

Received date: 22.05.2024
Accepted date: 22.07.2024
Publication date: 23.11.2025



Science, Education and Innovations in the Context of Modern Problems

International Academic Journal

ISSN: 2790-0169; E-ISSN 2790-0177; OCLC Number 1322801874

Informal urban development in Algeria: A spatial struggle between bureaucratic-fiscal logic and socio-spatial challenges

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DOI: 10.56334/sei/7.4.25

Abstract

This study aims at a socio-spatial critical analysis of the phenomenon of informal urbanization in Algeria, going beyond the legal reading that evaluates the failure of Law 08-15 (amended and completed) in achieving a comprehensive and effective regularization. The study starts from the hypothesis that the dominance of the bureaucratic-fiscal logic in the treatment, through the forced extension cycle of its Article 94, has led to the commodification of the crisis instead of solving it fundamentally. The results indicate that this logic deepens the anomie and paralyzes the process, especially under the conflict between the conceived and lived space, and the impossibility of separating the regularization of the building from the land property. The analysis shows that political flexibility is being exploited as a social tactic to legitimize future violations. Finally, the study confirms that the remedy lies in developing a critical planning sociology based on the democratization of space and the transition from technical planning to a comprehensive regularization that embraces the postponed social time.

Keywords: informal urbanization, sociology of space, conceived space, lived space, resident actor, anomie

Introduction:

If the official city in Algeria is defined through the strict urban planning laws and its administrative boundaries, the real city pulses in the neighborhoods of informal urbanization (L'informel). It is the architecture of need and speed, which challenges the authority of the permit and imposes the force of the fact on the ground, where informal urbanization becomes a mirror reflecting the state's failure to absorb the socio-spatial demands of the population through official planning tools.

In the context of trying to "normalize" this reality, Law No. 08-15 (amended and supplemented) came as a mechanism to "cleanse" the urban field. But the continuing failure of the law, embodied in repeated extensions of Article 94 within successive finance laws (such as the 2025 Finance Law), raises a fundamental question: **to what extent does the insistence on the legal-financial treatment reflect the system's failure to grasp the deep socio-spatial logic that produced this urbanization?**

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An attempt to answer this problem leads us to build the following hypotheses:

1. Excessive political flexibility leads to the continuation of active residents practicing illegal construction.
2. The more dominant the bureaucratic-fiscal logic is, the more structural treatment of the informal urbanization crisis fails.
3. The gap between the legal vision and the socio-spatial reality leads to a direct obstacle in settling property ownership.
4. The strict delimitation of exempted areas contributes to the deepening of spatial differentiation and segregation.

And to cover the requirements of the article, its contents were included within the following two axes:

First: The epistemological framework of the study

- A. Classical roots: the city as a central unit of analysis
 1. Max Weber and the first slippage of urban analysis
 2. The Chicago School and the human environment
- B. Critical approaches: space as production and power relations
 3. On the essence of space and its applications
 4. The cultural logic and the socio-spatial tactics

Second: The dilemma of settling informal urbanization in Algeria

- A. Limits of the dominance of the conceived space over the lived space
 1. Political flexibility and the trap of normlessness
 2. The cycle of forced extension and fiscal commodification
 3. The problem of property ownership and the exempted space
- B. Horizon of addressing the socio-spatial defects caused by informal urbanization
 1. Reform of the planning reference: from technical planning to social planning
 2. Fighting normlessness through participation: activating the principle of "democratizing space"
 3. Adopting comprehensive settlement: flexible separation between building conformity and land status settlement

First: The Epistemological Framework of the Study

Addressing this phenomenon requires reliance on the references of the sociology of space and classical and critical urban analysis.

A. Classical Roots: The City as a Central Unit of Analysis

1. Max Weber and the First Slide of Urban Analysis:

Max Weber's work "Die Stadt" is considered the first foundational classical study in urban sociology (Weber, 1921: p. 80). Weber did not view the city as a mere population agglomeration, but rather as a social, administrative, political, and economic differentiated entity possessing administrative characteristics, political autonomy (in the context of the historical Western city), and economic centrality (as the presence of a market). Hence, urban sociology takes "the city" as its fundamental subject of theoretical and applied study as a distinct social unit in itself and is also concerned with analyzing the urbanization phenomenon and its related socio-spatial problems.

2. The Chicago School and the Human Environment:

The city conceived as a social environmental system (L'écosystème social) is one of the basic concepts in the Chicago School. The school borrowed the concept of "environment" from biology to explain social relations. The city resembles a natural system in terms of competition, adaptation, domination, and balance. Neighborhoods are distributed according to the social and economic functions of the population. The Chicago School focused on the environmental method to study urban development and proposed the Concentric Zone Theory by Robert E. Park and Ernest Burgess as a model for the growth of cities (Park & Burgess, 1925: p. 47).

Cities grow and expand in overlapping rings or concentric circles with a single center (CBD) towards the periphery, driven by the pressure generated by land uses in the city center; therefore, it is also called the Concentric Growth Theory. Each ring represents a different social class or function:

- **The Zone of Transition:** This is a structurally fragile area with social disintegration and is the space where fragile housing and informal urbanization are produced. This concentration explains the growth of normlessness "anomie" (L'anomie) in these neighborhoods as a result of the unstable environment (Durkheim, 1897: p. 187).

B. Critical Approaches: Space as Production and Power Relations

1. On the Essence of Space and Its Applications:

Pierre Bourdieu defines "field" (Le Champ) as a system of objective relations between actors, in which agents strive to control "capital" in its various forms (Bourdieu, 1994: p. 65). Informal urbanization clearly represents a struggle in this field between economic and social capital. Henri Lefebvre sees space as produced on three levels (Lefebvre, 1974, p. 90):

- **The conceived space (Espace conçu) (the space of domination):** It is the abstract space, the space of strategies (plans, maps, institutional structure). It is produced by power and capital serving power and capital by imposing a logical (rational) order on space. It is the space of knowledge, coding, and control (for example: city maps, zoning plans, administrative building designs, etc.).
- **The perceived or imagined space (Espace perçu) (the daily space):** It is the physical and material space of paths (streets, buildings, roads, sidewalks, signs, car noises, etc.). It is the space of producing daily routine (e.g., the daily route from home to work, etc.).
- **The lived space (Espace vécu) (the space of belonging):** It is the space of meaningful practices, the space of resistance and imagination, where inhabitants break the spatial practice routine and challenge the conceived space structures (e.g., spontaneous street gatherings, graffiti, etc.). It is the space of users and active residents, saturated with imagination, symbols, and individual and collective experiences.

Meaningful practices (full of meanings) unfold in the lived space because it is the site of symbolic resistance to the planned (conceived) space. Lefebvre explicitly links the process of space production with the logic of capital accumulation and the reproduction of class structure. Individuals re-appropriate the imposed physical space through spontaneous practice that produces another space, a counter-space reflecting their non-capitalist meanings and needs.

2. The Cultural Logic and Socio-Spatial Tactics:

Michel de Certeau brilliantly developed in 1980 the concept of the active inhabitant (Habitant actant) in his book "The Invention of the Everyday" (L'invention du quotidien); the inhabitant is not merely a consumer of place but a maker of space through his actions.

De Certeau established a fundamental distinction between two main tools for reshaping space:

- **Strategies (Stratégies):** the property of institutions, companies, and planners. They need a fixed place (base) for thinking and acting. They produce the designed space.
- **Tactics (Tactiques):** the "art of adaptability" practiced by the active inhabitant with the other's space. They have no fixed place and depend on opportunity and time.

Cultural backgrounds (such as social organization based on extended family) are the driving force of vertical and horizontal informal expansion. Accordingly, informal construction is a tactic (Tactique) practiced by the active inhabitant confronting the official planning strategy of "illegal seizure" (Le braconnage) of officially designated space (such as agricultural lands or non-buildable areas), where the agent exploits opportunity and time to fill space with social meaning (providing shelter) instead of leaving it under the dominance of exchange value or abstract planning (De Certeau, 1980: p. 115).

Second: The Dilemma of Settling Informal Urbanization in Algeria

Law No. 08-15 (Law 08-15, 2008) of 2008, which specifies the rules for building conformity and the completion of construction, represents a procedural turning point reflecting an "implicit recognition" (Reconnaissance implicite) by the political authority of the legitimacy of the spontaneous production of informal urbanization and the spatial appropriation (Appropriation spatiale) practiced by the active resident.

This recognition indirectly confirms the effectiveness of the active resident and their ability to shape space in the face of the shortcomings of the official planning apparatus.

A. Limits of the Dominance of the Conceived Space over the Lived Space:

Law 08-15 (amended and supplemented by Law 15-08) is an attempt to impose the conceived space as drawn by the legislator, with its rational and legal logic, on the lived space produced by social practices. This is through merely enshrining the physical conformity (Conformité matérielle) of buildings via procedural and financial mechanisms (fines and mandatory completion) without deeply penetrating the structural roots that produced this type of urban production.

The repeated extensions of the settlement deadlines through annual finance laws, including texts in the 2025 Finance Law (Finance Law, 2015), confirm the continued dominance of the administrative-financial approach:

1. Political Flexibility and the Trap of Normlessness:

The file witnessed direct intervention from the Minister of Interior, Local Authorities and Transport, Mr. Said Sadioud, who gave clear instructions to local authorities for the necessity of regularizing situations with "legal flexibility that preserves citizens' rights without compromising regulatory controls," affirming his support for fieldwork by saying: "I assume responsibility with you equally." However, this flexibility carries within it a trap: the minister himself pointed to the existence of citizens "exploiting this law to continue illegal construction and then later demand settlement," considering that keeping the settlement door open led some to "reflect" on correcting violations no matter how long the time. This challenge demands "stricter enforcement in application" (Al-Nahar Al-Jadid, 2025) to limit the methodological normlessness that permits the persistence of violation.

2. The Cycle of Forced Extension and Fiscal Commodification:

The essence of the amendment lies in extending the legal deadline stipulated in Article 94 (first paragraph) of Law 08-15: the effect of procedures for verifying building conformity and completing its construction, as provided by this law, ends after five (5) years starting from its publication date in the Official Gazette.

The dominance of the administrative-financial approach is confirmed through the use of the Finance Law as a preferential fiscal tool to address a deep socio-spatial crisis: Executive Decree 22-55 (Executive Decree 22-55, 2022) stated that the final deadline for submitting files is December 31, 2025, yet the need for another extension within the draft Finance Law for 2026 (Draft Finance Law, 2026) reflects that the legislative system has not absorbed the social time. This financial approach is reflected in imposing fines ranging between 10% and 20% on violations in licensed buildings as part of the settlement process according to Executive Decree 22-55, solidifying the commodification of the crisis instead of solving it.

3. The Problem of Property Ownership and the Excluded Space:

The greatest contradiction remains the law's condition requiring proof of ownership versus the reality that acknowledges a large part of the urbanization developed on lands owned by the state or communal property. This conflict between "social legitimacy" (the right to housing) and "legal legitimacy" (ownership rights) paralyzes the whole process and confirms the difficulty of settling the building without settling the land status.

The settlement process is limited to buildings eligible for conformity and defined under Law 08-15: incomplete buildings constructed without building permits before 20/07/2008; buildings whose owners obtained building permits but do not conform to the issued licenses; completed buildings whose owners did not obtain building permits; incomplete buildings constructed without permits, whether public or private, individual or collective (within the framework of real estate cooperatives). Meanwhile, Article 16 of Law 15-08 clearly defines the list of the "excluded space" (L'espace exclu) from settlement. These exceptions include: buildings erected on land plots allocated for easements where construction is prohibited; buildings normally located in protected sites and areas stipulated in legislation related to tourist expansion zones, historical and archaeological sites, environmental protection, coastal areas including ports and airports, and related easements; buildings built on agricultural, farming, forestal lands, or lands of forest nature except those integrated into the urban environment; buildings constructed breaching security rules or severely deforming the environment and general site appearance; buildings obstructing construction of public utility buildings or harming them where relocation is impossible. This large exclusion limits the scope of the law, leading to fragmentation of space and deepening socio-spatial segregation between regularized and non-regularized neighborhoods.

B. Horizon of Addressing the Socio-Spatial Defects Resulting from Informal Urbanization:

After diagnosing the dilemma of informal urbanization in Algeria, and in light of critical theories considering space as social production, this analysis proposes a comprehensive approach that goes beyond bureaucratic-fiscal logic:

1. Reforming the Planning Reference: The Transition from Technical Planning to Social Planning

Sociology of space considers planning failure resides in relying on the conceived space as a neutral geometric given, ignoring the cultural model of the population and the social time governing the building pace.

Planners should reformulate urban planning documents such as the Guiding Plans for Urban Development (PDAU) and Urban Plans (POS) to incorporate design flexibility, allowing vertical and horizontal expansion within reasonable controls that absorb the social habitus of residents, transforming space from merely a monitoring tool into an instrument organizing and directing the social production of housing.

2. Fighting Normlessness Through Participation: Activating the Principle of "Democratizing Space"

The top-down enforcement of the law led to the establishment of urban normlessness (anomie) (Durkheim, 1897: p. 187) and social resistance expressed in tactics of illegal construction (De Certeau, 1980: p. 115). Mere political will flexibility (as stated by the Minister of Interior) is insufficient without permanent institutional mechanisms.

The critical spatial perspective (Lefebvre, 1974: p. 90) demands the return of authority to local actors. Participation is not merely "consultation" but involves engaging residents of informal neighborhoods in decision-making regarding infrastructure and facilities accompanying the regularization process.

The principle of "democratizing space" (Démocratisation de l'espace) must be activated by establishing official and licensed neighborhood committees that partner in setting priorities. This transformation ensures shifting passive resistance (tactics) into positive contribution (shared strategies), restoring the lost social legitimacy of the legal system.

3. Adopting Comprehensive Settlement: Flexible Separation Between Building Conformity and Land Status Settlement

Reliance on individual procedural settlement has proven ineffective in addressing large urban clusters that require collective solutions, especially amid the property ownership dilemma that paralyzes the process.

The current law focuses on the building as the unit of settlement, while large informal neighborhoods require addressing the entire urban space as a collective urban project, ensuring provision of roads and basic networks. The insistence on proof of ownership first fuels the conflict over spatial capital (Bourdieu, 1994: p. 65) between residents and the state.

"Collective settlement" should be adopted as a starting point, with a flexible and temporary separation between:

- **Building conformity:** focusing on the security and technical controls required for public safety.
- **Land status settlement:** deferring final ownership settlement and providing flexible ownership formulas (such as long-term usufruct or leasehold) for housing built on state property, to ensure residents' stability first and integrate them into the social time deferred by the process.

Conclusion:

In conclusion, the study of space use and meaningful practices constitutes a critical approach that acknowledges the active resident as the true co-producer (Co-producteur) of the city. Through the continuous interaction between the imposed system (strategy) and the art of everyday life (tactics), the meaning, identity, and social life of space crystallize.

The failure of Law 15-08 and the repeated extensions of Article 94 are attributed to the attempt to remedy deep socio-spatial dysfunctions using purely administrative and financial tools that have not grasped the dynamics of spatial organization of cities.

The academic and practical challenge lies in developing a critical planning sociology that transcends partial legal solutions, replacing the logic of centrality and marginality with the logic of fair resource distribution that integrates "vernacular knowledge" (Le vernaculaire) and the active resident in the process of producing conceived space as a proactive step to end anomie rather than chasing it.

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