



MECHANISMS FOR COMBATING LEGISLATIVE INFLATION IN THE SYRIAN REAL ESTATE SYSTEM

Policy Paper

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The Day After Association (TDA) is a Syrian organization that works to support democratic transition in Syria, and its scope of work is focused on the following areas: Rule of law, transitional justice, security sector reform, electoral system design and Constituent Assembly election, constitutional design, economic reform and social policies.

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Introduction:

The institutional development of a state is critical to the progress and advancement of modern societies. The clarity and compatibility of its legislative foundations with the constitution are important indicators of a state's level of civilization. To achieve this, a legislative system with integrated features and frameworks must be created, with a general legislative policy that takes into account the supreme interest of the state.^[1]

Regarding the Syrian real estate issue, approximately one hundred and sixty legislations regulate the right of ownership^[2], indicating significant legislative inflation. This poses obstacles that impede the efficiency of the system, and this is why various studies, namely "What after the unjust real estate laws?" and "Syrian Regime Institutions for Real Estate Development and how they Operate"^[3] were subjected to criticism and scrutiny. These papers unfortunately only provide generic proposals to reform the real estate legal system.

The problem of legislative inflation in the real estate sector raises the question of intervention policies that can be proposed to the legislative authority and mechanisms for the real estate legal system. This paper proposes intrusive policies to the legislative authority to address the issue of legislative inflation and redesign the real estate system to prevent overlapping between laws and define the competence of each institution concerned with real estate affairs. This will facilitate citizens' real estate affairs by promoting cooperation between institutions instead of overlapping powers.

Interventionist policies of the legislative authority to amend real estate laws

The first set of interventionist policies proposed for the legislative authority is to amend real estate laws. The law serves as the foundation for the work of institutions and the roadmap for administrative procedures. A more solid foundation and a clearer roadmap can reduce errors during work.

[1] Laith Kamal Nasraween -Requirements for good legislative drafting and its impact on legal reform -an appendix to the fourth annual conference (The Law: A Tool for Reform and Development) Issue 2 - Part One - May 2017 - p. 382.

[2] Informal Housing in Syria Harvest of Decades of Neglect (research paper) - The Day After Organization - December 2020 - p. 17.

[3] "Syrian Regime Institutions for Real Estate Development and how they Operate - Analysis of the Regime's Approach to Real Estate Development in the Post-Conflict Period" - The Day After - HLP Working Group - 2020.

To address the issue of injustice towards citizens in real estate laws, the legislative authority must follow a set of procedures. These procedures can be summarized as follows:

1- Resolving the Issue of Inflation in Real Estate Legislation

In order to tackle the issue of real estate legislative inflation, it is important to first understand its causes, which are both technical and related to the development of social and political life. The complexities, ramifications, and overlapping nature of real estate issues contribute to this phenomenon, as well as the need for constant intervention by the legislator.^[4]

What is Legislative Inflation, and how is it defined?

To address this issue, practical mechanisms must be developed, starting with the identification of the phenomenon of legislative inflation. This phenomenon is characterized by an increase in the number of laws issued each year, the accumulation of texts over time, and the lengthening of laws to the point where they become irrelevant or contradictory.^[5] The instability and lack of clarity in legal texts,^[6] as well as the existence of circumstantial or useless laws, contribute to the problem of legislative inflation.^[7]

This issue is prevalent in many countries and is reflected in the abundance and complexity of legislation. This is due to the enactment of a vast number of laws and subsequent amendment procedures, which often lead to further amendments.^[8]

Many countries, including France, have been affected by legislative inflation in the field of urban planning. France, in particular, has undergone a series of rapid and successive reforms. In 2013, the country adopted a decree^[9] on July 18th addressing litigation in

[4] Khadem Nabil - The Impact of Inflated Real Estate Legislation on Legal Security - Journal of Real Estate Law - Volume 09 / Issue: 02 (2021) p. 452

[5] Dr. Abdul Karim Saleh Abdul Karim - Dr. Abdullah Fadel Hamed - The inflation of legal regulations - Tikrit University Journal of Legal Sciences , p. 17

[6] Dr. Abdul Karim Saleh Abdul Karim - Dr. Abdullah Fadel Hamed - The Inflation of Legislative laws - Tikrit University Journal of Legal Sciences - p. 11, p. 17.

[7] Kamal Samia - Legislative inflation is an obstacle to foreign investment (developments of Law No. 16-09 to confront this obstacle) - The Voice of Law magazine - published by the civil status system institute at the University of Djilali Bounaama in Khemis Miliana, Algeria - Volume 2/5, p. 438.

[8] Eradin Nawal - The Impact of Inflating Legislation on Legal Security - Scientific Research Notebooks - Issue Thirteen December 2018 - p. 107.

[9] The French Constitution of 1958 specified the powers of the legislative authority exclusively, not including real estate, which was issued by regulatory orders from the government.

urban planning and another decree on October 1st of the same year.^[10] More recently, on November 23rd, 2018, the ELAN Law was passed as a follow-up to previous reforms. This law has a specific focus^[11] on the development of housing and digital technology.

In Syria, the real estate system clearly manifests the phenomenon of legislative inflation, with a plethora of texts governing a single real estate issue. These laws may overlap or be repetitive and contradictory, making it difficult to determine which law will apply to a particular real estate area before the competent authority announces it. This results from the dispersion of provisions for one real estate issue among various laws. For instance, the creation of a regulatory area within the organizational chart was addressed by Law No. 10 of 2018, Decree No. 5 of 1982, and Law No. 15 of 2008, resulting in discrepancies, and difficulty of knowing what law will be applied to what real estate area before the competent authority announces it.

According to the French State Council^[12], changing laws is often politicians' easiest and most cost-effective tool to achieve their goals, and the Syrian regime has used real estate legislation to facilitate demographic change, further complicating the matter.

Legislative inflation has an undeniable negative impact on real estate regulations, reducing their efficiency and attractiveness for investment in an environment with conflicting laws. It may also encourage citizens to circumvent the laws, leading to the emergence of slums resulting from such legislative inflation.^[13]

The Real Estate Development and Investment Law No. 15 of 2008 grants the authority the power to license and choose real estate developers and to determine the law that applies to them, creating an environment that repels real estate investors. Therefore, addressing the issues caused by extreme centralization under this law is crucial for developing urban areas in Syria.

Inflation has led to a state of legal dissonance, resulting in a violation of the principle of equality before the law by creating two categories of citizens. One group has the potential to exploit real estate laws to achieve wealth by owning property at the lowest prices with the help of the authorities and the bloated legal system, while the other struggles to find affordable housing and may lose their housing rights due to slow procedures and high costs.

[10] Décret n° 2013 879 du 1er octobre 2013 relatif au contentieux de l'urbanisme., Ordonnance n° 2013 638 du 18 juillet 2013, JORF, n° 166, 19 juillet 2013, p. 12070.

[11] Loi n° 2018 1021 du 23 novembre 2018 portant évolution du logement, de l'aménagement et du numérique.

[12] Rapport de CEF de Sécurité juridique et complexité du droit, op. cites, p 256.

[13] Belkhir Mohamed Ait Oudia - Legal security and its components in administrative law - Dar Al Khaldounia - Algeria = p. 68.

Due to the complex and interconnected nature of real estate issues in Syria, it has become difficult for competent executive authorities to stay up-to-date with the numerous overlapping and interrelated laws that govern this area. The situation is further complicated by the existence of conflicting legal texts.^[14]

Unfortunately, the real estate legislation in Syria has not only suffered from legislative inflation but has also reached the point of "legislative filling". This means that although the system has focused on specific issues within the real estate sector, many important aspects have been overlooked. The legislation has primarily been concerned with organizing and enacting laws relating to the sector, with little attention paid to urgent matters such as the problem of slums. To date, no legislation has been issued specifically to address this issue.

The real estate legislation in Syria has become exceedingly corrupt, leading to ambiguity, rigidity, discrepancies, and impracticality. For example, Law No. 3 of 1984, which governs the reclamation of agricultural lands, contradicts Acquisition Decree No. 20 of 1983, rendering them inapplicable to certain real estate areas. Despite this contradiction, the Syrian Ministry of Irrigation has violated this by applying Law No. 3 of 1984 to lands reclaimed from the Southern Khabur lake, due to inflexibility of the legislation resulting from legislative inflation. making it impossible to apply both laws to a single real estate area. To overcome this state of legislative ambiguity, the legislative authority in the real estate legal system must consider these policies:

A - Importance of Well-Drafted Real Estate Laws

Well-drafted legislation plays a crucial role in promoting good governance and achieving sustainable development. By consolidating laws, it helps preserve the principles of legality and the rule of law. This, in turn, enables administration to be based on clear and specific laws, thus ensuring that decisions are made in accordance with the law.

The Syrian real estate legislation suffers from a lack of clarity due to its sheer size and the imprecise definition of the scope and boundaries of each law. As a result, it's difficult to predict which law applies to a particular real estate area or which authority is responsible for overseeing it. For instance, Law No. 15 of 2008 defines "administrative authority" in its first article as either the public institution for housing or the administrative unit. However, it's unclear which of these two bodies would qualify as

[14] Muhammad Abd al-Latif - Legislative Correction, Dar Al-Nahda Al-Arabiya - Cairo - 1991 edition - p. 120.

the administrative authority when this term appears elsewhere in the law. This lack of clarity is not limited to a single law but is pervasive across numerous laws that regulate real estate in Syria.

The importance of well-crafted legislation in real estate law lies in its ability to serve as the primary tool for achieving the purpose of real estate legislation and the goals set by the legislator.

However, the flawed legislative drafting of the Syrian real estate legal system has led to several issues, including:

- Obstructing national efforts to provide adequate housing that aligns with population growth and national development goals.
- Weak laws have caused confusion and evasion from the law's application, resulting in the emergence of slums, numerous violations, and the degradation of cities and towns.
- The Syrian real estate laws have failed to strike a balance between the interests of citizens in preserving their property rights and their right to housing, and the state's general interest in development, securing housing, and enhancing the aesthetic appeal of cities.^[15] Additionally, the laws need to be easily understood by those who are subject to them, and simple to interpret and apply for state institution workers.

B- Improving Legal Unity and State Cohesion through Unified Real Estate Legislation

The purpose of legislation is to establish laws that apply uniformly to all parts of the country, ensuring that the law is consistent throughout the state and applies to all citizens equally, without discrimination. This creates legal unity, which is essential for political unity and promotes social solidarity, leading to a uniform application of laws in all parts of the country.^[16] For a modern state, legal unity is an integral component of political unity, which can only be achieved through unified legislation. Legislation is a powerful means of unifying different parts of the country, and the conflict within the Syrian real estate legal system should serve as an impetus for the legislative authority to issue clear and specific legislation that unifies all types of real estate areas. This will ensure that there is a single point of reference for all legal matters related to real estate.

[15] Laith Kamal Nasraween - Requirements for good legislative drafting and its impact on legal reform - a special appendix to the fourth annual conference (The Law... A Tool for Reform and Development) - Issue 2 - Part One - May 2017 - p. 383.

[16] Dr. Hassan Al-Khatib - Principles of Fundamentals of Law - Haddad Press - Basra - 1965 - pg. 73-74.

C- Determining the Scope of how Legislation is Applied

The principle of separation of powers is intended to define, limit, and demarcate the authority of each branch of government. However, in Syria, the legislative function is divided between the executive and legislative branches. In practice, the President, as the head of the executive branch, exercises more legislative authority than the jurisdictional authority. A cursory examination of the real estate system reveals that the majority of laws regulating real estate affairs are issued by legislative decrees from the executive branch. Consequently, legislative authority should be restricted to the People's Assembly (Parliament).

Furthermore, the legislative branch must enact laws that limit the authority of the executive branch. However, in reality, the real estate authority allows the executive branch to choose which laws to apply in a particular region at a particular time. This leads to the loss of the purpose of the principle of separation of powers and the waste of the principle of equality.

When the Syrian real estate laws were issued, the legislative authority intentionally granted the executive authority the discretion to select and apply the law to a specific real estate area. For instance, Law No. 5 of 1982 was implemented in Qaboun, while the Real Estate Development Law No. 15 of 2008 was implemented in Al-Haydariya neighborhood in Aleppo, without any clarification on the decision-making process.

Laws are designed to strike a balance between competing interests, including public and private interests. When the legislative authority allows the executive authority to choose which law to apply, the balance between public and private interests is disrupted.

The Syrian real estate legislator frequently offers multiple options to the administrative authority to implement laws based on their interests. For example, Article 3 of Law No. 23 of 2015 states that if there are existing collective building violations within the approved regulatory plans, the administrative authority can issue a decision approved by the Executive Office of the Council that outlines the following steps:

1. The provisions of this law should be applied to them.
2. The Real Estate Development and Investment Law No. 15 of 2008 and its amendments should be applied based on an agreement between the real estate developer and the owners or between the real estate developer and the administrative authority.

3. The expropriation law in force should be applied to implement the organizational plan for this region in a manner that does not contradict Paragraph /2/ of Article /15/ of the Constitution.

This represents a clear flaw. The harmonization of legislation must be accompanied by limiting the authority to enact it to the legislative branch and define the scope of its implementation.

2- Empowering Effective Urban Planning: The Vital Role of the Designated Ministry [17]

Undoubtedly, the central ministry is responsible for establishing the framework of the urban planning system in Syria. However, the urban planning system must focus on several foundations to achieve its long-term objectives,^[18] which include:

- Being responsive and accommodating to the needs of the community by facilitating land acquisition, physical and legal procedures for building a house, and providing public services and utilities.
- Being flexible enough to accommodate growth and change. A planning system based on rigid regulations is bound to fail as it promotes corruption, ignores laws, and stifles innovation and creativity. On the other hand, a flexible system responds to local initiatives from below and adapts to changing needs.
- The planning law must contain various planning tools to facilitate development, and planning must be accompanied by environmental awareness and preservation. Environmental pollution destroys the city and negates the benefits of all the hard work done.

[17] The foundations of urban planning were defined in Legislative Decree No. 5 of 1982

a. Principles of Urban Planning: They are the unified principles that regulate the planning process for population centers and include the following:

General engineering scientific foundations for urban planning and construction

The steps and stages to be followed in preparing the planning program for the study of the general and detailed organizational chart and the building system of any population gathering.

[18] They were precisely defined in the report of Patrick McAwsan and Eng. Hussam Al-Safadi - On Urban Planning in Syria: An Overview with Suggestions for Reform - during a mission to Syria between August 25 - September 19, 2007 - published on the link:

<https://syrianengineer.files.wordpress.com/2011/03/on-urban-planning-in-syria-no-2-arabic2.docx&cd=1&hl=tr&ct=clnk&gl=trm/search?Q=cache:Q8RHXm3gnD4J>.

3- Planning Programs, General and Detailed Organizational Charts, and Building Regulations are a Local Matter ^[19]

According to an international expert in urban planning ^[20], the current planning, development, and guidance systems are ineffective. They waste human and financial resources, both public and private, take a long time, hinder legal private urban development, encourage unauthorized and illegal private development, and lead to the absence of a Syrian architectural identity and urban form.

Therefore, expediting the issuance of organizational and detailed plans and their amendments and localizing this matter is up to the local councils, especially in the later stages when members of the local councils and offices are elected through genuine democratic processes.

The development and modification of organizational and detailed charts and blueprints often involve routine procedures, which result in delays and non-implementation, particularly as the population grows and surpasses the time allotted for these processes in the organizational chart. This lack of time has been a major obstacle, leading to the circumvention of laws and the rise of corruption. To address this issue, local administrative authorities must establish organizational plans and building regulations and provide a technical team of engineers with the necessary specializations and expertise. These engineers should be compensated fairly, as some offices of expertise pay their teams enough wages to last for years.

Having a specialized technical staff in each administrative authority can eliminate many obstacles and routines. However, if this is not possible, contracting specialized offices of expertise should be considered, with an emphasis on not relying solely on the General Company for Engineering Studies, as this can cause delays and hinder completion. Any obstacle that slows down the process should be addressed to ensure timely completion.

[19] Definitions of these terms are provided in Law No. 5 of 1982 as follows:

B. Planning Program: It is the program that determines the current and future needs of a population group according to the principles of urban planning based on the reality of this group.

c. The general organizational plan: It is the plan that shows the future vision of the population center and its expansion. This is done by defining the urban boundaries, the main road network, the uses of all lands located within it, and the curriculum and building system for each of them, in a way that does not contradict the foundations of general urban planning and the building system.

d. Detailed Organizational Plan: It is the plan that defines all the planning details of the main and secondary road network, pedestrian paths, public spaces, and all urban details of lands according to the intended use for them, all without contradicting the general organizational chart and the building system.

[20] Patrick McAuslan and Eng. Hossam Al-Safadi - On Urban Planning in Syria: An Overview with Suggestions for Reform - During a Mission to Syria between August 25 - September 19, 2007 - published on the link:

<https://syrianengineer.files.wordpress.com/2011/03/on-urban-planning-in-syria-no-2-arabic2.docx&cd=1&hl=tr&ct=clnk&gl=trm/search?Q=cache:Q8RHXm3gnD4J:>

To address the crisis of voting and ratification of plans and to issue them on time, a rational law must be put in place. If all procedures, from the development of the plan to its execution, are done within the local administrative authority, and the role of the central authority is limited to monitoring violations of the urban planning foundations system, this can help ensure timely implementation.

4- Judicial Oversight

Any individual or party affected by the actions of the administrative authority regarding the real estate system has the right to object to the competent judicial authority, be it an ordinary or administrative judicial authority. Such a lawsuit must be given urgent status.

The inclusion of judicial committees in all real estate systems must be abolished, whether for estimation or dispute resolution.^[21] These committees are exceptional judicial bodies with members mostly from outside the judicial authority. The constitution did not provide for their establishment, and the resolution of disputes should be entrusted to the judicial authority.

Constitutional jurisprudence unanimously agrees that the establishment of exceptional judicial bodies is impermissible as it detracts from the judicial authority's mandate to adjudicate all disputes.^[22] The executive authority should not resort to exceptional courts or the formation of judicial committees unless they are circumventing the guarantees provided by the constitution for those under the jurisdiction of the judicial authority.

In fact, these committees are similar to exceptional courts whose existence contradicts the laws of the constitution, which guarantees the right to litigation, including the citizen's right to be tried before a judge. Many countries recognized that the laws dictating the formation of these committees that specialize in adjudicating disputes are unconstitutional.

Therefore, these committees must be canceled, and the judiciary should return to its normal role in resolving claims, whether for estimating compensation or resolving disputes.

[21] These committees are usually formed under the chairmanship of a judge named by the Minister of Justice, and the membership of employees or experts and representatives of the owners, and their decisions are taken unanimously or by majority, which leads to the dominance of the administrative body over the judicial body represented by one vote.

[22] Nusrat Manla Haidar - Lawyers Magazine - Syrian Bar Association - Issues 1 and 2 of 1993, pg. 31

5- Compensation

When laying the foundations for compensation, the legislative authority must ensure that owners of expropriated real estate are adequately compensated for the damage caused in a way that restores them to their previous position and deters government authorities from making exaggerated expropriation decisions without strong justification.^[23] This is particularly important given the tendency for the state to appropriate land to implement its organizational plans.

To achieve this, legislative texts should establish a set of unified compensation standards for damages resulting from legal measures taken by the local administrative authority, whether in terms of setting or amending an organizational chart or developing the region. These standards should include:

1. Prohibition of deducting money from real estate owners, as this is both unconstitutional and violates the principle of equality before public debt. Additionally, it results in unjustified enrichment for the administrative authority, which is considered a legal person that replaces all owners.
2. Compensation should be made in kind^[24] whenever possible, particularly when damage has been caused to the victim's home, and can be in the form of equivalent real estate in the same area or a similar area. However, if this is impossible or the injured party accepts fair monetary compensation, then compensation should be provided that is neither more nor less than the loss resulting from the compulsory acquisition of their land.^[25]

By implementing these unified compensation standards, the legislative authority can ensure that victims of expropriation are fairly compensated for their losses and discourage government authorities from making exaggerated expropriation decisions without strong justification.

[23] Abdul Hamid Akil Al-Awak - Constitutional guarantees of the right to property and housing - The Day After Publications - Year 2022 - Pg. 39.

[24] The concept of in-kind compensation is embodied in restoring the situation to what it was before the damage occurred, i.e. removing the damage suffered by the victim and restoring it to the same condition it was in, as if the damage had not occurred. See. Dr. Mahmoud Gamal El-Din Zaki / Problems of Civil Responsibility / Part 1 / Cairo University Press / 1978 / p. 49

[25] Keith, S- Compulsory Acquisition OF Land and Compensation, Food and Agriculture Organization OF The United Nations, Land Tenure Studies10- C-FAO- Rome- Italy-2008, P 23

6- Implementation of Transitional Laws

Under normal circumstances, the state can apply and uphold the law. However, in exceptional situations such as war and natural disasters that cause instability in the country and affect the conditions of citizens, adherence to laws may become impossible in certain cases, particularly if it is necessary to prioritize security.^[26]

The preservation of security and stability in society is one of the primary objectives of the law. If this objective is hindered due to extraordinary circumstances, and the law is unable to safeguard the rights of citizens, the legislative authority must intervene by introducing new legal provisions that are capable of safeguarding the rights of citizens in such exceptional circumstances.

Syrian society has undergone major changes over a period of more than a decade, resulting in unique and exceptional circumstances that require special legal provisions. Therefore, addressing these circumstances requires two things:

First: Transitional justice that guarantees reparation for real estate damage

Transitional justice is a critical necessity for societies striving to transition from authoritarian rule to democracy. It has been applied in various forms by most societies undergoing a democratic transition.

Syrian society has been struggling for more than a decade towards a transition to democracy. Therefore, in order to recover, it must undergo transitional justice. It is not a distinct form of justice, but rather a method of adapting justice to suit societies undergoing transformations in the aftermath of an era marked by human rights violations. Syrians are currently experiencing a violation of their rights.

Transitional justice is crucial for Syrians as it acts as a bridge enabling this society, which has experienced significant human rights violations since 2011, to move from a state of instability and chaos to a safe haven, from a police state and one-person rule to the rule of law.

Since its seizure of power, the Baath Party has employed various methods to silence political opponents, including property seizure. In each new conflict, the government devises new methods to confiscate property, especially real estate. Real estate is particularly vulnerable because it cannot be transferred or disposed of without the government's approval, which actively seeks to confiscate it.

[26] Dr. Omar Helmy Fahmy - The Legislative Function of the President of the Republic - Dar al-Nahda - p. 353

The issue of appropriation of real estate in Syria became more evident after 2011, when millions of Syrians were affected by the destruction and confiscation of their properties, which was legitimized by a legal system created by the authority. To address the challenges posed by the displaced, refugees, and their right to return to their homes, flexible legislation must be implemented by both official and unofficial institutions.

Transitional justice should start by revealing the truth about the damage to real estate, including destruction and seizure, through methods such as a Truth Committee. This committee can survey and describe damaged real estate, identify ownership through official records or a social survey, compensate victims, and restore their properties. Legislation must guarantee the right of refugees and displaced persons to return to their original homes, and any confiscated property should be returned or compensated for. Additionally, any obligations or data related to the property that were made under duress should be null and void.

Second: Setting new laws that assist citizens' in obtaining their rights post-conflict

This includes relying more on the judicial authority, which must be reformed to ensure impartiality and independence. To prove ownership, easier and more accessible methods must be adopted, such as securing documents or having administrative bodies contribute to the proof. Syrian embassies and other authorities with required documents must facilitate citizens' access to them.

In certain situations, laws that were once in place to protect and preserve citizens' rights may hinder their ability to obtain those very same rights. In such exceptional circumstances, the legislative authority has two options: either continue with the existing laws, which could result in many citizens losing their rights, or issue new legislation that accounts for the new conditions and changes in circumstances, thus enabling citizens to regain their rights.

It is possible to violate established legal principles that were valid in normal circumstances, but no longer apply in exceptional circumstances. For instance, the legal principle of "the original good faith of the buyer" cannot be applied in current circumstances, and the buyer must instead prove their good faith.

In exceptional circumstances, it is not enough for the legislative authority to focus solely on the real estate system. They must also pay attention to every law that affects citizens' ability to prove their real estate rights. There are numerous laws that hinder citizens' access to their rights, such as conscription and terrorism laws, and the creation of terrorism courts. All of these laws aid the executive authority in implementing its plan to deprive citizens who oppose its policies of their real estate rights.

Conclusion

The phenomenon of legislative inflation in real estate poses a threat to the legal security of those affected by the law. It obstructs access to and understanding of the law, making it difficult to apply to real estate practices. Consequently, the efficiency of the law declines, hindering investment in this field. Legislative inflation also has negative effects on the legal and judicial system, making it harder to access, predict, and perform within the law.

The quality of the law is directly correlated with accessibility and stability in the performance of institutions and their ability to execute plans successfully. Unfortunately, the Syrian real estate legal system is plagued with legislative inflation, where legal texts are increasing, and multiple rules are applied to the same issue, leading to unjustifiable legislation size.

Legislative inflation is a major issue that jeopardizes legal security and is caused by an increase in the number of laws issued annually, resulting in a massive accumulation over time, making it challenging to obtain and maintain stability.^[27]

This paper provides recommendations to address legislative inflation in real estate. The first recommendation is to limit legislative competence to the People's Assembly and avoid delegating executive authority to legislate. The second recommendation is to focus on good legislative drafting of real estate laws, ensuring they are clear, understandable, and have only one interpretation. Real estate legislation should cover all cases of real estate in the country, defining the field of application of each legislation and restricting the discretionary power of the administrative authority in choosing the applicable law.

The third recommendation concerns the distribution of competencies within the executive authority. The central authority should establish the urban planning system to ensure that citizens have easy and comfortable access to housing. The local administration should handle the planning program, general organizational plan, and detailed organizational plan, either through its own efforts or by contracting with public and private sectors. Building regulations should be set, and violations monitored and suppressed, with fines established by law issued by the legislative authority, proportionate to local affairs.

[27] Majdoub Nawal, Hamli Muhammad - Obstacles and challenges that impede the achievement of both legal and judicial security: Legal Security and Development - Algeria - Institute of Studies in Law, Family and Administrative Development - p. 183.

Recommendations to address real estate legislative issues in Syria include abolishing judicial committees in all real estate legal texts and restoring jurisdiction to both the ordinary and administrative judicial authorities. Lawsuits arising from the real estate system should be given urgent status. Compensation resulting from damages caused to the owners of real estate rights should be reconsidered, giving priority to in-kind compensation unless it is impossible, and the owner agrees to cash compensation that must meet the principles and conditions of fair compensation.

The exceptional circumstances resulting from the state of conflict in Syria require the legal system to take into account transitional justice that guarantees reparation for real estate damage. This includes compensating all citizens whose real property has been damaged, whether as a result of war, political reasons, or security chaos. Truth committees should be formed to uncover the damage, survey the damaged real estate, and indicate its ownership, in order to facilitate the work of the Dispute Resolution Committee and Compensate Those Affected. The latter should be chaired by a judge with the membership of technicians and representatives of the people of the affected real estate area. Syrian refugees and displaced persons have the right to return to their original homes, and this right is inseparable from the right to return their property that was forcibly taken from them. If this is not achieved, their right remains guaranteed by grievance before the courts.

Real estate legislation must be developed from Syria's reality on the ground, which has been ravaged by war, administrative and financial corruption, and legal chaos resulting from de facto authorities. Therefore, it should take into account all of the aforementioned factors and prioritize them over stable legal principles that are suitable for application in times of security and stability.

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