a unilateral administrative decision.** This is based on the entities that issue it, which are legally defined administrative bodies in the person of the President of the Municipal People's Assembly, the Governor, or the Minister in charge of Urban Planning, each within their scope of competence, in accordance with Articles 65, 66, and 67 of the amended and supplemented Law 90-29. In the governorates where administrative districts have been created, it is issued by the Delegate Governor, in accordance with Article 22 of Executive Decree 20-342, which amends and supplements Executive Decree 15-19¹².

❖ **The subdivision permit is linked to the ownership¹³ of the property.** The subdivision permit is only issued to the natural or legal person who holds ownership of the land.

❖ **The applicant for a subdivision permit is limited to the owner and their representative only,** unlike the building permit, which can be requested even by a legally authorized lessee of the owner, as well as by the body or department to which the plot of land intended for construction is allocated¹⁴.

❖ **The subdivision permit is issued in the form of an administrative decision which must be final,** meaning it creates the legal effect of granting the beneficiary the right to divide their real estate property into two or more plots for use in constructing a building.

❖ **The subdivision permit is a matter of public order.** It can be raised by the judge of their own accord at any stage of the dispute, and any agreement to contravene it is not permissible, otherwise, it would be subject to challenge for illegality.

❖ **The subdivision permit is the instrument that lifts the restriction** on the landowner's exercise of their inherent right to dispose of their real estate property, as granted by the constitution.

❖ **The subdivision permit is characterized by its regulatory nature,** which is evident in the administration's authority to grant or refuse it, i.e., the prior control over the initiation of the property division process in accordance with the legal rules governing urban planning and environmental regulation¹⁵.

❖ **The subdivision permit is considered an effective tool for urban organization and environmental protection.** This is because the process of dividing land for the purpose of constructing buildings is no longer random but has become governed by controls subject to environmental law, which allows for the consideration of health requirements and the protection of agricultural lands, green spaces, and nature reserves¹⁶.

Third - The Legal Nature of the Subdivision Permit: We will examine the legal nature of the subdivision permit as an administrative act. Based on the provisions of Articles 65, 66, and 67 of the

amended and supplemented Law No. 90/29 concerning planning and urbanism, the issuance of a subdivision permit is carried out by legally specified administrative bodies, namely the President of the Municipal People's Assembly, the territorially competent Governor, or the Minister in charge of Urban Planning¹⁷.

Furthermore, Article 22 of the amended and supplemented Executive Decree No. 15-19 explicitly states that the subdivision permit is a "decision," as it provides: "The subdivision permit shall be delivered in the form of a decision issued by the President of the Municipal Council, the territorially competent Governor, or the Minister in charge of Urban Planning, as the case may be." In the latest amendment introduced by Executive Decree No. 20-342, which amends and supplements Executive Decree No. 15-19 in its Article 22, it added that for governorates where administrative districts have been established, the subdivision permit is delivered in the form of a decision by the Delegate Governor¹⁸.

Upon reading the content of the amended and supplemented Executive Decree No. 15-19, titled "Procedures for preparing and delivering urban planning deeds," we note that the legislator has termed the permits and urban certificates as "deeds." Therefore, can the subdivision permit be considered an administrative contract?

Based on the definitions of a contract and an administrative decision, we conclude that a contract is a legal act resulting from the meeting of two wills—the will of the administration and another will agreeing to its formation—whereas an administrative decision is issued by the unilateral will of the administration with the aim of creating a legal effect. Therefore, the subdivision permit cannot be considered an administrative contract. Accordingly, the legislator should have changed the title of the amended and supplemented Executive Decree No. 15-19 from "Procedures for preparing and delivering urban planning deeds" to "Procedures for preparing and delivering urban planning decisions."

Considering the subdivision permit as an administrative decision is justified because it is taken as a manifestation of restricting individual activity, i.e., as a constraint on one of the individual freedoms for the sake of public order and the preservation of the public interest from any infringement. This justifies its imposition and the necessity of its existence, based on the principle that "prevention is better than cure"¹⁹. Moreover, considering the subdivision permit as an administrative decision entails the following:

1)- In terms of formation: The subdivision permit is considered a complex decision²⁰, as it passes through several stages and is accompanied by other legal administrative acts. This occurs when the application file requires supplementation with administrative, graphic, and technical documents or information that the applicant must provide²¹, or when the file is subject to an order for a public inquiry.

2)- In terms of its effects: The subdivision permit is a constitutive decision, which results in the creation of new legal statuses or a change in existing legal statuses through modification or annulment. It results in the transformation of a single plot of land into two or more units. Thus, it has two effects: a legal effect, which is the disappearance of the original property unit and the creation of two or more property units, and a material effect, which involves changing the boundaries, shape, and areas²². It is also one of the documents subject to registration; its effects do not take place until it is registered at the Land Registry²³.

3)- In terms of judicial review: The subdivision permit is a decision subject to the review of the administrative judiciary, either for the annulment of this decision or for compensation arising from it. Any dispute concerning the decision related to the subdivision permit with the legally specified issuing administrative authorities falls under the jurisdiction of the administrative judge.

Fourth - Scope of Application of the Subdivision Permit: The study of the subdivision permit as a legal means for dividing real estate property leads us to examine its scope of application, whether in terms of persons, subject matter, place, or time.

1)- Scope of Application of the Subdivision Permit in Terms of Persons and Subject Matter: The subdivision permit is imposed on persons who hold the status of property owner, and for the purpose of carrying out legally specified activities. We will examine, first, the scope of application of the subdivision permit in terms of persons, and second, the scope of application of the subdivision permit in terms of subject matter.

A- Scope of Application of the Subdivision Permit in Terms of Persons: The law mandates the necessity of obtaining a permit before commencing subdivision works. However, the amended and supplemented Law 90-29 on planning and urbanism does not specify the legal status of the permit applicant. Article 58 thereof states the following: "In support of the application for a subdivision permit, the division applicant submits a file that includes a book of specifications defining the potential works..."

From this article, we note that the legislator refers to the party concerned with the subdivision permit as the "division applicant," using an absolute term without specifying whether this party is the owner, possessor, lessee, or other. It would have been more appropriate to use terms such as "subdivision applicant" or "permit applicant," or "the subdivider." The latter is the closest and most correct term, consistent with the term "le lotisseur" used by the legislator in the French version of the same article²⁴, which means the subdivider.

Referring to the text of Article 08 of the amended and supplemented Executive Decree No. 15-19, we find it stipulates the following: "The owner or their representative must submit the application for the subdivision permit, the model for which is attached to this decree, and sign it. The concerned party must support their application with either:

- ✓ A copy of the ownership deed.
- ✓ Or a power of attorney in accordance with the provisions of Ordinance 75-58 of September 26, 1975, mentioned above.
- ✓ Or a copy of the articles of association if the owner or the principal is a legal entity."

It can be said that the subdivider can be a natural or legal person, or be the owner, the agent, or the representative of the legal entity, in addition to the possessor according to the Land Guidance Law and the lessee according to the National Property Law.

According to the aforementioned article, the documents that the owner must submit to justify their status are either a copy of the ownership deed or a power of attorney in accordance with the Civil Code, as a choice between them. However, in practice, the power of attorney justifies the legal status of the representative in submitting the application but does not replace the ownership deed. An application for a subdivision permit may be submitted by a private owner, a national property owner, or a waqf property owner²⁵.

B- Scope of Application of the Subdivision Permit in Terms of Subject Matter: Referring to the laws related to planning and urbanism, we find that the subject matter of the subdivision permit is division for the purpose of building, selling, or leasing.

The law requires a subdivision permit for any operation of dividing a single real estate property or several real estate properties into two or more lots. However, division in the sense of urban planning law means allocating a part for construction, sale, or lease, and not dividing a property to exit a state of co-ownership. This is because, referring to the provisions on co-ownership in the Civil Code, we note that the law grants each co-owner the right to exit the state of co-ownership by dividing the common property, without requiring any special administrative procedures. Co-owners may divide the common property in the manner they see fit, and if one of them has limited legal capacity, this is subject to the judge's permission. Furthermore, if the co-owners disagree on the division of the common property, any co-owner wishing to exit the state of co-ownership has the right to file a lawsuit before the

competent court, which will appoint one or more experts to appraise and divide the common property if it deems it appropriate²⁶.

This means that the process of dividing common property is not subject to a subdivision permit under Algerian law²⁷, unlike the French legislator, who considered the division of common property into more than four parts as a form of subdivision. It can be argued that the latter has acted wisely in requiring a subdivision permit for the division of common property, as this ensures the preparation of all resulting separate lots from the division process. This reflects an effort to eliminate landlocked parcels not connected to vital networks and public utilities.

For a division process to be subject to a permit, its purpose must be the creation of a new building or a new group of buildings. Changing the allocation of a building falls within the concept of new construction. This excludes the renovation, repair, or restoration of existing buildings, the erection of standalone fences on the land, the creation of family gardens, or the construction of roads, because the concept of "construction" is broader than the concept of a "building." The legislator did not specify the intended use of the building, using an absolute term, so the building can be intended for residential, institutional, industrial, commercial, service, or agricultural use. However, to protect the public interest in urban planning, the legislator has restricted its scope by:

- Mandating the refusal of a subdivision permit if the subdivided land does not comply with the approved land use plan (POS), has passed the public inquiry stage, or does not conform to the urban planning document that replaces it²⁸.
- The granting of a subdivision permit in municipalities can also be refused if the subdivided land does not comply with the directives of the guiding plan for planning and urbanism (PDAU).

The legislator also provided for an exception for subdivisions that do not require a subdivision permit, as specified in the text of Article 01/02 of the amended and supplemented Executive Decree No. 15-19, as follows:

Infrastructures related to the secrecy of national defense, which include military infrastructures intended for the execution of the main missions of the Ministry of National Defense. This also concerns certain special infrastructures of a strategic nature of the first degree belonging to certain ministerial departments or bodies and institutions.

2)- Scope of Application of the Subdivision Permit in Terms of Place and Time: The law has excluded several types of land from the scope of application of the subdivision permit and has subjected them to special provisions, including the division of non-buildable land, the division of agricultural land, the division of built-up properties, as well as the division of lands subject to previous authorities and subdivisions belonging to the Ministry of National Defense or having a strategic character. For a detailed examination, we have divided this sub-section into "First," the scope of application of the subdivision permit in terms of place, and "Second," the scope of application of the subdivision permit in terms of time.

A- Scope of Application of the Subdivision Permit in Terms of Place: Not every land division is subject to the subdivision permit; rather, there are other divisions that are excluded from the scope of this permit and are subject to other legal and regulatory control measures. These divisions are as follows: "1" Subdivisions subject to the subdivision permit, and "2" Subdivisions not subject to the subdivision permit.

1- Subdivisions Subject to the Subdivision Permit: Referring to the text of Article 57 of Law No. 90-29, the subdivision permit is required for the division of land into two or more lots if one or several lots resulting from this division are intended for the construction of a building. This means that the scope of this permit covers lands designated for construction, i.e., urban lands. The latter refers to lands located within developed sectors, developable sectors, and future development sectors. As for non-developable sectors, they cannot, under any circumstances, be allocated for construction and are most often agricultural land.

2- Subdivisions Not Subject to the Subdivision Permit: Certain property divisions are subject to legal means other than the subdivision permit, depending on their geographical scope. Article 23 of the amended and supplemented Law No. 90-29 provides for non-developable lands where building rights are strictly limited and proportioned to the general economy of the areas in these sectors. An example is construction on forest properties²⁹, for which the law requires a prior permit from the Ministry in charge of Forests, and the necessity of respecting the allocation and protection of forest properties, as well as the prohibition of construction in certain protected sites that enjoy special protection³⁰. In addition, there are some lands where construction is absolutely prohibited or permitted only within very narrow limits³¹ due to the exposure of these lands to natural hazards³². The division of agricultural land is also subject to a permit for the division of agricultural land³³.

- ❖ **Division of Built-up Properties:** This type of built-up property is divided into two types: buildings in co-ownership and individual buildings.
- ❖ **Buildings in Co-ownership:** We refer here to buildings that are formed as apartments and represent a commonhold property where some parts are private and others are common among the owners. This type of property is subject to the co-ownership regime and only requires a descriptive table of division, without a certificate of division, which clearly defines the private shares belonging to each co-owner and specifies the rights in the common parts.
- ❖ **Individual Buildings:** These are buildings that, in their division, are subject to a certificate of division, as stipulated in Article 59 of the amended and supplemented Law 90/29 concerning planning and urbanism.
- ❖ **Division of Lands Serving the Secrecy of National Defense or of a Strategic Nature:** The law explicitly provides that structures related to the secrecy of national defense or of a strategic nature are not subject to individual urban planning decisions³⁴, with the project owner being responsible for ensuring their compliance with the legislative and regulatory provisions in the field of urbanism and construction.
- ❖ **Subdivision of Lands Located in Expansion Zones and Tourist Sites:** The development and management of lands located in expansion zones and tourist sites are carried out according to the specifications of the Tourism Development Plan, prepared by the administration in charge of tourism and approved through regulation. It is considered a tool for regional and urban planning and is equivalent to the subdivision permit³⁵.

B- Scope of Application of the Subdivision Permit in Terms of Time: The subdivision permit is an administrative decision whose application is linked to a specific time, whether time plays a role in determining the areas where the permit is required or in terms of its period of validity.

1- The Role of Time in Determining the Areas Subject to the Subdivision Permit: Planning and urbanism tools divide areas into urban zones and non-developable zones. Developed sectors include all lands, even if not equipped with all facilities and activities, and even if unbuilt, such as green spaces, gardens, open areas, and urban forests intended to serve these clustered buildings. They also include the parts that need to be defined, repaired, and protected³⁶. Developable sectors are divided into programmed development sectors and future development sectors. These two sectors highlight the role of time in defining the scope of the permit's application. Programmed development sectors are those whose lands are designated for development in the short and medium term, within a ten-year horizon. Thus, the timeframe for construction on these lands is near³⁷, which does not prevent obtaining the permit. As for future development sectors, their lands are designated for development within a twenty-year horizon, and construction on them is prohibited throughout this period, with the exception of certain buildings³⁸. The prohibition of construction on lands belonging to future development sectors leads to the refusal to grant a subdivision permit, as the latter is conditional on the intention of the subdivision being to erect a building. The time factor thus removes this sector from the scope of application of the subdivision permit, and the division of these lands remains subject to special texts, such as if it is agricultural land, its division is subject to the

division permit stipulated in Executive Decree No. 97/490, which specifies the conditions for the subdivision of agricultural lands.

2- The Role of Time in Determining the Validity of the Subdivision Permit: The law has set the maximum validity period for a subdivision permit at three years from the date of personal notification of the subdivision decision. This permit is considered void if the subdivider does not commence the development works within this period. The permit is also considered void if the subdivider begins the development works but these works are not completed within the deadlines specified in the permit. This applies if the works are not finished within the period specified in the decision, which is based on a report prepared by a consulting firm that determines the duration for completing the works. The same procedure is followed in the case of a permit for subdivision in stages to complete the works of the other stages. The implicit annulment of the permit results in any development works carried out thereafter being considered unauthorized and legally punishable acts³⁹.

The Algerian legislator has not specified whether this permit remains valid if the beneficiary wishes to build on a part of the subdivision, no matter how much time elapses between the execution of the works and the request for a building permit, or if there is a time limit within which this permit lapses if an application for a building permit is not submitted and work is not started within this period. In this regard, the French legislator considers that the subdivision process is subject to a permit for divisions intended for the construction of a building following the division or within a period of less than ten years.

However, by referring to the text of Article 21 of the amended and supplemented Executive Decree No. 15-19, it becomes clear to us that the law did not provide for the lapse of this permit with the passage of time. Instead, it stipulated the possibility of amending the book of specifications after the approval of the land use plan if it contains provisions contrary to what was applicable when the permit was issued, at the owner's expense, with the possibility of conducting a public inquiry as is the case for public utility, after notifying the owner. The municipality must approve these amendments included in the book of specifications, and the latter is subject to registration at the Land Registry.

Axis Two: Procedures for Granting the Subdivision Permit and its Role in Eliminating Urban Chaos

To obtain a subdivision permit, the legislator has mandated a set of legal procedures defined by the law on planning and urbanism, considering them a matter of public order. Failure to comply with these procedures exposes the permit decision to annulment. Anyone legally empowered to subdivide their land for construction must declare their intention to obtain this permit. This is done by submitting an application to the competent administrative authority within whose jurisdiction the land in question is located. This authority, in turn, examines the application file, investigates it, and studies its compliance with the land use plan (POS), or in its absence, with the guiding plan for planning and urbanism (PDAU) and/or the general rules of planning and urbanism, all within the legally prescribed deadlines.

First - Filing the Application for a Subdivision Permit: The application filing stage is a preliminary phase that precedes the issuance of the decision containing the subdivision permit. During this stage, the file is examined, investigated, and several administrative departments are consulted for their opinions on the conformity of the application's components with the urban planning regulations applicable in the area.

1)- The Status of Who Has the Right to Submit an Application for a Subdivision Permit: Article 58 of the amended and supplemented Law No. 90-29 on planning and urbanism states the following: "In support of the application for a subdivision permit, the division applicant submits a file that includes a book of specifications defining the potential works for equipment and construction of access roads that the owner or owners undertake to carry out within specified deadlines..."

Referring to the text of Article 08 of the amended and supplemented Executive Decree 15-19, it stipulates the following: "The property owner must submit the application for the subdivision permit,

the model for which is attached to this decree, and sign it," and the concerned party must support their application with either:

- ✓ A copy of the ownership deed.
- ✓ Or a power of attorney in accordance with the provisions of Ordinance No. 75-58 of September 26, 1975, mentioned above...."

We note from this article that the law has restricted the right to apply for a subdivision permit to the owner or their representative. More precisely, their agent. If the subdivision pertains to public entities⁴⁰, the Wilaya (Provincial) Agency for Urban Real Estate Management and Regulation carries out the procedures. If it concerns the subdivision of waqf (endowment) land, it is the waqf administrator (nāẓir) or their agent who does so⁴¹. This means that the application for a subdivision permit must be submitted by the owner as a general rule, or by the agent as an exception, who is delegated by the original owner to apply for the subdivision permit on their behalf and in their name, i.e., by virtue of a formal power of attorney executed before a notary, as stipulated by the Algerian legislator in Articles 73 to 77 of the Civil Code⁴².

2)- The Content of the Subdivision Permit Application File: The subdivision permit application file consists of a set of administrative and technical documents, specified by Articles 08 and 09 of the amended and supplemented Executive Decree No. 15-19. If any of these documents are missing, the application file is considered rejected, thus preventing the applicant from obtaining the subdivision permit. Accordingly, in this section, we will detail: A- The Administrative Documents, and B- The Technical Documents.

A- Administrative Documents: These administrative documents consist of the application itself and its supporting documents.

1- The Application: The applicant submits a signed application according to the specific model for the subdivision permit application found on page 26 of the amended and supplemented Executive Decree No. 15-19.

The subdivision permit application consists of a set of information related to both the original owner of the plot concerned by the subdivision and the applicant, who may be the original owner themselves or another of the aforementioned persons legally authorized to apply for the subdivision permit. This information establishes their personal identity, consisting of the full name of both the owner and the applicant, their residential address, and phone number. In addition to this, information concerning the plot of land to be subdivided must be mentioned, specifying its address, total area, measurements, its components, the number of resulting lots, and their future use, along with the proposed timeline for carrying out the development works.

2- Supporting Documents for the Application: To support the application for a subdivision permit, the applicant must prove their legal standing by providing documents that establish ownership. This is done by providing a copy of the ownership deed if the applicant is the owner of the land to be subdivided. If the owner has appointed another person to act as their agent, then the agent must support the application with a copy of the power of attorney, which must be in official form in accordance with the provisions of the Civil Code⁴³, in addition to a copy of the ownership deed. In other words, they must submit the application signed by them, accompanied by a copy of the ownership deed and a copy of the power of attorney; otherwise, the application file will be rejected. If the applicant (the owner or the principal) is a legal entity, a copy of the articles of association of the legal entity must also be provided in addition to the ownership deed. This was added by the legislator through the last clause of Article 08 of the amended and supplemented Executive Decree No. 15-19, as this status was not previously required⁴⁴.

B- Technical Documents: The application for a subdivision permit is accompanied by a set of technical documents stipulated in Article 09 of the amended and supplemented Executive Decree No. 15-19. It is worth mentioning here that the first thing a subdivider does before submitting the

application for a subdivision permit is to conduct an analytical study of the land to be subdivided and prepare a topographic plan. This plan is defined as a descriptive plan of the sites. Based on this plan, the boundaries of the land plot to be subdivided are materialized on the ground by creating a layout plan, also known as a staking and generation plan.

Consequently, the land subdivision is based on judicial measurements, and this subdivision involves dividing the land plot into shares and then dividing each share into one or more lots. These lots are surrounded by roads. It should be noted here that the book of specifications is prepared by an architect in accordance with the legal procedures for planning and urbanism and Article 07 of Executive Decree No. 15-19. This book defines the rights and obligations of the subdivision project owner to achieve a competent built environment.

In addition to the aforementioned documents and plans, the file includes quantitative and estimated bills of quantities related to the road network, the potable water supply network, and various other networks. This refers to the process of leveling or grading the land, which involves adjusting and leveling the ground levels. The legislator has also mandated that the graphic and technical file be prepared by an architectural or urban planning consulting firm, and all the preceding documents must be initialed by an architect and a land surveyor. Previously, the file was prepared exclusively by an architect.

By requiring all these documents, the legislator implies that the subdivision process is not merely an act of dividing a plot or a group of land plots but is a construction project. It imposes on the permit beneficiary the obligation to respect the legally stipulated building provisions, which highlights the importance of the subdivision permit and the gravity of the decision issued concerning it⁴⁵.

We also note that the application file for creating a subdivision is characterized by the multiplicity of required documents and the length of the procedures to obtain it⁴⁶, in addition to the expenses borne by the subdivider, as is the case with the environmental impact assessment⁴⁷ or the compulsory contribution to the implementation of public infrastructure and facilities⁴⁸. This burdens the applicant and leads to reluctance and refusal to apply for the permit, resulting in the creation of illegal subdivisions, which negatively impacts the urban and aesthetic character of the city.

C- Place of Filing the Application File: Based on the text of Article 61 of the amended and supplemented Law 90-29, the applicant for a subdivision permit files the application at the headquarters of the Municipal People's Assembly in whose jurisdiction the land to be subdivided is located⁴⁹. The application is submitted in five copies to the President of the Municipal People's Assembly. The latter then examines the file, verifies that all necessary documents are present, and upon confirming and accepting the submitted documents, issues a receipt of deposit to the applicant. This receipt details all the deposited documents attached to the file, specifying the date of their deposit. From this date, the period for investigating the subdivision permit application file begins.

Second - Investigation of the Subdivision Permit Application File: After the President of the Municipal People's Assembly accepts the file and issues the receipt to the subdivision permit applicant as a first stage, the second stage of investigating and studying the application file begins. This file is then sent to the competent administrative authority for investigation. This stage consists of examining and scrutinizing the submitted documents, studying them, and determining their compliance with the provisions contained in the law on planning and urbanism, particularly those related to urban plans and the general rules of planning and construction. The stage of studying the application necessitates following a set of procedures specified by the amended and supplemented Executive Decree No. 15-19⁵⁰.

Axis Two: Procedures for Granting the Subdivision Permit and its Role in Eliminating Urban Chaos

The legislator has mandated a set of legal procedures to obtain a subdivision permit, which are considered matters of public order. Overlooking them can lead to the annulment of the permit decision. Anyone legally authorized to subdivide their land for construction must express their intent to

obtain this permit. This is done by submitting an application to the competent administrative authority within whose jurisdiction the land is located. This authority, in turn, examines the application file, investigates it, and studies its conformity with the land use plan (POS). In the absence of a POS, it is checked against the guiding plan for planning and urbanism (PDAU) and/or the general rules of planning and urbanism, all within the legally defined deadlines.

First - Filing the Application for a Subdivision Permit: The application filing stage precedes the existence of the decision containing the subdivision permit. During this stage, the file is examined, investigated, and several administrative departments are consulted for their opinions regarding the compliance of the application's components with the urban regulations applicable in the area.

1)- The Status of Who Has the Right to Submit an Application for a Subdivision Permit: Article 58 of the amended and supplemented Law No. 90-29 on planning and urbanism states: "In support of the application for a subdivision permit, the division applicant submits a file that includes a book of specifications defining the potential equipment and road construction works that the owner or owners commit to carrying out within a specified period..."

Referring to the text of Article 08 of the amended and supplemented Executive Decree 15-19: "The property owner must submit the application for the subdivision permit, the model for which is attached to this decree, and sign it," and the concerned party must support their application with either:

- ✓ A copy of the ownership deed.
- ✓ Or a power of attorney in accordance with the provisions of Ordinance No. 75-58 of September 26, 1975, mentioned above..."

From this article, we note that the law has restricted the right to apply for a subdivision permit to the owner or their agent. If the subdivision pertains to public entities⁵¹, the Wilaya (Provincial) Agency for Urban Real Estate Management and Regulation handles the procedures. If it concerns the subdivision of waqf (endowment) land, the waqf administrator (nāẓir) or their agent does so. This means the application for a subdivision permit should be submitted by the owner as a general rule, or by an agent as an exception, who must be delegated by the original owner to apply for the permit on their behalf and in their name, by virtue of a formal power of attorney executed before a notary, as stipulated by the Algerian legislator in Articles 73 to 77 of the Civil Code⁵².

2)- The Content of the Subdivision Permit Application File: The file consists of administrative and technical documents specified in Articles 08 and 09 of the amended and supplemented Executive Decree No. 15-19. If any of these documents are missing, the application is rejected, and the applicant cannot obtain the permit. We will detail: A- The Administrative Documents, and B- The Technical Documents.

A- Administrative Documents: These consist of the application and its supporting documents.

1- The Application: The applicant submits a signed application using the specific model for a subdivision permit application found on page 26 of the amended and supplemented Executive Decree No. 15-19.

The application includes information about the original owner and the applicant (who may be the same person), including their identity (name, address, phone number), and details about the land to be subdivided (address, total area, measurements, components, number of resulting lots, their future use, and the proposed timeline for development works).

2- Supporting Documents for the Application: The applicant must prove their legal status by providing documents establishing ownership. This includes a copy of the ownership deed if the applicant is the owner. If an agent is appointed, a copy of the official power of attorney must be submitted in addition to the ownership deed. If the applicant (owner or principal) is a legal entity, a copy of its articles of association must also be included. This last requirement was added by the amended and supplemented Executive Decree No. 15-19 and was not previously stipulated.

B- Technical Documents: The application for a subdivision permit is accompanied by a set of technical documents stipulated in Article 09 of the amended and supplemented Executive Decree No. 15-19. It is noteworthy that the first step for the subdivider, before submitting the application, is to conduct an analytical study of the land and prepare a topographic plan. Based on this plan, the boundaries of the plot are established on the ground by creating a layout or staking plan. The subdivision is based on precise measurements, dividing the plot into shares, and each share into one or more lots, which are surrounded by roads. The book of specifications, prepared by an architect according to legal procedures, defines the rights and duties of the project owner to create a viable built-up area.

The file also includes quantitative and estimated bills of quantities for the road network, potable water supply, and other networks, which involves leveling and grading the land. The legislator mandates that the graphic and technical file be prepared by an architectural or urban planning consulting firm, and all documents must be initialed by an architect and a land surveyor; previously, only the architect was required.

By requiring these documents, the legislator implies that subdivision is not just a simple division of land but a construction project, compelling the permit holder to respect building laws. This highlights the importance of the subdivision permit and the significance of the decision issued. We also note that the application process is characterized by numerous required documents, lengthy procedures, and significant expenses for the applicant (such as for environmental impact studies or compulsory contributions to public infrastructure). This can be burdensome and may lead applicants to avoid the official process and create illegal subdivisions, which negatively impacts the urban character and aesthetics of the city.

C- Place of Filing the Application File: According to Article 61 of the amended and supplemented Law 90-29, the applicant files the subdivision permit application at the headquarters of the Municipal People's Assembly in whose jurisdiction the land is located. The application is submitted in five copies to the President of the Municipal People's Assembly. The latter examines the file and, upon verification and acceptance of the documents, issues a receipt of deposit to the applicant, detailing the documents filed and the date of submission. This date marks the beginning of the investigation period for the permit application.

Second - Investigation of the Subdivision Permit Application File: After the President of the Municipal People's Assembly accepts the file and issues the receipt, the investigation and study phase begins. The file is sent to the competent administrative authority for investigation. This stage involves scrutinizing the submitted documents and determining their compliance with the provisions of the law on planning and urbanism, particularly those related to urban plans and the general rules of planning and construction, following the procedures specified in the amended and supplemented Executive Decree No. 15-19.

1)- The Content of the Examination of the Subdivision Permit Application File: Article 11 of the amended and supplemented Executive Decree No. 15-19 states: "The preparation of the application shall address the extent of conformity of the proposed subdivided land with the directives of the land use plan (POS), or in its absence, the instructions of the guiding plan for planning and urbanism (PDAU) and/or the instructions specified by the general rules of planning and urbanism as determined by the regulations in force.

The preparation of the application shall also address the impacts that may result from the completion of the subdivided land, with regard to hygiene, health suitability, the character of or interests of neighboring places, the protection of sites or natural or urban landscapes, as well as the impacts in the field of traffic, public facilities, public utility services, and municipal finances." From this article, it is clear that the examination must confirm the project's compliance with the POS,

or in its absence, the PDAU or general planning rules. The review also considers the project's potential impacts on sanitation, health, neighborhood character, protection of landscapes, traffic, public facilities, and municipal finances. The examination may lead to a proposal for a public inquiry. The reviewing authority can also propose how the project owner will contribute to the costs of the required development and public facilities.

2)- The Timeframe for Investigating the Subdivision Permit Application File: The investigation of the subdivision permit application file is bound by legal deadlines, which vary depending on the administrative body responsible for studying the application and the one competent to issue the permit.

Third - Issuing the Decision Regarding the Subdivision Permit: This is the final stage in obtaining the subdivision permit. It is necessary to identify the competent administrative authority to issue the decision⁵³, and then to outline the possible outcomes of this decision: granting the permit, refusing it, deferring the decision, or administrative silence. If the decision is an approval, it is subject to administrative publication at the municipal level and on the site of the subdivided land, and to real estate registration at the Land Registry.

1)- The Administrative Authority Responsible for Granting the Subdivision Permit: Article 22 of the amended and supplemented Executive Decree No. 15-19 stipulates: "The subdivision permit is delivered in the form of a decision issued by the President of the Municipal People's Assembly or the territorially competent Governor, or by the Minister in charge of Urban Planning, as the case may be...." This text indicates that the authority to decide on the application and issue the permit is granted to specific administrative bodies: the President of the Municipal People's Assembly, the Governor, or the Minister in charge of Urban Planning. The competent authority depends on the nature of the subdivision project and whether a Land Use Plan (POS) exists for the municipality where the land is located.

2)- The Content of the Decision Regarding the Subdivision Permit: The decision on the subdivision application can be an approval, a refusal, a deferral of the decision, or administrative silence.

A – Granting the Subdivision Permit: According to Article 17 of the amended and supplemented Executive Decree No. 15-19, if the application file meets the requirements—meaning the project conforms to the applicable POS, a POS that has passed the public inquiry stage, or another planning document; or, in their absence, conforms to the PDAU or general planning rules—the administration issues a decision approving the permit within the legal deadlines. The decision is communicated by the President of the Municipal People's Assembly to the applicant and to the state services in charge of urban planning at the provincial and district levels. This is accompanied by a copy of the application file, which includes the stamp of the competent one-stop shop on the book of specifications and the plans that define the planned lots, the road network, and the nature of the planned urban forms. Copies are distributed as follows:

- ✓ The first copy of the decision goes to the applicant.
- ✓ A second copy goes to the state services for urban planning at the provincial level.
- ✓ A third, initialed copy is made available to the public at the municipal headquarters⁵⁴.
- ✓ A fourth copy is kept in the provincial or district archives.
- ✓ A fifth and final initialed copy is kept by the authority that issued the permit.
- ✓ The competent authority also publishes the decision granting the permit, along with the book of specifications, at the territorially competent Land Registry, in accordance with the legislation in force⁵⁵.

B – Refusing to Grant the Subdivision Permit: If the competent administrative authorities find that the subdivision project does not comply with the POS, the PDAU, and/or the general rules of planning and urbanism, or if the applicant fails to provide requested additional documents or information within the deadline given to the administration to issue its decision, the administration will issue a decision

refusing the permit. According to Article 62 of the amended and supplemented Law No. 90-29, the refusal must be legally justified with reasons derived from the planning and urbanism law itself⁵⁶. The question arises here: what if the refusal is based on reasons derived from other laws related to planning and urbanism?

In our view, the administration should consider all laws related to planning and urbanism, not just Law No. 90-29, to ensure the creation of an organized urban expansion that respects all the specific provisions laid down in special laws.

C – Deferral of the Decision on Granting the Subdivision Permit: According to Article 18 of the amended and supplemented Executive Decree No. 15-19, which states: "The application for a subdivision permit may be subject to a deferral decision to be adjudicated upon in accordance with the provisions of Article 64 of the amended and supplemented Law No. 90-29 of December 1, 1990, mentioned above. The decision to defer the adjudication shall be issued within the time limits set for preparation, and its effects shall not exceed one year."

This article refers the decision to defer the adjudication of the subdivision permit application to the provisions of Article 64 of the amended and supplemented Law No. 90-29, which reads as follows: "An application for a subdivision or building permit may be subject to a deferral to be decided upon within a maximum of one year by the authority responsible for issuing the subdivision permit or the building permit when the planning and urbanism instrument is under preparation." It is clear from this text that the legislator has granted the competent authority for issuing the subdivision permit the power to defer the adjudication of the application file when the planning and urbanism instrument is under preparation, provided that the competent authority adjudicates on the application file within a maximum of one year.

D – Administrative Silence: The legally prescribed deadlines may be exceeded, and the administration may remain silent, without issuing a decision either granting the permit, refusing it, or deferring the adjudication. Referring to the provisions of the amended and supplemented Law No. 90-29 and the amended and supplemented Executive Decree No. 15-19, they do not address the case of administrative silence. This is in contrast to previous laws which interpreted administrative silence as an implicit approval. We can therefore infer that the Algerian legislator considers administrative silence as an implicit decision of approval, which is contrary to what is established in administrative practice, where administrative silence means refusal. However, from Article 31 of Executive Decree No. 20-342, it is clear that the legislator has enabled the subdivider who is not satisfied with the notified response, or in the case of the competent authority's silence within the required deadlines, to file an appeal against a receipt of deposit with the Wilaya (Province). In the Wilayas where administrative districts have been established, the appeal is filed with th

¹- Article 07 of Executive Decree No. 15/19 dated 25/01/2015, which specifies the procedures for preparing and delivering construction contracts, Official Gazette No. 04, as amended and supplemented by Executive Decree No. 20-342 dated 22 November 2020, Issue 71.

²- Article 24 of Law No. 82-08 dated 06/02/1982 related to the building permit and the land retail license for construction , JR No. 06 (canceled).

³- Article 02 of Law No. 08-15 dated 20/07/2008 specifying the rules for matching buildings and completing their completion , JR No. 44.

⁴- Article 02 of Law No. 119 of 2008 , related to the Unified Building Law (Egypt) , No. 19.

⁵- Article 11 of Egyptian Law No. 03 of 1982 , relating to the promulgation of the Egyptian Urban Planning Law.

⁶- Memorandum No. 1479 dated March 28, 2000 , related to the role of the real estate governor in the consideration of some legislative and regulatory provisions related to reconstruction and construction, issued by the Ministry of Finance.

⁷- Mohamed Belfadel, Provisions of the Retail License in Algerian Law, Journal of Law and Environment , No. 14, University of Mostaganem , 2020 , p. 47.

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- 8- Arafa Abdel Wahab , Explanation of Building and Demolition Laws, DT, University Publications House, Alexandria, Cairo, 2006 , p. 153.
 - 9- Hamdi Pasha Omar , Editors of the Month of Possession , Dar Homa for Publishing and Distribution , Algeria, 2001 , p. 157.
 - 10- Ezri Al-Zain , Individual Construction Decisions and Methods of Appeal, 1st Edition , Dar Al-Fajr for Publishing and Distribution , Cairo, 2015 , p. 43.
 - 11- Aqlouli Old Rabah Safia , Algerian Urbanism Law (Urban Objectives and Legal Means) , 2nd Edition , Dar Homa Publishing and Distribution , Algeria, 2015 , pp.165-166.
 - 12- Articles 65 , 66 , 67 of the aforementioned Law No. 90-29 and Article 22 of Executive Decree No. 20-342 dated 22/11/2020 amending and supplementing Executive Decree No. 15-19 dated 25/01/2015, which determines the modalities for the preparation and delivery of construction contracts, JR No. 71.
 - 13- Saint-alaryrogeret saint-alary-houincorinne, droit de la constuction, memetosdaloz, paris , 6 emeedition, 2001 , p59.
 - 14- Azri El Zein, Procedures for Issuing Construction and Demolition Decisions in Algerian Legislation, Journal of Labor Law, Volume 3 , (DT) , p. 13.
 - 15- Omar Hamdi Pasha , Protection of Private Real Estate Property, 7th Edition , Dar Homa for Publishing and Distribution , Algeria , 2009 , p. 100.
 - 16- Mansouri Noura , Rules of Preparation and Reconstruction according to Legislation , Dar Al-Huda for Publishing and Distribution , Ain Mellila , Algeria, 2010 , p. 41.
 - 17- Articles 65 , 66 , 67 of Law No. 90-29 amending and supplementing the aforementioned .
 - 18- Article 22 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 19- Ahmed Morgan , Building and Demolition Licenses, Dar Al-Nahda Al-Arabiya , DT, Cairo, Egypt, 2002 , p. 95.
 - 20- Mazen Lilou Radi : The General Theory of Administrative Decisions and Contracts, Al-Maaref Establishment, DT, Alexandria , Egypt, 2012 , p. 38.
 - 21- Articles 9 , 28 of Executive Decree 15/19 amending and supplementing the aforementioned.
 - 22- Hamdi Pasha Omar, Transfer of Real Estate Property, Dar Homa , 10th Edition, Algeria, 2015, p. 132 , Memorandum No. 1479 related to the role of the real estate governor in the consideration of some legislative and regulatory provisions related to reconstruction and construction , mentioned above.
 - 23- The last paragraph of Article 22 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 24- See the text of Article 58 of Law 90-29 in French .
 - 25- Article 23 of Law No. 90-25 of 18/11/1990 on Real Estate Guidance, JR No. 49.
 - 26- Civil Code, Article 213
 - 27- Bernard Drobercko , op cit , p 149 , Henri jacquot , François priet , op cit , p 421.
 - 28- Article 17 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 29- Articles 27 to 31 of Law No. 84-12of 23/06/1984 containing the General System of Forests , Issue No. 52.
 - 30- Articles 27 to 31 of Law No. 84-12of 23/06/1984 containing the General System of Forests , Issue No. 52.
 - 31- Article 19 of Law No. 04-20 of 25/12/2004 on the prevention of major risks and the management of disasters within the framework of sustainable development No. 84.
 - 32- Article 03 of Executive Decree No. 91-175.
 - 33- Article 20 of Law No. 04-20, defines the areas burdened by the agreement not to build on them because of the great danger according to the general plan to prevent the great danger. According to Article 49 of the same law, these areas are not only buildable, but can be the subject of expropriation for the public benefit when it constitutes a danger .
 - 34- Article 01, paragraph 02 of Executive Decree No. 15-19 amending and supplementing the aforementioned.

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- 35- Article 12 of Law No. 03-01 of 17/03/2003 on the sustainable development of tourism, JR No. 11.
 - 36- Article 20 of Law 90-29 amending and supplementing the aforementioned.
 - 37- Article 2 of the same Act
 - 38- Article 22 - 04 of the same law.
 - 39- Articles 74 to 77 of Law No. 08-15, which includes the determination of the rules of conformity of structures and the completion of their aforementioned modified completion.
 - 40- Article 04 of the aforementioned Executive Decree No. 90/405.
 - 41- Articles 13 and 15 of the aforementioned Executive Decree No. 98/381.
 - 42- Iqluli Old Rabih Safia , op. Cit., P. 171.
 - 43- Article 324 and Articles 571 to 586 of Order No. 75-58 dated September 26, 1975 , containing the Civil Code, C R No. 78, as amended and supplemented .
 - 44- Article 08 of the aforementioned Executive Decree No. 91-176.
 - 45- Ezri Al-Zain , op. Cit., P. 46.
 - 46- Article 09 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 47- Article 22 of Law No. 03-10 stipulates that: "The impact study or summary of the impact on the environment shall be carried out at the expense of the project owner by study offices, expertise offices, expertise offices or consultancy offices approved by the Ministry in charge of the environment."
 - 48- Articles 13 , 20 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 49- Article 10 of the same decree.
 - 50- Articles 11 to 21 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 51- Article 12 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 52- Articles 04 and 21 of Executive Decree No. 15-19 amending and supplementing the aforementioned.
 - 53- Paragraph 03 of Article 22 of Executive Decree No. 20-342 amending and supplementing Executive Decree No. 15-19.
 - 54- Paragraph 03 of Article 22 of Executive Decree No. 20-342 amending and supplementing Executive Decree No. 15-19.
 - 55- Paragraph 07 of Article 22 of the aforementioned Executive Decree No. 20-342.
 - 56- Article 62 of Law No. 90-29 amending and supplementing the aforementioned.