

## The Influence of French Real Estate Policies on the Establishment of the General Land Survey System in Algeria

**Rouchou Djamel**

Laboratory of Political Systems and Constitutional Institutions  
Institute of Law – Morsili Abdallah University Center – Tipaza (Algeria)  
rouchou.djamel@cu-tipaza.dz

**Sailaa Saad**

Laboratory of Political Systems and Constitutional Institutions  
Institute of Law – Morsili Abdallah University Center – Tipaza (Algeria)  
saila.saad@cu-tipaza.dz

**Gaouaoui Benslimane**

Faculty of Law and Political Science, Ibn Khaldun University, Tiaret. (Algeria)  
benslimane.gaouaoui@univ-tiaret.dz

Received date: 28.01.2025; Accepted date: 13.03.2025;  
Publication date: 26.04.2025, doi: 10.56334/sei/8.3.20

### Abstract

Land surveying plays a crucial role in clarifying and securing real estate ownership by accurately defining property boundaries on the ground and identifying legitimate owners. It represents the practical application of the real property registration system, which carries legal authority in confirming and formalizing ownership rights—a function that land surveying fulfills with precision and effectiveness. In Algeria, as in many other countries, the real property registration system

---

<sup>1</sup> **CC BY 4.0.** © The Author(s). Publisher: IMCRA. Authors expressly acknowledge the authorship rights of their works and grant the journal the first publication right under the terms of the Creative Commons Attribution License International CC-BY, which allows the published work to be freely distributed to others, provided that the original authors are cited and the work is published in this journal.

**Citation.** Rouchou, D., Sailaa, S., & Benslimane, G. (2025). The Influence of French Real Estate Policies on the Establishment of the General Land Survey System in Algeria. *Science, Education and Innovations in the Context of Modern Problems*, 8(3), 350-369. doi: 10.56352/sei/8.3.20. <https://imcra-az.org/archive/358-science-education-and-innovations-in-the-context-of-modern-problems-issue-3-volviii-2025.html>

based on land surveying was officially adopted in 1975. Nevertheless, the foundational stages of this system can be traced back to the era of French colonization, which spanned from 1830 to 1962. This research paper aims to examine the historical roots of Algeria's land surveying system, with a particular focus on the influence of French legal frameworks. During the colonial period, French authorities introduced numerous legal provisions that laid the groundwork for real estate ownership purification through land surveying in Algeria.

Keywords: French Legislation, Colonial Land Reforms, Partial Cadastral, Establishment of Individual Real Estate Ownership.

### Introduction

Land surveying has been known since ancient times, across various eras and civilizations, with the historical origins of this system dating back over 4,000 years before Christ.<sup>2</sup> As for Algeria, it was familiar with this system throughout history, even before the Ottoman rule, continuing through the period of French colonization, which was accompanied by numerous legal texts regarding real estate ownership in general. The phase following Algeria's independence marked the true beginning of the application of the general land surveying system in Algeria.

Land surveying is the material basis for implementing the system of real property registration, which relies on the precise field identification of properties and the numbering of property units, thus determining the property owner. Land surveying constitutes the starting point for real estate purification and the establishment of real property rights.

As with other legal systems, the legal framework in Algeria has gone through several attempts to organize and purify real estate ownership. One of the most significant of these was the establishment and adoption of the real estate purification system through the implementation of the real property registration system, which is fundamentally based on land surveying.

Referring to an important period in Algerian history, namely the colonial period, we find that it played a significant and pivotal role in establishing the land surveying system in Algeria, through a series of French legal texts issued by the French colonizers with the aim of organizing and purifying real estate ownership in Algeria

From this perspective, we have decided to conduct a legal historical study to assess the extent to which French legislation contributed to laying the foundations of the land surveying system

---

<sup>2</sup> Wiss Fathi, "Real Estate Registration and Its Effects on Real Estate Transactions: A Comparative Study," PhD Thesis in Law, Private Law, Faculty of Law, Department of Private Law, University of Oran, 2010-2011, p146.

in Algeria for the purpose of purifying real estate ownership. To address this issue, we examine the key laws issued by the French colonizers during the colonial period, which were intended to purify real estate ownership and establish the foundations for adopting the land surveying system through the following outline:

First Section: The real estate situation from 1830 to 1873

Second Section: The real estate situation from 1887 to 1962

Section One: Real Estate Situation from 1830 to 1873

First: Attempts to Regulate Real Estate Ownership in Algeria

During this period, the French colonizers sought to regulate real estate ownership in Algeria by creating a real estate reserve for the public domain through several legal texts. The first of these was the decree issued on September 8, 1830, which established the public domain sector in Algeria and included Algerian lands within it<sup>3</sup> According to its first article: "All homes, shops, gardens, lands that were previously under the authority of the Dey, the Beys, and the Ottomans who left Algerian territory, or those dedicated to Mecca or Medina, shall be included in the public domain. A period of three days was granted to individuals holding these properties to declare them, or they would be subject to a financial penalty."<sup>4</sup> This was followed by two significant decrees issued on October 1, 1844,<sup>5</sup> and July 21, 1846.<sup>6</sup>

1. Decree of October 1, 1844

This was the first legal text to address the organization of real estate ownership in general. The law consisted of five chapters: the first concerned the sale of properties and the settlement of past property transactions; the second dealt with the repurchase of lifetime income; the third outlined conditions related to property ownership freedom, such as prohibiting the ownership of tribal lands and preventing officers and employees from owning property without permission; the fourth chapter focused on expropriation for public use; and the fifth chapter addressed unused lands.

The law's apparent aim was to organize real estate transactions and bring order to the chaos of

---

<sup>3</sup> Salah Hemar, "Real Estate Policy in Algeria (1830-1930)," PhD Thesis in Modern and Contemporary History, Department of History and Archeology, Faculty of Social and Human Sciences and Islamic Sciences, University of Hadj Lakhdar Batna, 2013-2014, p. 32.

<sup>4</sup> Al-Taher Malahso, "The Notary System Under Real Estate Legislation in Algeria (1830-1962)," Paper presented at the First National Conference on Real Estate in Algeria During the French Occupation, 1830-1962, Wilaya of Mascara, November 20-21, 2005, pp. 28-29. \*\*

<sup>5</sup> Bulletin officiel des actes du gouvernement N°186 sur le site : <https://gallica.bnf.fr>

<sup>6</sup> Bulletin officiel des actes du gouvernement N°230 sur le site : <https://gallica.bnf.fr>

the time, by scrutinizing the ownership documents of the local communities. However, in reality, it aimed to seize Algerian lands classified as communal property of the throne, mainly used for agricultural activities. The colonizers required the locals to present proof of ownership, under the threat of losing their land and transferring it to the public domain.<sup>7</sup>

One of the key consequences of this law was that many Algerians lost their properties, which were incorporated into the public domain under the pretext of public benefit or expropriation for non-use, especially if they were located in areas where agricultural activity was mandatory.<sup>8</sup> The lands were then allocated to European settlers, who were granted clear and accurate titles to encourage their settlement.<sup>9</sup>

However, the judicial disputes that arose from the application of this decree, particularly the resort to ordinary courts to verify ownership documents, led the colonizers to consider amending the decree to address its shortcomings, which was done in the subsequent decree of July 21, 1846.<sup>10</sup>

## 2. Decree of July 21, 1846

After the issues resulting from the application of the October 1, 1844 decree, the colonizers realized that the real estate system in Algeria was communal in nature, and the lands of the throne lacked property titles. They thus needed to re-survey the throne lands, particularly those in rural areas used for agricultural activities, by issuing the second decree on July 21, 1846. This law compelled Algerians to present their property titles within three months of its issuance, under the threat of losing their lands to the public domain, which had already been established.<sup>11</sup>

In its appearance, the law sought to purify private property ownership by recognizing and validating it through an administrative body called the "Board of Disputes,"<sup>12</sup> set up in each district. The recognition of private property would take place within three months, starting from the issuance of a ministerial decision specifying the region for verifying property titles.<sup>13</sup>

---

<sup>7</sup> Bougraa Al-Amiriya, "Proving Private Real Estate Ownership in Algerian Legislation," Doctoral Thesis in Law, Specialization in Legal Sciences, Agricultural and Real Estate Department, Faculty of Law and Political Science, Batna University, 2015-2016, p. 82.

<sup>8</sup> M. Laynaud, Notice Sur La Propriété Foncier En Algérie, Girault, Imprimeur -Photo Graveur Alger, 1900, p29

<sup>9</sup> Amar Alawi, "Ownership and the Real Estate System in Algeria," 8th Edition, Dar Houma, Algiers, 2017, p. 48.

<sup>10</sup> Salah Himer, "A Reading of the Ordinances of 1844 and 1846 on Real Estate Ownership in Algeria: Content and Results,"

\*Aswar Al-Jadida\* Journal, Issue 6, 2012, p. 76.

<sup>11</sup> Mhamoudi Abdelaziz, "Purification of Private Real Estate Ownership in the Surveyed Areas in Algerian Legislation," PhD Thesis in Law, Private Law Department, Faculty of Law, Saad Dahlab University of Blida, 2007-2008, p. 20.

<sup>12</sup> Bouguerra Amaria, "Previous Reference," p. 82.

<sup>13</sup> Article 3 of the ordinance dated July 21, 1846.

Owners were required to submit ownership contracts to the financial director of the Algiers district, or to the collector of the public domain for other regions. The examination of the contracts was assigned to the newly established Board of Disputes at each district, which required the contracts to be drafted before 1830 to be valid for proving and recognizing private ownership.<sup>14</sup>

The method of proving private property under the decree of July 21, 1846, adopted a field-based approach that closely resembled the current land surveying procedure. This marked the beginning of the French colonizers' move towards establishing and implementing a system for land surveying and purifying private property ownership through a field survey. The strict implementation of the decree's procedures aimed to force Algerians to provide proof of ownership, thereby recognizing their property rights. On the other hand, it sought to compel them to cultivate their lands or face the confiscation of those lands, which would be added to the public domain. This was part of the colonizers' larger goal of providing high-quality agricultural lands to European settlers.

Despite the decree's intentions, its application revealed widespread land without titles, which were incorporated into the public domain and subsequently allocated to settlers. The requirements imposed on Algerians to prove ownership, especially given their lack of familiarity with legal procedures, made this process highly burdensome.<sup>15</sup>

### 3. Law of June 16, 1851

Known as the law on the classification of real estate, this law distinguished between lands belonging to the public domain and those belonging to private property. It also allowed transactions on lands classified as private property to be conducted and transferred to settlers. Moreover, this law aimed to subject all real estate transactions between settlers or French citizens and the locals to French law, while allowing transactions between Algerian Muslims to remain governed by Islamic law.<sup>16</sup>

One of the main ideas introduced by this law was what became known as the "exclusivity policy." It allowed the French colonizers to concentrate the agricultural lands of the tribes into a small portion

---

<sup>14</sup> Salah Himer, *op. cit.* (Real Estate Policy in Algeria 1830-1962), p. 82.

<sup>15</sup> Salah Himer, same reference, p. 88.

<sup>16</sup> The Higher Council for the Arabic Language, *Dictionary of Real Estate and Land Surveying Terminology*, Klik Publications, 2023, p. 14.

of the throne lands, meeting their basic needs, while the remainder of the land was considered public property and could be transferred to the state.<sup>17</sup>

#### 4. Law of March 23, 1855

This law revived the procedures for real estate registration in France, applying them to contracts and judicial rulings transferring or establishing property rights between living individuals. Its primary purpose was to extend the registration procedures to include all transactions that created or transferred real property rights, including rights that could be mortgaged, such as easements and rights of use or habitation, whereas previous registration procedures only applied to mortgages and gift transfers.<sup>18</sup>

This law served as a precursor to the establishment of the real estate registration system in Algeria, as property purification required documentation and real estate preservation, which could be achieved through real estate registration. The law continued in effect for nearly a century until the issuance of a decree on January 4, 1955, which coincided with the French state's broader land and real estate reforms in Algeria.

#### Second: The Beginning of Establishing the Real Estate Purification System

The move towards purifying private property ownership gained momentum, especially with the introduction of the famous Senate Consult law of 1863 and the Warnier law of 1873, both of which recognized and purified private property ownership.

##### 1. The Sheikhly Decision of April 22, 1863 (Senatus Consult)

The Sheikhly Decision or Senatus Consult was one of the most important legal texts aimed at regulating real estate ownership during the French occupation. It marked a significant turning point in the history of Algerian real estate ownership due to its profound effects on the economic and social structure of Algerian society.<sup>19</sup>

This law was also the first to implement general land surveying, with a focus on accurate field identification and the division of property into individual real estate units. Many Algerian administrative offices in charge of land surveying still use the plans created during the application of

---

<sup>17</sup> Salah Himer, *op. cit.*, (Real Estate Policy in Algeria 1830-1962), p. 105.

<sup>18</sup> Ouis Fathi, *op. cit.*, pp. 53-54.

<sup>19</sup> BEN DAHA Ida, *Settlement: The Struggle for Land Ownership During the French Occupation of Algeria 1830-1962*, Volume One, First Edition, 2013, Al-Mouallemat for Publishing and Distribution, M'sila, Algeria, 2013, p. 365.

this law, and they are often used in resolving disputes regarding land identification and property recognition.<sup>20</sup>

Emperor Napoleon III initiated the idea of the Senatus Consult during his first visit to Algeria in September 1860, with the aim of stabilizing the situation for Algerians by assuring them that their remaining land would not be taken through the application of the law of June 16, 1851. The law's main goals included:

- Assuring Algerians that their lands would not be taken, as the French had previously claimed.<sup>21</sup>
- Recognizing private property rights for Algerians and establishing individual ownership by dividing throne lands among the members of local tribes.<sup>22</sup>
- Lifting the ban on real estate transactions between Algerians and European settlers.<sup>23</sup>

The law aimed to divide throne lands into individual real estate units and grant property titles, but its practical application was limited, covering only five tribes out of 372, and the actual process of property purification and title issuance occurred only in one district (Telmouly) in the Sidi Bel Abbes region, out of 676 districts.<sup>24</sup>

## 2. The Law of July 26, 1873 (Warnier Law)

Named after the French politician Warnier Auguste Hubert,<sup>25</sup> this law aimed to fully Frenchify Algerian lands, subjecting all real estate transactions in Algeria to French law, in contrast to the law of June 16, 1851, which allowed transactions between Algerians to remain subject to Islamic law.<sup>26</sup>

The Warnier Law sought to break the communal land ownership system in tribal areas and encourage individual ownership in regions with private property. The law also provided for surveys and partial investigations to facilitate land ownership transfers to European settlers.<sup>27</sup>

The text of Article 1 of the Farny Law states: "The establishment of real property ownership in Algeria, its registration, and the contractual transfer of ownership and real estate rights,

---

<sup>20</sup> Lazhari El-Qeizi, *The Relationship Between General Land Survey and Real Estate Registration in Algerian Legislation*, Dissertation for the Master's Degree in Law, Business Law Branch, Faculty of Law, University of Algiers 1, 2012-2013, p. 09.

<sup>21</sup> See Official Bulletin of Government Acts, 1863, pp. 106 and 107.

<sup>22</sup> *Ibid.*, p. 107.

<sup>23</sup> See Article No. 06 of the Imperial Decree Senatus-Consult, p. 108.

<sup>24</sup> Mahmoudi Abdelaziz, *op. cit.*, p. 23.

<sup>25</sup> Narcisse Faucon, *\*Le Livre D'or De L'Algérie\**, Challamel et Cie Publishers, Paris, 1889, pp. 571-578.

<sup>26</sup> Salah Himer, *op. cit.*, (French Real Estate Policy in Algeria 1830-1930), p. 156.

<sup>27</sup> Amar Aloui, *op. cit.*, p. 59.

regardless of the owners, shall be subject to French law."<sup>28</sup> This reflects the colonizer's intention to "Frenchify" Algerian lands by subjecting all real estate transactions aimed at transferring or establishing private real estate ownership between individuals, regardless of their nationality, to French law.<sup>29</sup>

As for the purification of private property under this law, Chapter Two included procedures for verifying private ownership and establishing individual ownership, based on the land survey and partial census procedures outlined in the Senatus-Consultum Law. However, the field results of this process were not positive due to several reasons, the most important of which was the reliance of the French legislator on property titles issued by the French administration, rather than those held by the locals, as the starting point for the purification process. Additionally, the vastness of Algeria led to the purification process being limited to the benefit of Europeans only. Furthermore, the locals showed little interest in the French land purification process and continued to exploit the land collectively, as they had done in the past.<sup>30</sup>

One of the negative results of applying the provisions of the Farny Law was the replacement of property deeds written in Arabic, which were held by Algerian locals since the Ottoman period,<sup>31</sup> with deeds written in French and processed by French notaries. As a result, the investigators tasked with conducting real estate surveys and verifying property ownership in order to prepare property titles made numerous errors that complicated the real estate situation and created contradictions between the content of these deeds and the actual facts of the land. This led many locals to revert to exploiting their land in the traditional manner, prioritizing collective decisions on land division and abandoning the use of deeds issued by the French administration. On this basis, the Farny Law was abolished by the law passed on February 16, 1897.

#### Chapter Two: The Property Situation from 1887 to 1962

The period from 1887 until 1962, the year of Algeria's independence, saw the continuation of French colonial authorities' efforts to enact legal texts related to private land ownership, with the ultimate goal of ensuring a genuine clarification of the property situation in Algeria.

#### First: Strengthening Property Regularization Measures

---

<sup>28</sup> \*\*Article 1 of the Warny Law\*\* states.

<sup>29</sup> Emil LARCHER, \*Traité élémentaire de législation algérienne\*, Third Edition, Volume Three, Rousseau et Cie Publishers, Paris, 1923, p. 75.

<sup>30</sup> Mahmoudi Abdelaziz, *op. cit.*, p. 25.

<sup>31</sup> Jamila Jabar, \*Organization of Public Agricultural Property and Its Legal Protection\*, Master's Thesis, Faculty of Law, University of Blida, 2002, p. 15.



From the outset, the French colonizers were certain that the settlement process they initiated in Algeria could only be completed by ensuring the social stability of the population. This stability depended on consolidating private land ownership and regularizing it for the benefit of Algerian landholders in the initial phase, and later transferring ownership to European settlers. The French continued to strengthen and reinforce property regularization through a series of legal texts, the most significant of which are discussed below.

#### 1. Proposal for a Law to Implement an Optional Land Registration System

Land registration is a direct consequence of implementing a land survey system, based on the physical identification of properties, demarcating boundaries, and dividing estates into registered units, each given a serial number based on the documents and deeds provided during the land survey process.

To regularize land ownership through land surveys, efforts began in 1886 to introduce and apply the land registration system to property holdings in Algeria. This coincided with the first international conference on land ownership held in France in 1889, which concluded with several resolutions regarding land ownership, the most important of which were: the establishment of a property register in which all land transactions should be recorded, based on ownership documents; the adoption of a land registration system to protect real property rights by placing it under judicial oversight; and the transition from optional to mandatory land registration at the state's expense.<sup>32</sup>

In order to implement this new land registration system in Algeria, a technical committee was formed in 1886 to study land-related issues. This committee focused on the possibility of adopting the Torrens system of land registration, which provides a comprehensive registry of real property rights, creating a legal document that guarantees absolute ownership.<sup>33</sup>

However, despite the completion of the initial draft of the law on November 10, 1886, and its presentation in the Algerian Tunisian Legal Journal, this proposal did not materialize or gain approval from the French authorities.<sup>34</sup>

#### 2. The Law of April 22, 1887 (Amendment to the Warny Law)

In 1887, the French colonizers amended the Farny Law of 1873 through the law of April 22, 1887.<sup>35</sup>

---

<sup>32</sup> *Revue Algérienne et Tunisienne de Législation et de Jurisprudence*, L'École de Droit d'Alger, Volume XI, Year 1893, pp. 4-5.

<sup>33</sup> "Project of the law regarding the registration of land ownership in Algeria," General Government Printing, Algiers, 1907, p. 08.\*\*

<sup>34</sup> YAN YAVANOVITCH, \*The Mortgage Systems Based on Land Registers\*, pp. 113-114.

This amendment aimed to address the shortcomings in the implementation of the Farny Law,<sup>36</sup> recognize individual property rights, break up collective land ownership,<sup>37</sup> and provide ownership documents to those entitled to them by simplifying and streamlining the procedures for property regularization outlined in the Farny Law.<sup>38</sup>

The law contained several key points, primarily focusing on the disaggregation of crown lands among individuals and adopting the procedures laid out in the Senatus-Consulte law, including:

- The physical demarcation of land according to the Senatus-Consulte law for all tribes and villages and the establishment of boundaries in accordance with Article 6 of the Senatus-Consulte law.<sup>39</sup>
- Simplified procedures for regularizing individual property ownership transactions among the indigenous population.
- Verification of property deeds in preparation for establishing individual ownership.<sup>40</sup>

While the law had significant negative effects on Algerians, depriving many of their land rights, the French colonizers were unable to fully implement this law due to the slow progress of the execution process, which required substantial technical, material, and human resources.<sup>41</sup>

### 3. Revival of the Land Registration Law

In 1893, the land registration proposal was revived upon recommendation from the French financial commissioner in Algeria (M. Jaunnart), who suggested that Algerian land should be subject to the principles of the Torrens land registration system. A committee was established by the French Senate to study the land-related issues in Algeria and tasked with preparing a bill that would establish a new land system.<sup>42</sup>

M. Franck Chauveau, a key member of this committee, submitted a report on May 27, 1893, to the French Senate proposing the establishment of a new land law that would address the

---

<sup>35</sup> Law of April 22, 1887, aiming to amend and complement the law of July 26, 1873, on the establishment and conservation of property in Algeria. See: Estoublon and Lefebure, \*Code of Algeria Annotated, 1830-1895\*, Algiers, 1896, pp. 727-742.

<sup>36</sup> Ben Daha Ida, op. cit., p. 407.

<sup>37</sup> Fouad Azzouz, \*French Real Estate Legislation in Algeria During the Civilian Rule Period 1870-1900\*, \*Madarât Tāriḥiyya Journal\*, Volume One, Special Issue, Center for Knowledge Research and Studies, Algiers, April 2019, p. 302.

<sup>38</sup> Ben Daha Ida, op. cit., p. 407.

<sup>39</sup> Article 2 of the Law of April 28, 1887.

<sup>40</sup> Layla Belkacem, \*Application of Real Estate Legislation to the Tribes of the Relizane Region (Left Bank of Oued Chelif and Mina Plain) Between 1863-1900\*, PhD Thesis in Modern and Contemporary History, Department of History and Archeology, Faculty of Humanities and Islamic Sciences, University of Oran 1 Ahmed Ben Bella, 2017-2018, pp. 273-274.

<sup>41</sup> Fouad Azzouz, op. cit., pp. 302-303.

<sup>42</sup> \*Draft Law on the Registration of Land Ownership in Algeria\*, General Government Printing, Algiers, 1907, p. 09.

deficiencies in the current system, particularly the amendments made to the Warny Law in 1887.<sup>43</sup> The committee's work culminated in the law of February 16, 1897, which included significant reforms to the Algerian land system. One of the most important reforms was the introduction of the Torrens<sup>44</sup> system for land registration in Algeria, following its successful implementation in Australia, Germany, and Tunisia. The aim was to facilitate property transactions and clarify private,<sup>45</sup> land ownership by extending the regularization process to all types of land ownership, regardless of whether they belonged to indigenous Algerians or Europeans.<sup>46</sup>

The 1893 draft law outlined 47 articles, divided into three sections:

- The first chapter discusses land registration and its effects. According to its first article, a land registry office is established in Algeria, tasked with the registration of properties, issuing registered property titles, maintaining notarized contracts and deeds, and recording all real estate rights. This chapter also stipulates that land registration is optional and is done upon the request of the owner or possessor. Based on the registration request, the real estate register, known as the land registry, is established at the land registry office. Additionally, this chapter specifies that the effects of land registration begin from the date the properties are registered.<sup>47</sup>

- The second chapter of this law includes the procedures for land registration, outlined in Articles 07 to 19,<sup>48</sup> which address the land surveying procedures based on the physical identification of properties and the drawing of plans for them. It covers the registration of real estate units that form the real property ownership, and the verification of property titles presented by the owners.

As for the third chapter, it discusses the issuance of property title deeds based on the land registration procedures. These deeds are issued in French and include all information and data related to the owner's identity and any real property rights associated with the property in ques-

---

<sup>43</sup> \*Draft Law on the Registration of Land Ownership in Algeria\*, op. cit., p. 09.

<sup>44</sup> Robert Richard Torrens was an English customs officer who worked in the customs office in London since 1830, then moved to the city of Adelaide in Australia, where he continued his work in customs. After 13 years, he was promoted to the position of registrar, which allowed him to enrich his legal knowledge. Thanks to this knowledge, he developed the system of land registration known by his name. In 1857, he was elected as a member of the Australian Parliament, where the focus of his election campaign was the necessity of reforming the property ownership system. For more details, refer to:  
- Hamidi Mohamed Limen, \*The Torrens System of Land Registration and Its Applications in the Algerian Property System\*, Dar Houma, Algiers, 2015, pp. 25-27.

<sup>45</sup> Emil Larcher, \*Op. cit.\*, pp. 337-338.

<sup>46</sup> Maurice Pouyanne, \*Land Ownership in Algeria\*, Jourdan Printing, Algiers, 1900, p. 456.

<sup>47</sup> Article No. 01-06 of the 1893 Draft Law. See:

\*Algerian and Tunisian Review of Legislation and Jurisprudence\*, School of Law of Algiers, Adolphe Journal, Bookseller-Publisher, Algiers, 1893, p. 109.

<sup>48</sup> \*Algerian and Tunisian Review of Legislation and Jurisprudence\*, \*Op. cit.\*, p. 110.

tion. They also contain information and data regarding the registered property in favor of its owner.<sup>49</sup>

#### 4. The Law of February 16, 1897 (Abolition of the Farny Law)

The French authorities initiated profound reforms to the property system in Algeria, issuing the law dated February 16, 1897, which abolished the Warny Law of 1873. Under this law, the requests for benefit from land purification operations and partial investigations were expanded to include all types of real estate ownership, without distinguishing between the locals and the Europeans.<sup>50</sup>

These investigations particularly included the final purification of the "ARCH" lands and the royal lands. The investigation committees formed for this purpose worked to verify the property titles held by the locals. In cases where such titles were absent, the committees were responsible for granting the owners the final property title after addressing all the related issues.<sup>51</sup>

After the dispute was resolved through the judiciary or even in the absence of a dispute, the investigation procedures would end with the issuance of a final property title to the owner, known as the "Contract of Purity" (\*Acte de Clareté\*).<sup>52</sup>

This contract represented the starting point of true property ownership, once it was registered with the French land registry office. It would then have the legal authority to prove ownership against third parties, regardless of the title upon which it was based, according to Articles 02, 03, and 16 of the 1897 Law.

#### 5. The Law of August 4, 1926 (Amendment to the 1897 Law)

To continue the regularization process in crown lands and state properties, the French authorities issued another law in 1926 to amend and complete the 1897 law.<sup>53</sup> This new law expanded the land regularization process, including rural areas in the Sahara.<sup>54</sup> It mandated a comprehensive survey of all property holdings, aimed at providing an efficient land registration system.

---

<sup>49</sup> \*Algerian and Tunisian Review of Legislation and Jurisprudence\*, \*Op. cit.\* , p. 113.

<sup>50</sup> Salah Himer, \*Op. cit.\* , (French Real Estate Policy in Algeria 1830-1962), p. 180.

<sup>51</sup> Mahmoudi Abdelaziz, \*Mechanisms for Purification and Settlement of Private Real Estate Property Titles in Algerian Legislation\*, 2nd Edition, 2010, Baghdadi Publications, Algiers, pp. 23-24.

<sup>52</sup> Hamdi Basha Omar, \*Transfer of Real Estate Ownership in Light of the Latest Amendments and Recent Judgments\*, 2015 Edition, Dar Houma, Algiers, p. 99.

<sup>53</sup> The law dated August 16, 1926, amending the law dated February 16, 1897, \*Official Journal of the French Republic\*, Issue No. 181, dated August 5, 1926, p. 8850.

<sup>54</sup> Abdelhafid Bani Obeida, \*Proof of Real Estate Ownership and Real Property Rights in Algerian Legislation\*, 9th Edition, Algiers, 2017, p. 10.

The first article of this law stipulates that the procedures for verifying private real estate ownership and establishing individual ownership of lands, such as the \*melk\* lands and the \*Cherk\* lands, will continue in accordance with the procedures outlined in the law of February 16, 1897.

Articles 20 and 21 state that the verification of private property ownership and the establishment of individual ownership, in accordance with the procedures of the law of February 16, 1897, will cover the entire national territory, including the areas located in the Algerian desert, whether they were subject to subdivision and surveying under the Senatus-Consult Law or not yet subject to it.

This law also provides for a comprehensive census and inventory of real estate property in Algeria in order to begin implementing a new property system based on rules and engineering techniques. This will be done through field verification of properties, in preparation for issuing title deeds, which will be issued after resolving all the cases that are referred to the judiciary for resolution.<sup>55</sup>

#### Second: Reform of the Land System

Due to the need to regulate land ownership during the Algerian War of Independence, the French authorities were forced to reconsider their land policies starting in 1955, coinciding with land reform efforts in France. The following legal texts were issued as part of these reforms:

##### 1. Decree No. 55-22 of January 4, 1955

After World War II, France embarked on large-scale reconstruction projects and needed to ensure legal mechanisms for financing these efforts. As a result, the French government introduced real estate financing through land mortgages and issued the 1955 decree, which implemented a new land registration system. This decree, along with subsequent amendments, required all new contracts, including leases exceeding 12 years, to undergo land registration. The technical reforms involved creating a property index and establishing accurate land surveys.<sup>56</sup>

Decree 55-22 marked the beginning of establishing the foundations for the system of land registration in both France and Algeria, especially after the shortcomings of the personal registration system. Under this decree, the system of field surveying of properties was adopted as the basis for the land registration process.

---

<sup>55</sup> Bougraa El Amria, \*Op. cit.\*, p. 86.

<sup>56</sup> Ouis Fethi, \*Op. cit.\*, p. 62.



Legally, Law 55-22 subjected all new contracts to the land registration process, including lease contracts lasting more than 12 years. Additionally, it included the registration of the descriptive table for the subdivision of a property when dividing a built property, as well as the notarized certificate prepared to prove the transfer, creation, or modification of real property rights through death.<sup>57</sup>

At the technical level, the reforms introduced by the decree involved the creation of the property index, as well as the requirement for precise physical identification of the properties to be registered. Additionally, the decree mandated the prior registration of the contract subject to the registration process and its submission in the official format, under the penalty of rejection.<sup>58</sup>

## 2. Order No. 59-41 of January 3, 1959

This legal text supplemented the 1955 decree by introducing field surveys to redefine land ownership based on land surveys and issue ownership certificates. The law also allowed for land partitioning to resolve disputes over shared ownership and gave jurisdiction to specialized land courts established by the 1959 decree.<sup>59</sup>

Under this legal text, the French authorities began field identification operations for properties in order to inventory them, determine their owners, and then issue property titles. The process started as an experiment with the general land survey operations in the Boudouaou region, located in the Wilaya of Chlef, northeast of the capital.<sup>60</sup>

## Decree No. 59-1190 of October 21, 1959

As part of the reforms initiated by the French authorities regarding the property system in France in general and in Algeria in particular, Decree No. 59-1190 was issued, which reformed the land registration system by expanding the existing land registration offices and adopting a personal registration system to document real estate transactions and issue property books to property owners.<sup>61</sup>

---

<sup>57</sup> Hamidi Mohamed Lamem, \*Op. cit.\*, p. 101.

<sup>58</sup> Hamidi Mohamed Lamem, \*Op. cit.\*, p. 102

<sup>59</sup> Zahdoor Anji Hend, \*Protection of Legal Transactions and Their Proof under the System of Property Registration\*, PhD Dissertation in Law, Faculty of Law and Political Science, University of Oran 2, 2015-2016, p. 19.

<sup>60</sup> Bougraa El Amria, \*Op. cit.\*, p. 86.

<sup>61</sup> Mahmoudi Abdelaziz, \*Op. cit.\*, (Mechanisms for Purification and Settlement of Private Real Estate Property Titles in Algerian Legislation), p. 25.

The adoption of the personal registration system was established under Decree No. 61-53,<sup>62</sup> which followed the issuance of the previous decree, and its first article stated the following: "Starting from March 1, 1961, the register referred to in Article 1 of the Decree dated October 21, 1959, shall consist of a personal register for the owner in each municipality under the jurisdiction of the land registration office." This decree marks a significant legal distinction in terms of the timeframe for the purification of private property rights, related to the practice of possession or the real estate investigation law, which will be addressed in the second chapter of this section.

The practical application of the procedures outlined in this decree began on March 1, 1961, under Decree No. 61-52,<sup>63</sup> dated January 18, 1961, which is consistent with the rules and procedures organized by Decree No. 55-22 dated January 4, 1955, concerning the radical reforms introduced to the land registration system in France.

Upon Algeria's independence in 1962, and as a result of the implementation of the French legislation related to the purification of property rights in Algeria, more than twenty (20) million hectares of arable land were surveyed, distributed as follows:

- Seven (7) million hectares of agricultural land owned by Algerians.
- Five million two hundred thousand (5.2) hectares of agricultural land owned by the state.
- Four million (4) hectares of agricultural land owned by the municipality.
- Two million five hundred thousand (2.5) hectares of agricultural land owned by Europeans.
- Two million (2) hectares of agricultural land classified as tribal lands and pastures.<sup>64</sup>

The independent Algerian state continued to apply the French legal system, including the aforementioned property laws, unless they conflicted with national sovereignty, until 1975. In that year, the first law adopting the cadastral survey system in Algeria was issued: Ordinance No. 75-74, dated November 8, 1975, concerning the general survey of land and the establishment of the land registry, which is still in effect today.

Conclusion:

Through this research paper, in which we explored the role of French legislation in establishing the land survey system in Algeria to regulate and clarify property ownership, it became clear that French legislation played a significant and prominent role, particularly during the colonial pe-

---

<sup>62</sup> \*\*Decree No. 61-53 of January 18, 1961, relating to the application in Algerian territories of the procedures of Decree No. 59-1190 concerning land registration reforms, Official Journal of the French Republic, No. 16, dated January 19, 1961.\*\*

<sup>63</sup> Decree No. 61-52 of January 18, 1961, concerning the determination of the date for the entry into force of Decree No. 59-1190 in Algerian territories, Official Journal of the French Republic, No. 16, dated January 19, 1961.

<sup>64</sup> Supreme Council of the Arabic Language, *op. cit.*, p. 15.

riod. This is evidenced by the continued availability of most of the maps resulting from the application of these French laws, which remain accessible to the Algerian administration tasked with clearing property ownership issues. Moreover, Algerian courts still rely on these maps and investigations to resolve disputes related to the proof of property ownership, particularly those resulting from the application of the "Sheikhly Decree" or the Senatus-Consulte Law, up to the present day.

Based on the aforementioned points, the following recommendations and suggestions can be made:

- Increasing the focus of the Algerian administration on the national archive containing the results of the application of French laws related to the regulation and clarification of property ownership in Algeria.
- Revisiting the methods and approaches used in land investigations carried out by French colonial authorities and updating the land situation across Algeria.
- Relying on overseas archives to trace and define the origins of property ownership in order to confirm property rights and return them to their rightful owners.
- Developing land survey systems in line with technological advancements in topography, land surveying, civil engineering, and other technical fields that serve the land survey system.
- Organizing joint training sessions between Algerian property management authorities and their counterparts from European countries, particularly those that pioneered the implementation of land survey systems and achieved satisfactory results in property regulation.

#### References List.

First: List of References in Arabic:

##### 1 .Books

- Hamdi Basha Omar, Real Estate Ownership Transfer, Revised and Expanded Edition in Light of the Latest Amendments and Judgments, Dar Houma, Algeria, 2015.
- Mahmoudi Abdel Aziz, Mechanisms for Purging and Settling Private Real Estate Ownership Deeds in Algerian Legislation\*, 2nd edition, Baghdad Publications, Algeria, 2010.
- Ammar Alawi, \*Ownership and Real Estate System in Algeria\*, 8th edition, Dar Houma, Algeria, 2017.
- Ben Dahah Idda, \*Colonial Settlement and the Struggle Over Land Ownership During the French Occupation of Algeria (1830-1962)\*, 1st edition, Volume 1, Al-Mu'allafat Publishing and Distribution, M'sila, Algeria, 2013.
- Abdel Hafidh Bani Ubaida, \*Proof of Real Estate Ownership and Real Estate Property



Rights in Algerian Legislation\*, 9th edition, Algeria, 2017.

- Hamidi Mohamed Lieman, \*The Torrens System of Land Registration and Its Applications in the Algerian Real Estate System\*, Dar Houma, Algeria, 2015.

**.2 Scientific Articles:**

- Fouad Azzouz, \*French Real Estate Legislation in Algeria During the Civilian Rule Period (1870-1900)\*, \*Historical Perspectives Journal\*, Volume 1, Special Issue, Knowledge Center for Research and Studies, Algeria, April 2019, pp. 292-311.
- Tawfiq Ben Zarda, \*Archival Records of Colonial Real Estate Legislation in Algeria – Senate Consult Law Archive (1863)\*, \*Prince Abdel Qader University Journal of Islamic Sciences\*, Volume 35, Issue 1, Constantine, Algeria, 2021, pp. 1179-1217.
- Saleh Himer, \*An Analysis of the 1844 and 1846 Decrees on Real Estate Ownership in Algeria: Contents and Outcomes\*, \*New Eras Journal\*, Issue 6, Oran 1 Ahmed Ben Bella University, Algeria, 2012.
- Fares Kaawan, \*Ottoman Administrative Terminology in Algeria\*, \*Historical Perspectives Journal\*, Volume 1, Special Issue, Knowledge Center for Research and Studies, Algeria, April 2019, pp. 128-135.

**.3 Conference Works:**

- Al-Taher Malakhso, \*The Land Registration System Under Real Estate Legislation in Algeria\*, Proceedings of the First National Conference on Real Estate in Algeria During the French Occupation (1830-1962), Mascara, Algeria, November 20-21, 2005.

**.4 Theses**

- Himer Saleh, \*Real Estate Policy in Algeria (1830-1930)\*, PhD Dissertation, Modern And Contemporary History, Department of History and Archaeology, Faculty of Social Sciences and Humanities, Islamic Sciences, University of El-Hadj Lakhdar Batna, 2013-2014.
- Bougra Al-Amaria, \*Proof of Private Real Estate Ownership in Algerian Legislation\*, PhD Thesis in Law, Specialization in Legal Sciences, Agricultural and Real Estate Department, Faculty of Law and Political Science, Batna University, 2015-2016.
- Mahmoudi Abdel Aziz, \*Purging Unregistered Private Real Estate Ownership in Algerian Legislation\*, PhD Thesis in Law, Private Law Department, Faculty of Law, Saad Dahlab University, Blida, 2007-2008.
- Wiss Fathi, \*Land Registration and Its Effects on Real Estate Transactions – A Comparative Study\*, PhD Thesis in Private Law, Private Law Department, Faculty of

Law, Oran University, 2010-2011.

- Zahdour Anji Hind, \*Protection of Legal Transactions and Their Proofs Under the Land Registration System\*, PhD Thesis in Law Sciences, Faculty of Law and Political Science, Oran 2 University, 2015-2016.
- Belkacem Leila, \*Application of Real Estate Legislation to Tribes of the Ghaza Region (Left Bank of Oued Chelif and Mina Plain) Between 1863-1900\*, PhD Thesis in Modern and Contemporary History, Department of History and Archaeology, Faculty of Humanities and Islamic Sciences, Oran 1 Ahmed Ben Bella University, 2017-2018.
- Lezhari Al-Qeizi, \*The Relationship Between Public Land Survey and Land Registration in Algerian Legislation\*, Master's Thesis in Law, Business Law Branch, Faculty of Law, University of Algiers 1, 2012-2013.
- Qarnan Fadila, \*Land Survey in Algerian Law\*, Graduation Thesis for Master's Degree in Real Estate and Agricultural Law, Analytical Descriptive Study, Faculty of Law, Saad Dahlab University, Blida, 2000-2001.

Second: References in French

.1 Books:

- Charlet Robert AUGERON, \*Histoire de l'Algérie contemporaine\*, French University Publication, Paris, 1969.
- Emil LARCHER, \*Traité élémentaire de législation algérienne\*, Third Edition, Volume Three, Rousseau ET Cie Publishers, Paris, 1923.
- ESTOUBLON and LEFEBURE, \*Code de l'Algérie annoté, 1830-1895\*, Algiers, 1896.
- Maurice LAYNAUD, \*Notice Sur La Propriété Foncière En Algérie\*, Girault, Printer-Photograver, Algiers, 1900.
- Raymond-Théodore TROPLONG, \*Privilège et hypothèque, commentaire de la loi du 23 mars 1855 sur la transcription en matière hypothécaire\*, Charles HINGRAY, Bookseller-Publisher, Paris, 1856.
- Maurice POUYANNE, \*La Propriété Foncière En Algérie\*, Jourdan Typography, Algiers, 1900.
- Narcisse FAUCON, \*Le Livre D'or De L'Algérie\*, Challamel Et Cie Publishers, Paris, 1889.

.2 Legal Texts:

- Civil Code of the French\*\*, printed by order of the government, in Parma, 1805.

- General Government Laws of Algeria / G.G.A.
- \*Law of October 1, 1844, Concerning Property Rights in Algeria\*, Official Bulletin of Government Acts, No. 186, p. 190.
- \*Law of June 16, 1851, Concerning the Constitution of Property in Algeria\*, Official Bulletin of Government Acts, No. 388, p. 157.
- \*Law of July 26, 1873, Concerning the Establishment and Conservation of Property in Algeria\*, Modified and completed by the law of April 22, 1887, Official Bulletin of the General Government of Algeria, Thirteenth Year, No. 495. Typographic and Lithographic Printing by A. Bouyere, Algiers, 1874, p. 410.
- \*Law of February 16, 1897, Concerning Land Ownership in Algeria\*, Official Journal of the French Republic, No. 48 of February 18, 1897, p. 1061.
- \*Law of August 5, 1926, Amending the Law of February 16, 1897, on Land Ownership in Algeria\*, Official Journal of the French Republic, No. 181 of August 5, 1926, p. 8850.
- \*Royal Ordinance of July 21, 1846, Concerning the Constitution of Property in Algeria\*, Official Bulletin of Government Acts, No. 230, p. 170.
- \*Ordinance of July 4, 1855\*, Official Bulletin of Government Acts, Volume Fifteen, Government Printing, Algiers, 1856, p. 226.
- \*Ordinance No. 59-41 of January 3, 1959, Establishing a New Land System in Certain Algerian Territories\*, Official Journal of the French Republic, No. 05 of January 7, 1959, p. 373.
- \*Decree-Law of October 30, 1935\*, Official Journal of the French Republic, No. 256 of October 31, 1935, p. 11465.
- \*Imperial Decree-Senatus Consultum of April 22, 1863, Concerning the Constitution of Property in Algeria in Territories Occupied by Arabs\*, B.O. G.G.A., Third Year, No. 82, Algiers, 1863, p. 130.
- \*Decree No. 55-22 of January 4, 1955, Concerning the Reform of Land Registration\*, Official Journal of the French Republic, No. 07 of January 7, 1955, p. 346.
- \*Decree No. 59-1190 of October 21, 1959, Concerning Land Registration in Algeria\*, Official Journal of the French Republic, No. 99 of December 17, 1959, p. 3390.
- \*Decree No. 61-52 of January 18, 1961, Establishing the Date for the Implementation of Decree No. 59-1190 of October 21, 1959, Concerning the Reform of Land Registration in Algerian Territories\*, Official Journal of the French Republic, No. 16 of January 19, 1961, p. 771.

- \*Decree No. 61-53 of January 18, 1961, for the Implementation of Decree No. 59-1190 of October 21, 1959, Concerning the Reform of Land Registration in Algerian Territories\*, Official Journal of the French Republic, No. 16 of January 19, 1961.

**IMCRA - International Meetings and Journals Research Association**

**www.imera-az.org; E-mail (Submission & Contact): editor@imera-az.org**

**“Science, Education and Innovations in the context of modern problems” Journal**

**ISSN (p-e): 2790-0169 / 2790-0177**



---

**DOI prefix**

**10.56334/sei/8.3.20**

---



**© 2025 The Author(s). This open access article is distributed under a Creative Commons Attribution (CC-BY) 4.0 license**

Share— copy and redistribute the material in any medium or format. Adapt — remix, transform, and build upon the material for any purpose, even commercially. The licensor cannot revoke these freedoms as long as you follow the license terms.

Under the following terms:

Attribution — you must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use. No additional restrictions

You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.

