

Explained: What are ‘Dissolved’ Properties under Syrian Law

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The Syrian Civil Code has not explicitly defined so-called “dissolved” (Mahlolah) real estate properties, but its definition can be deduced from the context of Private State Property Law No. 252 of 1959: they are any real estate properties resulting from inheritances that have no heir, or that have an heir to whom ownership laws do not apply. Also, a property may also be considered “dissolved” if it is an [Amiri land](#) that has gone unused for five years.

Syrian legislation has divided state property into public and private property. Public state property, according to the Civil Code, is real estate and movable property owned by the state, or legal entities such as state institutions that are for the [public benefit](#) and cannot be disposed of, seized or possessed due to statute of limitations.

In contrast, under Law No. 252 of 1959, private state property is not designated for public benefit but involves the state as a legal entity whether that property is at the state’s disposal or at the disposal of other individuals. We can divide private state property into 12 types, most important of which are Amiri lands, properties listed in the land registry in the state’s name, properties listed in the records of the State Property Administration, certain vacant properties, “Khaliah Mubaha,” and dissolved properties.

Under Law No. 252 of 1959, dissolved properties are those that are acquired through one of the following processes:

1. If the property is an inheritance with no heir, it is transferred to the Public Treasury, as confirmed by Article 3 of the Personal Status Law. If the deceased has no heirs, and did not leave a will, then it is considered to be dissolved and becomes private state property.
2. If the property does have an heir who cannot benefit from laws regulating ownership. [Law No. 11 of 2011 and its amendments](#), which govern the real estate rights of non-Syrians, revoke the right to ownership for non-Syrians who are granted a property through inheritance, transfer or will, if there is no reciprocal treatment from the foreign country where the concerned parties hold citizenship. A non-Syrian must transfer the ownership to a Syrian within three years, otherwise the property will come under state ownership in exchange for payment of its value in accordance with the Expropriations Law. The property is then considered to be dissolved.
3. Failure to properly use an [Amiri](#) property within five years. Under Article 775 of the Syrian Civil Code, the right to dispose of Amiri properties “is forfeited if it is not ploughed or used for a period of five years”. If a person gains the right to use Amiri land, then stops cultivating it for a period of five years, they lose that right. At this point, the property is transferred to private state ownership and becomes a dissolved property.

Dissolved properties are subject to the provisions regulating the [private property](#) of individuals, and so can be acquired by statute of limitations, attachment and seizure. According to Article 833 of the Civil Code, the seizure of a property grants the first person to occupy it, with permission from the state, the right of preference over others. By doing so, that person can acquire the [right of disposal](#) for vacant dissolved properties.

The issue of dissolved property raises concerns that the classification could be applied to the properties of forcibly disappeared people or prisoners for whom Syrian prison authorities refuse to issue death certificates. However, on the other hand, the new [Civil Status Law No. 13 of 2021](#) links

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recording deaths in prisons, quarries and hospitals to the testimony given by the directors of these institutions or their representatives, provided they keep records of deaths. As long as prisons and detention centres refrain from issuing death certificates for forcibly disappeared people, it is hard to carry out inheritance transactions for them; and so, the properties of disappeared people who have actually deceased cannot be considered dissolved, theoretically speaking, even if none of their relatives are present.

The law does not provide a clear ruling for cases when a deceased person's assets are dissolved due to the lack of an heir, but later it becomes evident that there was indeed an heir. A legal case may be raised before the Administrative Court against the State Property Administration, given that these assets have become private state property.

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