

Regularization Law as one of the Alternatives to Reduce Urban Irregularities: the Case of Subdivision El-Wafa in the city of El-Khroub

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Abstract

Despite the existence of a legal, administrative, and technical framework that controls the construction process, whether with regard to allotments completed by the state or private parties, the construction operations carried out by the beneficiaries did not comply with the legal framework for construction, and thus resulted in the existence of many buildings that offense construction contracts and tools, in addition to the spread The large number of unfinished buildings that led to the distortion of the urban fabric of the city is a subject that today poses a major challenge for planners, researchers, researchers and local authorities.

In order to improve the urban environment, the Algerian legislator puts forward proposals to solve the problem of urban irregularities as a means of deterring them, as settling Law N°08-15. As a solution to this aggravation in the framework of reconstruction and achieving the conformity of the completed buildings or that are in the process of being completed, and in this context, we will highlight the types of urban irregularities by subdivision El-Wafa as a model for the study, and knowing the extent of its residents' response to the regularization law specified for the rules of matching buildings and completing their completion, and by following an analytical approach based on field investigations, we found that there are many urban offenses in the field of study, especially those related to exceeding the legally specified height, the coefficient of land exploitation, and others.

This is due to the lack of urban sense among the residents and their lack of respect for the book of conditions and the building permit. Hence, despite the passage of more than 10 years since the issuance of the regularization law, the problem of urban offenses still exists to this day.

Keywords: Regularization Law 08-15, Urban irregularities, One of the alternatives, Subdivision El-Wafa.

1. Introduction

The issue of urban irregularities was and continues to impose itself strongly at the level of Algerian cities. It has become a living reality in view of the urban expansion and irrational exploitation of urban real estate that cities are witnessing as a result of the natural population increase and the increasing population flows from the countryside towards urban centers.

Subdivisions are considered one of the most important forms of urban politic that appeared in Algeria in 1975 and were applied in 1981 to cover the continuous demand for housing, which gave absolute authority to individuals to complete their buildings. The lack of conformity with the architectural plan and other abuses, and this is what we call urban irregularities, which led to the distortion of the urban appearance of cities despite the efforts made by the state through various and successive policies in the field of planning and reconstruction by issuing several laws and decrees. However, it did not achieve a harmonious urban fabric, and the city became a hangar for urban abuses and irregularities that were and still are spreading clearly and quickly at the neighborhood level.

Urban irregularities are a very important phenomenon, as they affect the urban appearance of the city as a result of several historical, economic, social, security, and legal factors. What we witnessed through our inspection of the various urban irregularities and abuses that exist in the city of El-Khroub in general, and the subdivision El-Wafa in particular, shows us the how these irregularities are worsening. The volume of these irregularities increased, and this is due to several reasons, and all of this resulted in several negative effects, including the absence of architectural privacy and distorting the aesthetic character of the city. Although the subdivision El-Wafa is legal, the reality observed in this allotment is the presence of several buildings in violation of the construction contracts, such as the building permit, the certificate of conformity, etc. All these violations and urban irregularities result from the lack of application and respect for the laws.

To reduce urban irregularities, the Algerian legislator has put in place several laws and legal procedures to eliminate the latter, including Law N°08-15 specifying the rules for matching buildings and completing their completion (Law N°08-15, Official journal 44), which is considered an amendment and supplement to Law N° 29-90 related to planning and reconstruction. (Law N° 29-90, Official journal 52).

Through this research paper and in this context, we will shed light on the types of urban irregularities through subdivision El-Wafa, and find out the extent to which its residents respond to Law N° 08-15 that specifies the rules for matching buildings and completing their completion. Proceeding from that, the following problem can be formulated: What are the types of urban irregularities that are prevalent in subdivision El-Wafa? Is the regularization law considered as a means to deter urban irregularities?

2. Terminology of Study:

2.1. Definition of Subdivision:

Subdivision is defined as every division or fragmentation of a large real estate property into shares of close size, over which buildings intended for natural activity (housing, trade, industry...) are built. We also mean by subdivision the division of real estate ownership for the purpose of construction, with the necessity of respecting all the rules related to construction, including a reconstruction certificate, a building permit, and a certificate of conformity (Article 07 of Executive Decree N°176/91).

2.2. Definition of Urban Irregularities:

It is the transgression of legislative rules and laws in the field of architecture, which means violations of legislation and regulation in the field of architecture and construction. It is every construction process that is irregular or does not conform to the construction rules stipulated in the various legal references related to the production of urbanization (housing, equipment, facilities) (Article N° 54-60 of Executive Decree 175/91). Article 76 of Law 29-90 defines it as: "In every case of construction work that seriously violates the legal and regulatory provisions in force in this field, the administrative authority may file a lawsuit before the competent judge in order to order the suspension of the works in accordance with the urgent judicial procedures stipulated in the order 154-66 of June 8, 1966". Articles 74 to 92 of Law N° 08-15 defines it as: (Law N° 08-15, Official journal 44)

- ✓ Establishing a retail or a residential group without a retail license.
- ✓ Constructing a building within a retail area for which a retail license has not been obtained.
- ✓ Sale of plots of land from a subdivision or a residential group if this subdivision or residential group is not licensed or the temporary receipt of usufruct works has not taken place.
- ✓ Failure to complete the building within the deadlines specified in the building permit.
- ✓ Constructing or attempting to construct a building without a building permit.
- ✓ Failure to complete the completion works within the deadline specified in the completion license.
- ✓ Failure to achieve conformity within the specified deadline.
- ✓ Occupying or exploiting a building before achieving its conformity, which is proven by a certificate of conformity.
- ✓ Making a false statement related to the completion of the works.
- ✓ Resuming building works before conformity is achieved.
- ✓ Failure to submit the application for the completion of the works or the application for a building permit as a matter of settlement within the deadline specified by a permitting party whose status has been settled.

- ✓ Illegal temporary or final connection of the building to public utility networks without prior obtaining a building permit or a certificate of conformity.

2.3. Law of regularization N° 08-15:

Regularization Law 08-15 of Rajab 17, 1439 corresponding to July 20, 2008 defines the rules for matching buildings and completing their completion as a result of the inability of previous laws, and puts an end to the state of chaos in urban environment, especially with regard to the non-completion and matching of buildings. Large numbers of irregular buildings evoke disputes related to real estate and how to force citizens to respect building standards. This law, which defines the rules for conforming buildings and completing their completion, imposes a total of violations and penalties against the owners of incomplete buildings that are used as housing or for practicing commercial and service activities. The law also requires the completion of construction works within the validity period of the building permit issued.

Law N° 08-15 of 20/07/2008, as well as the relevant implementing texts, aim to:

- Put an end to cases of non-finishing of buildings.
- Achieve the conformity of buildings completed or in the process of completion before the issuance of this law.
- Determine the conditions for occupancy or exploitation of buildings.
- Achieve aesthetically pleasing and harmoniously configured built frame upgrade.
- Establish deterrent measures in the field of non-compliance with construction deadlines and construction rules (Law N° 08-15, Official journal 44)

The construction contracts established in the Settlement Law are:

- Permit Completion of achievement: For unfinished buildings that have obtained a building permit.
- Certificate of Conformity: for completed buildings, but not in conformity with the issued building permit.
- Building permit for regularization: for completed buildings, but they do not possess a building permit.
- Permit Completion of achievement as a regularization: for buildings that are not completed and do not possess a building permit.

3. Urban Irregularities in Subdivision El-Wafa:

3.1. Case Study: The Subdivision El-Wafa

The subdivision El-Wafa is of recent origin as compared to other allotments in the city of el-Khroub, where a decision was issued to establish it in 1982. All housing operations in it were in the early nineties, its area is about 15.86 hectares, and it is classified within the residential allotments affiliated to the municipality and included within the new urban

residential area (ZHUN). This is within the General Urban Plan (PUD) of 1982, which we find within the Land Occupation Plan (POS C5).

Its location in the New Urban Residential Area (ZHUN) makes it a transit area to the neighborhoods located east of the highway, represented in (El-Manar, El-Mouna, Al-Riyadh, Sidi Omar), (Mohamed Boudiaf Hospital) borders it to the north, which gives the rationing importance as a point of inference to the rationing as clarified in figure 1.

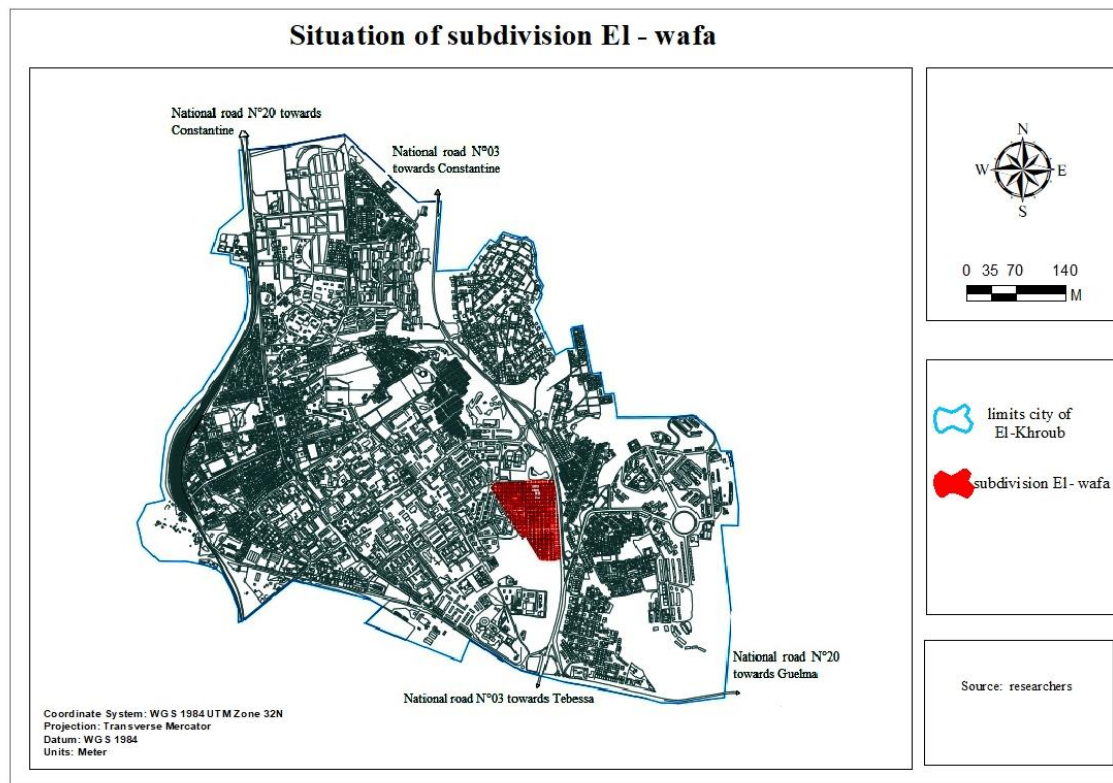


Figure 1. The Urban Sectors of the City of Constantine

This subdivision takes a triangular geometric shape represented by a base on the northern side and its vertex on the southern side. Its units extend in lengths which are similar and equal in general, separated by triangular roads; in addition to the presence of spaces designated for equipment that take the form of a triangle. The subdivision El-Wafa is divided into 269 pieces, according to what is stated in its book of conditions as illustrated by figure 2.

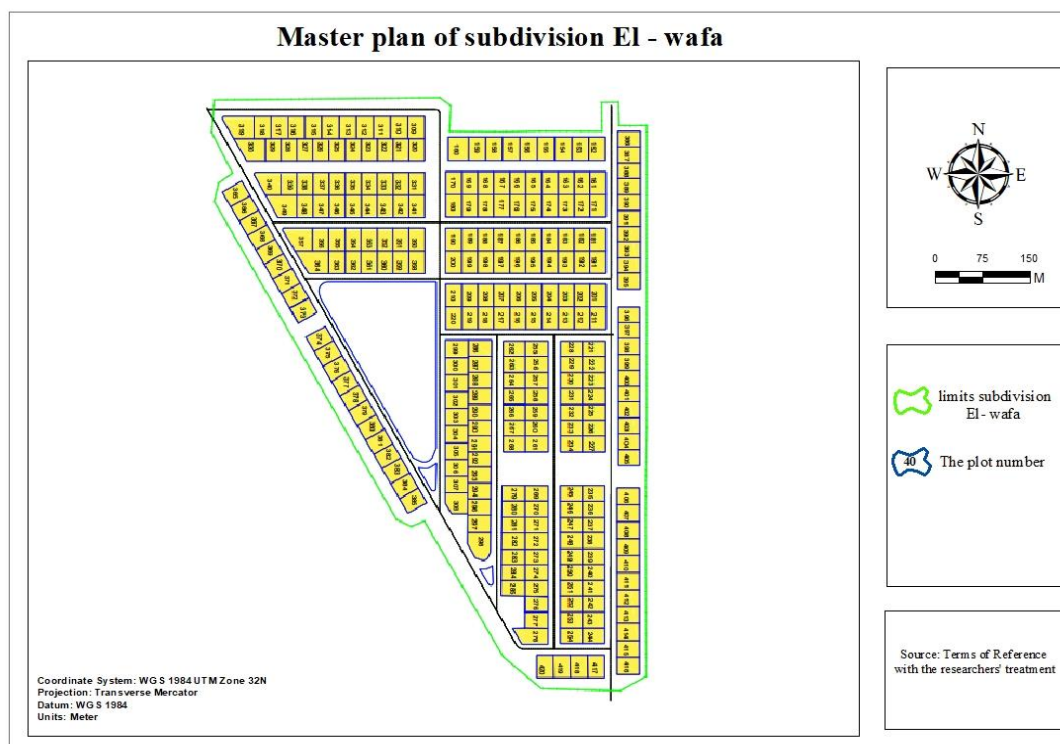


Figure 2. Master plan of subdivision El -Wafa

3.2. Diagnosing Some Types of Urban Irregularities That Are Widespread in Subdivision El-Wafa:

Through the field investigation of the subdivision El-Wafa, and according to the technical interests of the municipality, we have extracted many irregularities that show the extent of defect and the clear difference between the legislative and regulatory texts (which govern land occupation in general and construction in particular) and the reality of allotment. We have tried in this context to stand on the cases registered in the field of urban irregularities at the level of the subdivision El-Wafa follows:

3.2.1. Failure to Respect the Legally Authorized Height (COS):

In order to produce a comfortable residential environment and to obtain general homogeneity in the built framework of the subdivision. The height authorized in the book of conditions was determined at 12 m, which corresponds to R + 2 + T (starting from the floor) in order to benefit from ventilation and sunbathing, and also to produce a harmonious urban texture which gives an aesthetic view for the city and for the same allotment. In spite of specifying the authorized height in the book of conditions, we found significant excesses in the height of the buildings, as their height ranged from a ground floor to 4 floors, as shown in table 1.

Table 1. The height of buildings in the study area

The height of buildings	Number of buildings	Percentage
Ground floor	09	03%
Ground floor+1	15	19%
Ground floor+2	103	38%
Ground floor+3	82	31%
Ground floor+4	10	04%
Blank area	14	05%
Total	269	100%

Through the results of field investigation, we find that the percentage of unbuilt land plots is estimated at 5%, and it is distributed over all allocations. As for buildings that contain a ground floor only, the rate is estimated at 3%, and it is considered the lowest percentage as compared to other types of buildings; while the rate of buildings that have a ground floor+1 is estimated at 19%, which is weak as compared to the total number of buildings. As for buildings with a ground floor of +2, which is the permissible height in the book of conditions, the rate is estimated at 38%, which is a good percentage, as it is approximately half the number of buildings in the allotment regardless of the buildings. Buildings which exceed the height specified in the book of conditions (which are ground floor+3) are estimated by 31%, while the ground floor+4 buildings and above are estimated by 3%. These are large percentages and not allowed, they are considered as irregularities in the book of conditions. This difference in the height of buildings cause distortion and inconsistency in the general appearance of the subdivision, as illustrated in figure 3.

**Figure 3. Exceeding the number of floors**

3.2.2. Exceeding the Coefficient of Land Exploitation:

The book of conditions for the subdivision El-Wafa specifies the establishment of a small garden, often behind the garage or behind the building, and its area varies according to the area of the plot of land on which it is built. Buildings were built without taking into account or respecting the coefficient of appropriation of the land in the subdivision, which is estimated at 60% of the total area of the plot, as illustrated in figure 4.



Figure 4. Building the entire space

3.2.3. Failure to Respect the Number of Garages:

The book of conditions for the subdivision El-Wafa specified that each building must contain one garage, and its dimensions should be 20 or 25 m, so that it is next to the building and 1 m ahead of the facade of the building, and it must not have anything built on its ceiling, with its height not exceeding 3.2 m.

Table 2. Number of garages in the study area

Number of garages	Number of buildings	Percentage
Nothing	09	03%
One garage	70	28%
02 garages	79	32%
03 garages	59	22%
04 garages	38	15%
Total	255	100%

Through the results of the field investigation, we find that the majority of the residents did not respect the book of conditions, where we find that most of the garages have an area equal to the area of the ground floor of the building, and that the majority of the residents have built above the garage for the purpose of profiting from the area of the upper floors. As for the number of garages, the majority of residents did not respect what came in the book of conditions {one garage} in each building. We find that 28% of the buildings contain one garage, which is a weak percentage as compared to the number of buildings, 31% of the buildings contain two garages, 22% contain 3 garages, and 15% contain 4 garages or more. Thus, 72% of the total buildings violate the book of conditions that specifies one garage in each building, which is estimated at 28%, as illustrated in figure 5.



Figure 5. Building with 3 garages

3.2.4. The Outcome of Urban Irregularities in the Subdivision El-Wafa:

Through the diagnostic analysis of urban irregularities in the subdivision El-Wafa, we summarize what is discussed in table 03 below, which shows that the field of study suffers from a widespread of urban irregularities in spite of its being a legal subdivision. We have recorded approximately 669 irregularities, which are considered a large number in comparison with the size of the subdivision and all these irregularities negatively affect the architectural and aesthetic appearance of the urban fabric, especially in the absence of strict control and the leniency of the concerned authorities.

Table 3. The outcome of urban irregularities in the subdivision El-Wafa

Types of Urban Irregularities		Number
Not respecting the authorized height		152
Not respecting the number of garages		185
Not respecting the height of the fence		142
The appropriation of public property		10
Converting a residential area into a commercial one		65
Failure to respect the easements gallery		31
Exceeding the coefficient of land exploitation		30
Creating unscheduled conquests	Changing and making building modifications	40
Not putting up a sign showing the building permit references	Construction violation	14
Not putting up a fence		
the total		669

4. Regularization in the Subdivision El-Wafa:

After examining the subdivision El-Wafa, we found that it, like other subdivisions, contains urban irregularities that offend the aesthetic appearance. Within the framework of applying the regularization law and after contacting the technical department of the municipality of El-Khroub, we reached a set of statistics related to the regularization

operations at the level of the field of study and realised the extent of the population's response and application of this law. This is embodied in through the number of files that have been deposited at the level of the regularization operations office.

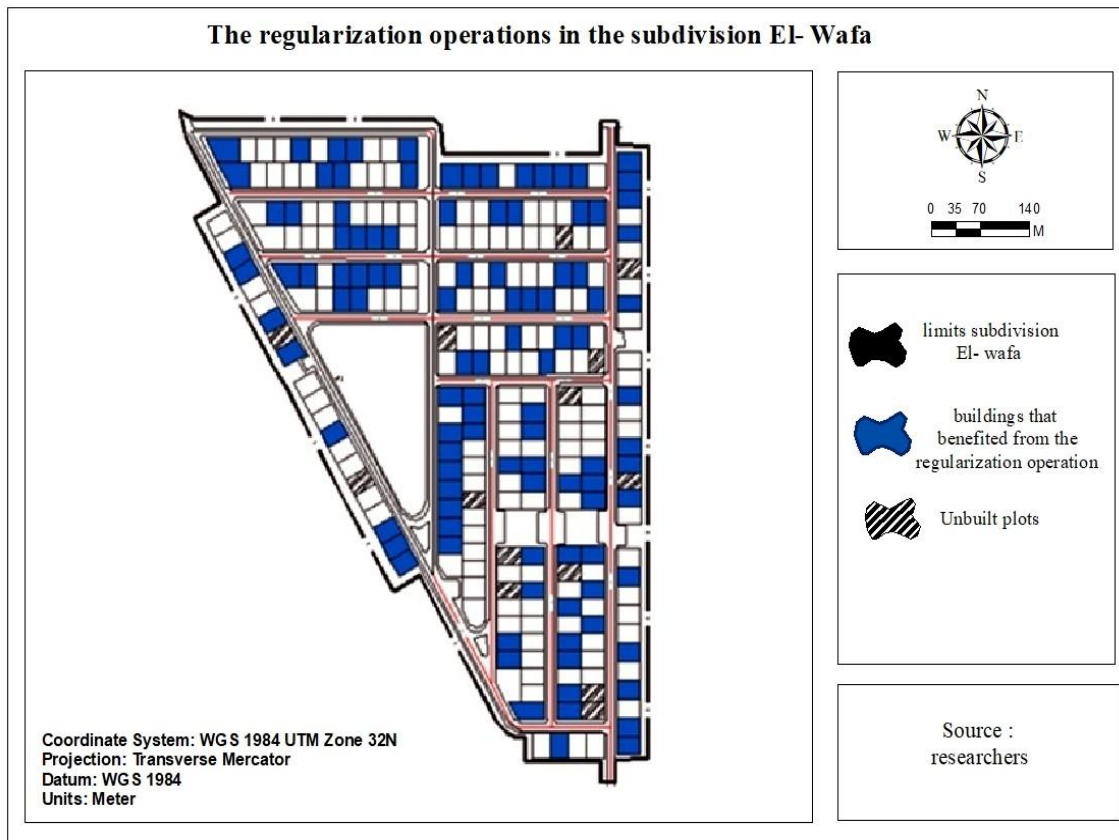


Figure 6. The regularization operations in the subdivision El-Wafa

To find out the statistics of the regularization files related to the subdivision El-Wafa, we collected and examined all the subdivision books in the directorate of Construction, and we found the results shown in the table below:

Table 4. The outcome of regularization files related to the subdivision El-Wafa

years	Building permit for regularization	Permit Completion of achievement as a regularization	Permit Completion of achievement	Certificate of conformity	Total
2010	00	01	01	12	14
2011	00	00	02	07	09
2012	00	02	04	10	16
2013	00	00	11	17	28
2014	00	01	00	15	16
2015	00	01	01	03	05
2016	00	06	19	19	44
2017	00	00	00	00	00
2018	00	00	00	04	04
Total	00	11	38	87	136

Through table 4 and the field inspection of the subdivision El-Wafa, we found a large number of irregularities compared to the number of regularization files at the regularization office level, approximately 136 regularization files for a period of 10 years. The regularization required in the subdivision El-Wafa varied according to the variety of irregularities committed in the field of study, as it was distributed as follows: 87 files for conformity, 38 files for a permit Completion of achievement, 11 files for a permit completion of achievement at regularization basis, and 00 for a building permit for regularization basis, and since all buildings have a building permit, the type of regularization that can be applied in the subdivision El-Wafa is limited to the conformity certificate in the first degree and the permit Completion of achievement in the second degree as illustrated by figure 7.

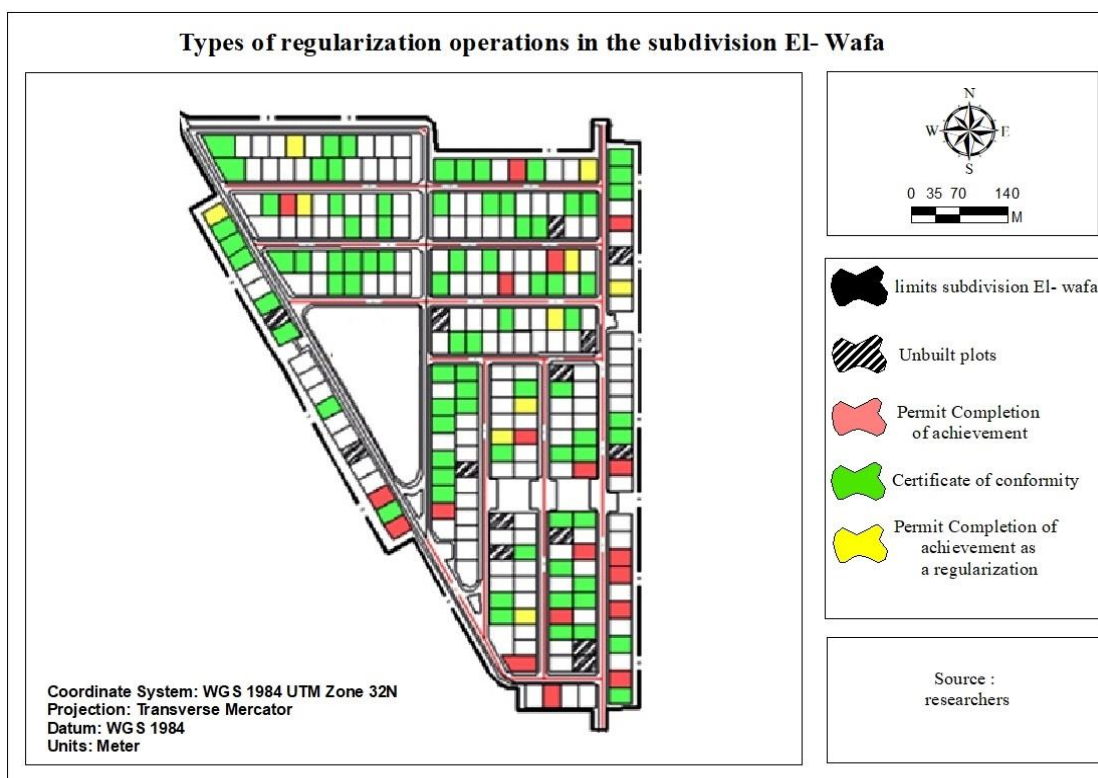


Figure 7. Type de regularization operations in the subdivision El-Wafa

5. Conclusion:

Subdivisions have become a residential area that include all kinds of urban irregularities resulting from misapplication of law and adherence to its tools of licenses and certificates and disrespect for the book of conditions for subdivisions. Subdivision El-Wafa is still a workshop for endless work by increasing the number of floors and garages and changing the facades, although most of the shares were sold in the early eighties.

Through field investigations of this study, we have found many urban irregularities, especially those related to exceeding the legally specified height, exceeding the land appropriation coefficient and other irregularities. All of this led to the emergence of a group of problems and shortcomings that directly contributed to the distortion of harmony and consistency in the urban appearance. That indicates the lack of urban sense among population, which led to non-respect of the technical conditions specified in the book of conditions and the building permit by constructing their buildings according to their own desires and motives. To limit the aggravation of the situation and the spread of the phenomenon, irregularities must be dealt with at its inception with strict penalties. We also found that Law 08-15 came for the purpose of addressing the most important forms of construction with irregularities that distort the urban fabric, represented by the failure to complete the construction works for many buildings and their remaining in the form of open workshops with unlimited deadlines. That is due to the fall of the building permit deadlines and the lack of control over the management mechanisms for construction works as well. Deviations should be corrected through conformity, licenses should be issued in

new periods in which the legal life is revived again, and buildings and their owners should not be left vulnerable to spontaneity and difficulties. Rather, construction works must be supervised and followed at stages by the competent state bodies.

After studying the existing situation with El-Wafa subdivision and diagnosing the widespread urban irregularities through analysis and interpretation, we will try to present a set of future alternatives and proposals that are commensurate with the subdivision situation in order to improve its urban fabric and to upgrade it to reach a sustainable urban environment within the general framework of the city of El-Khroub, such as:

- Removal of urban irregularities that can be eliminated, such as opening unscheduled outlets and trespassing on the sidewalk.
- Completion of buildings and improvement of facades by using external materials of similar composition and color for the sake of harmony in the general appearance.
- Settling the status of unused buildings to eliminate open quota workshops.
- Renewal and maintenance of the deteriorated sewage network and potable water network to avoid the surface runoff problem.
- Respecting the distance separating each two buildings, not less than 04 meters on each
- Applying the principle of justice and equality in dealing with citizens and applying legal penalties to anyone who commits acts of irregularities.
- Increasing the value of financial fines to deter irregularities.
- Establishing a neighborhood committee that takes care of the residents' problems and carries out the process of raising awareness and linking the residents with the administration.
- Respecting the design of model charts.

References

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