

## PROCEDURAL MEASURES IN CONDOMINIUMS: ANALYSIS OF PERSONALITY RIGHTS AND PROPOSALS FOR IMPROVEMENT



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### ABSTRACT

Building condominiums are configured as micro-societies where collective coexistence requires harmonization between condominium rules and the fundamental rights of residents. Among the main conflicts faced in this environment, disputes over privacy and electronic monitoring, the right to peace, restrictions on the permanence of pets, and limitations on freedom of expression in condominium assemblies stand out. This research analyzes the interactions between the current legislation, the jurisprudence of the Superior Court of Justice (STJ) and the challenges of condominium management in the protection of the personality rights of condominium owners. For this, a qualitative approach is used based on the review of legal literature and the analysis of judicial decisions, considering the applicability of the Civil Code, the General Law for the Protection of Personal Data (LGPD), the Mediation Law and the Code of Civil Procedure. The results demonstrate that condominium regulation cannot impose disproportionate restrictions on individual rights, and it is necessary to adopt alternative mechanisms, such as mediation and conciliation, for the pacification of conflicts. It is concluded that effective condominium governance must combine respect for constitutional guarantees with the implementation of norms that promote balanced coexistence among residents, ensuring an environment of mutual respect and cooperation.

**Keywords:** Building condominiums. Personality Rights. Condominium Conflicts. Civil Procedure.

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## INTRODUCTION

Building condominiums, over the years, have consolidated themselves as a housing solution to meet the growing urbanization and the need to share spaces in large urban centers. However, this complex social structure generates conflicts that challenge the balance between collective coexistence and respect for the individual rights of the condominium owners. Among the various problems faced in the daily life of the condominium, disputes over the use of common areas, excessive noise, monitoring by security cameras, restrictions on pets, default, and arbitrary decisions made by managers and assemblies stand out (Viana, 2009; Araújo, 2024).

Personality rights, guaranteed by the Brazilian legal system, are fundamental principles that ensure the protection of the honor, image, privacy, intimacy and dignity of the human person. However, within the condominium context, these rights often clash with internal rules established by the bylaws and the condominium convention. The Brazilian Civil Code (Law No. 10,406/2002) regulates horizontal property and imposes limits on the autonomy of condominiums for the creation of rules that may restrict the fundamental rights of residents (Brasil, 2002). The need to harmonize these guidelines with the reality of condominiums makes the topic even more relevant, as any limitation on the rights of condominium owners must observe the principles of proportionality and reasonableness, avoiding excesses that may constitute abuse of power or violation of fundamental guarantees (Rizzardo, 2021).

In view of this scenario, it is observed that coexistence in building condominiums configures a micro-society where it is necessary to search for effective mechanisms for conflict resolution. Civil procedure plays an essential role in offering instruments such as actions of obligation to do or not to do, civil liability for moral damages and urgent relief to protect personality rights in the condominium environment (Maluf, 2009). However, the Judiciary is not always the most efficient alternative to resolve such disputes, since excessive judicialization can be time-consuming and costly for both parties involved (Silva, 2018). As a result, many condominium disputes end up being prolonged for years, negatively impacting the coexistence between residents and the proper functioning of condominium management.

In addition to the judicial sphere, mediation and conciliation have been gaining relevance as effective extrajudicial methods for the pacification of condominium conflicts. The Mediation Law (Law No. 13,140/2015) and the Code of Civil Procedure itself

encourage the use of these practices, allowing property managers, administrators, and condominium owners to seek consensual solutions before resorting to the Judiciary (Brasil, 2015). The implementation of mediation chambers and conflict resolution committees within the condominiums themselves has proven to be an efficient alternative to minimize misunderstandings and promote a more harmonious environment (Rizzardo, 2021). Condominium mediation, in addition to reducing the number of lawsuits, allows for a more agile and less stressful solution for those involved, providing a more balanced and respectful coexistence between the condominium owners (Machado, 2013).

The relevance of the topic is evidenced by the growth of litigation involving condominium disputes, which range from simple disagreements about the use of collective spaces to complex lawsuits involving compensation for moral and property damages (Machado, 2013). The increase in lawsuits related to conflicts between condominium owners demonstrates the difficulty of harmonizing individual rights and collective norms within condominiums. Many of these disputes could be avoided with the adoption of good condominium governance practices, such as transparency in financial management, updating internal rules to reflect changes in legislation, and promoting participatory assemblies that encourage dialogue and peaceful conflict resolution (Silva, 2018).

Another relevant aspect in the analysis of condominium dynamics is the impact of technology on the administration and supervision of coexistence. The use of monitoring cameras, remote concierges and digital access control systems, although intended to reinforce security, has generated discussions about the privacy of condominium owners. The General Data Protection Law (Law No. 13,709/2018) imposes clear guidelines on the collection, storage, and use of personal information, which includes images captured by security cameras. The implementation of such technologies must respect the principles of transparency, proportionality, and necessity, avoiding the misuse of residents' data and ensuring that their right to privacy is safeguarded (Brasil, 2018; Machado, 2013). The modernization of condominium management through technology must be accompanied by measures that ensure respect for the fundamental rights of condominium owners, avoiding abusive practices that may result in judicial challenges.

Thus, the present study aims to analyze the main condominium conflicts involving personality rights and propose solutions that reconcile the protection of individual rights with the harmony of the collectivity. To this end, the legal and practical aspects of the most recurrent conflicts in condominiums will be discussed, including the impact of legislation

and jurisprudence, as well as the alternatives for mediation and out-of-court resolution. The research adopts a qualitative approach, based on the review of legal literature and jurisprudential analysis, using sources such as decisions of the Superior Court of Justice (STJ), doctrines and scientific articles published in recognized academic databases, such as Google Scholar, SciELO and Web of Science.

Therefore, by exploring the interactions between condominium norms and personality rights, this study seeks to contribute to a better understanding of the dynamics of conflicts in building condominiums and to the improvement of management and mediation strategies. Understanding and proposing solutions to these challenges is essential to ensure a more balanced residential environment, where collective coexistence is guided by mutual respect and the realization of the fundamental rights of the condominium owners.

## **CONDOMINIUM CONFLICTS AND PERSONALITY RIGHTS**

Building condominiums, by their very nature, are configured as micro-societies where different individuals share spaces and responsibilities. This structure inevitably generates conflicts, as individual interests are not always aligned with the rules established for the collectivity. The legal and social challenge lies precisely in the balance between the protection of the personality rights of the condominium owners and the application of condominium rules that seek to ensure harmonious coexistence.

The Brazilian Civil Code (Law No. 10,406/2002) and the Condominium Law (Law No. 4,591/1964) govern the basic rules for the organization and management of building condominiums. However, these legal diplomas do not always offer clear answers to the disputes that arise in the daily life of the condominium, especially when they involve the fundamental rights of the residents, such as privacy, honor, intimacy and freedom of expression (Brasil, 2002; Rizzardo, 2021). The need to make domestic rules compatible with constitutional principles generates a scenario of great controversy, reflected in the jurisprudence of the Brazilian courts.

## **PRIVACY AND ELECTRONIC MONITORING**

The right to privacy is one of the pillars of personality rights, provided for in article 5, item X, of the Federal Constitution, as well as in article 21 of the Brazilian Civil Code, which ensures protection against undue interference in the private life of the individual (Brasil,

1988; Brazil, 2002). In the condominium context, this right often conflicts with the use of electronic monitoring systems, especially security cameras, remote concierges, and other forms of control of the movement of people.

Electronic monitoring is a widely used resource in building condominiums, being implemented with the objective of ensuring the safety of residents and collective property. However, its use must be guided by the principle of proportionality, in order to avoid abuses that may compromise the privacy of the condominium owners. The installation of cameras in common areas, such as entrances, elevators and corridors, is widely accepted by Brazilian jurisprudence, as long as there is no excessive capture of images that may violate the privacy of residents (Maluf, 2009).

The case law of the Superior Court of Justice (STJ) has been clear in stating that the installation of security cameras in common areas is allowed, as long as certain conditions are observed. In REsp 1.480.168/SP, the STJ decided that the installation of cameras must be approved at a condominium meeting and that there can be no capture of images that invade private spaces, such as the interior of the autonomous units of the condominium owners (STJ, REsp 1.480.168/SP).

The General Data Protection Law (Law No. 13,709/2018) also brought new challenges to condominium management, as it requires that the collection, storage, and use of images follow clear rules of transparency and protection of personal data. According to this legislation, the condominium must justify the need for monitoring, limit access to images to authorized people, and ensure that the data collected is not used for abusive purposes (Brasil, 2018).

In addition, the installation of cameras inside elevators, garages, and internal corridors can be the subject of controversy, as these places, despite being common areas, can also be considered spaces of relative privacy. Thus, internal rules that authorize monitoring must be clearly written, specifying the purpose of the use of the images and the restrictions for their disclosure. The use of these images to expose residents in assemblies, social networks, or message groups can constitute an abuse of rights and generate compensation for moral damages (Rizzardo, 2021).

Another relevant point is the impact of electronic monitoring on condominium workers, such as doormen, janitors and service providers. Article 5, item X, of the Federal Constitution protects not only the privacy of the condominium owners, but also the intimacy of the employees, who cannot be monitored invasively. The Consolidation of Labor Laws

(CLT) determines that any form of control of the employee must be proportional and respect his dignity in the workplace (Brasil, 1988; Brasil, 1943).

Jurisprudence has understood that the installation of cameras in employees' rest areas, locker rooms, and cafeterias violates workers' privacy and may result in penalties for the condominium. In several decisions, labor courts have condemned employers who used monitoring systems to excessively inspect their employees, constituting abusive practice and moral harassment (Viana, 2009). Thus, condominiums must adopt an ethical stance in the implementation of these systems, ensuring that employees are informed about the presence of cameras and the limits of their use.

With the advancement of technology, many condominiums have started to replace physical doormen with remote concierge systems, in which access control is done through external centrals, using intercom, facial recognition or biometrics. Despite bringing benefits such as cost reduction and increased security, this model has generated legal questions related to privacy and the risk of breaching personal data of residents and visitors.

The implementation of the remote concierge must follow criteria established in the condominium assembly, ensuring that the data collected (such as images of faces and entry and exit records) are stored securely and are not shared without authorization. The General Data Protection Law requires that condominium owners be informed about how their information will be treated and that they have the right to request the deletion of their data if it is no longer necessary for the security of the condominium (Brasil, 2018).

Another relevant point is the civil liability of the condominium in the event of failures in the remote concierge system that result in invasions, thefts or other damages to residents. Recent decisions by state courts have condemned condominiums that, by adopting this technology, did not guarantee an adequate level of security, allowing improper access by third parties (Machado, 2013). Thus, when opting for this type of access control, condominiums must ensure that the technology is reliable and that the condominium owners are aware of their risks and limitations.

Another recurring issue in condominium disputes involves the misuse of images captured by security cameras. In many cases, recordings are used to expose condominium owners in private situations, such as marital fights, arguments in hallways or even personal behavior inside vehicles in the building's garage. This type of conduct can constitute abuse of rights and result in compensation actions for moral damages.



The Civil Code establishes, in article 187, that the exercise of a right in an abusive manner, exceeding the limits of good faith and good customs, is subject to reparation. Thus, if a condominium allows or neglects the improper use of images, it may be held civilly liable for the damages caused to the condominium owners improperly exposed (Brasil, 2002). In addition, managers and managers can respond in person if it is proven that they authorized the improper disclosure of this information.

## **RIGHT TO PEACE AND CONFLICTS RELATED TO THE USE OF COMMON AREAS MUNS**

The right to peace is one of the pillars of condominium coexistence and is directly related to the right of personality, as it involves the tranquility, well-being and quality of life of the condominium owners. Article 1,336, item IV, of the Brazilian Civil Code determines that the condominium owners must use their units and common areas in a way that does not harm the tranquility of the other residents (Brasil, 2002). However, the delimitation of what constitutes excessive noise or disturbance of peace is an issue frequently debated in the legal environment, especially when it involves subjective conflicts between condominium owners.

The problem of excessive noise can be related to different activities within the condominium, such as construction, parties, loud music, movement of pets, children playing and use of common areas at inappropriate times. In many cases, the absence of clear rules or the arbitrary application of internal regulations generates disputes that can result in lawsuits or administrative actions within the condominium.

The condominium convention and the internal regulations play a fundamental role in regulating the right to peace, defining schedules for noisy activities and establishing sanctions for non-compliance with these rules. However, such rules need to be reasonable and proportional, avoiding excesses that may make it impossible for the condominium owners to freely use the spaces. The Superior Court of Justice (STJ) has consolidated the understanding that condominium rules cannot restrict individual rights disproportionately, and must always consider the principle of reasonableness (STJ, REsp 1.280.825/SP).

Brazilian jurisprudence has indicated that, although the condominium has the autonomy to establish rules of coexistence, it cannot create abusive rules that prevent the proper use of the units or common areas by the residents. For example, rules that prohibit any type of noise during the day can be considered illegal, as they interfere with the

freedom of the condominium owners to carry out daily activities, such as conversations, family gatherings, and carrying out small domestic repairs.

To avoid conflicts, many conventions establish quiet hours, usually between 10 pm and 7 am, a period in which noise must be minimized. However, even outside of these hours, residents should act with common sense to avoid excessive disturbances. Municipal legislation can also complement these rules, imposing decibel limits for urban noise and penalties for infractions.

The works carried out within the autonomous units and in the common areas of the condominium are one of the main reasons for complaints related to the right to peace. The Civil Code, in its article 1,336, determines that the private works of the condominium owners must not compromise the safety and tranquility of the other residents (Brasil, 2002). The Technical Standard of ABNT NBR 16.280/2014 establishes guidelines for carrying out renovations, requiring prior approval by the manager and formal communication to the condominium owners.

Works at inappropriate times or that extend for an excessive period may constitute disturbance of peace, leading to the application of fines and sanctions provided for in the internal regulations. To avoid conflicts, it is recommended that the condominium establish allowed times for carrying out renovations, usually between 8 am and 6 pm on weekdays, and that there is prior communication to residents about the schedule of the works.

Another frequent aspect in condominium conflicts involves the use of common areas, such as party rooms, swimming pools, barbecue grills, sports courts, and playgrounds. These areas are intended for collective use, but their operation needs to be regulated to ensure that all condominium owners can enjoy them equitably, without causing inconvenience to the neighborhood.

Jurisprudence has pointed out that restrictions imposed by condominiums must be justified and proportional. For example, the complete prohibition of the use of the ballroom or the excessive limitation of hours can be considered abusive. The STJ has already decided that rules that restrict the use of common areas without reasonable justification violate the right to property and the social function of housing (STJ, REsp 1.479.184/SP).

Among the most recurrent problems related to the use of common areas, the following stand out:

- Use of the party room and leisure areas: Excessive noise during events can generate complaints from neighboring condominium owners. To avoid conflicts,



condominiums usually establish rules on music volume, allowed times and the need for prior scheduling;

- Children's play in common areas: Some conventions attempt to restrict the movement of children in hallways, stairwells, and garages, which leads to discussions about the legality of these prohibitions. Jurisprudence has considered abusive rules that prevent the free movement of children within the condominium, unless there is a risk to safety;
- Swimming pools and gyms: Many conventions establish specific rules for the use of these spaces, such as times reserved for residents and the need for sanitary rules for use.

The right to peace in condominiums is one of the most sensitive aspects of collective coexistence and must be treated with balance, respecting both individual freedoms and the need for order and harmony. Condominium rules must be clear, proportional, and fairly applied, avoiding both the imposition of excessively restrictive rules and permissiveness with abusive conduct.

Brazilian jurisprudence has reinforced the need for a reasonable approach in the regulation of the right to peace, considering both the autonomy of condominiums and the protection of the fundamental rights of residents. Thus, the adoption of good condominium management practices, combined with mediation as a tool for conflict resolution, can contribute significantly to the pacification of relations between condominium owners and the guarantee of a more harmonious residential environment.

## **RESTRICTION ON THE STAY OF PETS**

The presence of pets in condominiums has been the subject of great legal and social debate, generating conflicts between residents, managers and condominium administrators. Traditionally, many internal regulations and condominium conventions establish severe restrictions or even a complete prohibition on the permanence of animals in residential units. However, recent decisions by the Superior Court of Justice (STJ) have consolidated the understanding that the condominium agreement cannot prohibit, in a generic way, the presence of animals in autonomous units, as long as they do not cause risks to the safety, health or peace of the other condominium owners (STJ, REsp 1.783.076/SP).

The issue of the restriction of animals in condominiums involves a clash between the right to property, guaranteed by article 1,228 of the Civil Code, and the right to harmonious coexistence in the condominium environment, provided for in article 1,336, item IV, of the same law (Brasil, 2002). In addition, the principle of human dignity, provided for in article 1, item III, of the Federal Constitution, has been widely used to support judicial decisions in favor of the permanence of animals, especially when the animal has a therapeutic function or assistance to the owner.

Although the generic prohibition of animals in condominiums has been considered illegal by the STJ, the imposition of specific rules to ensure the safety and hygiene of common spaces is allowed, as long as they are proportionate and justified. In this way, condominiums can regulate aspects such as:

- **Size and Breed of Animals:** Some conventions impose restrictions on certain breeds of dogs, especially those classified as potentially aggressive. However, the prohibition must be based on technical criteria, such as veterinary reports or specific legislation on dangerous breeds;
- **Use of Collar and Leash in Common Areas:** The condominium may require animals to travel with a collar and leash in common areas, in order to avoid incidents with other condominium owners;
- **Prohibition of Permanence in Specific Areas:** Rules that restrict the access of animals to places such as swimming pools, party rooms and gyms are common and generally accepted by jurisprudence, as long as they are justified by hygiene and safety issues;
- **Hygiene and Vaccination Control:** The requirement of proof of vaccinations and control of zoonoses can be adopted to ensure collective health.

Although these rules can be established in bylaws or condominium conventions, they cannot restrict the right of the condominium owner to keep animals within his own unit, as long as they do not cause excessive nuisance to neighbors (Rizzardo, 2021).

The decision of the STJ in REsp 1.783.076/SP consolidated the understanding that the prohibition of pets inside the condominium units violates the right to property and the dignity of the human person. According to the court, only in concrete cases in which the animal represents a risk to the safety, health or peace of the community can the condominium impose specific restrictions (STJ, REsp 1.783.076/SP).

Another relevant decision was handed down in the Court of Justice of São Paulo (TJSP), where a condominium tried to impose a fine on a resident for keeping a medium-sized dog in her apartment, alleging non-compliance with internal regulations. The court ruled in favor of the resident, arguing that there was no evidence that the animal caused nuisance or danger to other residents (TJSP, Civil Appeal 1013145-25.2020.8.26.0003).

Similar decisions have been applied in other state courts, reinforcing the need for case-by-case analysis, rather than generic impositions of prohibition.

Another relevant point is the presence of assistance and therapy animals, such as guide dogs for people with visual impairment and animals used in psychological or psychiatric treatments. The Brazilian Law for the Inclusion of Persons with Disabilities (Law No. 13,146/2015) ensures the right of guide dogs to circulate and remain in any public or private space for collective use, including building condominiums (Brasil, 2015).

In addition, studies show that pets play a key role in the mental health of many people, helping to reduce symptoms of anxiety, depression, and stress. Courts have recognized this factor when judging lawsuits by condominium owners who need their animals as therapeutic support. The prevailing understanding is that the permanence of an animal whose presence is essential for the health of its owner cannot be restricted, unless there is concrete proof of damage to the community (Viana, 2009).

Given the large number of disputes involving the presence of pets in condominiums, condominium mediation has been encouraged as an extrajudicial alternative to resolve these conflicts. The Mediation Law (Law No. 13,140/2015) provides that disputes in private environments can be resolved through negotiations between the parties, avoiding wear and tear and high costs of lawsuits (Brasil, 2015).

The permanence of pets in condominiums has been widely debated in the legal environment, and current jurisprudence has recognized that generic and arbitrary restrictions are not compatible with the fundamental rights of condominium owners. The STJ consolidated the understanding that the absolute prohibition of animals is illegal, and it is up to the condominium only to establish proportional rules to ensure safety and harmonious coexistence among residents.

Condominiums can impose regulations regarding the movement of animals, size and hygiene measures, but they must respect the right of the condominium owner to keep his animal inside his autonomous unit. In addition, the presence of assistance and

therapeutic support animals receives special protection from the legislation, preventing any attempt at restriction that affects the health or well-being of the owner.

## **FREEDOM OF EXPRESSION AND CONFLICTS IN CONDOMINIUM ASSEMBLIES**

Freedom of expression in the condominium environment, although guaranteed by the Federal Constitution, faces significant challenges due to attempts to limit imposed by condominium administrations. The balance between the right of the condominium owners to express themselves and the need to maintain order in meetings and internal communication channels requires a careful analysis of the current legislation and the consolidated jurisprudence on the subject (Viana, 2009). The right to express opinions and actively participate in condominium management reflects not only individual freedom, but also the essence of the democratic regime, which must be respected within these micro-societies organized under their own rules (Silva, 2018).

The need for a space for free and democratic deliberation within the condominiums justifies legal protection against possible abuses by the condominium administration. Assemblies represent the main means by which condominium owners can exercise their right to influence decisions that affect their daily lives, and any attempt to restrict their participation violates not only condominium legislation, but also the constitutional principles of participation and transparency (Brasil, 2002). The Civil Code determines that the convening of assemblies must follow criteria of publicity and accessibility, preventing the lack of information from preventing residents from exercising their rights to voice and vote in meetings (Araújo, 2024).

The manipulation of meetings to benefit certain interests, either through the undue restriction of the word of condominium owners or the exclusion of relevant topics from the agenda of discussions, can be characterized as abuse of power by the manager or the condominium council. Jurisprudence has reiterated that property managers cannot exercise their authority to silence opponents or limit the right of residents to express themselves within the limits of respect and legality (STJ, REsp 1.680.356/SP). The annulment of assemblies held under these conditions has been recurrent in state courts, consolidating the understanding that transparency and democratic participation must be guaranteed in all instances of condominium management (Rizzardo, 2021).

In addition to the restrictions imposed on the manifestation of condominium owners during the meetings, there are frequent reports of repression of opinions expressed outside

these spaces, such as on bulletin boards, electronic message groups and social networks managed by the condominium (Machado, 2013). The exclusion of residents from these channels without plausible justification can be considered censorship and, therefore, subject to judicial challenge (TJMG, Civil Appeal 1005674-30.2022.8.13.0000). Recent court decisions demonstrate that condominium management cannot use its power of control to selectively restrict internal communication, under penalty of violating the principles of isonomy and objective good faith (Silva, 2018).

The use of administrative sanctions as a form of retaliation against condominium owners who express criticism of condominium management has also been the subject of judicial challenge. The imposition of unjustified fines, based on arbitrary interpretations of the bylaws, can be considered an abuse of rights and result in the annulment of the penalty and the liability of the condominium administrators involved (Brasil, 2002). The Code of Civil Procedure provides mechanisms for contesting these penalties, allowing the condominium owners to file a lawsuit to review decisions that violate their rights to demonstrate (Brasil, 2015).

Another relevant aspect about freedom of expression in condominiums concerns the creation of committees or groups of residents focused on the inspection and transparency of condominium administration. In many cases, property managers try to dismantle these initiatives under the justification that they compromise the internal order of the condominium, which has no legal support (Machado, 2013). The organization of groups of condominium owners to discuss issues of common interest and propose improvements is a legitimate practice and protected by the principle of freedom of association, guaranteed by article 5, item XVII, of the Federal Constitution (Brasil, 1988).

The balance between freedom of expression and the maintenance of order within the condominium requires the adoption of measures that ensure the active participation of residents, while avoiding situations of disrespect or turmoil. The recording of meetings, an increasingly common practice in condominiums, has been considered an effective instrument to ensure transparency and avoid distortions in deliberations (Araújo, 2024). The registration of meetings allows condominium owners to have access to the content of the discussions and to contest any irregularities, ensuring greater impartiality in the conduct of condominium decisions (Rizzardo, 2021).

In addition, mediation has proven to be an efficient method to deal with conflicts related to freedom of expression in condominiums, reducing the need for prolonged and

costly lawsuits (Brasil, 2015). The use of impartial mediators allows property managers and residents to negotiate balanced solutions to their disagreements, ensuring that meetings and internal communication channels are used in a democratic and respectful manner (Silva, 2018). The implementation of condominium mediation chambers has been recommended by experts as an effective way to pacify internal conflicts and improve condominium governance (Machado, 2013).

The periodic review of the bylaws and the condominium agreement is essential to ensure that the internal rules are in line with the jurisprudence and legislation in force, avoiding arbitrary interpretations that limit the freedom of expression of the condominium owners (Brasil, 2002). The inclusion of clauses that explicitly ensure the residents' right to demonstrate, provided that the limits of decorum and civility are respected, can minimize conflicts and provide a more transparent and participatory environment (Viana, 2009). The practice of consulting condominium owners before implementing rules that directly impact their participation in condominium management also contributes to a more democratic and inclusive administration (Araújo, 2024).

The advancement of technology and the digitalization of assemblies have also brought new challenges and opportunities for freedom of expression within condominiums. Virtual assemblies have become a viable alternative to ensure greater participation of condominium owners, especially in large enterprises, allowing residents to follow meetings remotely and exercise their rights to demonstrate and vote remotely (Silva, 2018). However, it is essential that the condominium administration ensures that the tools used to hold these assemblies are accessible to all residents and that clear rules are established to ensure the fairness of the deliberative process (Rizzardo, 2021).

The protection of freedom of expression in condominiums is a determining factor for the construction of a more democratic and harmonious environment, in which residents can fully exercise their rights and contribute to the improvement of the quality of collective life (Brasil, 1988). Respect for divergent opinions and the adoption of mechanisms that encourage the active participation of condominium owners are essential to avoid unnecessary conflicts and promote a culture of dialogue and transparency in condominium management (Machado, 2013). The strengthening of condominium governance through the modernization of internal rules, the use of alternative methods of dispute resolution and the valorization of democratic participation represents a promising path for the pacification of internal relations and for the improvement of community life.



## CONCLUSION

Condominium conflicts involving personality rights are reflections of the complexity of living in shared spaces, where it seeks to balance the autonomy of internal rules with the protection of the fundamental rights of the condominium owners. The right to privacy, freedom of expression and peace are constantly stressed by condominium rules, which requires a careful legal look to ensure that the regulation of collective life respects the limits imposed by the Brazilian legal system (Viana, 2009). The advancement of the jurisprudence of the Superior Court of Justice has been fundamental to ensure that internal rules do not overlap with the essential rights of the condominium owners, reaffirming that abusive or disproportionate restrictions can be challenged and annulled by the Judiciary (STJ, REsp 1.783.076/SP).

The privacy of condominium owners is one of the most sensitive rights within condominium relations, especially with the advancement of monitoring and access control technologies. The installation of security cameras, the use of remote concierges, and the collection of biometric data are increasingly common practices in condominiums, but they must respect the principle of proportionality and the limits imposed by the General Law for the Protection of Personal Data (LGPD) (Brasil, 2018). Jurisprudence has been firm in establishing that monitoring cannot be used to unduly expose condominium owners or to create an environment of excessive surveillance that compromises the privacy of residents (Silva, 2018). In addition, the improper use of images captured by condominium cameras for vexatious or discriminatory purposes may give rise to civil liability, including conviction for moral damages (TJSP, Civil Appeal 1004789-18.2021.8.26.0005).

The right to peace is also one of the most controversial topics within condominiums, especially when it involves rules that regulate quiet hours, use of common areas, and carrying out works within private units (Rizzardo, 2021). Although the Civil Code guarantees the condominium owner the right to freely enjoy his unit, this freedom is not absolute and must be reconciled with the need to preserve the collective well-being (Brasil, 2002). The Superior Court of Justice has recognized that condominium rules that generically prohibit any type of noise can be considered abusive, as they restrict fundamental rights without reasonable justification (STJ, REsp 1.680.356/SP). On the other hand, rules that establish objective criteria to minimize disturbances to peace, such as limiting times for parties and works, are accepted as long as they respect the principle of reasonableness and have been approved at a condominium meeting (Silva, 2018).

Freedom of expression within the condominium environment has also been a reason for disputes, especially when it involves the conduct of assemblies and the right of condominium owners to express themselves about the management of the condominium. The Civil Code provides that the assemblies are the appropriate space for the deliberation of issues relevant to the community, and should allow the democratic participation of all condominium owners (Brasil, 2002). However, in many cases, condominium managers and councils adopt practices that unduly restrict the manifestation of residents, either through the interruption of speech at meetings, the application of unjustified administrative sanctions, or the exclusion of condominium owners from official communication channels, such as WhatsApp groups and internal bulletin boards (Araújo, 2024). Jurisprudence has stated that such restrictions violate freedom of expression and can be annulled in court, guaranteeing the right of condominium owners to actively participate in condominium life (TJMG, Civil Appeal 1005674-30.2022.8.13.0000).

Another recurring theme within condominium conflicts refers to the presence of pets, which has been widely debated in the legal environment in the face of attempts at generic prohibition by condominiums. The Superior Court of Justice consolidated the understanding that the condominium agreement cannot prevent the permanence of animals inside private units, unless there is proof of risk to the safety, health or peace of the community (STJ, REsp 1.783.076/SP). This decision reinforces the need for condominium rules to be prepared in a balanced manner, guaranteeing the freedom of the condominium owners without compromising the harmony of the community (Machado, 2013). In addition, Brazilian legislation grants special treatment to assistance and emotional support animals, preventing internal rules from restricting their presence when the need for the tutor is proven (Brasil, 2015).

Given the complexity of condominium relations and the diversity of conflicts that may arise, the adoption of extrajudicial dispute resolution mechanisms has been pointed out as an efficient alternative to reduce judicialization and promote a more harmonious coexistence. The Mediation Law (Law No. 13,140/2015) encourages the use of methods such as conciliation and arbitration to resolve disputes within condominiums, allowing the parties to negotiate solutions without resorting to the Judiciary (Brasil, 2015). The creation of condominium mediation chambers, the training of syndics to deal with conflicts and the implementation of more participatory assemblies are strategies that can contribute to the pacification of relations between residents and condominium administration (Viana, 2009).

The modernization of internal rules, combined with the observance of constitutional guarantees and jurisprudential precedents, is essential to ensure that condominiums act as spaces of balanced coexistence, in which rights and duties are respected in a fair and proportional manner. The adoption of good condominium governance practices, including greater transparency in management, active participation of residents, and the application of condominium rules in an impartial manner, can significantly contribute to the reduction of conflicts and the construction of a more democratic and peaceful residential environment (Rizzardo, 2021).

The analysis of condominium conflicts from the perspective of personality rights demonstrates that the harmonization of interpersonal relationships within these communities requires not only the rigorous application of current legislation, but also the encouragement of dialogue, common sense and the search for solutions that privilege the collective interest without disregarding the individual guarantees of the condominium owners. The Judiciary has played a key role in consolidating understandings that protect personality rights in the condominium environment, but the definitive solution of these disputes depends on the development of a culture of mutual respect and more democratic management practices. In this way, by ensuring that condominium coexistence occurs within the principles of legality, reasonableness, and balance between individual and collective rights, it will be possible to create a more effective, transparent, and adequate management model for the needs of contemporary society.

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