



Tahar Brik

<https://orcid.org/0009-0008-0316-3303>

Associate Professor, University of skikda-Algeria, Algeria, t.brik@univ-skikda.dz

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The Role of the Notarial Certificate in the Protection of Private Real Estate Ownership under Algerian Legislation: An Artificial Intelligence Perspective

Abstract

This study examines the role of the notarial certificate as a central legal instrument for protecting private real estate ownership in Algerian legislation. As a mechanism for securing ownership rights and transferring property from the deceased to heirs, the certificate ensures both legal protection and stability in real estate transactions. However, its preparation and registration often encounter practical challenges, including forgery, which generate complex disputes and undermine legal certainty in property ownership. In response to these issues, artificial intelligence is proposed as an innovative tool to enhance the reliability and efficiency of certification. Through AI algorithms, the authenticity of documents can be verified, property history tracked, and fraudulent activities detected with greater accuracy and speed. The study explores the integration of AI in different stages of certification—from data collection and analysis to issuance and security—emphasizing its potential to reduce disputes, safeguard heirs' rights, and support the regulation of the real estate sector.

Keywords: Notarial certificate, Real estate register, Real estate registration, Property protection, Artificial intelligence

Cezayir Mevzuatında Özel Taşınmaz Mülkiyetinin Korunmasında Noterlik Belgesinin Rolü: Yapay Zekâ Perspektifi

Öz

Bu çalışma, Cezayir mevzuatında özel taşınmaz mülkiyetinin korunmasında temel bir hukuki araç olarak noterlik belgesinin rolünü incelemektedir. Mülkiyet haklarını güvence altına alma ve taşınmazların muristen mirasçılara intikalini sağlama mekanizması olarak bu belge, hem hukuki koruma hem de taşınmaz işlemlerinde istikrar sağlamaktadır. Ancak, belgenin hazırlanması ve tescili çoğu zaman sahtecilik dâhil olmak üzere çeşitli pratik sorunlarla karşılaşmakta; bu durum karmaşık uyuşmazlıklar doğurmakta ve mülkiyet hakkının hukuki kesinliğini zedelemektedir. Bu sorunlara karşılık, sertifikasyonun güvenilirliğini ve etkinliğini artırmak için yenilikçi bir araç olarak yapay zekâ

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önerilmektedir. Yapay zekâ algoritmaları aracılığıyla belgelerin gerçekliği doğrulanabilir, mülkiyet geçmişi izlenebilir ve sahtecilik faaliyetleri daha yüksek doğruluk ve hızla tespit edilebilir. Çalışma, yapay zekânın sertifikasyon sürecinin farklı aşamalarına—veri toplama ve analizden düzenleme ve güvenliğe kadar—entegrasyonunu incelemekte; uyuşmazlıkların azaltılması, mirasçıların haklarının korunması ve taşınmaz sektörünün düzenlenmesine katkı sağlama potansiyelini vurgulamaktadır.

Anahtar Kelimeler: *Noterlik belgesi, Taşınmaz sicili, Taşınmaz tescili, Mülkiyetin korunması, Yapay zekâ*

Introduction

Real estate is one of the wealth assets that support the economies of countries when properly utilized. Therefore, the Algerian state sought, after independence, to organize and purify real estate properties. This was embodied in the issuance of several legal texts. However, with the promulgation of the 1989 Constitution, real estate of various types underwent transformations due to the radical developments and constitutional reforms introduced by this constitution. It adopted a new economic approach based on the principle of a free market economy, through which private real estate ownership was reinstated and transactions related to it were liberalized, especially after the issuance of Law No. 90/25 dated November 18, 1990, concerning the amended and supplemented real estate orientation. This law classified real estate properties according to Article 23 into three categories: national properties, private properties, and endowment properties. Real estate ownership is considered a fundamental pillar for social and economic stability. To protect it, the Algerian legislator has established legal mechanisms aimed at documenting and regulating it. One of the most prominent of these mechanisms is the certification deed, which is a decisive tool for transferring ownership from the deceased to the heirs. However, practical reality has revealed shortcomings in this traditional mechanism, as it faces significant challenges related to forgery and difficulty in proving rights, leading to complex legal disputes that hinder the stability of real estate transactions and negatively affect urban development. The Algerian legislator was keen on regulating real estate ownership, adopting mechanisms related to methods of acquisition and proof documents. It adopted the system of in-kind registration based on the general survey of lands and the establishment of the real estate register, which was created under Order 75/74 and its two implementing decrees 76/62 and 76/63. This system aims to establish a reliable real estate register and deliver property registers to owners. To enhance these mechanisms, the Algerian legislator has begun studying how to employ artificial intelligence technologies, not only in automating survey processes and preparing the real estate register but also in accelerating and verifying the issuance of the certification document as a means of transferring ownership, ensuring data accuracy and reducing errors and forgery. With rapid technological advancement, artificial intelligence has become a promising tool that can revolutionize legal and administrative systems, including the real estate documentation system. Its ability to analyze big data, detect unusual patterns, and

verify the authenticity of documents with exceptional accuracy and speed opens new horizons to enhance the effectiveness of the certification deed and overcome its current flaws. The importance of this study is characterized by its multidimensional nature, combining scientific, practical, and social aspects. On the scientific level, it provides a modern theoretical framework linking real estate law with innovative technologies, thereby opening broad horizons for future research on the use of technology in legal systems. From a practical perspective, it highlights solutions that can improve the efficiency of the Algerian real estate system, reduce judicial disputes, and strengthen property rights protection while supporting the state's efforts in administrative digitalization. Socially, it enhances citizens' trust in legal institutions by ensuring stronger protection of heirs' rights against forgery and fraud, thus contributing to social stability. This study also plays a pivotal role in fostering legal awareness among stakeholders in the real estate sector. It contributes to establishing a deeper legal culture among researchers, while clarifying the legal responsibility of notaries and others involved in preparing certification documents. Emphasis is placed on adherence to accuracy and transparency to guarantee individual rights and reduce disputes. The motivation for this research lies in two main aspects. First, a personal dimension: the topic is closely linked to our field of specialization, allowing deeper exploration of one of the most prominent mechanisms for protecting real estate ownership. Second, an objective dimension: the notarized certificate raises complex legal questions, particularly in its preparation and delivery, which often generate disputes. Moreover, the certificate has implications depending on the type of real estate, such as when it is used for agricultural property support, underscoring the need for in-depth study. The study also aims to clarify the procedures and conditions necessary for preparing a proper certification document. This contributes to regulation, proof, and management of property by providing an accurate legal framework for ownership and identifying rights holders, thereby reducing disputes. The main problematic of this study can be formulated as follows: to what extent does the certification document ensure effective protection of private real estate ownership in Algerian legislation in the era of artificial intelligence? From this problematic, several research questions arise: What are the main difficulties facing the certification document in achieving its objectives? How can artificial intelligence contribute to automating and improving its preparation? What are the expected benefits of using artificial intelligence for ownership protection and dispute reduction? Three hypotheses have been formulated to address these questions. The first assumes that the current certification mechanism faces significant difficulties, especially forgery and challenges in proving rights, which undermine stability in

real estate ownership. The second suggests that artificial intelligence technologies can enhance the mechanism's effectiveness by automating verification processes and detecting forgery with high accuracy and speed. The third asserts that employing AI in real estate documentation will reduce disputes, ensure stronger protection of heirs' rights, and increase market stability. To address these issues, this study adopts a combined methodology consistent with the subject's nature. It involves descriptive analysis of entities responsible for preparing and delivering certification documents, alongside examination of acquisition methods and proof mechanisms. The approach also includes legal analysis of legislative texts, judicial rulings, and scholarly opinions to provide a clear and comprehensive understanding of the issues related to the certification document.

1. Definition of the Notarial Certificate

Declarative contracts are contracts in which the notary merely records the declarations of the parties and drafts them in an official form (Hamdi, 2002). The Algerian legislator has adopted this mechanism to purify real estate ownership in terms of proof and protection. Among the most important declarative notarial contracts related to proving real estate ownership is the notarial certificate.

The notarial certificate holds great importance in proving real estate ownership of various kinds (Dlanda, 2016). Real estate ownership frequently gives rise to disputes concerning methods of exploitation, the regularization of ownership documents, or obtaining real estate registers. Such disputes are often distributed before ordinary and administrative courts.

In practice, parties to disputes regarding real estate ownership often suffice with presenting Islamic inheritance shares and evidentiary documents belonging to their predecessor without submitting the certification document. This situation has raised significant issues addressed by jurisprudence (Dlanda, 2016). Consequently, the competent judicial authorities have issued contradictory rulings concerning the certification document.

1.1 Jurisprudential Definition

Judge Omar Hamdi Pasha defined the notarial certificate as *“the technical means and tool for the registration of inheritance rights in the set of real estate records through a certificate issued by the notary that records the transfer of real estate ownership from the owner to the heirs or legatees”* (Hamdi & Zaruqi, 2012, p. 229). From this definition, it is clear that the legislator permits each heir or group of heirs to apply to the notary for the preparation of a documentary certificate, provided that their request is accompanied by the necessary supporting documents, particularly inheritance shares and ownership contracts.

Dr. Youcefi Mohammed further expands on this definition, considering the notarial certificate to be the technical tool for registering inheritance rights through an official contract prepared by the notary based on the request and authorization of the holders of real rights, in order to prove the transfer of real estate ownership through death in the name of the heirs or legatees. This requires registration before the regionally competent real estate registry by noting it in the real estate cards related to all properties subject to the inheritance, under the names of all concerned owners, with each heir's proportional share recorded within the legally specified deadlines, so that these properties can be disposed of and relied upon against others (Youcefi, 2024).

1.2 Legislative Definition (Legal Basis of the Notarial Certificate)

From a legislative perspective, the legal basis of the notarial certificate is established within Algerian law. The Civil Code provides specific legal provisions, most notably Order No. 75/58 of September 26, 1975, which regulates certification documents. Article 774 of this order stipulates inheritance as a cause of acquiring ownership, referring to the Family Law (Law No. 84/11 of June 9, 1984). Article 126 of the Family Law identifies kinship and marriage as causes of inheritance, while Article 127 specifies that inheritance rights arise upon the death of the deceased, either actual or judicial.

From these provisions, it is evident that the Civil Code and the Family Law constitute an effective legal basis for the causes and methods of acquiring ownership. The legislator clarified that ownership does not transfer without valid legal grounds, linking inheritance directly to the event of death as a natural or judicial occurrence (Binasi, 2010). Legal personality is thus framed as beginning with live birth and ending with death, making inheritance one of the most prominent legal effects resulting from the termination of personality. Accordingly, compliance with provisions related to documentary evidence is essential.

Order No. 75/74 of November 12, 1975, concerning the preparation of the general land survey and the establishment of the real estate register, further defines these mechanisms. Article 15 stipulates that every ownership right or real right related to real estate becomes enforceable only upon registration, while transfers through inheritance take effect from the date of death. Decree No. 76/63 of March 25, 1976, complements this by detailing how inheritance must be reflected in the real estate register. Article 39 requires that when a notarized certificate is registered after death, all heirs must be noted on the property card in co-ownership, with their respective shares. Article 88 prohibits registration of any transaction without a pre-existing or comparative document, such as a contract, judicial decision, or notarized certificate, proving

ownership. Article 91 further requires that any transfer or extinction of real property rights upon death be documented by a notarized certificate. These provisions confirm that notaries must prepare certificates not only when explicitly requested by the parties but also in cases where contracts cover all or part of the inheritance. If a division contract has already been prepared and published, covering the entirety of the inherited estate, the notarized certificate is not issued.

Article 39 highlights the legislator's emphasis on transparency and clarity in property ownership by mandating annotations of heirs' names and shares. Article 88 underscores the importance of protecting the chain of title and securing real estate credit by requiring prior documentation before new registrations. Article 91 consolidates the principle that the transfer of ownership rights due to death is not merely a presumed event but must be formally documented through the notarial certificate. Judicial rulings in this area, however, have been inconsistent. Some courts argue that inheritance rights pass automatically upon death and that the notarized certificate merely reveals this pre-existing right. Others insist on the certificate as a prerequisite for recognition, reflecting the ongoing tension between doctrinal interpretations and the legislator's intention to ensure legal certainty through documentation.

2. Procedures for Preparing the Certification Document

The certification document is a declarative contract drafted by the notary on the basis of the statements provided by the heirs before him (Khalfouni, 2012). It encompasses all the real estate properties left by the deceased and is prepared in accordance with specific legal procedures and conditions.

First, the identity of the heir who submitted the request for preparing the certification document must be accurately indicated, as this entails legal effects and responsibilities. The notary is required to mention and authenticate the civil status of the deceased by stating the full name and domicile, as well as the same details for each heir, based on the inheritance shares issued after the testator's death. These inheritance shares must comply with the law and include all heirs. In practice, however, some inheritance shares exclude certain heirs, which often leads to disputes, complaints, and subsequent litigation. To prevent such conflicts, strict adherence to legislation is required. This is explicitly stated in paragraph 3 of Article 62 of Decree No. 76/63, which provides: "As for certificates after death, the civil status must be indicated and authenticated for the deceased and for each of the heirs or legatees." In support of this, paragraph 4 of the same article allows for the use of birth certificates, contracts, or any official document proving nationality.

Second, since the notarized certificate specifically concerns real estate, the parties involved must precisely identify the inherited properties. This is achieved through the

submission of official contracts and property plans. Importantly, properties of a national or endowment nature are excluded from the certification process due to their legal specificity. The Supreme Court confirmed this principle in Decision No. 0940438 of October 14, 2015, declaring that the notarization of an encumbered or mortgaged property is null and void (Decision No. 0940438, 2015). Finally, once the notarized certificate has been drafted in compliance with all required procedures and conditions, the notary must ensure its registration with the real estate registry, thereby giving it full legal effect (Khalfouni, 2012).

3. Objectives of the Certification Certificate

There are several reasons and objectives that led the Algerian legislator to adopt the certification certificate, primarily with the aim of protecting real estate properties. These objectives can be summarized as follows:

***Maintaining the real estate ownership transfer chain**

The transfer of real estate ownership through legal transactions requires the fulfillment of legal conditions and adherence to prescribed procedures. When prepared in accordance with the law, the notarized certificate facilitates and guarantees the transfer of ownership, both for the parties involved and for notaries and administrative bodies such as the real estate registry (Youcefi, 2024; Brik, 2013).

***Implementing the real estate registration system**

This system, established under Order No. 75/74, achieves its objectives through procedures that ensure the renewal and updating of information, thereby reflecting reality. The increasing reliance on digitization and the pursuit of artificial intelligence adoption, particularly in the field of ownership documentation, highlight the dynamic nature of this objective (Order No. 75/74, 1975).

***Ensuring the lawful transfer of properties between heirs**

The certification document plays a crucial role in transferring ownership or other real rights, with the contract serving as the legal source of the newly established ownership status (Filali, 2018).

***Facilitating judicial processes**

The documentary certificate is essential in all legal transactions, particularly when disputes are brought before the judiciary. It simplifies litigation procedures by providing clear proof of ownership and interest, thereby reducing procedural complications for parties, judicial authorities, and experts. It also contributes to the registration of lawsuits, the enforcement of judgments, and the preparation of judicial expertise without raising obstacles in execution.

***Contributing to urban development**

By offering a precise and reliable real estate database, the certification certificate supports urban planning and the regulation of land use. It ensures the proper implementation of land use plans and the organization of building rights, which are fundamental for sustainable urban growth (Safia, 2014).

***Supporting investment and economic development**

The certification certificate provides a solid legal basis for construction projects by proving ownership and defining property boundaries, which are necessary for obtaining permits and development contracts. Furthermore, it plays a pivotal role in facilitating investors' access to financial support and loans, especially in sectors such as agriculture, industry, and tourism. By strengthening the credibility of startups before banks and financial institutions, the certificate enhances confidence and encourages financing for development initiatives.

4. Distinguishing the Notarial Certificate from the Real Estate Certificate

The notarial certificate is a declaratory contract drafted by the notary based on the requests and declarations of the concerned individuals, and it includes a set of mandatory legal data. In contrast, the real estate certificate is an administrative document that contains information about a specific property or a real estate right. It is an official statement showing the legal status of properties and the sequence of their owners, extracted from deeds registered in the real estate registry. The real estate registrar provides it upon request, enabling any interested person to know the legal situation of a property and the real rights associated with it. This certificate lists the principal and subsidiary real rights encumbering each property.

The two documents differ significantly in their objectives and functions. The real estate certificate, as a preventive control tool, primarily reveals the legal status of the property and its encumbrances, allowing parties to avoid potential disputes before they occur. However, it does not constitute a title deed proving ownership; rather, it serves as evidence of already registered contracts and deeds. For this reason, it is indispensable in preparing the notarial certificate. By contrast, the notarial certificate is a contract that proves the transfer of ownership and constitutes an official legal document. Together, they form a complementary system for ensuring the protection and legal stability of property ownership (Khalfouni, 2012).

5. The Scope of Application of the Notarial Certificate and the Judiciary's Stance

The notarial certificate occupies a crucial place under the system of real registration, as it plays a central role in documenting the transfer of ownership. Several cases necessitate its issuance, among which are the following:

***The first case** concerns transactions transferring ownership, such as when one of the heirs intends to sell or otherwise dispose of the share that has been allocated to them. In such instances, the notarial certificate provides the legal basis for establishing the heir's ownership rights, ensuring that the transfer is properly documented and recognized before the law (Hamdi & Zaruqi, 2012).

***The second case:** relates to the removal of joint ownership or what is called exiting joint ownership, which can be either by mutual consent or through the judiciary by filing a lawsuit aimed at removing joint ownership or dividing inheritances. In this case, the notarial certificate facilitates the tasks of many parties involved in the division process, such as the expert.

When preparing deeds or when real estate registration authorities perform their duties—such as the real estate registry when registering a petition to initiate a lawsuit—the certification certificate ensures the transfer or division of ownership in accordance with the principles and characteristics of the real estate registration system. This system requires the continuous updating of property information to maintain accuracy and legal clarity. In the context of cases where it is necessary to respect and present the certification certificate before the judiciary, it should be noted that the judicial stance has been inconsistent, with two distinct directions emerging in jurisprudence (Hamdi & Zaruqi, 2012).

6. The first direction

The first direction argues that the estate is transferred by operation of law immediately upon the death of the decedent, as inheritance constitutes a cause for acquiring ownership, and proof is not limited to an official contract. In this regard, the Supreme Court issued Decision No. 391380 on January 17, 2007, confirming that ownership transfer upon death takes effect from the date of death of the holders of real rights, in accordance with Article 15/02 of Order 75/74 on real estate registration and land surveying, alongside Article 127 of the Family Law, which stipulates that inheritance becomes effective upon the death of the decedent, either actually or by judicial declaration. A similar decision was issued by the Supreme Court on June 12, 2014 (File No. 0853794), affirming that the estate transfers automatically to heirs without the need for an official contract. From these decisions, it is evident that the judiciary confirms inheritance rights are transferred to heirs immediately upon death. The certification document merely reveals this right; it does not create it. Thus, inheritance transfers by law, and the certificate is neither a restriction nor a condition when seeking judicial remedy.

The second approach, however, considers that ownership transfer requires a preliminary compulsory procedure to officially prove the transfer of ownership from the deceased to heirs. For instance, the Council of State in Decision No. 652-206 of July 10, 2000, ruled that a lawsuit was premature because the appellants had not fulfilled the legal requirement of submitting an official certificate to prove their status as legitimate heirs. Similarly, in Decision No. 004851 dated September 24, 2001, regarding the heirs of the late T. M. against the Governor of Tlemcen Province, the State Council held that any transfer, creation, or termination of real property rights upon death must be proven by a notarized certificate, as stipulated in Article 91(1) of Decree 76/63. This decision highlights that failure to comply with these provisions leads to dismissal of claims. Accordingly, the accurate preparation of the notarized certificate plays a central role in protecting property rights, extending oversight, resolving disputes, and enforcing judicial rulings without procedural obstacles.

In light of such difficulties, artificial intelligence (AI) emerges as a potential tool for resolving issues surrounding certification disputes. By leveraging machine learning algorithms, AI can analyze historical property data, detect irregularities, and identify potential forgery before disputes arise, thereby enhancing accuracy and transparency in real estate documentation. This reduces the burden on courts and strengthens property protection.

Judicial practice further reveals that disputes concerning the notarized certificate often arise before civil or administrative courts. For example, the Court of Appeal of Skikda (Real Estate Section) issued a ruling on April 16, 2025 (File No. 01568/25, Table No. 03488/24), confirming that notarized certificates are declarative contracts subject to publicity procedures, which must be preceded by a valid inheritance inventory. If the inventory is based on false or incomplete declarations, it must be annulled first before the certificate can be contested. The court also reasoned that annulment is indivisible—if the certificate is void, it must be void for all heirs, as contractual effects extend to successors generally. This reasoning, however, has been criticized, since Algerian civil law recognizes co-owners' standing to protect property rights individually. Moreover, there is no explicit legal provision that dismisses lawsuits as premature solely for lack of a prior annulment of the inheritance inventory. Thus, while the ruling remains significant, it is preliminary and does not carry the weight of binding precedent unless confirmed by the Supreme Court or the State Council.

In practice, plaintiffs often resort first to civil courts to annul an Islamic will that excludes heirs, since the notarized certificate depends on the validity of such wills. Yet this procedure faces practical obstacles, especially when the testator has died or heirs are numerous, making it difficult to gather documents like birth and death certificates. To overcome this, plaintiffs may

request judicial orders compelling authorities to provide documents necessary for a complete inheritance inventory. Once prepared, the inventory must include all legal heirs and be attached to the lawsuit before civil courts, where both procedural (Articles 13–17 and 67 of the Civil and Administrative Procedures Law) and substantive arguments for annulment are advanced. Ultimately, the annulment of the flawed inheritance document paves the way for nullifying the notarized certificate itself, which must then be registered in the Real Estate Registry to produce its legal effects.

6.1. Real Estate Department Specialization

The notarized certificate is approved when it concerns the inventory or division of an inheritance or common properties. In these cases, some heirs may challenge its validity or the status of a person listed as an heir. It is noted that lawsuits related to the nullification, annulment, or invalidation of the notarized certificate are filed before the Real Estate Department. The petition to initiate the lawsuit must be published in the Real Estate Registry because the aforementioned cases and the judicial request require the publication of the lawsuit in accordance with the Civil and Administrative Procedures Law.

Practically, some heirs may face difficulty in identifying all parties or some may refuse to file a lawsuit. In such cases, the affected parties resort to applying the provisions of common ownership, which allow any owner to file a lawsuit to protect real estate ownership from any infringement. Preparing an illegal certification document, or excluding one of the heirs from it, is considered an infringement on the right of ownership, even if previously registered contracts and ownership deeds have been presented. However, courts, in some cases, may reject or not accept these lawsuits, justifying this by the absence of a proper legal basis. This rejection is attributed to reasons such as not mentioning all heirs in the lawsuit, or requiring the annulment of the legal inheritance first as a prior procedural step, which increases the complexity of legal procedures.

6. 2. Jurisdiction of Criminal Justice

Preparing documentary certification requires the fulfillment of conditions and adherence to procedures. Accordingly, in cases of violation, document forgery, or false declaration, criminal prosecution is initiated because these cases involve committing crimes. Therefore, the Algerian legislator has been keen to punish crimes of forgery and false declaration. If it concerns documentary certification, prosecution takes place, and the criminal judge has jurisdiction, especially if the elements and conditions of these crimes, which are considered serious due to their consequences, are met. The elements of the crime of forgery of documents

consist of the material and moral elements, and these elements are established and common to all crimes (Bouskii'aa, 2021). It is worth noting that the Algerian legislator distinguishes between forgery in public or official documents, which is considered a felony, and forgery in other documents, which legally constitutes a misdemeanor. Some jurists believe this differentiation is due to the seriousness of the facts and the public's trust in public or official documents. Public documents refer to contracts and acts drafted by a public officer, for example, notary documents, including the notarial certificate. Official documents fall into three categories: governmental documents, judicial documents, and administrative documents. (Bouskii'aa, 2021).

6.3. Jurisdiction of the Administrative Judiciary

The notarized certificate, as a declarative contract, requires its registration in the real estate registry, which leads to the delivery of the real estate records to the owners. When preparing the general land survey, if a person presents a notarized certificate, the property is registered in their name and the real estate record is handed over to them. In these cases, whether the dispute is between the parties involved in the notarized certificate itself or with other parties, once the registration becomes final and the real estate records are delivered, the dispute falls under the jurisdiction of the administrative judiciary. Therefore, Some people resort to the real estate registrar to file objections to the notarized certificate, especially if it is found to be defective or based on incorrect assumptions or illegal matters. However, real estate registrars often respond by rejecting these objections as "unfounded" and then referring the parties to the courts. This procedure is considered an evasion of responsibility, as the real estate registrar, by virtue of their powers, was supposed to summon the concerned parties and take the necessary measures to reach solutions, especially when the objection is supported by documents proving that the notarized certificate was based on defective assumptions, forged documents, or false statements. Referring the parties directly to the judiciary leads to prolonging the dispute and exhausting the judicial system, whereas the problem could have been resolved administratively and effectively. Dealing with issues and disputes related to notarized certificates is of utmost importance, as their impact extends to the stability of real estate transactions and attracting investments. Therefore, notaries and real estate registrars must pay close attention to these certificates, scrutinizing every stage of their preparation, drafting, registration, and delivery. The more accurate, sound, and legally compliant these certificates are, the more they contribute to directly and indirectly protecting real estate ownership and facilitating the resolution of disputes, ensuring that judicial rulings are effective and legally impactful.

In conclusion, it can be said that the notarized certificate is a mechanism adopted by the

Algerian legislator to regulate and protect real estate properties. In this regard, Order 75/74 was issued concerning the preparation of the general land survey and the establishment of the real estate register, along with Decrees 76/62 and 76/63, which set the legal framework through which it is prepared by the notary as a declarative contract that must be registered with the real estate registry in order to produce its effects for all parties.

Conclusion

In conclusion, the authentication certificate represents a mechanism adopted by the Algerian legislator to regulate and safeguard real estate properties. In this regard, Order 75/74 on the preparation of the general land survey and the establishment of the land registry, along with Decrees 76/62 and 76/63, established the legal framework for its preparation by notaries. The certificate is considered a declarative contract that must be registered with the real estate registry in order to produce legal effects for all parties. The study found that the Algerian legislator organized the process of property transfer by authorizing notaries to prepare the notarized certificate under precise conditions and procedures. This mechanism aims to ensure stability in real estate ownership and facilitate the productive use of land, particularly agricultural land, thereby contributing to economic and social development. Based on these findings, the study recommends that all stakeholders strictly adhere to the legal conditions and procedures governing the preparation of notarized certificates. It further calls on real estate registrars to exercise their authority to resolve objections before referring disputes to the judiciary, in order to reduce the judicial workload. Additionally, it emphasizes the importance of judicial authorities requiring the notarized certificate as essential evidence of ownership in litigation and accelerating the resolution of related disputes, thereby ensuring the protection of property rights and the stability of real estate transactions.

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