

The role of the Algerian judiciary in addressing the urban chaos

دور القضاء الجزائري في التصدي لفوضى العمران

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Abstract :

If the role of the administrative judge is manifested in monitoring the legality of administrative decisions in general, then the ordinary(civil-criminal) judiciary plays an important role in protecting the urban sphere from encroachments contrary to the content of the development and reconstruction laws, and therefore the intervention of the judiciary would encircle the problems of illegal construction and then impose actual control over the construction processes, and on this basis, the imposition of respect for the content of construction and reconstruction decisions can not succeed without being accompanied by Penal protection obliging willing persons to respect the regulations and laws.

Keywords: Urban space, Urban violations, urban chaos, criminal liability, civil compensation

ملخص:

إذا كان دور القاضي الإداري يتجلى في مراقبة شرعية القرارات الإدارية بشكل عام، فإن القضاء العادي(المدني الجزائري) يلعب دورا مهما في حماية المجال العمراني من التعدييات المخالفة لمضمون قوانين التهيئة والتعمير ، وعليه فإن تدخل القضاء من شأنه تطويق مشاكل البناء غير القانوني ومن ثم فرض رقابة فعلية على عمليات البناء ، وعلى هذا الأساس فإن فرض احترام مضمون قرارات البناء والتعمير لا يمكن أن ينجح دون أن ترافقه حماية جزائية تلزم الأشخاص باحترام الأنظمة و القوانين.

كلمات مفتاحية: المجال العمراني ، مخالفات العمران ، فوضى العمران ، المسؤولية الجزائية ، التعويض المدني .

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I- Introduction

The urban sector in Algeria was defined after independence, the state dominated everything , and it was the main actor in the production of the urban sphere, without relying on a future vision, it had influential repercussions on the context of urbanization, strained the capabilities of the city, drained its limited energies after the urban options were unable to control urbanization, and entire neighborhoods and cities appeared

As the reality of development and reconstruction witnesses many violations and encroachments, as a result of the random and unplanned dealing with the real estate pot due to the long colonial period, which left clear imprints on the urban area as a result of the issuance of a set of legal texts left complex problems that contributed to the dispersion of real estate ownership, in addition to the tactic of migration to urban centers .

In the face of this situation, new transformations have emerged through the adoption of a new urban policy by the state, where it has adopted a new orientation and a strategy for controlling construction works that will ensure respect for the rules in the field of urban activity, through the establishment of administrative control supplemented by judicial deterrence of construction violations .

Hence, the importance of this issue is highlighted by the role played by the judiciary in deterring urban violations, the judge here, besides applying the applicable legal rules, is working to find the necessary solutions to the imposed problems, so he had to absorb the spirit of the urban law, which the legislator tried to reach the highest degree of development, by inventing appropriate solutions to legal ties and creating judicial foundations based on balancing the public interest and the private rights of individuals.

However, the role of a judge in this area is different from in other areas of his intervention, as he has legal and judicial competence and knowledge

He finds himself surrounded by rules of a technical nature, which his hand can decipher only by adopting the theory of its authors, especially in an area where the administration has come to control the organization of the field planning for its expansion, the task of the judge has become more complicated and difficult, his duty and responsibility is a heavy load, it is a burden to establish a balance between

Addressing the powers of the judge in the field of Urban Development leads us to address some problems related mainly to the role of the judge in deterring violators of the rules of reconstruction by making sure the correct description and legal adaptation and finally deciding the appropriate penalties for these urban violations..

Researching this topic and reaching a solution to the problem requires an exceptional effort due to the large expansion of legal texts that address this topic, and their separation, as well as the fact that research requires us to be familiar with new topics that have been brought by jurisprudence, and therefore we had to, and in order to answer these questions, and wishing to take note of all aspects of the subject, I wanted to rely on more than one scientific method, as the nature of this research requires that.

On this basis, at the beginning of this study, I relied on the descriptive approach, and then I relied on the analytical approach in order to analyze various legal texts and doctrinal opinions related to the subject , and devise appropriate provisions , through relying on a bilateral plan consisting of:

- **the role of the criminal judge in addressing reconstruction violations**
- the role of the civil judge in assessing compensation for reconstruction violations**

II–The role of the criminal judge in addressing reconstruction violations

The Algerian legislator has not only taken the deterrent measures prescribed by the administrative authority to address violations in construction operations, but also entrusted the task to the criminal judicial authorities, in order to suppress and deter crimes committed in this area, in order to protect the urban area of the city and not to compromise its beauty.

The intervention of the criminal judiciary, because of its immediate deterrent effect on members of society, is extremely important to be taken into account, especially since its intervention aims to achieve a political, social and economic public interest that outweighs individual interests. However, this Judiciary, faced with the need to protect public order and the social and economic pressures that this society is experiencing, finds itself at a loss between tightening penalties and leniency in their quotas, especially since its role in this area is the last episode and is subject to the mood of the administration in referring violations to it or not (**bouhais, 2003, p. 08**)

Therefore, we decided to study the cases of criminalization within the framework of the reconstruction law by determining the legal framework for construction and reconstruction crimes, and then touched upon the scope of criminal liability.

II.1. The legal framework for construction and reconstruction crimes

The Algerian legislator has followed the general trend of contemporary laws by adhering to the Penal penalty in order to ensure greater protection of the field and infringement of various violations occurring at all stages of construction completion.

Therefore, the rules of construction and reconstruction are essential rules of public order, it is not permissible to agree on their violation, as their violation generates criminal liability for violators, the basis of which is found in the text of Article 77 of law 90/29, the legal pillar of all crimes, although it talks about construction crimes in general without enumerating them, and accordingly Article 76 of law 04-05 came to clarify the ambiguity of Article 77 above.

1. Legal adaptation of construction and reconstruction crimes

The legislator has approved the penalty of a fine as the original punishment for the crime of construction without a license, the crime of construction in violation of the provisions of the license and various violations related to the use of land for construction, in addition to imprisonment in case of recidivism, according to Article 77 of law 90/29, which states: "a fine ranging from 3,000 DA to 300,000 DA shall be punished for carrying out works or land use that ignores the obligations imposed by this law and the regulations taken to implement it or the licenses received in accordance with its provisions.

The penalties provided for in the previous two paragraphs may also be imposed against land users, beneficiaries of the works, architects, contractors or other persons responsible for carrying out the said works."

Thus, the Algerian legislator classifies the criminal acts as misdemeanors, which is the classification given by the French legislator to reconstruction crimes for the most part (**Hugues, 2004, p. 492**).

There are those who call this type of crime misdemeanors violations, a range of crimes are considered misdemeanors because they are punishable by the penalty of misdemeanor, however, they are consistent in nature with violations, where the criminal activity in them is in violation of regulations related to construction and urban planning, and this is because of the nature of the laws governing construction, they are of an administrative nature involving criminal and punitive administrative provisions.

In general, the crimes committed in the field of construction and reconstruction are characterized by privacy, and this can be clearly highlighted through the following:

- reconstruction crimes are consecutive crimes:

Crimes are divided into temporary and continuous depending on the situation taken by the physical element in terms of timing and continuation. a temporary crime is one whose physical element includes an activity that occurs at a specific time anyway and ends with the occurrence of the crime, whether this activity is positive or negative, and a continuous crime is one whose physical element consists of an activity that is inherently likely to be an activity that takes place for an indefinite period of time, whether this activity is positive or negative **(Bakali, 2006, p. 937)**

It seems from this, that the crimes of construction without a license, as well as the rest of the crimes committed during the completion of construction, are temporary crimes of successive acts, because these crimes, although their materiality took a long time, but the moral pillar represented by the will of the perpetrator does not extend during that time ,and this is what the Egyptian court of Cassation pointed out by saying: "it is legally prescribed that the crime of construction without a license is only a crime of successive acts when the construction works are successive, as it is then based on an activity -- However, there is only one criminal project being carried out, and the attack on one right is being committed, even if these acts are repeated with the convergence of their times and their succession without being interrupted by a time difference that suggests the separation of this connection, which makes it a criminal unit in the eyes of the law, meaning that if a verdict is issued by any of them, all the acts that occurred in that period will be punished, even if they were not discovered until after the verdict was issued" **(Asri, 2008, p. 33)**.

Accordingly, the crime of building without a license and the rest of the construction crimes related to it, the limitation period begins to be calculated from the date of completion of the crime, which is the date of the commission of the last act of succession **(Rasul, 1989, p. 166)**.

- construction and reconstruction crimes are crimes based on a complaint

Criminal jurisprudence has classified the initiation of a public lawsuit into two categories: A category in which the procedures for initiating a public lawsuit depend on the filing of a complaint by the victim, and a category in which the law does not require this so that the public prosecution can initiate a public lawsuit even if the victim has not filed a complaint on the subject, but rather that his waiver of the complaint only benefits him in the aspect of civil compensation

The construction and reconstruction crimes are among the crimes related to filing a complaint by the body to which the legislator has assigned this authority, where the legally authorized assistants were entrusted to prepare the record of inspection of violations and send it to the competent judicial authority, when the construction is carried out in violation of the

requirements of the license where Article 76 BIS 05 of law 04-05 in its first paragraph states as follows: "in case of confirmation that the construction does not conform to the received building license, the legally authorized assistant shall draw up the record of inspection of the violation and send it to the competent judicial authority, and also from him to the chairman of the municipal People's Council and the competent governor within no more than seventy-two (72) hours".

-the crimes committed in the field of reconstruction and construction are mostly material crimes

The material element of these crimes is the carrying out of construction operations outside the legal framework for development and reconstruction, and therefore it is a positive element, but there are negative crimes committed in the field, such as the failure of the licensee to comply with the obligations imposed on him by law, such as the obligation to draw up a legal declaration and the obligation to open the workshop (sheridi, 2007-2008, p. 108)

-crimes committed in the field of reconstruction and construction are intentional crimes

The rule in criminal texts is that the legislator distinguishes the commission of the criminal act if it is committed intentionally or accidentally, and singles out a special provision for one crime if he imagined committing it in certain circumstances intentionally and another provision if he imagined committing it accidentally and this has an impact on the punishment prescribed for it, but returning to the legal texts related to construction and reconstruction, we find that the legislator deviated from this rule with respect to construction crimes.

Accordingly, the Algerian Legislature has adopted the theory of the objective doctrine in criminalizing construction without a license and the crimes attached thereto, so that the criminal intent in such crimes becomes presumed, as the accused does not have to invoke his good faith in order not to be held criminally accountable, and the judge does not have to take this plea.

2. sanctions prescribed for criminal acts

The commission of a crime in general requires the existence of a legal provision indicating the activity constituting the crime and the punishment prescribed for the perpetrator of the act, and this provision must be in force at the time of the commission of the crime and applicable to the place of its occurrence and to the person of the perpetrator.

Accordingly, the Algerian Legislature approved in the text of Article 77 of law 90/29 a general provision for all violations affecting all construction operations. this text formed the legal basis for the crimes of rehabilitation and reconstruction, but this text was general and unclear and did not specify precisely what these criminal acts are.

The Algerian legislature, under the development and reconstruction law, has combined the traditional penal sanctions with the in-kind measures imposed by the latter. in addition to the penalties prescribed in the text of Article 77, the competent judicial authority orders either the conformity of sites and facilities with the building permit, or the demolition of facilities or the reallocation of land in order to restore the sites to what they were before.

The Algerian Legislature has tightened the punishment prescribed for anyone who builds or attempts to build a building without obtaining a license in advance to ensure respect for the

field and its exploitation in accordance with the laws of development and reconstruction, where Article 79 of law 08-15 States as follows: "a fine of fifty thousand (50,000) to one hundred thousand dinars (100,000) shall be punished by a fine of fifty thousand (50,000) to one hundred thousand dinars (100,000) for anyone who builds or attempts to build a building without a building license.

In the case of illegal connection to public utility networks, the Algerian Legislature has imposed the following penalty on the violator in the text of Article 88 of law 08/15: "anyone who temporarily or permanently connects illegal construction to public utility networks without obtaining a building permit or certificate of conformity in advance shall be punished with a fine of fifty thousand dinars (50,000) to one hundred thousand dinars (100,000).

The same penalty provided for in the first paragraph above shall be applied to the contractor who has completed the binding works or the assistance of the institution that has authorized it, and in case of recidivism, the fine shall be doubled.

The judicial authority can issue an order to the violator to return the premises to their original state, and the latter will bear the expenses,"he said.

As for the case of a construction crime that violates the content of the license, law 08-15 did not mention this crime, and therefore reference is made to the general text of Article 77 of law 90/29 as the legal basis for all crimes related to the use and execution of works contrary to the requirements of the laws of development and reconstruction.

Considering that Article 77 of law 90/29 stipulates the establishment of the crime of construction in violation of the license on the building permit received in accordance with the provisions of law 90/29 and its executive decrees, therefore, violation of an illegal building license is not considered a crime (**Ben latrash Mona, 1997-1998, p. 119**)

-the penalties prescribed for committing violations in special sites and related to protected areas:

Article 44 of law 03-03 stipulates that: "anyone who violates the provisions of Article 06 of this law shall be punished by imprisonment from three months to one year and a fine ranging from 100,000 to 300,000 or one of these two penalties.

Accordingly, anyone who carries out construction works or uses expansion areas and tourist sites contrary to the provisions of the plan to create them shall be subject to the penalty prescribed in the text of the above article.

Article 79 of Law No. 99-01 also stipulates:"anyone who builds, modifies or demolishes a hotel establishment without the prior approval of the department in charge of tourism, as stipulated in Article 46 of this law, shall be punished with a fine between 5,000 and 10,000, imprisonment from one to six months or one of these two penalties".

It should be noted that with regard to the specific measures that can be imposed in addition to criminal penalties, when violations are committed in these latter areas, the criminal judge still retains his authority to take the necessary and necessary measures to enforce respect for the rules of rehabilitation and reconstruction under these laws, such as ordering the return of places to their original state or carrying out the necessary works for rehabilitation at the expense of the convict, as well as confiscating the machinery, devices and equipment used in the commission of these violations.

- the prescribed penalties for crimes related to the retail license:

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The Algerian Legislature also approved a penalty for every person who builds a building inside an unlicensed retail, according to Article 75 of the same law, which states: "anyone who builds a building inside a retail that has not obtained a retail license will be punished with a fine of one hundred thousand dinars (100,000) to one million dinars (1,000,000).

As for the sale of a piece of retail or a residential group if this retail or residential group is not licensed, Article 77 of the same law mentioned above states the following: "anyone who sells a piece of land from a retail or residential group if the retail or residential group is not licensed or the temporary receipt of usufruct works is punishable by imprisonment from six months to a year and a fine from one hundred thousand dinars (100000dj) to one million dinars (1000000) or one of two penalties.

The penalties prescribed for retail-related crimes would put an end to the terrible chaos witnessed by real estate retail, but all this depends on the performance and efficiency of the administrative authority in preparing the records of violations as a link between the violator and the judicial authorities in charge of the islands and the approval of the appropriate punishment.

- **the prescribed penalties for crimes related to the certificate of conformity:**

As for the certificate of conformity, given its importance in proving that the construction is in conformity with what is included in the building permit, Article 82 of law 08/15 States the following: "anyone who occupies or exploits a building before achieving its conformity, which is evidenced by the certificate of conformity, shall be punished with a fine of twenty thousand dinars (20000) to fifty thousand dinars (50000).

In case of non-compliance, the violator may be sentenced to imprisonment for a period of (06) six months to twelve (12) months and the fine shall be doubled".

We would like to emphasize that the criminal judge is often sympathetic in approving the sentence, due to various circumstances, the most important of which is the social status of the guilty, where he decides financial fines with authority and does not even comply with the minimum penalty prescribed, and in this the tamalos court sentenced a penalty:" in the public case, the defendant was convicted... For the misdemeanor of construction without a license, the Act stipulated and punishable by Article 79 of law 08/15,and as a punishment, he was sentenced to thirty thousand Algerian dinars and an effective fine(30,000)".

II.2. Scope of criminal liability

The purpose of the Algerian Legislature has always been to protect the urban space by criminalizing infringing acts, but the criminal judge finds himself in front of the general provisions of criminal liability that cannot be overlooked because determining the degree of responsibility affects the punitive sentences issued by the judge.

1. persons criminally responsible for reconstruction crimes

The Algerian Legislature has expanded the circle of persons criminalized on the basis of infringing acts without linking ownership of land with criminal liability, referring to Article 77 of law 90/29, which states in its last paragraph as follows:"the penalties provided for in the previous two paragraphs may also be imposed against land users, beneficiaries of works, architects, contractors or other persons responsible for carrying out the said works".

Therefore, the persons covered by the criminalization can be divided into two categories, namely, the beneficiary of the project and the persons entrusted with the process of carrying out the works and supervising them.

- **criminalization of the acts of persons benefiting from the works:**

The beneficiary of the works is the owner of the project or its owner, and we must distinguish between the real owner of the project and the virtual owner who oversees all operations, and in case of violation, the apparent owner must be followed up, not the real owner, this is due to the fact that the punishment is personal and must be carried out against the perpetrator (kheir, 2003-2004, p. 57)

In this regard, the French Criminal Chamber applied the theory of the apparent owner and refused to discuss the validity of the owner's status, the judge has no right to search whether the person who carried out the construction process without waiting for the administration's response to his request is he the real owner or not

A husband who builds a house on land owned by his wife and acts as the apparent owner is one of the first to build without a license from the concerned authorities, he bears criminal responsibility, even if the invoices for the works were made under the name of his wife (**Asri, 2008, p. 67**)

In this regard, the Egyptian court of Cassation ruled that: "since the appellant had argued before the trial court that his connection to the building was completely severed, he submitted the documents attesting to this and requested to be investigated by joining the (municipality file) and an engineering expert was assigned to prove ownership of this property on behalf of its owner, however, the court kept silent about this defense its ruling shall be a minor statement and the duty of Cassation" (**Sherif, 1999, p. 356**)

- **criminalization of the acts of persons charged with directing and executing works:**

With reference to the text of Article 77, the last paragraph mentioned above, it recognizes the responsibility of the persons entrusted with the direction and execution of the works, and these persons are represented by both the architect and the contractor and any other person involved in the implementation.

Also, with reference to Article 76 of law 08-15, I have recognized the liability of the contractor who carried out the works, the architect, the topographical engineer or any study owner who caused a violation.

These persons are not the original perpetrators of these crimes, but they help the original perpetrator to achieve the material element of the crime, that is, the act of construction contrary to the provisions of the reconstruction law, and in their own way the person concerned cannot do this, and this is because they are accomplices according to the same Article 41 of the Penal Code, and therefore they ask the same criminal liability of the landowner.

The Algerian Legislature has tightened the penalties imposed on the engineer and contractor in order to force them to take the necessary care in their construction of facilities. the engineer is required to complete the designs according to the required level imposed by the art of the profession, which requires him efficiency, technical ability and experience, with sufficient care to prevent error, and the contractor is required to complete construction works according to the required specifications and not to deliberately shortage of

building materials to reduce the cost of construction of the building so that it is not vulnerable to demolition.

The contractor cannot shield himself from the poor quality of the materials on the market, which cannot withstand for a long time without the appearance of defects, because scientific progress has made it possible to obtain high-quality materials that can withstand various weather and climatic changes through numerous experiments conducted by factories before taking them to the market (**Bakali, 2006, p. 351**)

With reference to the Algerian law, we find the Penal legislator in light of the amendment of the Penal Code by Order No. 06-23 dated in 2006 and in the context of crimes related to the building permit, a public official can be prosecuted criminally in case he personally and deliberately refrains from executing the judicial decision to hand over the building permit to the convicts, and this is according to the text of Article 136 of the Penal Code (16-02, 2016).

The French judiciary also went in the same direction, the chairman of the municipal People's Council punished as the administrator of the private property of his municipality because he built on *وادي* owned by his municipality without a license, and starting from the law of July 02, 2003, a public lawsuit can be initiated against the company where the criminal liability of moral persons in the field of reconstruction was recognized (**Bourree, 1992, p. 108**)

Finally, it is worth mentioning about the criminal responsibility of a legal person, there are those who deny the legal person criminal responsibility for several reasons, including that the virtual nature of the moral personality is only an imaginary or metaphorical quality, and the scope of criminal responsibility is the availability of the person on the Will and will of the legal person and responsibility for those who have no will, as well as the fact that the accountability of the legal person contradicts the principle of specialization and violates the principle of the personality of punishment.

2. judicial follow-up

A public lawsuit is initiated and investigated in the case of construction without a license or in violation of its provisions in accordance with the code of Criminal Procedure, by the public prosecution or by the civil prosecution:

- initiating the public prosecution by the public prosecution

The public prosecution shall initiate the public case resulting from crimes related to construction operations, as soon as it becomes aware of it by any means, and the inspection minutes prepared by qualified agents are considered the most important means of initiating the public case by the prosecution.

Article 76 BIS 05 of law 04-05 reads as follows: "in case of confirmation that the construction does not conform to the delivered building permit, the legally authorized assistant shall draw up the record of inspection of the violation and send it to the competent judicial authority, and also send a copy of it to the chairman of the municipal People's Council and the competent governor within no more than seventy-two (72) hours.

In this case, the judicial authority that has been resorted to for broadcasting the public lawsuit decides either to carry out the conformity of the building or to demolish it partially or completely within a time limit determined by it.

The criminal judge has discretion in determining the punishment and individualizing it within the limits of the minimum and maximum limits prescribed in Article 77 of law 90/29- in general-taking into account the gravity of the crime committed and the personality of the criminal.

The character of the criminal and his profession are also considered determinants in assessing the punishment.the contractor and the engineer are familiar with the rules of construction and reconstruction. they cannot invoke ignorance of some of its rules. the punishment imposed on them is higher compared to others .

- **moving the public lawsuit through civil incorporation**

The Algerian legislator has recognized the establishment as a civil party before the Criminal Court, to claim compensation for material or moral damage caused by a felony or misdemeanor, provided that the existence of criminal fault is proved, and the tamalos court ruled as follows : " ...The competence of the criminal judge to consider the civil case by subordination depends on proving the existence of the criminal error and the commission of the crime and attributing it to the accused.if the public case falls for any reason, the jurisdiction of the criminal judiciary in the consideration of the civil case ceases to be the absence of the relationship of subordination.

And for these reasons the court ruled... In the public case: the innocence of the accused ... It is a misdemeanor to build without a license , In a civil lawsuit the declaration of qualitative incompetence."

It is also the responsibility of the aggrieved person to prove the damage and the causal link, " the court of zygod Youssef ruled ...Since the accused admits that the plot of land on which the garage was completed does not belong to him and that it is public property, then the elements of the violation of Highway rape are available against the accused, on the basis of which the court must convict him and punish him according to the law.

The Algerian Legislature has also granted the right to ocean protection associations to be established as a civil party before the Criminal Court, because of the damage caused by crimes related to construction and reconstruction operations in accordance with the text of Article 74 of law 90/29.

3- reasons for the absence of criminal liability

Committing violations in the field of construction and reconstruction comes in circumstances that vary from one person to another, so the responsibility raised in the field of violations of the construction law may disappear, but its scope in this regard is very narrow, due to the nature or legal adaptation of construction crimes that are classified as formal crimes.

As a result of this classification, the violator finds himself in front of an almost impossibility to pay criminal liability for himself, however, some reasons for the absence of liability can be raised .

- **the case of necessity:**

Criminal liability is extinguished, when the crime committed by the violator or the accused is the only means of payment of the immediate danger.

And this is what the Egyptian judiciary confirmed by saying: "Since the impugned judgment was based on the absence of the impugned person's responsibility, but he resorted to building without a license because of the need to protect himself and his money because of something beyond his control, he has no hand in it and he cannot prevent it, and the demolition of the building due to rainfall, this decision, which was taken by the judgment as the basis for his judgment denying criminal responsibility, does not in itself become a reason to say that the case of urgent necessity to commit the crime of building without a license, and that reconstruction was the only way to this is a reason to say that the case of necessity, which brings down the crime, he had to memorize the reason When a building is demolished due to rain and he memorizes valid evidence to determine whether the crime committed by the person challenged against him was the only way to pay for a serious danger to himself that was about to happen to him or others, and his Will had no part in solving it, or he could have avoided committing it by resorting to other means by which he could protect himself or others from that immediate serious danger for the purpose of doing so, which shortened the sentence in his statement" (Sherif, 1999, p. 269)

- **force majeure:**

The assessment of force majeure is an objective assessment owned by the trial court as long as it has based its judgment on valid reasons, and the judge's assessment of the incident is in the light of the extent to which it can be expected through studies and modern architectural progress, if it is possible to say considering earthquakes and atmospheric gases as force majeure, but the matter: These phenomena can be predicted to occur in the light of modern scientific progress and therefore are not considered a force majeure unless they go beyond the forecast and it is impossible to push them, so it was ruled that it is not considered a force majeure fluctuation of the atmosphere, a usual fluctuation that would cause expansion or contraction in construction (Mansour, 2011, p. 152)

In its judgment issued on 12/08/1993, the Egyptian state security Court decided that force majeure cannot be relied upon to break the causal link in the crime of non-observance of technical due diligence in construction, as the fault of the builders was prior to the earthquake, which confirms that its impact in the earthquake was only revealing the errors that preceded, as if the technical due diligence to withstand the resistance weights, as the neighboring buildings were never hit by a collapse and remained standing despite The Egyptian legislator adopted the theory of the appropriate productive cause of the result with the addition of other elements, and the court decided that the earthquake was not the main or productive cause of the collapse, but it was due to the poor implementation of engineering designs and poor supervision of the implementation and the quality of the materials used, where the engineer-designer had to take into account some natural phenomena and take into account the extent of the building's resistance to them. (Qashqash, 1994, p. 117)

Sympathy for violators is the first measure of the outbreak of reconstruction chaos, because there is no sense of fear on the part of violators, but punishment and criminalization, requires the beginning of checking the degree of proximity to the commission of a particular crime among individuals, whenever there is hunger that has been imposed on the necks of the

majority of people because of a disaster such as drought the community will sympathize with these people for their plight without a doubt. (Asri, 2008, p. 108)

In general, the intervention of the criminal judge remains very limited in front of a sector that knows many infringements and violations, so the intervention of the civil judiciary is necessary to protect the private interests of those affected, which we will address in the second requirement.

III- The role of the civil judge in assessing compensation for reconstruction violations

The role of the civil judiciary is manifested in protecting the private interests of those affected by construction operations on the occasion of violation of reconstruction laws, which are committed by entrepreneurs in the field of construction, and therefore it works to enforce respect for the rules of law applied in this field.

He also intervenes constructively from the general rules of civil liability because of the disputes that arise between persons governed by private law, whether natural or moral, during the implementation of the construction process and even after the delivery of construction. as long as the construction and construction sector is a fertile area for conflicts of public and private interest, the role of the civil judge is embodied in achieving a balance between them in a way that preserves the public interest and does not lead to prejudice the private interest and empty the property right of its content.

III.1. the establishment of a civil lawsuit

The lawsuits filed by third parties to repair the damage caused to them as a result of violating the building and construction rules were rejected by the French judiciary, because the urban rules were initiated to protect the public interest and not the private interest, but this position was abandoned by the judiciary after a lot of criticism directed at it and after the people's adherence to their rights, and their failure to stop demanding them, as evidenced by the decision of société terrasse royale dated 09/06/1959, as long as the urban rules aim to balance the public interest and the It is natural and necessary to provide means of protection for each of them (Henry Jacques, 1998, p. 700)

1- violation of building and construction rules

The building permit is always issued with a reservation for the rights of third parties, whether this phrase is explicitly mentioned in the core of the decision or not, this phrase means that this license was granted because the administration, after investigating the builder's application, considered that the construction project complies with the applicable urban development rules.

The French judiciary (Liet-Veaux, 1983, p. 175) rejects the plaintiff's requests in this context if the urban rules have been corrected by changing the building that is the source of the damage, because the civil judiciary is not a punitive judiciary, its purpose is to correct an erroneous situation, and not to punish the buildings that remain the task of the criminal judiciary, as long as the new urban rules correct the situation of the building, the role of the civil judiciary ends . (Ben latrash Mona, 1997-1998, p. 119)

And the violation of the rules of urbanism, the institution of the lawsuit, can take several forms, we mention among them:

- **the licensee's violation of the content of the license:**

Violation of the requirements of the building permit can be the basis for a civil lawsuit if it causes damage to others, for not taking into account the height or the number of floors

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allowed under the license or not taking into account the reservations made by the administration on the construction project.

In other cases, the responsibility of the builder is determined even if he respects the content of the license, on the basis of unusual neighborhood damage, where the provisions of Article 709 of the S. In this regard, the Supreme Court decided the following: "... In order to reach the Cassation, the appellants relied on the following aspects:

The judges based their decision on Article 24 of Executive Decree No. 91-175 of 28-05-1991, which limits the distance to four meters, while Article 709 of the Supreme Court of the Russian Federation defines the distance as four meters. It stipulates that a distance of only two meters should be left when the conquests are completed, and that the expert appointed by the court has proved that the conquests are located at a distance of 2.20 and are therefore in accordance with the law.

Since the judges, for their decision in the case, excluded the application of the provisions of Article 709 of the S. In issuing their decision, they relied on the provisions of Article 24 of Executive Decree No. 91-175 of 28/05/1991, which applies to certain articles of the law on urbanization and reconstruction.

And since it is established that this article, on which the judges were based, is related to the construction and erection of buildings, raising them and leaving the required distance between the buildings, which represent technical measures, the more the instruction increases, the distance is left by at least four meters, and the lower this distance is reduced to less than 02 meters, which constitutes the height of the view.

Moreover, this article is in conjunction with Articles 21, 22, and 23 mentioned in the decree before it, and by this concept does not mean the right of the applicant stipulated by the provisions of Article 709 of the S. It is the latter that remains applicable to such a dispute.

In light of this, the judges have misunderstood Article 24 of the said decree and made a mistake in applying the law, which makes their decision subject to Cassation and annulment.

- defective building permit:

In cases where the construction works that are the source of the damage are in accordance with the provisions of the building permits, but this license is defective because it violates the law and therefore contains one of the aspects of cancellation.

Can the owner of the building be required to repair the damage before the civil court on this basis

In the event that the defendant filed his lawsuit before the Administrative Court to demand the cancellation of the license, and then obtained a decision to cancel the license, in this case he can resort to the civil judiciary to repair the damage done in accordance with the canceled license. The administrative judiciary is competent to cancel the building license, but its role ends to this extent, and it cannot order the demolition of construction contrary to the requirements of the license.

With reference to the French urban code, we find that article 13-480 L of it stipulates that it is not possible to judge against the owner of a building made in accordance with the

building permit unless this license has been canceled in advance at the administrative judicial level. (Liet-Veaux, 1983, p. 175)

In the Algerian system, despite the absence of a provision corresponding to Article 13-480 of the French urban code, we reach the same results, considering the legality of the decision to grant a building permit is the prerogative of the administrative judge, and the civil judge does not have this possibility, and therefore the complainant of damage to a building made within the framework of a defective building

2- personal and direct harm

It is not enough to have a violation of the rules of urbanism only to establish a civil lawsuit, but it must be proved that the violation has resulted in personal harm to others, only people who have been affected by the illegal building in their personal interests have the right to file a lawsuit, the personal nature of the damage lies in the fact that the latter has injured others in a way that makes it in a special position for other people (sheridi, 2007-2008, p. 124), in cases where the construction is without a license but is in accordance with the rules of development and reconstruction, in this case the violation cannot be shielded, as long as that no personal and direct damage can be proved by the plaintiff.

Also, the owner of the property does not have the right to hold on to licenses and conform the works to the rules of urbanization in order to exempt him from the responsibility of neighborhood damage (Omar, 2012, pp. 415-416)

In general, the damage is on the occasion of construction or caused by it, and the damage can be proved in the case of demolition of the building.

- damage caused by construction or caused by: A person who carries out construction and maintenance work on his house and arranges damage to others on the occasion of these works is asked about this if an error is proved on his part in accordance with the general rules of tort liability, such as the harm caused to neighbors by paint materials and their inability to use their places due to the accumulation of construction and its waste. it is also possible to rely on unfamiliar neighborhood damage rules to prove damage, where liability in neighborhood damage, if it exceeded the usual limit, is based on damage and not on proving fault in the sense of Article 124 of the Civil Code.

The construction that causes a neighbor's dwelling to be unfit for habitation, even if this construction is completed in accordance with the building permit and designs, and the determination of the neighborhood damage and the extent to which it exceeds the familiar limit, also falls within the competence of the subject judges, who take into account the custom, the nature of the real estate and the location of each of them.

Most legislations agree that property grants its owner the right of exploitation and the right to enjoy and dispose of the thing owned in order to obtain a legitimate benefit, but without causing harm to others, and all these legislations take the theory of arbitrariness in the use of the right and approved it especially in the field of real property (kheir, 2003-2004, p. 63), and in this case the judiciary has approved the the Algerian States: "it is legally established that the owner must not abuse his right to such an extent as to harm the neighbor's property.

Since it is established –in the case of the case - that the dispute concerns the damage caused to the defendant in the appeal resulting from the spread of burnt gas coming from the chimney of the defendant's bathroom in the appeal, and that the expertise was ordered in order

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to determine the damage and propose a solution to end it if necessary, as well as that the legality of the buildings and their conformity with the plans signed by the administrative interests is not the basis of the dispute, and cannot cover the damage caused –if necessary - by a neighbor.

As long as the appeal judges moved to the place to see the damage and wrote a preview dated 02/09/1990, they focused their decision on it, and that the results of this record are not subject to the control of the Supreme Court.

Therefore, the appellate judges limited the dispute to determining the damage and its source and ruled to oblige the appellant to divert the entrance to the building away from the residence of the challenged because of the damage he suffered as a result, basing their decision on the completed inspection, they applied the requirements of Article 691 of the Civil Code, which is clear and states that the owner is not allowed to arbitrarily use his right to property to damage the property of his neighbor and therefore the appeal must be rejected"

- **damage caused by demolition of the building:**

The responsibility of the owner of the building is assumed as soon as the demolition occurs without researching the cause caused by it, however, the owner can pay the responsibility by proving that the demolition is not due to negligence in maintenance or a fault in the construction or a defect in it. if he cannot prove this, his fault is presumed, proof to the contrary is not accepted. also, anyone who was threatened with damage to his construction may demand the owner to take the necessary measures to prevent the danger. if the owner does not do so, permission may be obtained from the court to take measures at his expense in accordance with Article 140 of the Civil Code.

If the demolition was caused by a fire that caused the demolition of the building, then in this case the responsibility of the owner of the property is carried out in any way once he proves that the fire is attributed to his fault in accordance with the general rules, and the owner's responsibility remains in the case when the demolition occurs after the fire, as he should have taken the necessary precautions to prevent damage due to the deteriorating state of construction (**Mansour, 2011, p. 230**)

Algerian law links liability to guarding during the period of implementation, repair or demolition. anyone who has the ability to use, manage, manage or control is considered responsible for the damage caused by that object, whether the engineer, contractor or owner.

2- the results of the civil lawsuit

The role of the civil judiciary is manifested in the reparation of personal damage suffered by the plaintiff from construction work contrary to the law, but the question that comes to mind is, is the plaintiff content with just monetary compensation or can he ask the judge to match or demolish the building source of damage

The French court of Cassation, following the Cliquet decision of 1965, affirmed that the judge is bound by the plaintiff's request and must order demolition in case of his request (**jacqueline, 1983, p. 155**) basing his judgment on the basis of Article 1382 of the French Civil Code, which states that any act committed by one, and causing harm to others, obliges those who caused him to follow suit compensation.

This article is considered more in line with the basis of the civil lawsuit in this context in order to reach a request for demolition or compensation (demolition or conformity) or compensation in the equivalent (monetary compensation), as this article did not oblige the judge to a certain type of compensation, and therefore has discretion in this.

With reference to Algerian law, the determination of the results of a civil lawsuit can be based on Article 173 of the Civil Code, which states that "if the debtor has committed to refrain from action and has breached this obligation, the creditor may demand the removal of what occurred in violation of the obligation and can obtain from the judiciary a license to carry out such removal at the debtor's expense".

As long as the urban rules are sources of obligation, they share their effect with other sources, and therefore, in the event that the plaintiff in the civil case requests demolition or conformity to remove the damage caused by the building, the civil judge is legally obliged by virtue of Article 173 above (**Ben latrash Mona, 1997-1998, p. 165**), and the plaintiff's right to redress the damage remains existing by claiming monetary compensation on the basis of Article 124 of the Civil Code.

III.2. Scope of civil liability

The speed of completion of construction operations and supervision often results in many serious accidents that lead to significant loss of life and money, so it was necessary to identify the persons responsible for these accidents, and due to the specificity of civil liability existing during the construction period or after the completion of this process, it is applied to a specific category of persons, and these persons are the contractor and engineer, being directly responsible for the construction work.

1- responsible persons during the period of execution of construction works

The basic principle is that the damage caused by the construction during the construction period is asked by the contractor or engineer, either as a guard of the construction, or as a guard of used machinery and tools, or on the basis of error according to the general rules, however, the owner may ask in the assumption that he is the guard of the construction process, and the engineer and contractor are a contracting contract, for example, if it is a work contract, then the contractor or engineer will be liable according to the terms of the contract **The (Mansour, 2011, p. 25)**.

The liability on which the injured person can rely to obtain his right to compensation varies depending on the person who is the custodian of the construction or involved in the construction process (**Arfa, 2006, p. 401**)

-the architect : The architect is distinguished from other other persons who participate in the construction work by his role of a mental nature and his ability to innovate, creativity and design, and that his intervention in the construction process is commissioned by the employer, or his legal representative and for his account, and that he combines the status of artist and technician and practices a free profession.it may happen that the architect's task is limited to drawing up the design without being assigned to control the implementation, in this case he is not asked about the defects of construction absolutely, but he is asked about the defects that came from the design according to the content of Article 555 of the Civil Code.

In cases where the architect is the " employer " when he is approved in the conception of the completion of the construction and its follow-up under a contract determined according to

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the required forms, and therefore, in case of violation of his contractual obligations, he is held accountable in accordance with the general provisions of contractual liability.

The study of the architectural work prepared within the framework of a contract between the project owner and an architect is considered the property of the project owner of the building specified in the contract and the project owner may not use it for another purpose without the consent of the tribal architect.

The architect retains the moral ownership of the architectural work and, except in the case of contrary contractual provisions, he may publish this work and may not use it for another use for the benefit of the owner of the project only after the consent of the owner of the project.

- **the contractor:** According to the same article 549 of the Civil Code, contracting is a contract under which one contractor undertakes to make something or to perform work for a fee that is pledged by the other contractor, and therefore the contractor in the construction and reconstruction material is the person entrusted with the erection of buildings and fixed structures and it means that the materials with which he erected the construction were brought from him or provided to him by the employer in accordance with the content of Article 550 of the same code mentioned above.

The role of the contractor is embodied in the implementation in accordance with the designs, models and drawings drawn up by the architect.

If, during the course of the work, it is proved that the contractor is performing it in a defective manner or contrary to the terms of the contract, the employer may regret it by correcting it by execution within a reasonable period assigned to him, and if this period expires without the contractor returning to the correct way, the employer may request either termination of the contract or entrust another contractor to complete the work at the contractor's expense in accordance with the provisions of Article 573 s.M.

Accordingly, if the contractor (subcontractor) is assigned to complete all or some of the work assigned to him, then the responsible person for the employer is the original contractor and not the subcontractor, according to the provisions of Article 564 s.in order for the contractor's responsibility to be established, there should be a contracting contract in which he undertakes before the employer to erect buildings or affiliated facilities for a fee without being subject to the supervision or management of the employer in his work.M.

And it is not necessary for one contractor to set up the construction, the project owner may entrust the work to several contractors, so one of them will be specialized in hammering foundations, another in other construction works, such as columns, walls, insulators, ceilings, floors, etc. and a third in carpentry or blacksmithing, sanitary extensions, psychosis, whitewashing and others, then the contractual responsibility will be held, each of them in his own work, and then the fall of some bricks during construction and injury and the damage caused by the fall of the window "flap" during installation gives rise to the responsibility of the carpentry contractor as the guard (**Mansour, 2011, p. 29**), and can The damage should be due to a common fault of more than one contractor, in this case the contractors will be in solidarity in their obligation to compensate the damage.

- **the project owner:** The owner of the project is every natural or legal person who bears the same responsibility to entrust the one who completes or converts the construction of what is located on a plot of land to which he is the owner or has the rights to build on it in accordance with the applicable regulation and legislation

The owner of the project has control and guidance over the construction process, he is the one who supervises and directs his employees, who are connected with him by the dependency Association, and therefore asks for the follower's responsibility for the work of the follower.

The project owner may contract with several technicians and workers in more than one field in order to complete the construction process under his supervision and implementation, such as contracting with a designer engineer, another contractor, or more to complete each of them for a part or aspect of the construction under his command and supervision, they have a working relationship with the owner and not a contractor relationship in the strict sense (Mansour, 2011, p. 28), so the responsibility lies with the project owner.

2- civil liability of the contractor and engineer after the delivery of construction

Due to the seriousness of the defects that may exist in the buildings after receiving them and the consequent total or partial demolition or cracking resulting in serious damage to the owner of the building or others, the legislator has approved special provisions to ensure these defects, as Article 554 of the Civil Code provides as follows: "the architect and contractor shall guarantee in solidarity what happens within ten years of the total or partial demolition of the constructed buildings or erected by other fixed structures, even if the demolition arises from a defect in the ground.

The warranty provided for in the previous paragraph includes defects in buildings and structures that threaten the durability and safety of construction.

The ten-year period begins from the time of final receipt of the work, This period shall not apply to the contractor's right of recourse against subcontractors".

In general, the responsibility of the engineer and the contractor is related to the existence of a contracting contract on buildings and other fixed structures in the event of total or partial demolition of the construction within a period of 10 years.

- the owner of the right to guarantee:

Often the employer(entrepreneur) is the owner of the building or facilities, but the matter can sometimes vary, a ministry, a body or a company may contract with a specific contractor to build housing in order to own it for a popular class or for the children of a certain profession, so here the question arises about the owner of the right to exercise the

Therefore, before handing over the construction legal person to the beneficiaries and identifying the owners, the authority, ministry or company is the owner of the guarantee as the employer, but after delivery, the owners can also exercise it themselves or through the owners ' Union, and these can refer to the employer, who in turn can shorten the contractor or engineer and the right to guarantee is transferred to the A person is left behind in his financial liability from the rights of And obligations as heirs, and this is in accordance with the text of Article 108 of the Civil Code.

- committed to the guarantee:

According to the Algerian civil legislation, the tenth responsibility lies with the architect and the contractor, and the responsibility is between them in solidarity, and the French

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legislator has expanded the scope of persons responsible for private warranty, extended to include everyone who is associated with the owner with a contracting contract, and also subjected other persons to this responsibility despite not being associated immediately after contracting with others, manufacturers of building materials and equipment and importers of such things, this is due to the complexity of construction operations in the modern era and the increasing number of participants, and therefore the importance of this expansion is manifested in ensuring the seriousness of construction operations.

The Algerian legislator has also expanded the list of persons responsible for construction operations with regard to the ten-year guarantee through Article 46 of law 11-04, which states: "the ten-year responsibility lies with the study offices, contractors and interveners who are related to the project owner through a contract in the event of the destruction of all or part of the building due to defects in construction. As in, due to the poor quality of the foundation floor."

However, this article came in general or more comprehensive, as it did not accurately identify the persons committed to the ten-year guarantee, but this ambiguity did not last long, the Algerian legislation, by issuing executive decree 12-85 specific to the obligations of the real estate developer, has recognized the responsibility of the real estate developer in solidarity with all those involved in the construction operations, Article 30 of which stated as follows : " the real estate developer must subscribe to all the required legal insurances or guarantees, and the real estate developer study offices, contractors, partners, subcontractors and any other intervener in case the building falls completely or partially due to defects In construction, including the poor quality of the land"

- Conclusion:

At the end of this study, we conclude that the intervention of the judiciary, whether criminal or civil, Will cordon off construction violations and erase their impact, where the role of the criminal judge is highlighted by addressing and deterring crimes committed in this sector, by obliging people wishing to build, use the field, obtain building permits and the necessity of their contents under penalty of criminal punishment, and from there there is greater protection of the city and not to compromise its beauty.

The civil judiciary also intervenes to protect the private interests of those affected by construction works, and therefore it works to enforce respect for the development and reconstruction laws applied in the field of construction, and also works to establish appropriate compensation for damage caused by construction works, both during implementation and even after the delivery of construction, due to disputes that arise between persons governed by private law.

Despite the judicial procedures established by the Algerian legislator in the field of regulating the construction space, its results remain deficient and very limited due to the absence of actual practice of the laws of development and reconstruction, the absence of actual application by the legally authorized bodies to monitor the movement of construction, finds its effect through the distorted appearance that the Algerian city has become

Talking about the urban planning policy in order to impose actual control without talking about the real estate system, the lack of clarity of the legal status of land for the completion of their projects negatively affects the urban planning processes, so it is necessary to provide information and data related to the land through the real estate survey and provide an integrated real estate register and keeping pace with the developments known by the real estate system.

The conflict of legal texts also puts the administration and the judiciary in legal embarrassment when performing its supervisory and punitive role, so the legislator should simplify the means of control, by grouping them in a clear legislative framework that fills these shortcomings .

References:

Books :

- Arfa Abdel Wahab, explanation of the building and demolition laws, University Publishing House, Alexandria, in 2006.
- . -AUBy Jean Bernard and Prinnet Marc Hugues, Urban planning and construction law, 7 edition, Paris Montchrestien, 2004
- Cherif Bakali, administrative control of the judge over the legality of decisions issued in the field of reconstruction, Dar Al-Qalam for printing, publishing and distribution, Morocco, 2006.
- Djamel sais, Algerian jurisprudence in the real estate judiciary, click publications, second edition, Algeria, 2013.
- .Issa mahzoul, the powers of the chairman of the municipal People's Council in the field of urbanism, Jusoor publishing and distribution, Mohammadiyah, Algeria, 2014
- Garou joe de Bourree , the criminal law of construction and urban planning, Dalloz, paris,1992
- Hamed El Sherif, practical problems in the crime of building without a license, University Publishing House, Alexandria, in 1994.
- Hamed El Sherif, criminal responsibility in building crimes, House of legal books, Egypt, 1999.
- Hamdi Pasha Omar, real estate judiciary in the light of the latest decisions issued by the Council of state, the Supreme Court and the court of dispute, Dar Houma, twelfth edition, Algeria, 2012.
- Henry Jacques, François Privet, Urban planning law, 3rd edition, Dalloz, paris , 1998.
- Hoda qashqash, the criminal liability of an engineer and contractor for non-observance of technical principles in construction, comparative study, first edition, Dar Al-Nahda Al-Arabiya, 1994.
- Mohammed Abdul Hakim Abdul Rasul, reference in the explanation of the law of new buildings, Dar al-Karim for printing and publishing, first edition, 1989.
- Mohamed Hussein Mansour, the legal system of buildings and constructions, new university House, Alexandria, Egypt, 2011.
- Morand devillier jacqueline building permits and private law rules, real estate law review, 1983
- Noureddine Asri, the role of the criminal judge in resolving construction and retail disputes, pen house for printing, publishing and distribution, 2008.
- Liet-Veaux, building permit (contentious rules)Jcadmfasc, 1983.

University research:

- Asri Nour Eldin, the restraining requirement in the legislation of reconstruction and retail-what is the protection of the urban area? - Thesis for the Diploma of in-depth studies, Agdal, Rabat, 2002-2003.
- Abou El Kheir Zohour, jurisdiction of the judiciary in resolving construction and housing disputes, thesis for obtaining an in-depth Postgraduate Diploma in Public Law, Faculty of law in Rabat, in 2003-2004.

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- Bakali Sherif, reconstruction police, thesis for obtaining a doctorate in law, Mohammed V University Agdal, Faculty of economic and social legal Sciences, Rabat, in 2010-2011
- Ben latrash Mona, building permit, memorandum for obtaining a master's degree in law, Constantine University, Institute of legal and Administrative Sciences, 1997-1998.
- Bouhais Jilali, the role of the ordinary judiciary in the field of reconstruction and construction, research for obtaining a diploma of in-depth studies, Mohammed V University of legal and Economic Sciences, Agdal, Rabat, year 2003-2004.
- Yasmin sheridi, administrative control in the field of reconstruction and construction, master's degree, Faculty of Law, University of Algiers, 2007-2008

Laws:

- Law No. 90/29, of December 01, 1990, on the development and reconstruction, C.R, No. 52, for the year 1990.
- Law No. 03/03, dated February 17, 2003, on tourist expansion zones and tourist sites, dated February 17, 2003, C. R, No. 11, for the year 2003.
- Law No. 04/05 of 14 August 2004 amending and supplementing Law No. 90/29 on development and reconstruction, C.R, No. 51, for the year 2004
- Law No. 04/06 of August 14, 2004, which includes the cancellation of some provisions of legislative decree 94-07, concerning the conditions of architectural production and the practice of the profession of architect, C. R, No. 51, for the year 2004.
- Law 08/14, dated February 25, 2008 amends and supplements the National Property Law C.R. Issue 44, for the year 2008.
- Law 08/15, dated 20/07/2008, determines the conformity of buildings and the completion of their completion, C .R, No. 44, for the year 2008.
- Law 11/04, dated 17/02/2011, establishes the rules regulating the rules of real estate promotion activity, C. R, No. 14, for the year 2011.

Ordinaries :

- Executive Decree No. 91/175, dated 28/05/1991, specifying the general rules of development, reconstruction and construction, C.R, No. 26, for the year 1991.
- Executive Decree No. 12-85, dated February 20, 2012, specifying the obligations of the real estate developer, C. R, No. 11, for the year 2012.