

THE LEGAL REGULATION OF OWNERSHIP IN COMMONLY-OWNED REAL ESTATE IN DUBAI

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Abstract

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The Law No. 6 of 2019 on the Ownership of Real Estates of Common Use in the Emirate of Dubai (hereinafter referred to as Law No. 6 of 2019) seeks to enhance the overall functioning of the real estate sector. Under this legislation, property designated for common use is defined as a building shared by multiple individuals, encompassing all its components and extensions, including the underlying land. Ownership of the common areas is governed by law, as these areas cannot be divided among individual unit owners. Each owner is responsible for the expenses associated with the upkeep, maintenance, management, and renovation of the common areas whenever necessary. The classification of these areas as collectively owned ensures that all owners contribute to their preservation, reflecting their designation for shared use, provided that such use does not obstruct other owners' access. The restrictions imposed by the law are intended to safeguard the interests of all owners. These measures aim to maintain the integrity of the real estate designated for common use, taking into account the specific characteristics of the property. Common-use real estate comprises areas intended for both individual and collective use, necessitating the establishment of management and protective bodies. These responsibilities are entrusted to the owners' committee and a private management company. This study focuses on the ownership of real estate designated for common use and examines the regulatory provisions governing such ownership under the Law No. 6 of 2019.

Keywords: Property of Common Use, Real Estate of Common Use, Owners Committee, Priority Right

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1. INTRODUCTION

The real estate sector in the United Arab Emirates (UAE), particularly in Dubai, constitutes a central pillar of the national economy. Ownership of real estate designated for common use has garnered significant attention from stakeholders within the UAE real estate sector, particularly in Dubai (Lambourne, 2022). This form of ownership

represents a distinct type of property tenure in which multiple individuals share ownership of a single property, each holding one or more units. Consequently, these owners collectively assume various rights and responsibilities associated with the property (AlAmeri, 2023). The UAE legislator established provisions governing the ownership of common areas within real estate, specifically concerning floors and apartments, through Articles

No. 1188-1197 of the Federal Law No. 5 of 1985 on the Civil Transactions (hereinafter referred to as Civil Transactions Law). In contrast, Dubai has enacted specific legislation addressing ownership of common areas through a dedicated law (AlDabbas, 2020). This legislation is the Law No. 6 of 2019 on the Ownership of Real Estates of Common Use in the Emirate of Dubai (hereinafter referred to as Law No. 6 of 2019). This research seeks to address the subsequent questions:

RQ1: How is the ownership of real estate designated for common use defined?

RQ2: Which legal provisions govern the ownership of real estate of common use in Dubai?

RQ3: What mechanisms are employed to manage real estate designated for common use?

RQ4: What are the legal and practical implications of owning the common areas of real estate?

Moreover, based on the study's primary research questions, the paper seeks to achieve four objectives: 1) to elucidate the concept and components of real estate designated for common use; 2) to examine the legal provisions governing ownership of common-use property in Dubai; 3) to analyse the management and governance structures, including the role and functions of owners' committees; and 4) to assess the legal implications of owning common areas, including the exercise of the priority right (pre-emption) when units are transferred to non-partners.

This study provides a comprehensive overview of the regulatory framework governing the real estate of common use in Dubai.

The paper is structured as follows. Section 1 introduces the research context and objectives. Section 2 reviews the relevant literature. Section 3 outlines the research methodology. Section 4 presents the main analytical results concerning ownership concepts, regulatory mechanisms, and management structures. Section 5 discusses the implications of these findings. Section 6 concludes with key observations and recommendations.

2. LITERATURE REVIEW

The literature concerning the regulation of ownership in jointly used properties in Dubai can be categorised into two principal strands. The first is a general jurisprudential-theoretical strand, which examines the concept of ownership and original property rights in terms of their components and limitations. The second is a legislative-application strand, which traces the evolution of legal regulation in the UAE, particularly Dubai, with occasional comparisons to Jordanian and Egyptian law (Kandeel et al., 2024). Within the first strand, classical scholarship established a conceptual framework essential for understanding the breadth of property rights, encompassing the three principal powers of use, exploitation, and disposal (Alqodsi, 2021). These works further distinguished between the recurring, non-exhaustive benefits derived from the property itself and the products that might diminish its substance. This distinction informs the allocation of rights among the owner, usufructuary, and bona fide possessor. Civil law scholars expanded this framework in their general discussions of property rights, facilitating its application to forms of joint ownership in multi-unit buildings and their associated common areas.

The second strand reflects a transition from the general treatment of common areas under the Civil Transactions Law to a specialised regulatory framework enacted in Dubai through Law No. 6 of 2019, which specifically governs the ownership of jointly used properties (Dahdal, 2023). This legislative shift has standardised terminology, clarified the scope of common and private common areas, defined financial and administrative responsibilities, established distinct roles for project management and owners' committees, and introduced procedural mechanisms for exercising pre-emption rights when selling shares to non-partners (Uşak et al., 2024). Analytical studies indicate that while the law draws inspiration from the general principles of joint ownership contained in the Civil Transactions Law, it extends beyond them by specifying site plans, building management codes, internal regulations for complexes, and procedures for their approval and registration with the Land and Property Department (Çağdaş et al., 2023). The law also outlines developer responsibilities in large-scale projects, including hotels, and specifies the formation, supervisory authority, and coordination powers of owners' committees (Treffers & Lippert, 2020).

Comparative literature highlights similarities between the UAE, Jordanian, and Egyptian legislation in defining ownership. Complete ownership of common areas is a compulsory element that cannot be severed or alienated independently of the associated units, except under prescribed regulatory controls (Abdallah et al., 2021). In Dubai, however, the diversity of development projects — ranging from large-scale residential and hotel projects to smaller subsidiary developments — has generated a regulatory framework that accommodates institutional and administrative arrangements distinct from earlier practices, particularly concerning private common area mapping, management replacement mechanisms, and the financial structuring of service fees linked to common areas (Koelemaij, 2022).

Despite extensive general discussions of property rights in civil jurisprudence, a critical review reveals a research gap: few studies provide an analytical integration of 1) the theoretical foundations of property rights and joint ownership with 2) the practical application of Dubai Law No. 6 of 2019, especially regarding project management, owners' committee formation, regulation of private common area use, pre-emption disputes, and improved contractual protections for subsequent purchasers. This study seeks to address this gap by constructing a synthetic review that elucidates the fundamental principles of joint ownership, applies them directly to the legal texts and executive regulations, examines their practical effects on owners, developers, and management companies, and identifies areas where legislative refinement may be warranted.

3. METHODOLOGY OF STUDY

This study employs an analytical approach to examine the legislation governing the ownership of real estate designated for common use. The approach is also applied to evaluate the perspectives and interpretations of jurists concerning the subject under investigation.

This methodological choice is justified by the normative nature of the research problem, which primarily concerns legal concepts, regulatory structures, and institutional mechanisms rather than empirical measurement. Unlike quantitative or case-based approaches, the analytical method enables an integrated examination of ownership principles, management frameworks, and legal effects embedded in Dubai Law No. 6 of 2019. Given the limited availability of consolidated judicial statistics and the regulatory character of the subject matter, this approach provides an appropriate framework for identifying legal patterns, clarifying rights and obligations, and assessing the coherence of the applicable legal regime within its civil-law context.

4. RESEARCH RESULTS

4.1. Concept of ownership and its core elements

4.1.1. *The right of ownership: Definition*

The Emirati legislature defines the right of ownership under the Civil Transactions Law as follows:

- Ownership is a right vested in the owner, entitling them to fully utilise, manage, and benefit from their possessions.
- The owner alone is entitled to derive benefits, profits, and outputs from the owned property and to dispose of it in any manner permitted under Shariah law (Khater & Zaheeruddin, 2024).

According to the explanatory memorandum of the Civil Transactions Law, ownership constitutes a real right that is connected to other real rights (Piddubnyi & Rohovenko, 2023). It grants the owner exclusive authority to use, exploit, and dispose of the property. Ownership can thus be characterised as the specific power vested in an individual over a particular object, allowing its use, exploitation, and lawful disposal (Karagiannis & Vergidis, 2021). From this perspective, it is evident that ownership represents the most comprehensive form of real right, encompassing all powers related to the use, exploitation, and disposition of the property in question (Fia, 2021).

4.1.2. *Core elements (powers) of ownership*

Use

The term 'use' denotes the utilisation of a particular object according to its intended purpose, with the objective of deriving its benefits rather than focusing on any resultant outputs (Wilkins & Emik, 2021). For example, the use of a house is reflected in residing within it, the use of a car is demonstrated by employing it for transportation, the use of clothing is realised through wearing it, and the use of a book is manifested in reading it (Guo et al., 2022).

Utilization

Utilization refers to all actions undertaken to obtain the outcomes and products of a specific object while preserving its original condition. For instance, the utilization of a house may involve offering it for rent, while land can be utilized through cultivation

and harvesting its produce (Tarawneh & Alhasan, 2024). In the case of livestock, utilization is represented by collecting the products they generate. This concept distinguishes utilization from mere use, as using an object does not entail deriving its outcomes or products. Outcomes encompass all yields obtained from an object within a regular interval, without affecting the substance of the object itself. Outcomes can be classified into three categories. The first, natural outcomes, arise without human intervention, such as the production of livestock or grass from pastures (AlAmeri, 2023). The second, man-made outcomes, result from human activity, such as cultivated crops. The third, civil outcomes, are monetary returns derived from assets when used by others, including rental income or interest on loans. In contrast, products are items obtained irregularly from an object, the extraction of which impacts the object's essence, such as metals from mines or stones from quarries (Alafifi et al., 2024).

From this analysis, two main distinctions emerge between outcomes and products: outcomes are produced regularly and can be collected without altering the object, whereas products are irregular and their acquisition affects the substance of the object. While this distinction may not be critical for owners — who are entitled to all outcomes and products of their property (Sjödin et al., 2020) — it is significant for non-owners, including those granted the right to utilize outcomes without entitlement to products (Stonehouse & Friedman, 2021). The owner alone possesses the authority to utilize the property, its outcomes, products, and any income derived, therefore, and to dispose of it in any manner permitted under Shariah (Ayash, 2020). A similar principle applies to a custodian who holds the property in good faith; such an individual may utilize the outcomes of the property but not its products during the period of custody (Gojani & Hoti, 2023). In this context, the right to utilize products remains exclusively with the owner.

Disposal

Disposal refers to actions that result in the partial or complete alteration or depletion of an object's components, thereby affecting its capacity for use. Ownership confers upon the owner two distinct types of disposal rights. The first, physical disposal, encompasses acts that directly affect the object itself, either by altering its form or eliminating it wholly or partially. Examples include demolishing a building or adding an extension to an existing structure. The second, legal disposal, enables the owner to perform lawful acts that transfer ownership or assign rights to others, such as selling the property or granting real rights like usufruct or mortgage (Mrazek, 2020). A distinguishing feature of ownership compared with other real rights is the exclusive entitlement to physical disposal. In essence, the owner alone may exercise this right, whereas other real rights generally permit the holder only to use the property, with the obligation to return it in its original condition upon the termination of the contractual arrangement (Wolff, 2020).

4.2. Forms of ownership

Ownership may take two primary forms. The first is distinct ownership, which occurs when a single individual possesses a particular object. Under this form, multiple individuals do not share ownership of the item. Distinct ownership confers upon the owner the authority to exercise all associated rights over the object or objects, including use, utilization, and disposal (Haila, 2021). The second form is common ownership, wherein a specific object is jointly owned by multiple individuals without the physical division of shares. Each co-owner holds a proportional share, expressed as a fraction of the whole, such as one-half, one-third, or one-quarter (Mottaghi et al., 2024). In this arrangement, the share of each partner is not linked to a specific part of the property; rather, each co-owner possesses an undivided interest in the entirety of the property.

Common ownership may arise voluntarily, with the agreement of all co-owners, or compulsorily, where the indivisible state of ownership must be maintained permanently. This permanence is dictated by the purpose for which the property was originally created (Kavadis & Thomsen, 2023). Compulsory common ownership can be classified as either original or subsidiary. Original common ownership pertains to property intended for the permanent benefit of a defined group, such as a family cemetery. Subsidiary common ownership refers to property established to serve owners of separately held real estate, linking the common property to individually owned units. Examples include shared roads, bridges serving multiple properties, and communal areas within multi-storey or multi-apartment buildings (Goranova, 2025).

4.3. Definition and scope of real estate of common use

Ownership of real estate designated for common use has attracted considerable attention among stakeholders in Dubai's real estate sector, as it represents a distinct form of property ownership. The following discussion examines the concept and components of common-use real estate, as well as the deed that evidences such ownership. Common-use property may take the form of a building whose utilisation is shared among multiple individuals. This includes all parts and extensions of the building, including the land on which it is situated. Ownership of the common areas of such buildings is recognised as joint ownership under the law. Real estate of common use encompasses the building itself, its constituent parts, and extensions created for shared use, as well as the land on which it stands, and any subdivided land intended for future individual ownership (Crivellaro, 2025).

An owner of a real estate of common use is any individual whose name is recorded in the land registry as a co-owner under joint ownership. Such an individual is entitled to use the unit or lease it under a long-term contract in accordance with the Law No. 7 of 2006 concerning Real Property Registration in the Emirate of Dubai. This definition also includes developers of units that have not yet been sold (Silaban & Sندی, 2025). A real estate of common use comprises multiple units designed to

serve diverse purposes, including residential, industrial, and commercial functions. These units may consist of apartments, shops, warehouses, offices, floors, land parcels, or portions thereof. They also encompass attached houses as well as detached houses located within the same common-use property. The common areas are categorised into two types (Abdou & Makky, 2024):

Common parts: These refer to areas within the real estate of common use that are designated for shared utilisation by all owners and residents of the units, as indicated in the site plan.

Private common parts: These comprise components, connections, devices, equipment, or facilities within the real estate of common use that are reserved for the exclusive use of specific owners, thereby excluding others.

The distinction between these two categories lies not in the manner of use, but in the purpose for which they are designated. For instance, ground-floor owners may choose not to use the building's staircase because they have an independent entrance. Nevertheless, they hold a shared ownership interest in the staircase, as it was intended for collective use by all residents.

4.4. Constituents of common parts

Building common parts (examples), i.e., constituents of real estate designated for common use, include the following elements:

- Structural components such as main pillars, columns, foundations, load-bearing walls, staircases, hallways, ceilings, and roofs.

- Lobbies, thresholds, entrances, emergency exits, and windows in external walls, unless otherwise specified in the site plan of the real estate of common use.

- Recreational facilities, guard rooms, swimming pools, storage areas, gardens, offices, and parking spaces, subject to any variations indicated in the site plan.

- Systems and equipment serving the main facilities, including lighting systems, electricity generators, air conditioning and refrigeration units, as well as gas and water systems, and facilities for waste collection and processing.

- Tanks, elevators, generators, piping, fans, chimneys, ventilation ducts, mechanical ventilation systems, and air compression units.

- Primary water and gas pipes, chimneys, sewage systems, and electrical and communication wiring and towers that serve multiple unit owners.

- Measurement devices associated with the provision and monitoring of services within the facilities (Sadar Din & Ishak, 2024).

Land common parts (examples) include:

- Roundabouts, roads, intersections, edges of sidewalks and corridors, traffic islands, drainage systems, associated infrastructure, and viaducts.

- Ponds, lakes, canals, parks, water features, fountains, and other watercourses, unless otherwise specified in the site plan.

- Public squares, green areas, sports fields, parking spaces allocated for management personnel, owners' committees, or visitors, and designated rest areas, subject to any variations indicated in the site plan (Goyal & Rao, 2024).

4.5. Deed of real estate of common use

The site plan, building management code, bylaw, and primary code of the complex constitute key elements of the deed for real estate of common use, with the Dubai Land Department retaining the original copies of each document.

Occupants of common units are required to comply with the bylaw, primary code of the complex, and building management code, in accordance with the provisions applicable to them, as well as in consideration of the rights of other unit owners, the developer, and the owners' committee.

Upon completion of a project and receipt of the completion certificate from the relevant authority, the real estate developer must submit the site plan, building management code, bylaw, and primary code of the complex to the Dubai Land Department within 60 days from the date of issuing the completion certificate. This period may be extended by the department for up to 30 additional days, provided the developer presents valid reasons accepted by the department.

Should the developer fail to submit the required documents within the prescribed period, the Dubai Land Department has the authority to request the competent agency to submit and store the documents, with all associated costs borne by the developer (Garcia-Teruel, 2020).

The Dubai Land Department is also responsible for issuing and updating the maps of common facilities and areas, as well as the maps of private common parts, in accordance with the provisions of the Law No. 6 of 2019.

4.6. Management framework

Dubai's legislature has enacted specific legislation regulating the ownership of real estate designated for common use, addressing management procedures, the establishment and authority of owners' committees, the priority right in the event of a unit sale, and the legal effects of common-use property ownership. The following discussion outlines the provisions governing such ownership (Alshammari, 2025).

The management of real estate of common use is organised according to a classification of properties into three types, with the requirement to form owners' committees for projects falling within two of these categories. The mechanism for managing common-use real estate and the powers and formation of owners' committees are described as follows:

1. Large-sized projects: Projects classified as large-sized are determined according to criteria established by the general manager of the Dubai Land Department. The developer bears responsibility for the maintenance, management, renovation, and operation of common areas and facilities. An owners' committee is established for each large-sized project, with members selected from among the owners residing in the property.

2. Hotel projects: These are projects in which the developer delegates management of common areas to a company specialised in hotel management. An owners' committee may be formed if the management company chooses to establish one; however, such a committee does not have

the authority to interfere with the operational management of the hotel project.

3. Other projects: This category includes all projects that are neither large-sized nor hotel projects. In these cases, management of the common areas is assigned to specialised companies selected by the Real Estate Regulatory Agency. The agency enters into a management contract with the company in accordance with rules and regulations determined by the general manager of the Dubai Land Department.

For main-project common facilities, such as gardens, fountains, parks, playgrounds, ponds, and footpaths, the developer retains responsibility for their management and maintenance (Alafifi et al., 2024).

4.7. Owners' committee

The following section examines the provisions governing the owners' committee in accordance with the Law No. 6 of 2019. It addresses the formation of the committee, the eligibility criteria for its members, and the specific responsibilities and duties assigned to the committee (Awaisheh, 2025).

4.7.1. Formation and membership

The owners' committee is established in large-sized projects as well as in real estate projects, excluding large-sized hotel projects. The committee may comprise a maximum of nine members, including a chairman and a vice-chairman. The Real Estate Regulatory Agency is responsible for selecting the committee members. The committee elects its chairman from among its members, who then represents the committee before the management and the Real Estate Regulatory Agency. The developer is generally ineligible to serve on the committee, except in cases where they retain ownership of unsold units within the common-use property. Membership in the owners' committee is subject to the following conditions:

1. Members must possess full legal competence.

2. Members must be owners residing within the real estate of common use.

3. Members must be recognized for good conduct and behaviour.

4. Members must be committed to paying service fees and utilising the facilities.

5. Members must attend committee meetings regularly and participate actively in its sessions.

Failure to meet any of these conditions results in the immediate forfeiture of membership. In such cases, the Real Estate Regulatory Agency is responsible for appointing an alternative member to replace the individual who has lost membership due to non-compliance with one or more of the prescribed criteria.

4.7.2. Responsibilities

The legislature specifies the duties of the owners' committee in accordance with the Law No. 6 of 2019. The principal responsibilities of the committee are as follows (Kisswani & Farah, 2022):

1. The committee must ensure that the management oversees the operation, maintenance, renovation, and administration of

the common parts in compliance with the provisions of the Law No. 6 of 2019, associated decisions, and the building management code.

2. The committee is responsible for reviewing the annual budget allocated for the maintenance of the real estate of common use, providing recommendations for its improvement, and requesting relevant financial reports to support this review and subsequent recommendations.

3. The committee must deliberate on obstacles and challenges related to the management, operation, maintenance, and renovation of common areas, submitting its recommendations to the management or, when necessary, to the Real Estate Regulatory Agency.

4. The committee is required to receive complaints and suggestions from owners and residents concerning the management, operation, maintenance, and renovation of common areas. These must be communicated to the management, and if unresolved within fourteen days, forwarded to the Real Estate Regulatory Agency.

5. The committee has the authority to request the Real Estate Regulatory Agency to replace the management of third-category real estate projects, providing updates regarding the appointment and selection of new management.

6. The committee must notify the management or the Real Estate Regulatory Agency of any defects in the structural components of the real estate of common use, as well as any damages in common areas requiring immediate attention.

7. The committee is responsible for coordinating with the Real Estate Regulatory Agency, management, or any specialised body regarding matters related to the safety, environmental standards, and security of the real estate of common use.

8. The committee must submit any received suggestions concerning the utilisation of common parts or amendments to the building management code to the management, provided such changes receive approval from the Real Estate Regulatory Agency.

4.8. Legal effects of common ownership of common parts

Several legal effects arise from recognising the common parts of real estate as jointly owned by multiple owners. These effects include:

1. The ownership of common parts is considered compulsory joint ownership, as these parts cannot be divided among the owners or individual units. Each owner bears responsibility for the costs of maintaining, managing, and renovating these areas as required. This arrangement ensures that all owners share the burden of preserving the common parts, reflecting their designation for collective use by all unit owners.

2. Common parts cannot be converted into private property, nor can they be divided or disposed of independently from the associated units, except with prior consent from the Dubai Land Department and the authority responsible for issuing building permits and approving site plans.

3. Each owner has the right to use the common parts in accordance with their designated purpose, provided such use does not prevent other owners from accessing or utilising them. For example, installing a door on a staircase entrance that obstructs others' movement, or restricting elevator use to a single owner, would constitute a violation.

4. Owners are prohibited from making substantial modifications or alterations to the common parts without obtaining approval from the primary developer and the relevant permitting authorities. If unauthorized modifications are made, the owner is liable for repairing any resulting damages at their own expense. Should the owner fail to carry out the repairs, the Real Estate Regulatory Agency or the developer may assign a party to perform the necessary work, with all costs charged to the responsible owner.

5. Sub-developers and unit owners cannot refuse to pay service fees or forgo the use of facilities as prescribed by the Real Estate Regulatory Agency. An owner cannot renounce their share of the common parts to avoid financial obligations.

6. Owners must pay their proportionate share of service fees to cover the costs of managing, operating, maintaining, and renovating the real estate of common use. These fees are calculated based on the proportion of the unit's space relative to the total area of the property, in accordance with mechanisms established by the general manager of the Dubai Land Department. Developers are responsible for paying the service fees for unsold units, as well as for sold units if the sales or mortgage contract stipulates that they assume this obligation on behalf of the buyer. The owner's share is calculated according to the unit space registered in the Land Registry.

7. For unsold units, the developer and the prospective owner share an indivisible interest in the common parts, proportionate to the unit's size relative to the overall property.

8. Owners retain the right to sell, transfer, or otherwise dispose of their units, and may mortgage their units with any licensed bank or financial institution operating in Dubai.

9. Units within real estate of common use cannot be subdivided into separate units for multiple individuals unless expressly permitted by the complex bylaw. Such subdivision requires approval from the Dubai Land Department and the relevant competent authorities (Siniak et al., 2020).

4.9. Summary of analytical results

To summarise the study's findings, the results are presented across three interrelated tables. Table 1 illustrates the classification of projects, the management structure, and the responsibilities of the owners' committee. Table 2 provides systematically organised examples of the components comprising the common parts of both the building and the land. Table 3 summarises the key legal effects of joint ownership, including non-division, restrictions on disposal, obligations regarding service fees, and the principle of equitable use (Al-Dawoud, 2024).

Table 1. Classification of projects in Dubai Law No. 6 of 2019, the managing authority, and the powers of the owners' committee

Category	Entity managing common areas/facilities	Owners' committee
Large projects	Developer (maintenance/management/operation/rehabilitation)	Binding; members from among the owners; the presidency is elected from among them
Hotel projects	Specialized hotel management company	Permissible; no interference in the management of the hotel project
Other projects	A specialized management company appointed by the Real Estate Regulatory Agency	Binding according to the applicable controls

Table 1 demonstrates the differentiated management structure adopted under Dubai Law No. 6 of 2019, linking project classification directly to governance responsibility. Large-scale projects retain developer-led management with mandatory owners' committees, while hotel projects operate under specialised management companies with

limited committee intervention. Other projects are supervised through management entities appointed by the Real Estate Regulatory Agency. This classification reflects a regulatory attempt to balance operational efficiency with owner participation, depending on project scale and functional purpose.

Table 2. The components of the common parts of the building and the land

Scope	Key examples
Building	Structural elements, stairs, corridors, and ceilings, lobbies, entrances, and emergency exits, elevators, generators, tanks, and mechanical systems, lighting/gas/water/drainage/communication systems
Land	Roads, roundabouts, levels, drainage, green spaces, squares, fountains and water bodies, visitor parking, and complex management

Table 2 systematises the components of common parts by distinguishing between building-related and land-related elements. This classification clarifies the scope of compulsory joint ownership and delineates maintenance responsibilities. By enumerating structural components, service

systems, and shared outdoor facilities, the table illustrates how the law operationalises collective ownership across both constructed and open-space environments, reducing ambiguity in defining owners' financial and usage obligations (Faqih & Zayed, 2021).

Table 3. Effects of joint ownership and selection of the most important materials

Impact	Concise content
Non-division	Common parts are not divisible or independent of the unit, and their maintenance costs are borne by all owners in proportion to the areas.
Restrictions on action	The common parts may not be disposed of separately from the unit, or any substantial modifications may be made except with the approval of the developer/competent authority.
Fees	The owner is obligated to pay service, operation, and maintenance fees according to a mechanism determined by the competent authority; the developer shall bear its share of unsold units.
Balanced use	Each owner has the right to use the common areas for their intended purpose without impeding the rights of others.
Unit fragmentation	It is prohibited to divide the unit into independent units unless the articles of association permit, and the necessary approvals are obtained.

Table 3 summarises the principal legal effects arising from joint ownership of common parts, including non-division, restrictions on independent disposal, mandatory service fees, and the principle of balanced use. These effects collectively reinforce the coercive nature of common ownership, ensuring functional integrity of shared property while safeguarding equitable access among owners. The table also highlights the regulatory emphasis on financial proportionality and procedural consent as mechanisms for preventing unilateral exploitation of common assets (Adibfar et al., 2020).

5. DISCUSSION

This study is based on the premise that understanding the right of ownership in its classical structure — encompassing the powers of use, exploitation, and disposal — is essential for comprehending the system of joint-use property ownership in Dubai. The study aimed to reconstruct this general understanding within the specific legislative framework established by Law No. 6 of 2019, thereby providing a coherent interpretation that connects the conceptual basis of ownership

with its practical implementation and clarifies the rights and obligations of owners, as well as the respective roles of developers, management entities, and the owners' committee. An analytical review revealed that Dubai Law No. 6 of 2019 aligns with general civil principles of joint ownership while providing detailed and specialised guidance tailored to multi-unit developments. This was evident in several aspects:

1. Tightening definitions and scope: By defining 'common-use property' and systematically differentiating between 'common areas' and 'private common areas', the law reduces ambiguity regarding user obligations and exclusive usufruct rights.

2. Establishing evidentiary and management tools: Treating the site plan, building management code, and complex bylaws as components of the title deed and filing them with the Land Department provides a regulatory reference point for resolving disputes.

3. Codifying operational governance: The law clearly assigns management and maintenance responsibilities according to project classification (large, hotel, or other) and specifies criteria for

forming the owners' committee, including its oversight and coordination functions.

4. Regulating the right of first refusal (pre-emption between partners): A formal procedural process with defined timelines and notification methods is established, including the forfeiture of rights if deadlines are missed or if improved sale conditions are not demonstrated for subsequent buyers.

5. Emphasising the coercive nature of joint ownership: Common areas cannot be divided or disposed of separately from the unit, and service fees are linked to the registered area of each unit, ensuring equitable distribution of operational costs.

The study employed a descriptive-analytical approach to deconstruct the three elements of property rights and to distinguish between 'non-exhaustive recurring benefits' and 'products affecting the property itself', subsequently applying this framework to Law No. 6 of 2019. A comparative approach with civil laws in Jordan and Egypt was also used to identify areas of consistency and divergence, providing insight into the legislative choices made in Dubai, including project classification, committee formation, mapping of private areas, and fee mechanisms. The study further relied on a meticulous textual examination of the deed-related documents (site plan, building code, regulations), which define the daily organisational practices of the projects. These findings offer practical insights and guide operational implementation:

- Reducing friction between common rights and exclusive use by adhering to the design, maps, and regulations; when a portion is designated as a 'private common' area, responsibility is clearly defined by documentary reference.

- Fee governance: Linking service fees to registered unit areas and enabling the owners' committee to review the annual budget provides internal oversight and reduces information asymmetry between management and owners.

- Effectiveness of the owners' committee: The committee functions as an institutional platform for receiving complaints and recommendations within specified deadlines, promoting preventative resolution before disputes escalate, and improving operational and maintenance quality.

- Behaviour regulation in common areas: Requiring prior approval for substantial modifications mitigates risks of structural damage or disruption of common use, while empowering developers and regulatory authorities to intervene and recover costs from the responsible party.

- Clarity of priority: Defined dates and formal notification methods reduce disputes over forfeiture of rights and encourage transparent transactions.

The study remains primarily textual and regulatory; it does not include statistical analysis of disputes or extensive judicial case studies, nor does it assess the impact of practical differences in standard application across neighbourhoods or developers. A research gap exists in measuring the influence of financial governance (budgeting and performance indicators) on service quality and owner satisfaction, as well as in evaluating alternative grievance resolution mechanisms before

litigation. Based on the findings, the study proposes the following recommendations:

1. Enhance measurability in classifying 'large-scale projects' by publishing interpretable digital standards.

2. Standardise building management code templates and complex regulations, including mandatory transparency indicators.

3. Fully digitalise common and private area maps and link them to property records with clear chains of transmission.

4. Implement performance indicators and link fees to operational KPIs, such as response times, maintenance schedules, and complaint resolution rates.

5. Establish an institutional mediation process preceding recourse to the Dispute Resolution Centre, with clearly defined timelines and procedures.

6. Provide detailed technical guidelines for private common areas (ventilation, structural loads, permeability, safety) to minimise interpretative discrepancies during implementation.

The study demonstrates that Law No. 6 of 2019 effectively bridges the gap between general civil theory and the operational requirements of Dubai's complex real estate environment. It transforms common ownership from an abstract concept into an actionable, measurable, and monitorable system. The findings further indicate that strengthening deed-related documentation, empowering the owners' committee with oversight responsibilities, and regulating the right of priority through transparent procedures contribute to reducing disputes and enhancing the quality of shared facility management. While additional empirical evidence and performance metrics are required, this framework establishes a robust foundation for the formulation of efficient and balanced executive policies that reconcile the rights and obligations of owners with the interests of developers and management.

6. CONCLUSION

Several results were derived from the present study, and a number of recommendations were formulated. These results and recommendations are summarised as follows:

1. The real estate of common use encompasses the building itself, its constituent parts, and any extensions created for shared use. It also includes the land on which the property is situated, as well as land divided into units and designated for future ownership.

2. A real estate of common use comprises multiple units designated to fulfil a range of purposes, including residential, industrial, commercial, and other types of utilisation. These units may consist of apartments, shops, warehouses, offices, floors, and parcels of land or any portion thereof. The category also includes attached houses as well as detached houses situated within the real estate of common use.

3. The types of real estate of common use vary according to their intended purposes. These include large-scale projects, which are classified based on criteria established by the general manager of the Dubai Land Department. Additionally, they include hotel projects, which are properties licensed by the competent authorities for utilisation as hotel

facilities or units of common use. Examples include hotels, hotel apartments, villas, and rooms.

4. Owners retain the right to sell or otherwise dispose of their units through any legal transaction. They are also entitled to mortgage their units with banks or financial institutions licensed to operate in Dubai.

5. In cases where an owner intends to sell or dispose of their share to a non-partner, the law provides the other owners with a pre-emptive right to purchase that share. If multiple owners express interest, they may acquire the share in proportion to their existing ownership stakes.

However, this paper has certain limitations. This study is primarily based on doctrinal and analytical examination of legislative texts and regulatory instruments and does not incorporate empirical data, statistical analysis of disputes, or systematic judicial case studies. It also does not assess variations in practical implementation across different developments or management entities. Accordingly, the findings should be interpreted within the limits of a normative legal analysis. Future research may build on this framework by incorporating quantitative indicators, comparative case law, and stakeholder-based evaluations to assess the practical effectiveness of governance mechanisms, service-fee structures, and dispute-resolution processes in the real estate of common use.

The study proposes the following recommendations. Any owner may demonstrate that a sale transaction was executed under contractual

terms more favourable than those indicated in the notification sent to the other owners entitled to the priority right. According to Article 15/D of the Law of the Ownership of the Real Estates of Common Use, in such cases, the other owners are entitled to claim compensation for any damages incurred. Such claims may be submitted to the Rental Disputes Centre in Dubai. It is recommended that Article 15/D be amended to stipulate that the seller shall be automatically liable for damages caused to owners with the priority right. Specifically, the article should require the seller to pay compensation equivalent to one quarter of the sale price without necessitating notification or proof of damage, given the presumption of bad intent. This amendment would serve as a deterrent to other sellers from engaging in similar conduct.

It is further recommended that the legislator introduce the following clarification to Article 14/B of the Law of the Ownership of the Real Estates of Common Use, regarding sales conducted through public auctions in accordance with legal procedures. The amended article should read as follows:

If one of the owners decides to sell or otherwise dispose of their share in a unit to a non-partner, the other owners are granted a pre-emptive right to purchase that share. If multiple owners wish to exercise this right, they are entitled to acquire the share in proportion to their existing ownership stakes. However, the priority right shall not apply if the unit is sold or transferred to an ascendant, descendant, spouse, or family relative.

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