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**Urban expansion and its Influence  
by the Economic Aspect  
of Land Possession  
The city of Dujail A case Study**

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**Abstract:**

Urban expansion requires land acquisition according to the land take required for the target year.

This acquisition needs a detailed study about the land types and ownership, and the laws that govern them.

The land acquisition should serve sustainable economic development, and should achieve the planning, environmental and social goals used to choose the best alternative.

Dujail city is chosen as a case study.

Population projection up to (2032) has been calculated. Several alternatives have been proposed according to urban housing standards. The price of the lands was determined through a study that used the gold price registered by Chambers of Commerce

The research chooses the best alternative according to the acquisition costs.

**Keyword:** urban – expansion – land acquisition – environment – future project.

**Introduction :**

Urban or metropolitan expansion is a natural matter due to population growth, whether outside the boundaries of the external or internal design. The study of urban or metropolitan expansion requires making many alternatives for the potential expansion areas, or the determination of a several sites within the boundaries of the master plan according to a set of planning, economic, social and environmental goals.

The land is developed for agricultural purposes (public or private). The importance of this research is to identify ownership of these lands and the rights to handle the land and preparing a detailed study according to which these lands can be determined according to alternatives for the urban or metropolitan expansion, where it cannot

be expensive for ownership and the social consent is to be obtained to expand it for the purpose of development.

**The problem of research** is the establishment of several projects to update the master plan of cities without taking into account the acquisition of real estate ownership of the land, which was reflected negatively on the identification of trends of the studied expansion which will be economic on the one hand, and the taking the social consent (in the preparation of alternatives) on the other hand, and the reality of implementation after approval.

**The objective of the research** is to show the impact of urban expansion due to the economic factor represented by the acquisition of the required land ownership and how to deal with it under the legal frameworks governing property rights and how to remove them based on the legal mechanisms and according to the area required by urban expansion.

**Research hypothesis:** Land ownership rights plays an important role in determining the best alternative within the alternatives of expansion or urban development through achieving sustainability in the economic aspect of the cost of acquisition in the stage of community approval, and in the process of implementing the master plan after its ratification.

**Methodology:** In order to achieve the objective of the research, the deductive approach was adopted to clarify the aspects related to land ownership rights whether legal (the constitution and laws governing agricultural and non-agricultural land, expropriation laws and the laws of extinguishment in force), or economic (the cost of land acquisition according to their location) under urbanization.

**Spatial and temporal Limitations:** The city of Dujail was chosen as a study area for the purposes of achieving the goal of the research by calculating the area required for the expansion of the city of Dujail until 2034 and calculating the cost of land acquisition according to the proposed alternatives based on the evaluation of a number of properties according to their location within the alternatives, According to the date of sale, and thus identify the less expensive alternative to the acquisition. Then the conclusions and recommendations were presented.

#### **General definitions of expropriation**

Expropriation means procedures taken by the administrative authority that deprive the possession or proprietary rights of a person for the purpose of allocating that property to the public interest in return for a compensation paid to the owner of the property which is presumed to be fair<sup>1</sup>. Thus, expropriation is an unusual or natural method of changing property from private to public. It should be used only within the limits of the laws governing it.

The Iraqi legislator defined the topic of expropriation for public benefit purposes as "no one shall be deprived of his property except in the cases determined by the law and in the manner in which he draws it, in return for a fair compensation paid in advance."<sup>2</sup> Abdul Ghani Bassiouni Abdullah defines it as a concession granted to the administration which can deprive the owner of the property of his property forcibly for the public benefit in return for compensation<sup>3</sup>.

It has also been defined as a concession of public power, whereby the state forces any person to relinquish its ownership of real estate in order to achieve public benefit in exchange for fair and equitable compensation<sup>4</sup>. It was defined as: "depriving the owner of the property of his property for public benefit, in return for compensating him for any damage he may cause<sup>5</sup>."

We conclude from these definitions that expropriation for public benefit is the legal possibility of the administration (the competent authority) in accordance with procedures established by law to pay fair and equitable compensation to the owner of the property.

### **Iraqi laws and procedures for the management of land acquisition**

The following is a review of the Iraqi laws and the Iraqi constitution.

#### ***Iraqi Civil Code No. 40 of 1951***<sup>6</sup>

The Iraqi Civil Code contained (335) articles regulating all procedures related to ownership, one of which is the land, and what concerns the subject of this research is the following articles:

Article (1049): Regarding the definition of property.

Article (1183): The state land may be assigned to individuals in accordance with the laws and regulations in force in this regard.

Article (1050): No one shall be deprived of his property, except in the cases determined by law and in the manner in which he draws, and this shall be in return for a fair compensation paid to him in advance.

Article (1184): If one of the lands of state-owned estates has been disposed of and disposed of for ten consecutive years, the right shall be proved to him to decide whether he has found a bond in his hand or has not found it. In such case, the holder shall be given a right to dispose of this land after registration of this right in the Registration Department of Real Estate.

#### **Law No. (80) for the year 1970**<sup>7</sup>:

It is one of the important laws for the provision of land for the purposes of development or urbanization, which allows the municipal institutions or foundation to acquire land belonging to the Ministry of Finance (purely state owned), which falls within the limits of the master plan of cities free of charge without cash.

**Law of Unification of State Lands No. (53) of 1976<sup>8</sup>:**

This law was issued for the purpose of unifying the land owned by the state, whether encumbered or not with rights of disposal. For the purpose of this research, the concentration will be on the part concerning the expropriation of lands owned by the state, with the rights of the people, such as those granted or authorized by law, and the proportion of these rights when eliminating the disposal rights and payment of compensation - Table (1). It should be noted that Article (12) of this law does not allow the owners of the elimination right to reject the law of expropriation by the objection will be only on the amount of compensation to the Committee assigned to estimate the compensation which is formed by the Ministry of Agriculture the law also does not include the demand of acquisition party that approves the public interest of elimination.

**Table 1**  
**The expropriation of land owned by state encumbered with the disposal rights for individuals in 2014**

Class of land	The land area	The portion of government in compensation	The proportion of the disposal right owner in the compensation
Granted by acquisition	More than 5 acres	3/4	1/4
Granted by acquisition	More than 5 acres	2/3	1/3
Granted by deed	More than 5 acres	1/2	1/2
Granted by deed	More than 5 acres	1/3	2/3

Source\ Law of Unification of State Lands No. (53) of 1976:

**Acquisition Law No. 12 of 1981 and its amendments<sup>9</sup>.**

This law is concerned with the expropriation of land belonging to individuals or private sector or the right endowment by the establishment of a mechanism for expropriation and how to assess for the purpose of compensation and the parties charged with the nature of compensation, whether financial or in the case of eye availability and also shows the types of acquisition according to the land and the method of acquisition, as follows:

1. **Jurisdictional acquisition:** For land owned by individuals or endowed a valid endowment through the judiciary.
2. **Contentment Acquisition:** for the land owned by or endowed a valid endowment by agreement with the owners of property rights over the amounts of compensation.
3. **Administrative acquisition:** For the lands belonging to the governmental institutions and sectors, through administrative

correspondence between the requisitioner and the institutions or the royal sectors, and the agreement on the amounts of compensation or resort to the assessment committee, which is authorized by this law. This is the most difficult of the stages to complete the development procedures or the urbanization of cities with private property and endowed right.

It is important to note that it is difficult to resort to the Contentment Acquisition of land in the event of the transfer of land ownership by inheritance, which is the use and usufruct of the agricultural land (with its categories whether it is an exclusive property or granted by the plaintiff or authorized by the Office of Land), which causes the municipal institutions to resort to judicial acquisition that takes several months or even years.

### **Private property and its expropriation for purposes of public utility in the Iraqi Constitution of 2005:**

The land is to be expropriated through its acquisition in accordance with the provisions of the laws in exchange in return of a fair compensation, as it is made to refer to private property in the Iraqi constitution in Article 23 and as follows:

First: Private property is protected and the owner has the right to use, act and dispose of it within the limits of the law.

Second: It is not permissible to expropriate except for the purposes of the public interest in exchange of a fair compensation and this is regulated by law.

Third:

(A) The Iraqi citizen has the right to own property in any place in Iraq; non-Iraqis are not entitled to own immovable assets except by the law.

(B) Property for purposes of demographic changes is prohibited.

The new constitution did not come up with anything new and contrary to the Iraqi constitutions that preceded it regarding the subject matter of the research, namely, the expropriation of private property for the purposes of public benefit and the fair compensation, as the Law of Acquisition No. (12) as amended is still in force and no new compensation law has been enacted until the date of writing the research.

### **Law No. 15 of 2011**

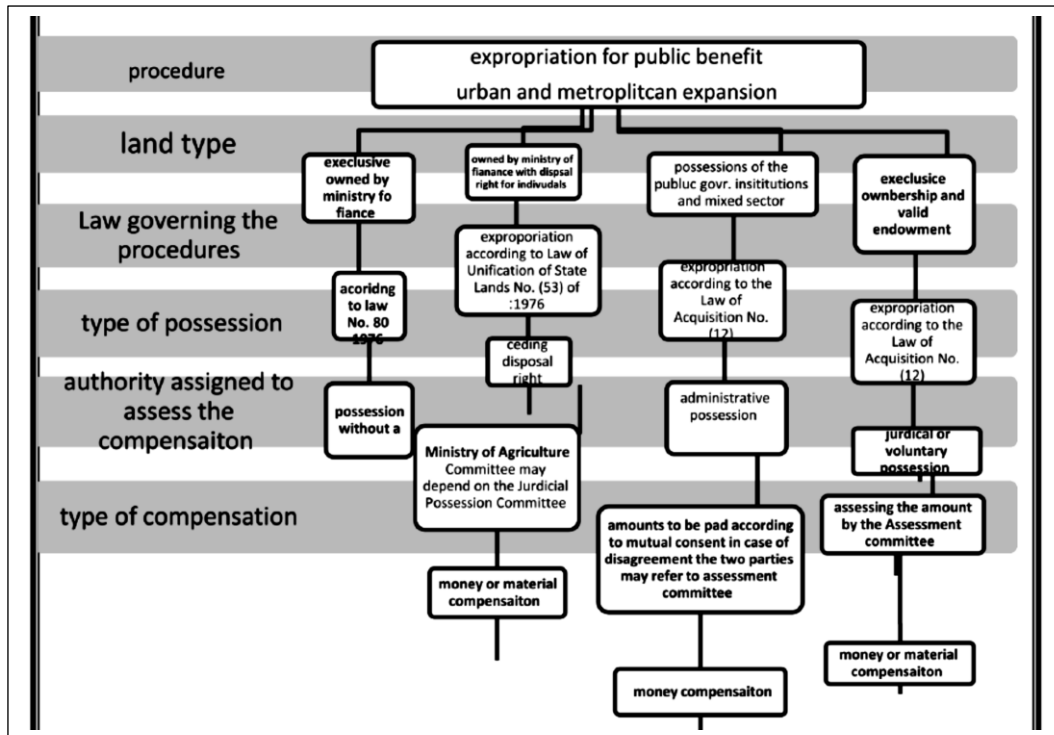
The Resolution provided only a reference to the revocation of Resolution No. 800 of 1989 amending the Acquisition Law No. 12 of 1981. This law was legislated on the basis of the Federal Court's opinion of the unconstitutionality of Decision No. 800, which is an amendment to the Acquisition Law, being unable to achieve justice in compensation as it determines the estimation of the expropriated lands at the date of possession or acquisition, whatever precedes. This is

contrary to the provisions of Article (23 / II) of the Constitution as the acquisition may take place years after the possession or as the acquisition procedures may be delayed for years and this does not give the real value of the property to be expropriated.

From the foregoing it can be said that there is a set of procedures to be followed when acquiring land by land.

Diagram (1) shows the procedures for the acquisition of land according to Iraqi laws according to land types.

Diagram (1) mechanism of expropriation for public benefit purposes.

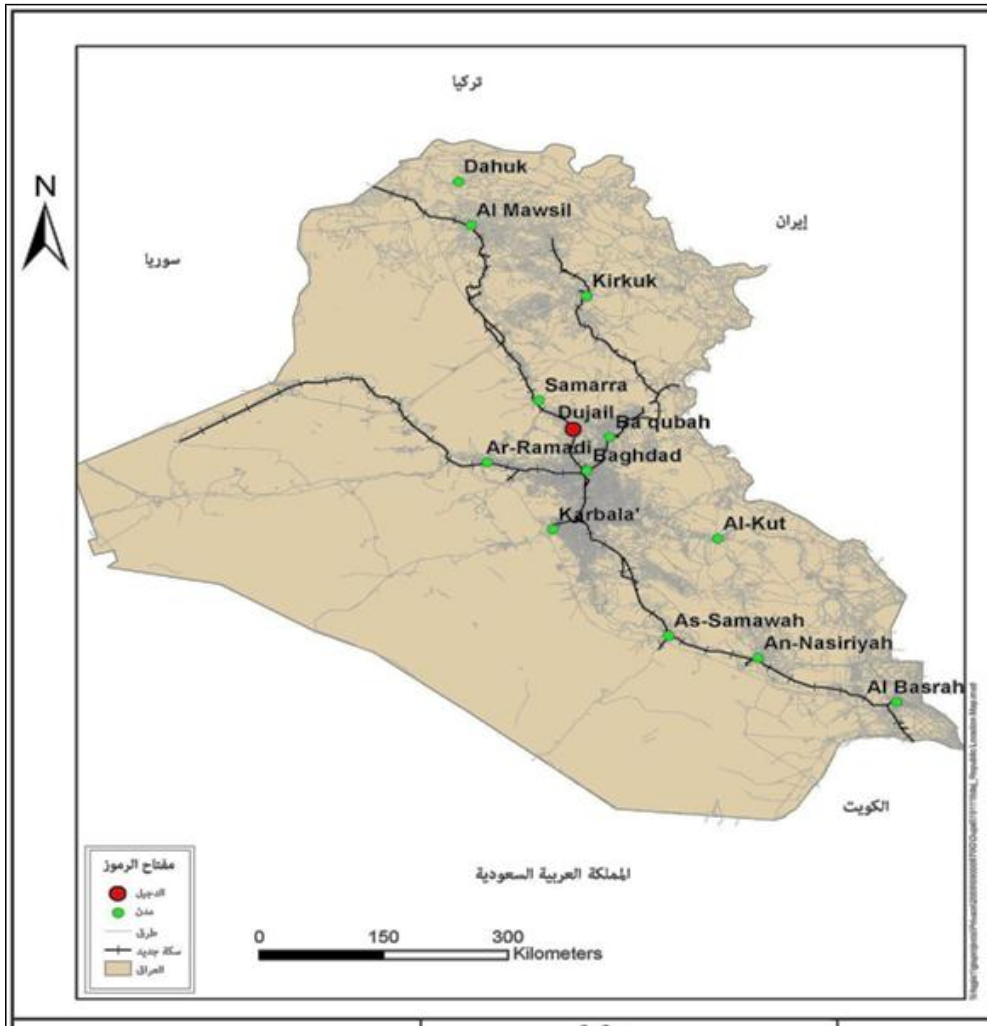


**Field Study:**

for the fulfillment of the study objective, the required area of expansion up to 2032 will be calculated according to a set of alternatives, as well as studying of acquisition of alternatives and the transfer of ownership (expropriation for public benefit purposes) for all land types, and deciding what is the best on that basis.

**Geographical location of the city of Dujail:**

it is located within the administrative boundaries of Salah Aldin Governorate in the southern part of the Governorate. See Map (1) year 2014.

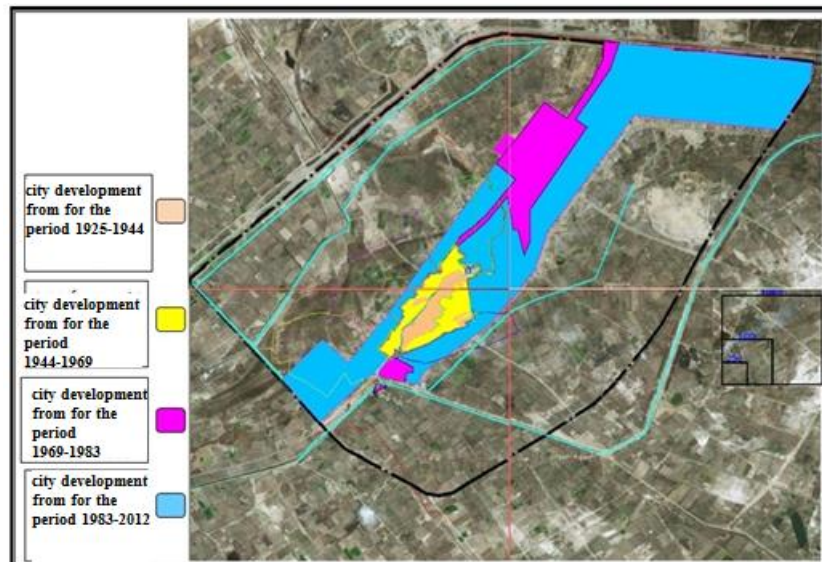


Map (1) Location the city of Dujail in Iraq  
Source: municipality of the city of Dujail 2014

### Development of the city of Dujail:

the city went through stages of development throughout the ages during which it expanded on the agricultural sections (9 tel Miskeen, 16 Hleis, 18 Eastern Groves, 19 middle groves, 20 Northern Groves, 21 Southern Groves), so the total metropolitan area become about 519.8 hectares in 2014. The total design area by the final boundaries is 1840.3 hectares as marked in Map (2).

Map (2) stages of the development of the city of Dujail



Source: Based on a recent satellite image for 2009, the city's master plan

**Predicting the population for the year 2034:**

The population of the city of Dujail for the year 1997 (18835) people and in 2009 amounted to 25993 people at a rate of growth (3.3%), and in 2014 (31211) people, a growth rate (6.3%) for the period 2007-2010.

Population estimates for the target year are calculated using the following growth rate equation:

$$P2 = p1(1 + r)^n$$

Whereas

P2 = population in target year, P1 = population in base year

R = growth rate, n = difference in number of years between base year and target year. Therefore, the population for the target year will reach 63,755 people.<sup>(10)</sup>

**The need for housing in Dujail:**

The need for housing in Dujail up to the year 2034 is presented in Table (2)

Table (2) the housing need in Dujail up to the year 2034

Number of people	Household size	Number of households	House credits	Number of separated lands and distributed	Depreciation (%3) of credit	Housing need
63755	6.4	9962	4673	693	140	4466

Source: depending on the results of census of Dujail city. Data of property section in Dujail Municipality

For the purpose of this research the construction of %20 of the housing units in the pattern of vertical building, and %80 of the horizontal building type.



The number of units that should be provided for building in the horizontal = 3573

The number of units that should be provided for vertical building = 893 apartment

- supposing that each residential unit is comprised of 600 housing units of the vertical patterns and 450 units for the horizontal pattern, there will be residential six blocks in vertical pattern containing 3600 residential in horizontal 900 apartments.

### The Required Expansion Area

The standards and criteria of urban settlement will be taken as a base in calculating the expansion area

Table (3) standards and criteria of urban settlement 1977

Urban area	Land pieces area	Population density per hectare	Land pieces \ hectare	Housing ratio	Service ratio	The ratio of roads, open areas and public facilities
<b>Buildings</b>	By design	200-250	30-50	3 storeys	15%	65%
<b>First</b>	200m <sup>2</sup>	150-180	25-30	%40-50	10-15%	35-50%
<b>Second</b>	300m <sup>2</sup>	120-140	17-20	50-60 %	7-10%	33-40%
<b>Third</b>	400m <sup>2</sup>	75-110	13-16	55-65 %	5-8%	30-37%

Source: Ministry of planning, Regional Planning Committee, Dept. of Housing and Human Settlement standards and criteria of Public Service facilities, 1977, 51.

Upon the above Table (3) we find that the required area per one sector of vertical housing in 450 apartments in population density of 250 person\hectares is 12 hectares.

The area of a residential sector for the vertical building in 140 person\hectares (depending on the type of third urban area and the separation of the land pieces 300 m<sup>2</sup> in province center)\* is 27 hectares per one sector.

The area of residential sector is calculated as in table (4)

Table (4) The planning Standards of the Residential Sector

Service \ sector	Person share per m <sup>2</sup>
Secondary school	1
Intermediate school	0.75
Market	0.04
Social center	0.45
Main health center	0.45

Firefighting center	0.2
Post office	0.15
Police office	0.2
Municipal office	0.2
Garden and a central park	2
Playing ground	1.5
Car parking	0.15
Open areas	1
Streets and curbs	4.5
Total	13.34

Source: Ministry of planning, Regional Planning Committee, Dept. of Housing and Human Settlement standards and criteria of Public Service facilities, 1977, 52.

Based on what was explained the total required area for expansion to provide 900 apartments and 3600 residential units with all the required services for that = 262 hectares Table (5).

Table (5) the total area required for expansion in Dujail city until 2032

Building pattern	Number of residential units	Number of sectors	Total area of sectors \ hectares	Area allocated for services \ hectares	Total area \ hectares
Horizontal	3600	6	$6*27=162$	28582*0.1334	186+76=262
Vertical	900	2	$2*12=24$		
Total	4500	8	186	76	262

Source: depending on the residential projections until the target year according to the Standards of Urban Settlement

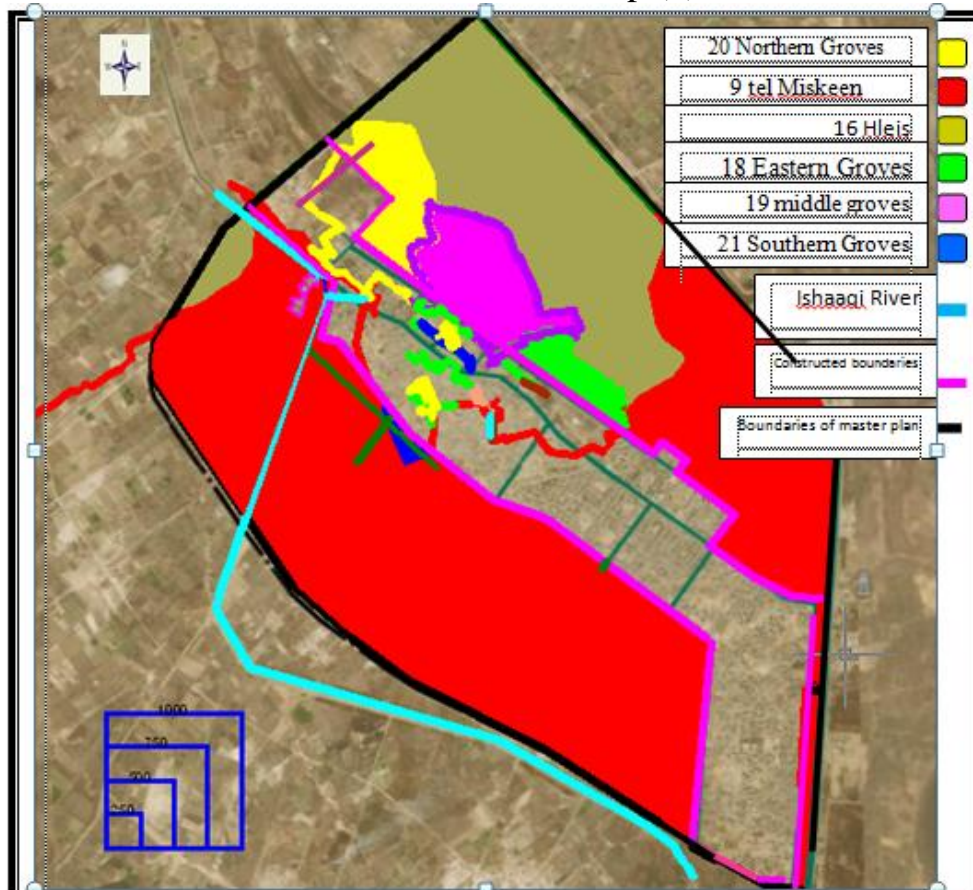
### **The Belongingness of the Land located within the master plan of Dujail city**

The choice of the right direction the future expansion of the city to know the following:

1. Determining the alternatives of expansion according to the required area until 2034.
2. The type of land belongingness according to the Law of Real-Estate Registration 43 for 191 by making an inventory of the files in the Estate office located within the boundaries of the master design and outside the urban areas.
3. He analysis of the belongingness of the lands according to the valid laws and according to the cost of possession by knowing the prices of these lands falling within the suggested alternatives depending of assessment committees in the Real-

Estate Directorate, and comparing them to the price of gold for more accuracy.

There are six agricultural sections located within the master plan of the city of Dujail two of which are partially so, which are (9 tel Miskeen, 16 Hleis. Four sections are located entirely within the boundaries of the master plan: 18 Eastern Groves, 19 middle groves, 20 Northern Groves, 21 Southern Groves Map (3).



Map (3) the location of the sectors within the master plan and boundaries

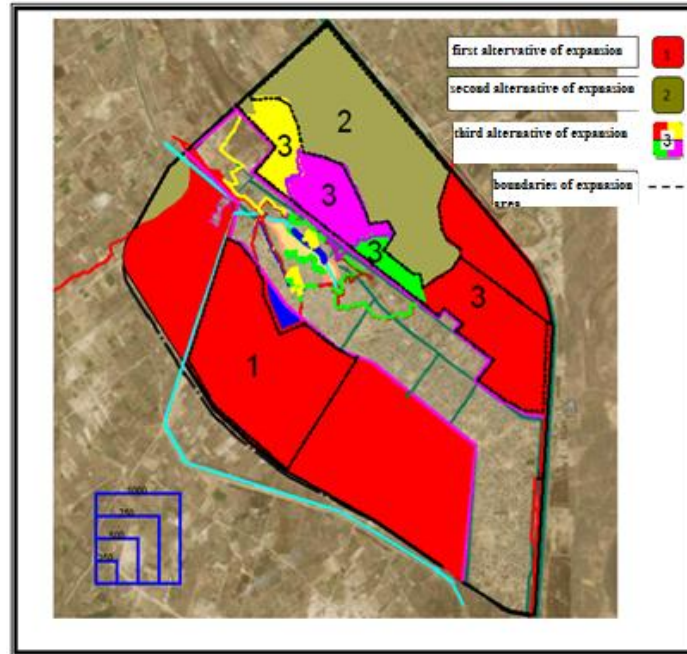
Source: depending of the satellite Image of the city and the maps of the sectors

Three areas are pointed out to be expanded to fill the need of 262 hect. as alternatives of expansion taking into account the boundaries of the sections and the land value calculation as the lands for each sector is consistent.

**First Alternative:** the expansion within the section 9 tel Miskeen located northern.

**Second alternatives:** the expansion within the section 16 Hleis (Baghdad – Mosul).

**Third Alternative:** the expansion within the section (18 Eastern Groves, 19 middle groves, 20 Northern Groves, and the eco) located northern. Map (4).



Map (4) suggested alternatives of Dujail

Source: scholars

The areas of possession as in table (6).

Table (6) the areas encumbered by the disposal rights to be possessed for each alternative

Alternative	Area suggested for expansion according to the sections	Required area \ hectares	Land areas encumbered by the disposal rights \ hectares	Total hectares \
1	9 tel Miskeen	262	23.1	23.1
2	16 Hleis	262	114.2	114.2
3	18 Eastern Groves	262	6.7	93
	19 middle groves		40.7	
	20 Northern Groves		34.6	
	Part of 9 tel Miskeen		11	

Source: depending on the cadastral map and the suggested expansion maps

It is worth mentioning that the areas which expropriation will be paid and reimbursed owners of disposal right according to Article (5) items 3<sup>rd</sup>, 2<sup>nd</sup>, 1<sup>st</sup> from comprising law number 53 for 1967. As this law determines of compensation payment to the owners of disposal right when are fulfilled from the total area as it is considered pure property. The lands owned according to the law as pure property, the share of disposal right owner has complete share and the government has no proportion in it.

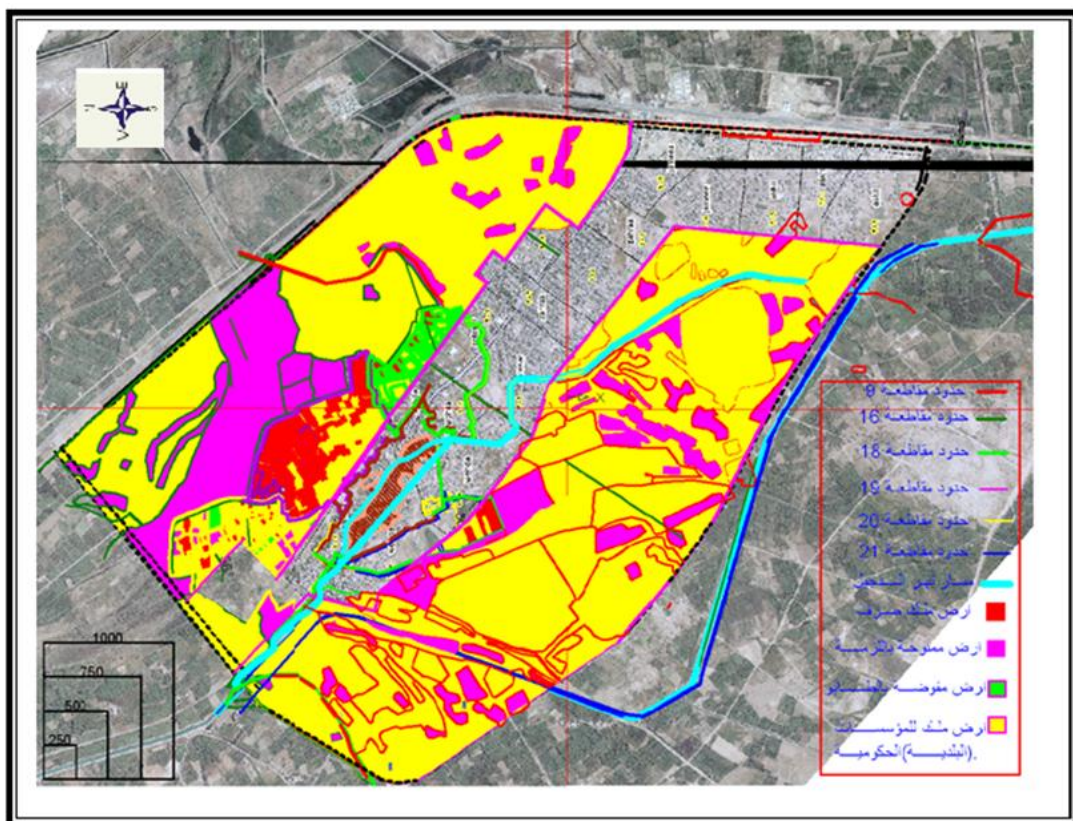
The government-owned lands are the lands that owned by the Ministry of finance and the municipal can own it for free without return if disposition was within the basic master plan of the cities according to the law No. 80 for 1970.

In order to account the property cost precisely, the estates granted acquisition and assigned by the deed which area is less than 5 acres, and the estate which area is more than 5 acres because each class has compensation proportion difference form others when paying ownership payment as in article 5, item 1<sup>st</sup> of lands class unifications law No. 53 for 1976. Table (70) Map (5).

Alter native	The suggested expansion area	the area of the land encumbered with the disposal right	Area of pure ownership	Area of the lands assigned by deed \ hectares		Area of the lands assigned by acquisition \ hectares	
				Less than 5 acres	More than 5 acres	Less than 5 acres	More than 5 acres
1	9 tel Miskeen	23.1	n/a	n/a	n/a	2.25	20.85
2	16 Hleis	114.2	n/a	n/a	n/a	1.5	114.7
3	18 Eastern Groves	6.7	6.7	n/a	n/a	40.7	40.7
	19 middle groves	40.7	40.7	n/a	n/a	n/a	n/a
	20 Northern Groves	34.6	16.8	1.5	5.4	4.5	6.4
	9 tel Miskeen	11	n/a	n/a	n/a	1.1	9.9

Source: depending on the inventory of the lands according to the land class unification No. 53 for 1976.

Map (5) the belongingness according to the class within the boundaries of the master plans of Dujail city



Source: depending on the inventory of Estate office in determining the belongingness and cadastral maps.

Map (8) the required area to be paid for possession for the three alternatives

Expansion area	The suggested expansion area	The area required expansion	the area of the land encumbered with the disposal right by alternatives	The proportion of due of the payment right					The total areas to be paid for possession as pure ownership \ hectares
				Pure ownership 100%	Area less than 5 acres	More than 5 acres	Area less than 5 acres	More than 5 acres	
					2/3	1/2	1/3	1/4	
1	9 tel Miskeen	262	23.1	n/a	n/a	n/a	2.25	20.85	6
2	16 Hleis	262	114.2	n/a	n/a	n/a	1.5	114.7	30
3	18 Eastern Groves	262	93	6.7	n/a	n/a	n/a	40.7	6.7
	19 middle groves			40.7	n/a	n/a	n/a	n/a	40.7
	20 Northern Groves			16.8	1.5	4.5	4.5	6.4	23.6
	Part of 9 tel Miskeen			n/a	n/a	n/a	1.1	9.9	2.9

Source: depending on the law of land class unification No. 53 for the year 1976.

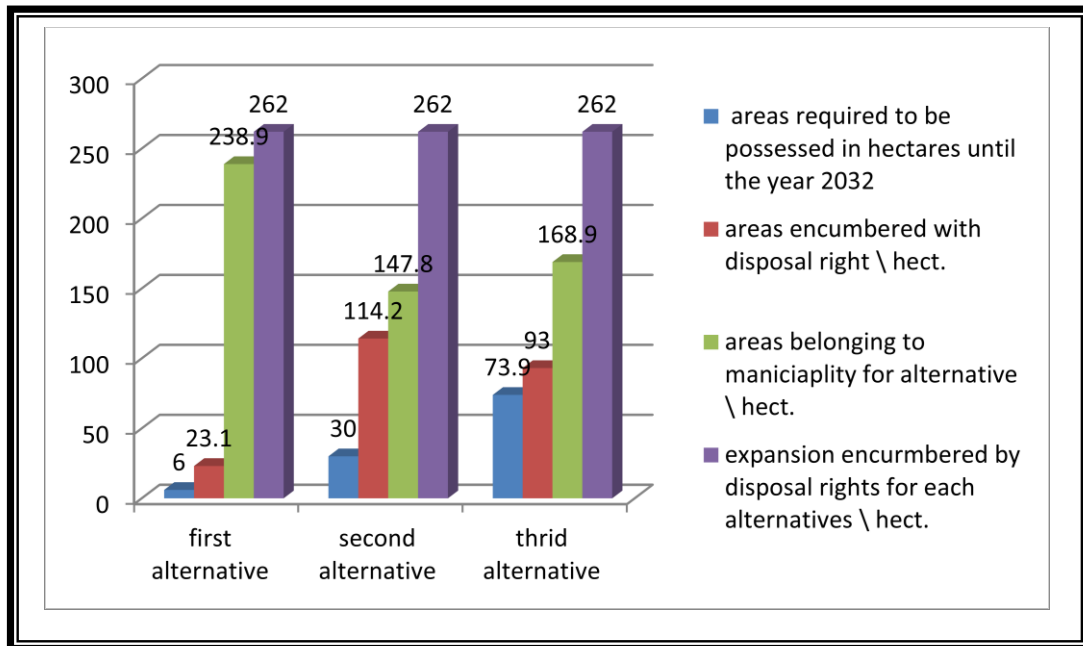


Figure (1) the encumbered areas to be paid for possession by the alternatives

Source: depending on table (8)

**The Cost of Possession of the Expandable lands**

To know cost of acquiring the lands for the three alternatives of expansion to determine the ideal economic alternative, that requires knowing the price of the agriculture for each sector by knowing the prices of assessment which are determined by Assessment Committee in the Auditing office in Estate Registrar when making the minute of Assessment in order to determine the fees of property transformation which are limited to %3 and the prices of below mentioned lands in Table (9) for each district was obtained depending on assessment of prices as the date of assessment. The acquisition cost will be determined accordingly. See Figure (2)

Alternative	Expansion area	Hectare price (millions of dinars)	Areas to be possessed	Expansion cost (million dinar)
1	9 tel Miskeen	12.5	6	75
2	16 Hleis	10.5	30	315
3	18 Eastern Groves	32.5	6.7	217.8
	19 middle groves	30.8	40.7	1235.6
	20 Northern Groves	22.2	33.6	523.9
	Part of 9 tel Miskeen	12.5	2.9	36.2
				2031.5

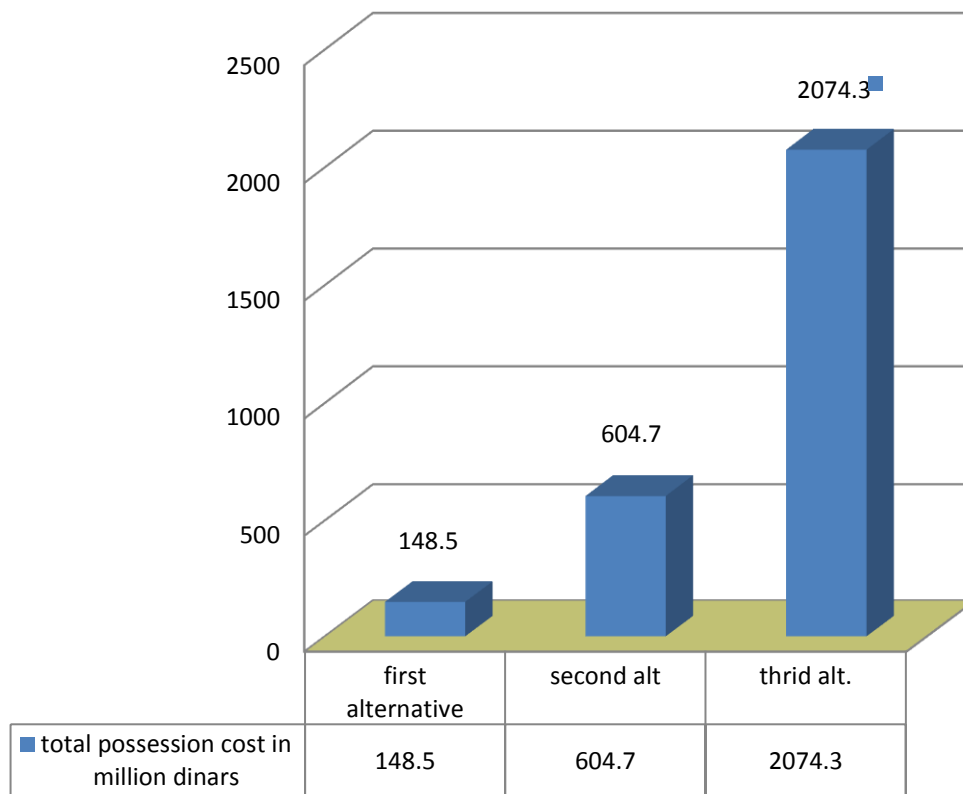


Fig. (2) the Cost of possessing the alternative

Source: depending on table (9)

From table (9) and figure (20) it was explained that the expansion of the first alternative lands representative by District 9 Tel Msiaken is the least cost expansion as their compensation fees for expansion at possessing it 75.000.000 Iraqi dinars. Meanwhile the cost of second alternative expansion within District 116 Hleis is 315.000.000, and the third alternative expansion land within Districts 15 Eastern Groves, 19 Middle Groves, 20 Northern Groves 9 Tel Msiaken. Their possession cost 2031.5 million dinars.

Thus, the economic fees determined are depending on first alternative.

## Conclusions and Recommendations

### Conclusion

- 1- The lack of studying of the belongings of estate within expansion lands and the size of disposal right may cause rise of possession cost and may lead to the rejection of local society for the expansion on certain alternatives, although this alternative has feature that can qualified it to be the best alternative in all aspects.
- 2- Although Iraqi Constitution of 2005 stipulates the maintaining of private property and legislates a law of this purpose, the possession law No. 12 for 1981 with amendments is valid at expropriation of private lands.



- 3- Learning the lands belongingness within expansion or the development alternative according to the district is considered an important matter for assessing the lands.
- 4- Most agricultural lands within master plan of Dujail city (with all its classes) have disposal right by inheritance. Thus, it is difficult to make consent possession which makes municipal institution to take it by judicial possession which takes several months or even several years.

#### **Recommendations:**

- 1- Governance of lands sector in Iraq and making a database to reach sustainable urban development. A study must be conducted to determine the cost of land possession when making master plan studies of cities depending on laws, systems and regulations of possession to support expansion decisions.
- 2- Reconsidering the aspects that are permitted by the Iraqi Civil law No. 40 for 1951 that grants the acquisition or an assignment by the deed for the person who seizes agricultural lands belonging to the government which makes expansion on its cost.
- 3- Laying a mechanism to organize transform of disposal right by inheritance in the government lands which was encumbered by these rights and avoiding dividing them to possessed by the government and then facilitate the expansion when necessary for the purpose of urban and metropolitan expansion.
- 4- Depending of the price of gold in assessment of land price as determined by the joint assessment committees between the auditory offices of Estate registrar and the Ministry of finance in order to compare between land possession cost that are suggested to choose the least alternative among the proposed alternatives.

#### **References:**

- Abdullafeef, Mohammed. *Expropriation for the Public Benefit, A Comparative Study of origin*. Algiers, nahadha Alarabia, 1988.
- Al-Arabi, Mohammdi Talib. *Deep Civil Law Unit*. College of Law Printing House. Rabat, 1990.
- Al-Helu, Majid Ragheb. *Administrative Law*. alJamaa Aljadida PH, Alexandria, 2004.
- Al-Tamawi, Suleiman. *Principles of Administrative Law, comparative study*. 3<sup>rd</sup> Book. Alfekr Al-arabi House, Egypt, 1979.
- Al-Waqaei Al-Iraqiya, edition 1871 in 22 April 1970.
- Al-Waqaei Al-Iraqiya, edition 2531 in Law No. 53 in 1976.
- Iraqi Civil Law, No. 40, 1951 Article (51) s.v. Possession Right and protection.
- Ministry of Planning – the Body of Regional Planning. Dept. of Residence and Human Settlement. Principles and Standards of Public Service Building.
- Yaseen, Shahab Ahmed. *A Summary of Discussion of possession law*. The Legal Library , Baghdad, 2011.

**Notes :**

- <sup>1</sup> - 1- Al-Helu, majid Ragheb. Administrative Law. alJamaa Aljadida PH, Alexandria, 2004. P.459
- <sup>2</sup> -Iraqi Civil Law, No. 40, 1951 Article (51) s.v. Possession Right and protection.
- <sup>3</sup> -Abdullafeef, Mohammed. Expropriation for the Public Benefit, A Comparative Study of origin. Algiers, nahadha Alarabia, 1988.p.8
- <sup>4</sup> - - Al-Arabi, Mohammdi Talib. Deep Civil Law Unit. College of Law Printing House. Rabat, 1990.p.88
- <sup>5</sup> - 3- Al-Tamawi, Suleiman. Principles of Administrative Law, comparative study. 3rd Book. Alfekr Al-arabi House, Egypt, 1979.p. 270
- <sup>6</sup> - Iraqi Civil Law, No. 40, Op. Cit.
- <sup>7</sup> -Al-Waqaei Al-Iraqiya, edition 1871 in 22 April 1970.
- <sup>8</sup> - Al-Waqaei Al-Iraqiya, edition 2531 in Law No. 53 in 1976.p.2
- <sup>9</sup> - 5- Yaseen, Shahab Ahmed. A Summary of Discussion of possession law. The Legal Library , Baghdad, 2011.
- <sup>10</sup> - the growth rate of %3.3 is used to predict the population growth in the period 2010-2032, and excluding the growth rate %6.3 which occurred due to the migration to the city because of the exceptional security situation that included all Iraq.

**التوسع الحضري وتأثر اتجاهه  
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الدجيل دراسة حالة**

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**المستخلص**

تتطلب التنمية او التوسع الحضري استملاك الأراضي بحسب المساحة المطلوبة حتى سنة الهدف وفق المعايير وبالاعتماد على العوامل المؤثرة بعد تمييزها ببدائل محددة المساحة والموقع، وهذا الاستملاك يتطلب وضع دراسة تفصيلية عن عائدية الأراضي وأصنافها وكيفية نزعها وفق القوانين النافذة، بما يخدم عملية التوسع ويجعله مستداما من الجانب الاقتصادي على فرض تحقق أو تثبیت الجوانب التخطيطية والبيئية والاجتماعية ذات العلاقة باختيار البديل الأفضل.

من أجل الوصول إلى نتائج عملية تم إعداد دراسة لهذا الغرض اتخذت من مدينة الدجيل مثالا تطبيقيا لها، وهي تتصف حالها حال معظم المدن العراقية بإحاطتها بأراضي زراعية متنوعة العائدية. تم التنبؤ بعدد السكان لغاية سنة الهدف (٢٠٣٤)، ووضع بدائل للتوسع بمساحات تستند الى معايير الاسكان الحضري.

تم اعداد دراسة تفصيلية لحساب كلفة استملاك الأراضي لكل بديل توسع تتضمن تحليل عائدية الاراضي (وفق قوانين الاستملاك المعمول بها)، ومعرفة أسعار الأراضي وتقييمها بالذهب (بالاعتماد على الأسعار الحكومية المسجلة لدى غرف التجارة التي يقرها البنك المركزي العراقي باعتبار الذهب معيار ثابت للتقييم)، توصل البحث الى اختيار البديل الأفضل من الناحية الاقتصادية (استنادا الى كلف الاستملاك).

كلمات مفتاحية: الحضري – التوسع – حيازة الارض – البيئة – مشاريع مستقبلية .