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Incomplete construction as a contaminant of the urban environment. Case study of the city of M'sila, Algeria

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Abstract. Most of them are incomplete in terms of construction. The phenomenon is considered to be a topic of study and analysis because it has given an inappropriate picture of the public view, distorted the city's aesthetic image and become a contaminated phenomenon in the field of visual pollution. The importance of this study lies in trying to understand the real causes of this urban phenomenon and identify the social dimensions and elements of it, economic and cultural that have contributed to its aggravation at the national level. The topic also dealt with the study and analysis of Law 08/15 aimed at finding effective solutions to the phenomenon of incomplete construction and settling the status of buildings of several levels, the most important of which is real estate settlement, conformity and issuance of building permits and others. The field study that touched the city of M'sila through the neighborhood of 295 dwellings (Lamayar neighborhood), which served as a model for this study, also found the reasons for the exacerbation of this phenomenon. At the level of real estate status, at the level of physical and economic capabilities The population, as well as the level of urban culture.

Keywords. Incomplete construction, Law 08/15, aesthetic image of the city, individual housing, certificate of conformity, urban culture, visual pollution, city of M'sila

Introduction

The urban construction in Algeria is known in general and the city of M'sila in particular for many manifestations that have become distorted, including the incomplete construction phenomenon that has affected most of the individual residences, where wages have become adorned for most of their facades. This is reflected in the aesthetic image of the city and creates beauty-free engineering. At a time when architecture in the world creates beautiful cities, it forms a tourist cultural façade accessible to tourists.

In order to reduce this phenomenon and reduce the distorted manifestations of urbanization, Algeria's legislature initiated the promulgation of Act No. 08/15 of 20 July 2008, as well as a series of implementing decrees.

This paper addresses the construction process in Algerian legislation, the most important legal regulations governing construction and reconstruction, the organization of construction in the planning and urban planning tools and the most important administrations involved in it. The concept, objectives and analysis of the content of Law 08/15 will also be addressed.

In addition to a critical study of this law and its conformity with the reality.

I. Construction in Algerian legislation:

the construction in the Algerian regulations depends on the policy of planning and urbanism which will be addressed in the structural elements of this research.

1-I- definition of construction in Algerian legislation is as follows:

Legislation No. 87/03 of 27/01/1987(law,1987) is the first legal text to freeze the construction system in accordance with an organized strategy that at the beginning of this law gave another perception of construction and urbanization in general, where the situation is gradually changing in the reconstruction policy and has become control

In the construction process is structured, and the real estate market has come to know a recovery in mechanical transactions, However, the limited scope of application of the Act was soon demonstrated by the State's entry into the artisanal market economy, which required the adoption of a new reconstruction and construction system with mechanisms and means to keep pace with the economic orientation of the ideal adaptation of the real estate arena in the field of construction and housing. This is reflected in the promulgation of Law 90/29, which gave construction a new strategy commensurate with development reforms in the field of real estate.

Article 02 of Act No. 08/12 (law 15/08)defines construction as any building or facility whose use is directed to housing, processing, commercial activity, industrial and traditional production, agricultural production or services.

The construction is also meant "Everything that is coherent in man-made or in contact with the land is a decision communication and the construction of the building is to be developed or started for the first time, so the construction of the property is not regarded as specialty such as elevators, it is excluded from this concept". (Khaled .A, 2007, p35)

Construction is intended for human habitation or for the deposit of objects. The wall is located in the boundaries of construction, memorial columns and other statues built and built, as well as archers, reservoirs, dams, bridges and all that is constructed in the subsoil. (Ibrahim, 2012, p10)

2. Legal regulation of the construction process

Algeria's preparatory and reconstruction policy has gone through several stages through which successive Governments have tried, since independence, to control building bases and urbanization. Since before the occupation, urban organization was based on social solidarity and integration between all regions of the nation, The colonizer will revive this logic and adapt our construction and age as required by the conditions of occupation to a devastating rural urbanization in 1962. and, after independence, Algeria inherited a different regional base in which, on the one hand, the coastal plains and areas of intensive exploitation of the population and the Europeans are concentrated, On the other hand, the rest of the country is spread between areas of traditional peasant exploitation and Algerian peasant labour exporters, marginalized and vulnerable. ([Http: www.loredz.com/vb/showthread.php](http://www.loredz.com/vb/showthread.php))

This situation imposed on the public authorities a policy conducive to rational control and occupation of the field, governing the lack of political and institutional supervision that they have known since independence. These major policy choices have not proceeded at a regular pace.

3.The most important legal systems governing construction and reconstruction:

3. 1 . Law 90/29 of 01/12/1990:

Law No. 90/29 on the preparation and reconstruction of Algeria was promulgated to fully and comprehensively regulate the field of preparation and reconstruction in the light of the developments necessitated by the 1989 Constitution, which established a new pattern of Algeria's political system and changed laws in application of the constitutional provision

Law No. 90/29 repealed Law No. 82/02 and Order No. 85/01 ratified

Under Act No. 85/08 of 12/11/1985, this Act contains eight chapters:

Chapter I deals with the general principles of law. Chapter II contains the general rules of development and reconstruction. Chapter III deals with tools for preparation and reconstruction. Chapter IV contains the most important texts and special provisions applicable to certain parts of the national territory. Chapter V identified the most important reconstruction contracts and Chapter VI laid down the cases where the fence was being built, while Chapter VIII dealt with the special provisions of the Act.

The Act also included the development of new legal norms aimed at regulating the production of reconstructable land and the construction and transformation of the building in the context of the economic management of land, balancing housing, farming and industrial functions, as well as the protection of the ocean, natural communities and durable spaces and sites on the basis of respect for the principles of the new national policy for reconstruction and rehabilitation.

3. 2. Law 04-05 dated of 14-08-2004 amending and supplementing the Preparation and Reconstruction Act states:

The Act amended the provisions of the Law on Preparation and Reconstruction to include tools for preparation and reconstruction and the general rules for preparation and reconstruction, adding to it the identification of land exposed to natural and technological hazards and the conditions for construction thereon.

In order to give greater protection to urban fabric from various natural and technological disasters, increase surveillance and investigation to monitor irregularities that distort the built framework by identifying and clarifying the respective roles of reconstruction inspectors and municipal reconstruction agents.

3-3. Law 08/15 dated of 20/07/2008 the rules for the conformity and completion of buildings:

In the light of the reality imposed by the existence of many buildings that do not conform to the legal specifications of the reconstruction, as well as the incomplete eternal workshops, the lack of a total likeness of the architectural harmony of our cities, the absence of attraction and aesthetic views, all this prompted the Algerian legislature to enact Law 08/15 in the field of remote surveillance in order to find solutions to the reality of the widespread chaotic buildings as well as amending and closing some of the vacuums overlooked by the provisions of the Construction and Construction Commission by introducing deadlines for the implementation of the Building Permit and stipulating that it can be delivered. It also added to the application file for the Construction Permit the Certificate of Networking and Preparation for the Construction Project located in the Retail, Certain penalties are also imposed on persons who violate the Act's content.

4. Organization of construction in the framework of preparation and reconstruction tools:

The organization of construction in the framework of preparation and reconstruction tools is as follows:

4.1. Master plan of development and town planning

The Algerian legislature, under article 16 of the Law on Preparation and Reconstruction 90/29, defines as "a tool for the planning of areas and urban management that defines the basic orientations of the urban development of the designated municipality, taking into account the designs of preparation and development schemes, and adjusts the reference formulae of land occupancy schemes". (Article 16, law 90/29)

The Master plan of development and town planning also takes into account all ERP designs and development schemes, maintains and respects land occupancy scheme directives and adjusts ERP reference formats from a technical report, maps, charts and statistics. (Meddour, 2012)

4.2. Land use plan:

It is the second tool for reconstruction and rehabilitation tools to come after the guideline for rehabilitation and reconstruction and based on its orientation. The directives on the ground in terms of land use and construction, The land occupancy scheme is a tool for ensuring the urban and architectural quality of the city and is a legal instrument that can be invoked before individuals, and is of particular importance to local communities as it is a good tool for decentralization of decision-making in the organization of the urban sphere.

It takes on it to provide for the detailed levels of the city as well as for the new urbanization of municipalities' urbanization sectors. The greatest challenge for the land occupancy scheme appears to be its treatment of outdoor spaces or public space as a practical tool for urban installation. (Chayeb. A, 2009, p.51)

Thus, the land occupancy scheme is a tool through which each region's urban shape is determined through the regulation of land construction rights as well as how they are used, in particular with regard to the diversity, size and destination of authorized buildings and the construction rights associated with land ownership, land commitments and permissible activities, refers to other basic directions that must apply to the directions set out in the Guideline for Development and Reconstruction.

5. The most important administrations involved in the organization of the construction process:

Algeria is one of the countries that attaches great importance to the construction and reconstruction sector. This is due to the fact that the urban area is the future of rural displacement. This demographic transition has resulted in a series of problems and challenges. This has necessitated the development of an adequate legal framework governing the urban area and the establishment of administrations and institutions that exercise competence and functions in the field of construction and reconstruction.

5.1. Municipal:

The municipality in Algeria is the base administration of the State Administration's pyramid. in view of its active role in enhancing the efficiency of the State's administrative and development performance and in bringing the administration closer to the citizen, Allowing

community development and well-being, their work is based on the principle of decentralization, which gives communities a package of tasks and competencies that facilitate the ease and speed of decision-making at the local level beyond the control of the central administration, These competencies and tasks are linked to the achievement of development policies and goals in the State's national framework s aspirations and choices ", and was a representative democratic body because its Council was elected from the local population by direct ballot, thereby efficiently reflecting the aspirations and choices of the population. (Larouk, 2008)

In view of the country's importance, the State has assigned its first roles in the construction and reconstruction policy because of its effective return in the provision of services, facilities and installations that ensure the upgrading of the living framework and the improvement of the urban environment through the preparation and reconstruction tools: the rehabilitation and reconstruction guideline and the land occupancy scheme.

The Municipality has several techniques and procedures to use to protect and preserve the environment, and the President of the Municipal People's Assembly of the Municipal People's Council is exercising the Administrative Reconstruction Police to grant the necessary permits in this area.

The license is the authorization issued by the competent department to carry out an act. The licenses are provided in accordance with the requirements of the reconstruction and construction laws. These are five basic licenses that differ in terms of their provisions and the rules for obtaining and studying them by the competent authorities. (Municipal) The most important of these are the building permit and the retail license, both regulated by the 90/29 Law on Urbanization, as well as Executive Decree No. 91/176 on the Preparation of the Certificate of Reconstruction and Permits. Finally, the 08/15 Law establishes the rules for the conformity and completion of buildings.

5.2. Real Estate Agency:

The Real Estate Agency is a public administration that administers or intends to acquire existing property in accordance with the terms book of the Law that extended the establishment of this Agency in accordance with Executive Decree No. 90/405 of 22/12/1990. The Local Land Management and Management Agency is a public enterprise of an industrial and commercial nature that purchases, sells and prepares land, established by municipal people's councils or construction and reconstruction.

5.3. Town planning police:

The term " Town planning police " uses the concept of administrative control, i.e., those powers granted by law to control and regulate a particular work and activity by authorization

Prevention or order. Administrative control is aimed at maintaining public order in various sectors of life. Environmental and environmental protection requires the establishment of a stringent administrative control system, given the dangers of any neglect of the field of preparation and reconstruction.

The functions of the Town planning police units are to stay up in coordination with technical interests

To implement laws and regulations in the field of construction, as well as to assist in implementing and respecting the provisions governing their interventions, they are mandated to:

- Ensure the beauty of cities, communities and neighborhoods.

- Impose building permits for all forms of construction.
- Prevent all forms of chaotic construction.
- Ensure that the provisions on real estate reserves are respected.
- To report all forms of anarchic construction to the competent authorities.
- Ensure respect for the provisions in the field of posters provided for in relation to buildings and the opening of workshops.
- Combating all manifestations of abuses affecting the environment, hygiene, public health and the editing of records against violators is considered inspection.
- Moreover, the Town planning police carries out its activities in coordination with the competent authorities (the State Municipality). In the case of registration of the urban offence, qualified assistance must write the record of the violation and send it to the President of the Municipal People's Council and the competent guardian.

5.4. National Planning Agency:

The national planning agency was established by executive decree No. 09/344 of 22/10/2009, this agency serves as a pole of competence and technical expertise for the benefit of the State and local communities. It is industrial and commercial in nature and enjoys financial independence and is subject to the rules applicable to the administration in its relationship with the State.

The main role is to carry out for the State and local communities every task of managing the project, to carry out comparative studies, to prepare and follow up plans for residential areas, fragments and urban areas to be restructured or renovated, to study and prepare urban plans and to undertake each study relevant to the development of communities and rural areas.

It is also an essential tool for the State in the preparation of preparatory and reconstruction schemes with the task of proposing all forward-looking studies or analyses aimed at strengthening the work of the State, local communities and bodies concerned or interested in the initiative, the implementation or follow-up of projects with a national, regional or local dimension in the area of absorption of vulnerable housing, and the provision of assistance within the framework of their functions to the relevant authorities and administration in the field of studies.

6. Regulation of construction in the framework of licenses and physical certificates:

The right to build is one of the most important aspects of property rights because the owner is free to enjoy, use and exploit his property, as well as to engage in all urban activities in his own interest, especially the right to build, but in return this freedom is restricted even

It is not inconsistent with the public interest and urban public order, so the Algerian legislature tried

Through the Construction and Construction Law 90/29, the controls and provisions for the control of its construction and construction operations are defined to ensure their validity per se, including those for oversight

We organize construction through urban licenses, so we will address the policy of organizing construction through the following licenses and certificates:

6.1. Building Permit:

•"The building permit is the basic guarantee adopted by the Algerian legislature to respect the rules of the Code of Construction, which is the legal mechanism that comes immediately after the planning of the construction and reconstruction scheme and the land

occupancy scheme to transform the ideas and data embodied in the schemes into a concrete thing, while respecting the requirements of public order.

urban through the realization of the special interest of construction within the framework of environmental protection and rational exploitation of the property ". (Azzri, 2005, p.09)

•It is a license that enables the completion of a new building or the modification of old buildings in accordance with reconstruction rules and tools so as to require any construction to be completed. It is therefore a major and essential tool in the field of construction and reconstruction. Obtaining a building permit is compulsory prior to the commencement of work and the license is lost if the works are not carried out within a specified time limit. (Moustafa, 1980, p. 176)

6.2. Subdivision Permit:

It is an administrative document requiring in each division of any plot of land not built from one or several properties, regardless of location, which would be used in the construction of new buildings required by the real owner or agent of the land, deposited in the (05) Copies with the President of the Municipal People's Assembly accompanied by a design of the site, its baseline structures, designs, memorandums adopting environmental protection methods, the works programme and a clerical book deciding on the model of the minister in charge of reconstruction subject to that consultation and transmitting it within (03) months or four months following the date of deposit with the municipality and the duration of its powers shall be limited to (03) years.

A retail permit shall be issued only if the land to be divided is approved by the approved land occupancy scheme or is in conformity with the reconstruction certificate. Therefore, in their absence, the permit may be refused to the applicants, as well as in the event that the split land does not agree with the general rules of development and reconstruction.

As it was defined by Azzri: the administrative decision of a legally competent authority granting the right to one or more landowners or to divide it into two or more pieces for use in the construction of a building. (Azzri, 2005, p.43)

6.2.1. The Importance of Subdivision Permits in Construction:

The purpose of the subdivision permits is to divide the plot into several pieces and parts for the purpose of constructing the building on it whatever its residential, commercial or industrial type. It is compulsory for the peasant land where it is sufficient to obtain a certificate of division from the peasant interests.

The subdivision permits aims to convert land into two or more units and is of two nature:

- Material: the division of the land and the change of its boundaries, geometric forms and area.

- Legal: the demise of the real estate unit and the establishment of two or more units. (Dirm, 2011, p.81)

The importance of a retail permit is highlighted by the text of article 02 and 03 of Law 08/15, which prohibits the establishment of a retail or residential group prior to obtaining a subdivision permits given in accordance with the applicable legislation and regulation.

Article 04 of the same Act prohibits the construction of any building in any fragmentation established in accordance with the provisions of the reconstruction instruments if the construction works and networks provided for in the retail license are not completed.

It highlights the importance of the retail license as it terminates the original real estate unit and establishes new real estate units. The legislator obliged that they be made public in the

real estate governorate located in its jurisdiction. The decision containing the retail license entitles the owner of the right

In theory, retail of new real estate units is discontinued.

Retailing shall be completed within three years granted for the performance of the retail works if it relates to the sale or lease of a piece of land in the retail, and the issuer of the license shall hand over the certificate of execution of the works upon completion of the retail works.

6.3. Demolition permit:

Is an administrative license requiring any demolition, whether in whole or in part, so that the application from the owner of the building conducting the demolition or his client or the competent public administration de facto is accompanied by the design of the site and the block, the reasons for the process and the size of the construction work, and the file is sent in (05) copies to the President of the Municipal People's Council so that the competent reconstruction interests are present.

In the municipality, the demolition permit is applied on behalf of the President and on this basis the preparation period is set at (03) months from the date of filing.

The demolition permit shall be received in the form of a decision issued by the President of the Municipal People's Assembly to consult the State interests responsible for reconstruction at the State level and other interests. The person concerned may start demolition work only after 20 days have passed since the date of its acquisition.

-If the demolition doesn't happen in 05 years.

-If he stops in (03) years' loyalty.

-If the license is expressly revoked by a judicial decision.

6.4. Reconstruction Certificate:

In accordance with Articles (05) and (06) of Executive Decree 91/176 of May 28, 1991, as amended and supplemented, which defines the preparation and delivery of reconstruction certificates, the reconstruction certificate shall be defined as the administrative document indicating the building rights and the alterations to which the land in question is subject, where it is adopted:

-Preparation and reconstruction systems applicable to the plot.

-Entries to the plot such as expropriation expectations.

-Other administrative agreements, particularly the prevention or identification of construction.

-The ground piece shall be serviced by networks of existing or expected public baseline structures and delivered at the request of each person concerned, which shall include:

•Subject matter of request.

•Landowner's name.

•Address.

•Design.

•Cadastral references.

The application and the documents attached thereto shall be deposited at the headquarters of the Municipal People's Assembly and examined where the certificate shall be received in accordance with the forms of granting the building permit and shall be communicated to the concerned during the two months following the date of deposit.

Its importance:

-Inform all citizens of the legal and administrative status of the plot concerned.

-Reconstruction regulations mentioned in the reconstruction certificate cannot be revisited if the application for building permit relating to the programmed operation is issued within the validity of the certificate.

6.5. Division Certificate :-

Pursuant to articles 26 and 32 of Executive Decree 91/176 referred to above, an administrative document setting out the conditions for the possible division of the property of an approach built in two or more sections, without any change in the building rights or agreements imposed thereon, shall be deemed inadequate as a certificate of reconstruction.

Thus, by definition, we can distinguish between the division certificate and the retail license:

1-The division certificate relates to the possibility of dividing the property built according to Article 59 of Law 90/29, whereas a retail license is required for each retail operation for two or several pieces of land built from one or more properties.

2-The partition certificate does not alter the building rights or property associations and does not serve as a construction certificate according to article 59, whereas the retail license aims to partially divide ownership into two or more parts in order to complete new constructions, create new building rights for each building block and obtain a certificate of benefit and preparation.

Copies submitted to the Chairpersons of the Municipal People's Assembly by a request for (05) shall be accompanied by the following:

-design of the site.

-Rational designs that include building block schemes

-Built-up space.

-The total area for the allocation of the ground piece prescribed under the partition proposal shall be limited to the validity of the division certificate by one percentage from the date of notification.

7. Environmental pollution:

Environmental pollution is understood as the situation in the environment generally as a result of human-induced changes and adverse effects on human beings and the ocean. (WWW.feedo.net)

It should be noted here that visual pollution, which is considered a type of pollution, is the subject of our study.

7.1. Visual pollution:

Visual pollution is a distortion of any view of the human eye that is perceived as psychological discomfort and can also be described as a type of artistic lack of taste or the disappearance of the aesthetic image of everything surrounding us (mawadoo3.com >), manifested by incomplete urban facades, especially those found in earthy fragments (private residential neighborhoods).

8. Critical study of Law 08/15 (conformity with reality)

Although the Algerian legislature has established legal mechanisms to protect the physical character of Algerian cities through Law No. 08-15 and the relevant executive decrees, the reality proves to the contrary, as it has not yet entered into force in many municipalities. The law expired in August 2013 but was renewed for three years.

One of the reasons for the law's non-application on the ground may be the lack or incompatibility of the entire legal texts governing it, as it is characterized by a comprehensive method of settlement if it interferes with the settlement of the status of the building's real estate base, the right to build is devolved from ownership and therefore cannot be settled. Only texts showing how to settle the construction are:

- Executive Decree No. 09/154 of 02-05-2005 on the procedure for implementing the data reconciliation permit.

- Executive Decree No. 09/156 establishing the conditions and techniques for the appointment of follow-up teams and investigating the establishment and functioning of segments, residential groups and construction workshops.

- Decision of 29/07/2009 establishing the rules of procedure governing the meetings of the Service's committee in charge of broadcasting the matching of buildings.

The settlement process under the investigation of the conformity of illegal buildings is compulsory in nature and is done only with the desire and request of the building holder that "the interests of the State in charge of reconstruction and the interests of the municipality, teams of agents, shall be established

Responsible for following up and investigating the construction of fragments, residential groups or building workshops "As is known in the law, as well as the control and surveillance of offences. However, the lack of effectiveness of this administration charged with combating offences in order to eliminate offences has led to the failure to apply the law in practice. The reason for this is that the sanctions have not been tightened and implemented in the area of breaches of conformity, as well as the lack of modern technical means for the administrations responsible for doing so.

Article 94 of Act No. 08/15 also stipulates that the provisions of the conformity investigation are compulsory and exceptional, which stipulates that: "The procedures for the investigation of the conformity and completion of buildings shall be terminated as stipulated in the provisions of this Act. (5) Years from the date of publication in the Official Gazette but the provisions of this article do not mean the provisions of articles 2, 3, 4, 6, 7, 8, 10, 11, 12, 54, 61, 68 and 93 of this Act which remain in force "However, it was also unsuccessful in determining the provisional and permanent provisions of Act No. 08/15, perhaps because the law was not regulated and harmonized, with two types of permanent and temporary provisions.

The reason for not applying to the ground is that the legal texts contain some gaps that lead to bureaucracy at the departmental level. For example, when examining the files of the settlement application for the building, they are deposited with the interests of the municipality concerned and then the files are sent. (Requests) to the Department's interests to study and this process requires considerable time exceeding 03 months contrary to what is provided by law and may be up to two years and more. After examination by the Department's committee, the files are returned to the municipality and then the files are adjudicated according to the results of the study. They are then sent to the respective real estate settlement interests. (land fragments) sent to the interests of the Directorate of State Property for Real Estate Settlement and kept hostage to the drawers may take a full year or longer for the applicant to apply to the Directorate. There, the applicant's file is examined and they tell him that the application will be sent and returned to the department or municipality that sent it because it is an individual residence taken from a quota or piece of dirt partition) The latter is the prerogative of the Real Estate Agency and is not the responsibility of the Directorate of State Property Directorate Lastly, the applicant continues to drive all interests from the municipality to the Department to the State property to the real estate agency. His application may be subject to a real estate settlement, after which the

search for settlement of the building and the works completed for the fingernail will begin with a building permit.

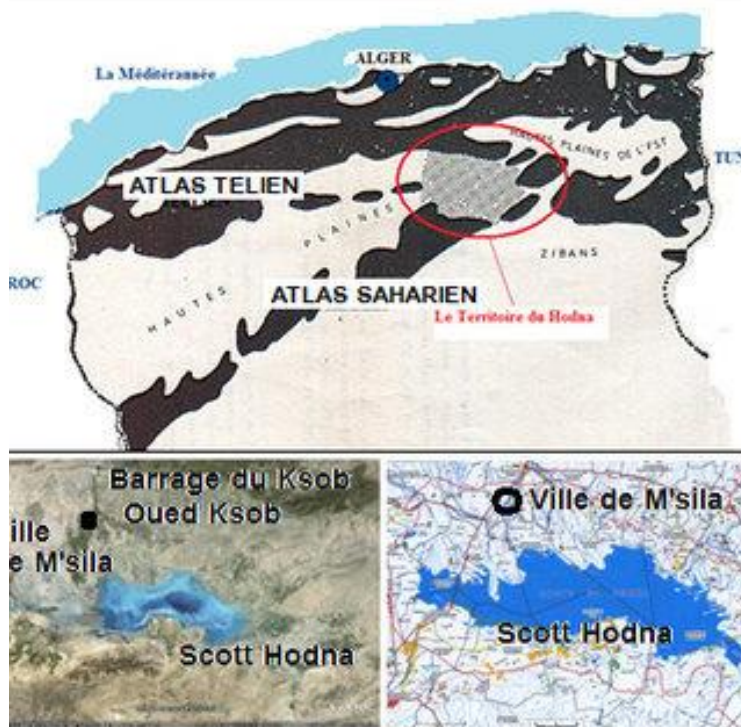
This is contrary to the content of the law and has led to a reduction in the law's ineffectiveness on the ground and indirectly encouragement not to complete construction and to keep the construction workshop open and incomplete.

9. Presentation of the City of M'sila

The city of M'sila is the capital of the Hodna region. The territory of Hodna covers an area of 6951 km², in the heart of one of the largest sets of semi-arid and steppe areas that exist in North Africa (Despois, 1953; Sebhi, 1987; Boutabba, 2013; Mili, 2019).

The city of M'sila is located on the northwest side of the Shatt al-Hodna Basin, where it is bordered on the northern side by the Al-Hodna mountain range, and on the southern side by Shatt Al-Hodna as shown in (figure 1), an intersection point for both National Route 40, National Route 45 and waterway (Cane Al-Qsob), which is one of the most important reasons why the city of M'sila. The city's area is estimated at 233 km², with approximately 170990 inhabitants at the 2014 census, or 733 km². (M'sila Municipality Interests, 2015)

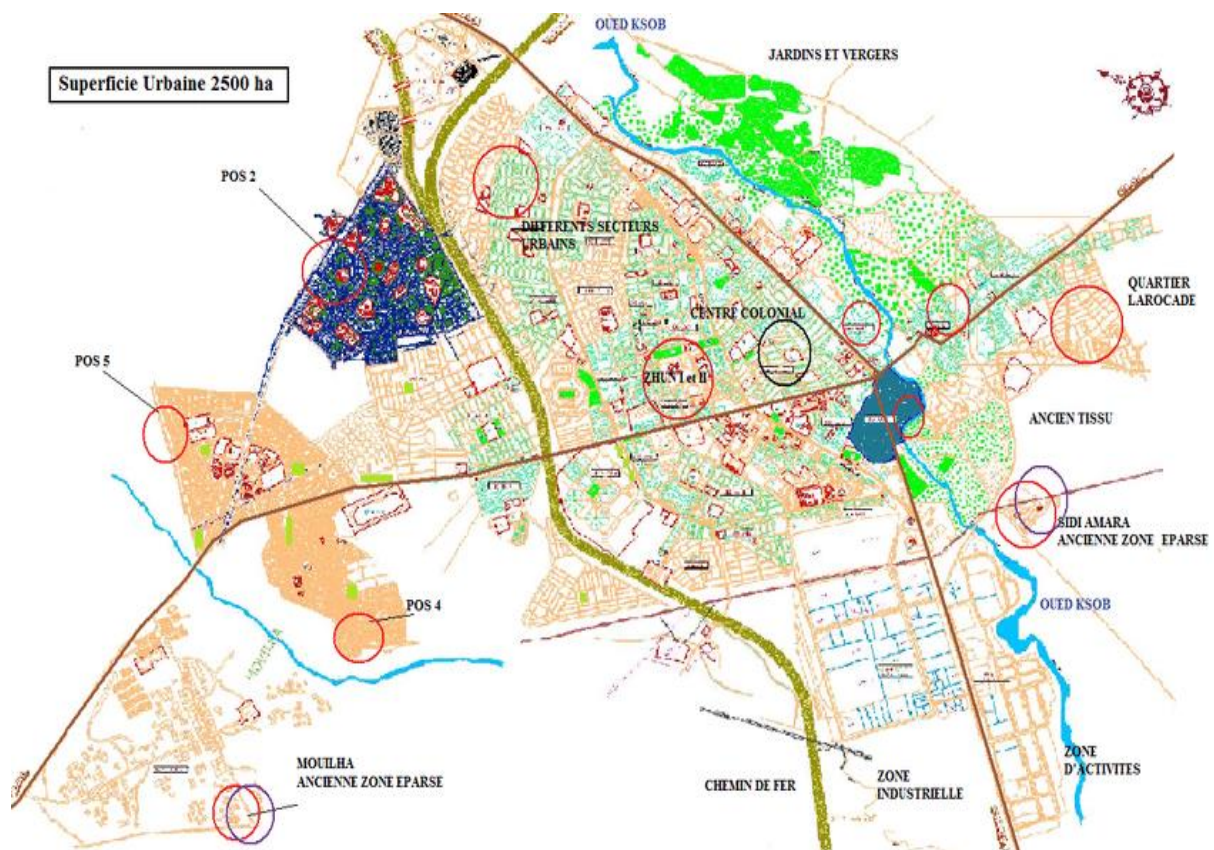
Figure 1: Location of the Hodna Steppe Region



Source: Sebhi, 1987, M'sila Forest Conservation, 2015

The city of M'sila has witnessed a wide sphere of expansion and expansion of its urban fabric in different directions and varying directions from one to the other, and in urban forms that are close in terms of urbanization, subject to a previous urban study in some areas, and in others to an unexamined expansion beyond the rules of preparation and reconstruction, as shown in (figure 2).

Figure 2: Urban layout of the city of M'sila.



Source: M'sila Master Plan for Urban Planning and Development, 2010

10. Analytical study of construction in the 295 neighborhood of Lamayar in the city of M'sila

295 dwellings are located in the first part of (land occupancy scheme No. 06) In the north-west of the expansion zone, as planned for the construction and reconstruction of the city of M'sila , It is located on an area estimated at 12.56 hectares, adjacent to the railway. Bordered on the northern side by the university campus, and on the southern side by Ahmed Shawqi and the 504 neighborhood dwellings, In the eastern part of the neighborhood of Ouled Sidi Brahim and 700 dwellings, in the western part of the neighborhood of 1200 dwellings.

It is worth mentioning that this neighborhood emerged in the 1990s as an earthy fragmentation consisting of 295 construction plots to be condensed into more than 405 plots, which were originally real estate belonging to the state property and were transferred.

To the real estate agency that has divided, divided and sold it to citizens under which beneficial decisions have been handed over to those concerned pending completion of the ownership proceedings.

According to the analysis and field investigation, we found that there were residences built and others that were not finished with construction works and others that were foundations and pieces of vacant land that did not start work. 259 built and incomplete houses were counted, 55 were construction workshops, 91 were vacant plots.

The urban facades of the study area were characterized by the absence of high-end artistic designs and the absence of an architectural touch. in addition to the fact that the majority of them are not painted due to the speed of construction of the dwelling without giving importance to its perspective, which constitutes an inconsistent interface, The overwhelming red agar plates, open workshops all over it remain the general image that distorted the general view of the neighborhood and gave an indecent contaminated image in which the aesthetic touch was absent (as shown in the following images)

Image No. (01): Represents an unfinished interface



Image No. (02): Represents the foundations of the neighborhood



Image No. (03): A piece of land in the neighborhood
Not Built Exposed to Litter Throwing



Source: All photos taken from Al-Mudrawad neighbourhood, 2021

11. Results of the Analytical Study:

Through our field study at the level of the city of Msila, specifically the study area As well as the critical study in the research and exploration of the Law on the Rules of Conformity with Buildings and the completion of its achievement 08/15, which was established by the legislature as a mechanism to reduce the incomplete construction and urban chaos in Algerian cities, we draw a series of reasons for the exacerbation of this phenomenon, as outlined below:

✓ **At the level of real estate status:**

The failure of citizens to complete the construction of their homes is due to the absence of real estate settlement for most properties. Through the field study, we found that most of them have beneficial courses that do not permit the extraction of the building permit, because according to the law the latter requires a key document of the property contract, and thus the real estate situation was among the obstacles they encountered. Despite the Algerian legislature's initiative in promulgating the Real Estate Settlement Act No. 08/15, the Data Matching Act was completed in order to reduce the incomplete construction phenomenon and regularize that situation. The fact is that the Act is not applied on the ground as a result of the administrative bureaucracy that has disrupted the settlement files of many citizens who deposited their files at the level of the municipal interests.

✓ **In terms of urban culture:**

The field study shows us that the absence of urban culture allows the creation of beautiful neighborhoods and reflects the character of their inhabitants. We found that the citizen is engaged in urban activities and construction as he deems appropriate for his benefit. By paying attention to the inner beauty of the home and giving no importance to the exterior facade of the home, the resulting damage to the outer ocean and distortion of the aesthetic image of the neighborhood in particular and the city in general.

The prevalence of this phenomenon is also due to the population's lack of urban culture, which allows it to rely on an urban scheme that would serve as the organizational structure of the urban project.

✓ **At the level of material and economic potential:**

It was also demonstrated through the applied aspect that the population's lack of physical means was one of the reasons why their dwellings were not supplemented by the rise and boiling of construction materials and therefore were unable to complete their construction, which distorted the aesthetic appearance of the neighborhood.

Finally, we can say that both the real estate situation and the urban culture and the lack of physical potential of the neighborhood's inhabitants caused the widespread incomplete construction phenomenon in the city of M'sila and distorted the general aesthetic appearance of the neighborhood, which caused visual contamination that adversely affected the aesthetic image of the city.

Conclusion

The incomplete construction of the striking physical and social phenomena that have affected most Algerian cities in recent years, especially the city of M'sila because of the population's lack of interest in the external aesthetic appearance of their homes. This affected the aesthetic image of the city and the shape of our incoherent urban setting.

In the light of the results of the study, we should make a number of recommendations and suggestions that could contribute to reducing the incomplete construction phenomenon within the Lamayar neighborhood and the city of M'sila, so that we can maintain and improve the aesthetic appearance of our cities. These proposals and recommendations are as follows:

- Impose strict laws to complete construction with the State's contribution to a special subsidy for the middle and vulnerable class through loans and financial assistance.
- Provide affordable building materials to motivate the population to complete the construction through tax exemption on building materials to facilitate the acquisition process.

- The need to conduct sensitization campaigns to spread an urban culture among members of the community about the need to take care of the exterior of the neighborhood and improve the external facade of their homes in order to upgrade the urban.
- Work on the formation of frameworks for the implementation of laws, particularly Law 08/15.
- It is also necessary to simplify and conduct the procedures for obtaining various licenses and certificates by shortening the procedures.
- Activating the role of the Urban Police inside and outside the urban area by stimulating it and strengthening it with physical and human capabilities.
- Activate the role of administration charged with dealing with violations in order to eliminate them, which distort the view of buildings and the aesthetic image of neighborhoods.
- Provide and strengthen management with modern means to detect irregularities that distort the external appearance.
- Programming formative courses for building matchmakers so that they can keep abreast of the latest technical and legal developments.
- Ensure that real estate problems are addressed and regularized as cases may be.
- Relying on a uniform method of applying Law 08/15 through a procedure
- A national composition that brings together engineers, municipalities, study offices and experts in order not to stall the settlement process.

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