

People's Democratic Republic of Algeria Ministry of Higher Education and  
Scientific Research

University Of Constantine1

Faculty of law

Supporter for Students of the Year Second Master

Specializing in documentation law

## **English Legal Terminologie**

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## Section 01:

### Terminologie

**1-الموثق:** ضابط عمومي مهني وخبير في مجال القانون يضيفي الرسمية على المعاملات التي يحررها كالبيع، تأسيس شركة التأمينات الشخصية والعينية

مصدر معلوماتي للدولة من خلاله يمكن للسلطة العامة من معرفة حركة رؤوس الأموال ومنبعها ومصبتها وشرعيتها.

#### 2-المسؤوليات الرئيسية للموثق العام:

- التصديق على التوقيعات: يضمن الموثق العام أن الشخص الذي يوقع على المستند يفعل ذلك طواعية وأنه على علم بما يوقع عليه.
- التحقق من الهوية: يتحقق الموثق العام من هوية الشخص الذي يوقع على المستند، عادةً عن طريق التحقق من هويته.
- أداء القسم: يمكن للموثق العام أداء القسم في حالة الإقرارات أو الإعلانات القانونية.
- التصديق على النسخ: يمكنه التصديق على أن نسخة المستند هي نسخة صحيحة ودقيقة من الأصل.
- الإقرار: يؤكد أن الموقع يفهم ويقر بمحتويات المستند قبل التوقيع.

#### 3-الهيكل الإداري لمهنة التوثيق

-وزارة العدل

-المجلس الأعلى للتوثيق

#### 4-الهيكل المهنية لمهنة التوثيق

-الغرف الوطنية للموثقين

-الغرف الجهوية للموثقين

#### 5-شروط ممارسة مهنة التوثيق

-شروط مكتب التوثيق

-مراعاة حالات التنافي

-مراعاة حالات المنع

## 6-الاختصاص النوعي والإقليمي للموثق:

-الاختصاص النوعي

-يمارس الموثق خدمة عمومية تتمثل في تحرير عقود القانون الخاص

-الاختصاص الإقليمي للموثق اختصاص وطني يتمثل في تحرير العقود يمتد الى كافة التراب الوطني.

**1-A Notary Public** is an official, authorized by the government, whose main role is to witness the signing of important documents and verify the identities of the people signing them. This helps prevent fraud and ensures that the documents are legally binding.

### 2-Key Responsibilities of a Notary Public:

- **Witnessing Signatures:** The Notary Public ensures that the person signing a document is doing so voluntarily and is aware of what they are signing.
- **Verifying Identity:** They verify the identity of the person signing the document, usually by checking identification.
- **Administering Oaths:** A Notary Public can administer oaths for affidavits or statutory declarations.
- **Certifying Copies:** They can certify that a copy of a document is a true and accurate copy of the original.
- **Acknowledgments:** They confirm that the signer understands and acknowledges the contents of the document before signing.

### 3-Administrative structures for the profession of documentation:

- Ministry of Justice
- Supreme Council for Documentation

### 4-Professional structures for the notarial profession

-National chambers of notaries

-Regional chambers of notaries

### 5-Conditions for practicing the profession of notarization

- ✓ Conditions for the notary office
- ✓ Consideration of cases of incompatibility
- ✓ Consideration of cases of prohibition
- ✓

## **6-Specific and regional jurisdiction of notaries:**

Specific jurisdiction

Notaries perform a public service consisting of drawing up private law contracts.

Regional jurisdiction: Notaries have national jurisdiction to draw up contracts throughout the national territory.

## **SECTION 02:**

### **1-The relationship between the profession of documentation and the professional environment**

- Its relationship with the Directorate of Land Surveying and Registration
- Its relationship with the judiciary
- Its relationship with the registry Its relationship with commercial courts
- Its relationship with banks
- Its relationship with municipal real estate agencies
- Its relationship with the family and society
- Its relationship with the Registration and Stamp Inspectorate

**2-The ethics and etiquette of the notarial profession** refer to the set of values of the notarial profession and function, which are rooted in noble philosophical and religious values, social traditions, and international and national legal systems. Notaries must adhere to these values, in addition to other legal and regulatory requirements, in the performance of their duties, so as to protect the elements, values, integrity, transparency, credibility, and legitimacy of this noble profession.

#### **The notarial profession under Law No. 06-023-**

-Professional qualification through the introduction of a professional certification for notaries

-Harmonization of the provisions governing the notarial profession with international law

-Strengthening of state oversight of the profession, given that notaries bear the state seal

- Establishment of rules for accounting, financial operations, and social security

-Insurance for notaries against professional errors

Granting legal personality to both national and regional chambers of notaries. - Protecting notaries and notary offices from the confiscation of documents without recourse to the courts.

- Requiring notaries to undergo training, improve their knowledge, and demonstrate diligence and seriousness during training.

- Punish anyone who insults or assaults a notary.
- Review the areas of prohibition and incompatibility.
- Require the use of Arabic in the drafting of contracts, under penalty of nullity.
- Enable the establishment of notary companies and associations.

### **Responsibility of the Notary:**

The public officer (notary) in his daily practice, because he may make mistakes, and these mistakes must be given their specific legal classification so that there is no injustice done to him.

**Disciplinary, financial, civil, and criminal.**

## **Section03 :**

### **Donation contracts**

Gifts are also defined as "the act by which a person transfers, without compensation, all or part of his property or rights to another person.

#### **Definition of a gift**

- A gift is owned by contract, without any known compensation in life.
- It is a donation of money during one's lifetime.
- Since a gift is a contract, it is governed by the general provisions that govern contracts.

#### **Types of gifts:**

- Direct gift
- Indirect gift
- Hidden gift
- Conditional gift

#### **Disciplinary sanctions for notaries:**

- Warning
- Reprimand
- Suspension from practice for a period of 6 months.
- Dismissal

## **Section03 :**

### **Real estate taxation:**

The set of tax rules that deal with transactions involving real estate, such as ownership, sale, construction, maintenance, and, in general, all transactions that make real estate the subject of taxation.