


## PUBLIC POLICIES AND PROPERTY RIGHTS: A STUDY ON THE SOCIAL FUNCTION OF URBAN PROPERTY IN BRAZIL

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### ABSTRACT

This article aims to analyze the main obstacles faced in the implementation of effective public policies to ensure the fulfillment of the social function of urban property in Brazil. In order to achieve the purpose, a historical overview was made about property, its social function, as well as an analysis of its standardization and application in the Brazilian State. The Federal Constitution of 1988 was used as a theoretical reference, which established the social function as an obligation associated with the realization of the fundamental property right. The research in question is of a qualitative nature and descriptive and exploratory method, where the emphasis is the bibliographic research. In its course of realization, it was supported by articles, books and legislation on the subject, and it was found that the effectiveness of the social function of urban property in Brazil is fundamental to promote sustainable development. This understanding encompasses public policies so that we can culminate in a rational and balanced use of natural resources, social inclusion and economic sustainability, ensuring that the benefits of development are distributed equitably and preserving resources for future generations.

**Keywords:** Public policies. Social function of property. Urban property. Sustainable development.

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## INTRODUCTION

The research in question seeks to verify the main obstacles faced in the implementation of effective public policies to ensure the fulfillment of the social function of urban property in Brazil, based on a historical and doctrinal reflection.

It is known that property is a human right (article 17 of the Universal Declaration of Human Rights) and a fundamental constitutionally guaranteed in article 5, *caput* of the Constitution of the Republic of Brazil (CF/1988) and is characterized by being absolute, limited by the social function, can be reconciled as individual and collective, and marked as an economic instrument, because its exploitation promotes sustainable development and general well-being.

The idea of property has endured since ancient times and is considered an inherent necessity of all humanity. Its concept changed and culminated in its structure interconnected to the content of the social function, giving the owners a distance from individuality with the exclusive use of the good, and bringing them closer to the use of property for the benefit of the collectivity.

In addition to being a fundamental individual right, property, according to the Federal Constitution (1988), needs to serve a function that benefits society, which is provided for in several legal provisions, such as article 5, item XXIII, CF/1988 about individual and collective rights and duties, article 182, paragraph 2, CF/1988 in the context of urban policy, art. 186, *caput*, CF/1988 on rural property. In the meantime, article 170, item III, CF/1988, when protecting the economic and financial order, lists as one of the general principles of economic activity the social function of property, among others. In addition, the Civil Code of 2002 in its article 1,228, when working on the property right, in its essence, confers on the owner the right to use, enjoy, dispose of and claim the thing, however, in paragraph 1 of the same legal precept, CC/2002 implicitly applies the social, economic and socio-environmental function of property, thus limiting the absolute character of the respective right (Matos, 2017, p. 59).

The notion of the social function of property in Brazil was formally introduced by the 1967 Constitution, but only with the 1988 Constitution was it recognized as an individual guarantee, establishing an inseparable relationship between property and its social function. This principle imposes rights and duties on owners to guarantee the social, economic, and socio-environmental use of property, subordinating individual rights to collective interests.

In recent times, there has been an increase in the irregular occupation of urban areas in Brazil, especially among low-income populations who, due to historical and cultural factors, have not had the opportunity to formalize their homes, a circumstance that induces the need to evaluate the existence, applicability and effectiveness of public policies in this context. Although informality may seem advantageous in certain aspects, such as exemption from tax obligations, it results in significant losses, such as the loss of legal protection and limited access to fundamental rights, such as health, education, and security. The bias to be addressed will turn the gaze to the right to property present in the traditional civil doctrine, but above all to the Federal Constitution/1988 that brought the social function of property as a fundamental duty, inserting the collectivity in the legal relationship of property and enabling the regularization of informal housing.

A bibliographic study was carried out, with a subsequent integrative synthesis of the entire framework collected, which culminated in the work structured in three parts. In the first section, a brief analysis of the right to property and the social function of urban property was carried out. The second section concisely discusses the concept, characteristics, and cycle of public policies, while the third analyzes the main obstacles faced in Brazil for the realization of the social function of property, highlighting the failure of the State to effectively implement the normative instruments aimed at this objective.

## **METHODOLOGY**

The methodology of the article focuses on a qualitative approach, employing descriptive and exploratory methods to analyze the implementation of public policies related to the social function of urban property in Brazil. The research is based on a literature study, which involves a comprehensive review of existing literature, including articles, books, and relevant legislation, to build a historical overview of property rights and their social implications.

This approach allows for a nuanced understanding of the obstacles faced in the effective realization of the social function of property, emphasizing the need for a critical examination of the role of the state in the application of these policies.

The study also highlights the importance of the Federal Constitution of 1988, which frames the social function of property as a fundamental obligation linked to the right to property.

By synthesizing theoretical references and historical context, the research aims to identify the main challenges and propose ways to improve the effectiveness of policies. The methodology is designed not only to document existing problems but also to promote a dialogue on sustainable development and equitable distribution of resources, ensuring that the benefits of urban ownership are accessible to all.

Overall, the methodology of the article is a mixture of historical reflection and doctrinal analysis, with the aim of contributing to the broader discourse on property rights and public policies in Brazil.

## **RESULTS**

The article reveals several critical results on the implementation of public policies that aim to ensure the social function of urban property in Brazil. One of the key findings is the identification of significant obstacles that impede effective policy execution. These obstacles include the failure of the state to properly implement normative instruments designed to promote the social function of property, which is essential for addressing urban issues such as housing shortages and informal settlements.

In addition, the research highlights the detrimental effects of real estate informality, which, while seemingly advantageous due to tax exemptions, leads to substantial legal vulnerabilities and restricts access to fundamental rights such as health, education, and security.

The study emphasizes that the 1988 Constitution determines the social function of property as a fundamental duty, thus integrating collective interests with property rights.

In addition, the results indicate that the effective realization of the social function of urban property is crucial to promote sustainable development. The article argues that without a commitment to the equitable distribution of resources and the inclusion of marginalized communities, the benefits of urban development will remain inaccessible to many.

In conclusion, the results highlight the need for a comprehensive reassessment of public policies related to urban property, advocating for a more robust framework that aligns with constitutional mandates and addresses the predominant socioeconomic disparities in Brazilian society. The study calls for a collaborative effort between policymakers, legal experts, and community stakeholders to ensure that urban property

fulfills its intended social function, ultimately contributing to a more equitable and sustainable urban environment.

## **PROPERTY RIGHTS AND THE SOCIAL FUNCTION OF PROPERTY**

Property currently occupies a central position in conflicts both in the countryside, in the cities, and the courts. Although in the current conjuncture it must be seen in a new light, overcoming liberal individualist ideals, it continues to be one of the main objects of domination of one class over the others.

The property right, in its traditional understanding, was conceived by the liberal State, at the time of the codifications. The Declaration of the Rights of Man and the Citizen, of the French Revolution of 1789, proclaimed the sacredness of private property, taken as the exteriorization of the human person or citizenship. Given this, terms used and loaded with meanings, such as the autonomy of the will and private property, have undergone the evolution brought by the liberal State and have become basic principles of law, to universalize and make the institute of property timeless.

Norberto Bobbio (2004, p. 44) traces the idea of absolute property to classical Roman law,

It was a consequence of the autonomy that, in classical Roman law, was enjoyed by private law about public law, of the doctrine of the original modes of acquiring property (through contract and succession), modes — both — that belonged to the sphere of private relations, which developed outside the public sphere.

Bobbio (2004, p. 44) also cites Locke, one of the main inspirers of the freedom of the moderns, according to whom "property derives from individual work, that is, from an activity that is developed before and outside the State".

Political, economic and social events marked the decline of the liberal State, and caused profound transformations in social relations. The liberal State gave way to the Social Welfare State, where economic and social powers and the protection of the weakest began to be worked on.

The regulation of property has been greatly influenced by this paradigm shift. The exercise of the property right, previously absolute, began to suffer limitations, and property began to be governed by its social function.

Based on this change, Gustavo Tepedino (2000, p. 409) situates the study of property law in two aspects: the structural and the functional. Traditionally, the doctrine has emphasized only the first, and the second is the object of recent studies.

The structure of the property right, according to the traditional understanding of the doctrine, would rest on the powers conferred on the owner, according to article 1,228 of the Civil Code of 2002, according to which "The owner has the right to use, enjoy and dispose of the thing, and the right to recover it from the power of whoever unjustly possesses or detains it". From this structure, says Tepedino (2000, p. 409), we can remove an internal element – or economic – and another external element – or legal. The first would reside in the faculties of using, enjoying, and disposing of the thing since it is through the exercise of these powers that the owner of the property can obtain economic advantages. The external element would be represented by the ability to exclude the interference of others. The combination of these two elements represents, according to the traditional view, the structure of the property right.

Property could also be studied in its functional aspect, which would not represent its structure, but its ideology. This would be the dynamic aspect, as Gilmar Mendes (2019, p. 505) points out, the role that property rights play in social relations.

José Afonso da Silva (2005, p. 239 and 240) writes that it is undeniable that the social function of property is an element of the structure and legal regime of the property right, focusing on its content and concept.

It is in this context that the social function of property is inserted, which changes the conception of the property right, incorporating into its structure a social character aimed at the collectivity.

Eros Grau (2000, p. 259) teaches that the principle of the social function of property mischaracterizes the old civilist conception, magnetizing the right to property with a duty to act, and not just an obligation not to do (active social function). Thus, property, in modern times, has become a power-duty aimed at the destination of the good to objectives that transcend the simple interest of the owner. In this way, property is no longer conceived of as aimed at the individual interest of the owner, often focused solely on real estate speculation. Gustavo Tepedino and Anderson Schreiber (2001, p. 36) clarify that the functionalization of property introduces a criterion for valuing its ownership, which starts to require positive actions from its owner to adapt to the task that is expected of him in society.

Thus, the institute becomes a fundamental element to consolidate a conception of property directed to production, ceasing to be an instrument of speculation, representing more acceptance and less exclusion.

In the meantime, given all the above, we are situated in the phenomenon of the constitutionalization of Private Law, where Facchini Neto (2005, p. 28) describes that,

By implying the reading of Civil Law (the center of Private Law) in the light of the axiological table of the Constitution, it presents a very clear direction, as it implies a necessary commitment of the jurist to the legal efficacy (at least) and the social effectiveness of fundamental rights.

In this vein, paragraph 1 of article 1,228 of the Civil Code of 2002 provides:

Paragraph 1 of article 1,228 - The property right must be exercised by its economic and social purposes and in such a way that flora, fauna, natural beauty, ecological balance and historical and artistic heritage are preserved, by the provisions of a special law, as well as air and water pollution.

Here, we can see an unfolding of the functions or purposes of the right to property, namely, economic, social, and socio-environmental (environmental preservation). It is inferred from the most renowned scholars and the jurisprudence in vogue that the social function continues to shine in the face of the property right, occupying the central spotlight now with the socio-environmental function.

The social function of property is dealt with in the Federal Constitution of 1988, and this brings an innovation: the social function of property is dealt with in the part referring to fundamental rights and guarantees - Article 5, Item XXIII - and no longer only in the economic order, as in previous constitutions.

The aforementioned provision provides:

Article 5 - All are equal before the law, without distinction of any kind, guaranteeing to Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security, and property, in the following terms:  
(...)  
XXII – the right to property is guaranteed;  
XXIII - the property shall serve its social function.

Paulo Lôbo (2024) reinforces that property is a major focus of tension between the ideological currents of liberalism and egalitarianism, and this conflict is reflected in the Federal Constitution/1988. The two items cited, read separately, reflect an antinomy,



reproduced in article 170, which deals with economic activity. In one, individual interest is dominant, in the other, it is social interest. For Paulo Lôbo (2024), "more than a compromise solution, there was an accommodation of the conflict".

Regarding the social function of urban property, the object of the study, the Constitution provides in its article 182, paragraph 2:

Article 182. The urban development policy, executed by the municipal government, according to general guidelines established by law, aims to order the full development of the city's social functions and ensure the well-being of its inhabitants.

Paragraph 1 - The master plan, approved by the City Council, mandatory for cities with more than twenty thousand inhabitants, is the basic instrument of the urban development and expansion policy.

Paragraph 2 - Urban property fulfills its social function when it meets the fundamental requirements of the city's ordinance expressed in the master plan.

By analyzing the aforementioned article 182, CF/1988, it is verified that for urban property to fulfill its social function, it is necessary that it meets the requirements contained in the master plan, which is a basic instrument of the urban development and expansion policy. Therefore, the structuring of cities, as well as the distribution of public spaces, must offer citizens more favorable conditions that ensure the existential minimum, aiming to achieve citizenship and foster solidarity. Souza (2016) highlights that urban policy aims to order the full development of the city's social functions and urban property.

Patrícia Flores and Bernadete Santos (2002, p. 14) conceptualize the social function of urban property as "the set of activities aimed at the development of cities, through the fulfillment of public and private interests".

In the words of Flores and Santos (2002, p. 15):

As for the social function of urban property, the Government must achieve the greatest possible balance between the interest of the owner and that of the community. It must always aim at the urbanization of the city and its effective use, so that the owner is compelled to explore the economic content of his urban area. In fact, through the use of property, social justice is sought, contributing to urban development and planning. And all this, it is clear to see, must be expressed in the Master Plan, according to the constitutional commandment.

In this vein, the City Statute (Law No. 10,257/2001) is an important norm of urban law in Brazil, which regulates articles 182 and 183 of the CF/1988, aimed at urban development and the right to the city. The City Statute has as its central objective to ensure the social function of urban property, promoting the orderly and sustainable development of



Brazilian cities, seeking to combat the social and economic inequalities that impact urban space. In general terms, the City Statute emerges as a mechanism to implement and give concreteness to the norms, principles and provisions already provided for in the Constitution (which, although they were protected therein, were not, according to part of the doctrine, effectively applicable), ensuring that they were transformed into practical actions and public policies capable of promoting a fairer and more inclusive urban planning.

Thus, the Government must reach the greatest possible balance between the interest of the owner and that of the community. Always aiming at the urbanization of the city and its effective use, so that the owner is compelled to explore the economic content of his urban area. In fact, through the use of property, social justice is sought, contributing to urban development and planning. And all this, it is clear to see, must be expressed in the Master Plan, according to the constitutional commandment.

Law No. 10,257/2001 establishes some fundamental principles, among them: the social function of property, the principle of participatory planning, and the right to a sustainable city; and for such principles to be confirmed and applied, instruments that municipalities can adopt were implemented, namely: the master plan, special urban adverse possession, the progressive property tax over time, expropriation with payment in public debt securities and the onerous grant of the right to build. The City Statute offers municipalities tools to ensure that urban property fulfills its social function, benefiting the entire population and guaranteeing the right to housing and quality of life in cities.

Article 2 of Law No. 10,257/2001 shows that the social purpose is not only the responsibility of the government but also of the owner. Thus, the owner is required to conduct his property as an obstacle to urban development. In this context, Cristiano Chaves de Farias, Nelson Rosenvald, and Felipe Braga Netto (2019, p. 1447) clarify that urban property that does not meet its social function frustrates three alternative requirements: (a) it must not be built; (b) be underutilized; (c) not being used.

Three administrative instruments emerge to guarantee the social function of property: land subdivision, compulsory construction and compulsory use. Land subdivision, according to Law No. 6,766/79 (known as the Urban Land Subdivision Law), allows the dismemberment of land to create roads and public places (art. 2, paragraph 1 of Law No. 6,766/1979), while compulsory construction obliges the owner to build on his lot according to the guidelines of the master plan. Finally, the compulsory use forces the owner to use

the property by the master plan, although this measure has its constitutionality questioned, as it has no express provision in the Constitution. These mechanisms are used to combat the underutilization of urban properties and ensure that they meet the social, cultural, and housing needs of the population.

The Constituent Assembly also imposed some effects of non-compliance with the social function of property; otherwise, see the items of paragraph 4, article 182 of the Federal Constitution/1988

Article 182. The urban development policy, executed by the municipal government by general guidelines established by law, aims to order the full development of the city's social functions and ensure the well-being of its inhabitants

Paragraph 1 (...)

Paragraph 2 (...)

Paragraph 3 (...)

Paragraph 4 - The municipal Public Authority, using a specific law for the area included in the master plan, may require, under the terms of federal law, the owner of unbuilt, underutilized, or unused urban land to promote its proper use, under penalty, successively, of:

I - compulsory subdivision or construction;

II - tax on real estate and urban land progressive over time;

III - Expropriation with payment using public debt securities previously approved by the Federal Senate, with a redemption term of up to ten years, in annual, equal, and successive installments, ensuring the real value of the indemnity and legal interest.

If the property does not fulfill its social function, the municipality may classify it as underutilized or unbuilt and adopt progressive sanctions, starting with compulsory subdivision or construction, followed by the application of the progressive IPTU over time and, ultimately, expropriation sanction. This sequence of measures aims to stimulate the use of real estate in a way that benefits the community, respecting the parameters defined in the master plan and the police power of the public administration.

It is important to emphasize that with regard to land regularization, three milestones of the social function of cities can be cited, namely Law No. 6,766/1979, Federal Law No. 11,977/2009, and Federal Law No. 13,465/2017. As Farias (2019, p. 1447 and 1448) teaches, it is necessary to clarify that land regularization goes far beyond granting a title to the owner. In addition, the Brazilian reality often distances itself from the formalities required by the legal system, especially with regard to housing. Due to historical and structural factors, the occupation of urban areas does not always follow the molds provided for by the legislation. In this scenario, land regularization of social interest emerges as an attempt to harmonize these irregular situations, offering means for low-income populations to eventually obtain property titles (Oliveira; Benedito, 2015).

Given all the above, there is a limitation and conditioning of private property, requiring the owner to fulfill certain obligations or abstain from certain actions to prioritize the public interest over the private. In this way, it is ensured that the property is used in a way that benefits not only the owner but also the community, contributing to the social development of the urban area.

## **PUBLIC POLICIES: CONCEPT, CHARACTERISTICS AND CYCLE**

Public policies can be defined as coordinated and planned actions by the State, to solve social problems and promote socioeconomic development. According to Reinaldo Dias and Fernanda Matos (2016, p. 12 and 13), public policies are government decisions that involve the choice of objectives and the allocation of public resources to achieve certain ends. They encompass several areas of state intervention, such as health, education, security, infrastructure and social assistance. In addition, these policies are responsible for directing the government's actions to meet collective needs, reinforcing the role of the State in regulating and organizing life in society.

There is no in-depth study on the subject, but it is good to point out some of the characteristics of public policies. Reinaldo Dias and Fernanda Matos (2016, p. 15, 16 and 17) highlight the following particularities: collective character, that is, they aim at the public interest, acting on the demands and problems of diverse social groups, and not just individual interests; multisectoriality, which means the applicability of policies in multiple fields, such as health, education, security, and other areas that are fundamental for human and economic development; They have a continuous cycle, as they are conceived and implemented within a cycle that comprises several stages, from the identification of the problem, through formulation, implementation, monitoring and evaluation. There is also the participation of multiple actors, including government agencies, non-governmental organizations, social movements, and the private sector. And finally, the legal and normative binding, given that they are supported by legal and normative frameworks, which legitimizes their actions and reinforces the need for inspection and control.

These aspects demonstrate that public policies are dynamic and complex processes that require planning, coordination, and the active participation of society to be effective in promoting collective well-being (Souza, 2006).

According to the observation of Segundo Reinaldo Dias and Fernanda Matos (2016, p. 18 and 19), the types of existing public policies are different, each focused on specific

aspects of social and economic life. Regulatory policies, for example, create rules that control economic and social activities; distributive plans seek to allocate resources to specific sectors of society; and redistributive plans aim to correct inequalities, promoting a fairer distribution of income and opportunities. These categories demonstrate the scope of public policies in the search for social and economic balance.

In this regard, it is relevant to mention that the public policy cycle is an essential analytical tool to understand the process of creating, implementing, and evaluating policies that aim to solve social problems. This cycle organizes the process into phases, such as identifying the problem, forming the agenda, formulating alternatives, decision-making, implementation, and evaluation. According to Schi (2010, p. 34 and 35), the identification of the problem arises when there is a discrepancy between the current state of affairs and an ideal situation perceived by society. From there, the problem can enter the political agenda, and then solutions are developed in the phase of formulating alternatives, always considering their feasibility and possible consequences. Decision-making seeks the most appropriate alternative, considering the limitations that decision-makers face, as exposed in the model of bounded rationality.

Secchi (2010, p. 44, 45 and 46) continues, explaining in a very didactic way that implementation is the phase in which decisions are transformed into concrete actions and can follow a *top-down* model, with guidelines imposed by the higher levels, or *bottom-up*, allowing greater autonomy to local implementers. The last phase, the evaluation, verifies whether the public policy achieved its objectives and was effective, and may occur before (*ex ante*), during (*in itinere*), or after (*ex post*) the execution. This phase is crucial to adjust the policy or decide to abolish it, if it proves ineffective.

Taking as an example the cycle of public policies for the elaboration of the Urban Master Plan, as addressed by Leonardo Secchi (2010), it follows clear and structured steps. First, the urban problem is identified, such as disorderly growth or underutilization of areas, and places it on the public agenda, making it a political priority. Then, alternative solutions are formulated, and the decision on which policies to adopt is made by managers and legislators. After approval, the implementation of the guidelines begins, which can include everything from land regularization to encouraging the efficient use of urban land. Subsequently, the Master Plan is evaluated for its effectiveness in meeting objectives, such as the promotion of the social function of property and sustainable development. If necessary, the plan can be revised or extinguished, adjusting to new urban demands. This

process ensures that the use of urban property meets the collective interests and is adjusted to promote social well-being, environmental balance, and the orderly growth of cities.

After all the above, it is known that the implementation of these policies faces several challenges, such as resistance from interest groups, lack of resources, and lack of coordination between different levels of government. Even in the face of these difficulties, public policies play an essential role in guaranteeing fundamental rights provided for in the Constitution, in addition to being key instruments for sustainable development. Therefore, it is necessary to strengthen the processes of formulating, executing and evaluating policies, ensuring that they fulfill their social function.

## **OBSTACLES TO THE EFFECTIVENESS OF THE SOCIAL FUNCTION OF URBAN PROPERTY**

Urban growth in Brazil, according to Holz and Monteiro (2008), was driven by rapid industrialization, attracting migrants in search of better opportunities. However, the absence of adequate housing policies by the State resulted in the irregular occupation of risk areas by needy populations, who were left without access to the fundamental right to housing. This imbalance between population growth and housing supply persists in the country's urban centers.

In this vein, public policies were developed to ensure the fulfillment of the social function of urban property in Brazil, which are supported by legal frameworks, such as the City Statute (Cymbalista, 2021), which guides the preparation of master plans by municipalities and the implementation of urban policy instruments. Programs such as "Minha Casa, Minha Vida", the National Housing Plan, and land regularization initiatives also seek to solve problems related to housing and the disorderly occupation of urban land. However, these policies face significant challenges due to complexity and resistance in various institutional spheres, making it difficult to achieve effective results in promoting the right to the city and fulfilling the social function of property.

Land regularization is an important mechanism for the promotion of the social function of property, as provided for by the City Statute. The urban policy seeks, among other guidelines, the regularization of areas occupied by low-income populations, respecting special urbanization standards and environmental limits. However, the fulfillment of this social function is conditioned to the proper use of the land, under penalty of

sanctions or interventions by the Public Power. Although state intervention is necessary, it must be in line with the dignity of the human person, avoiding the creation of new urban irregularities that perpetuate social and spatial exclusion (Oliveira; Benedito, 2015).

Municipal master plans are fundamental instruments for territorial management and the implementation of the social function of property. The guidelines vary according to the local reality, but in general they aim at the rational occupation of the land, social inclusion and sustainable development.

Rodvalho (2008) points out that urban planning in Brazil fails to adopt a fragmented and sectoral approach, prioritizing the attraction of investments to the detriment of social needs and human dignity. Despite the existence of legal instruments to guarantee the social function of property, the State must implement more effective public policies. The lack of a connection between urbanization and social reality aggravates the segregation between formal and informal areas, harming urban planning and the effectiveness of housing policies.

Among the factors that hinder the effective implementation of public policies is the lack of adequate financial and human resources. The precariousness in the infrastructure of the agencies responsible for urban management is a factor that compromises the execution of projects to combat the non-fulfillment of the social function of property. In addition, it is also noted that the resistance of economic sectors and excessive bureaucratization are also significant obstacles. Owners of large urban properties, for example, often exert political pressure to avoid the application of sanctions such as progressive property tax or expropriation. Bureaucracy in the process of land regularization and the application of sanctions is another important obstacle.

Another obstacle faced is the lack of awareness of the population about their rights and the importance of the social function of property limits the engagement of civil society in demanding more efficient public policies, in this vein we are faced with the position of Professor Ermínia Maricato (2023) who points out "it will not be with law that we will solve urban problems, It will be with social struggle." Linked to this is the absence of educational campaigns that deal with the theme in an accessible way, contributing to the perpetuation of the non-fulfillment of the social function of property.

Given the obstacles listed, it is known that there are proposals or possible solutions to overcome them, such as the institutional restructuring of the bodies that apply urban public policies, such as the progressive property tax and expropriation, is a crucial step to



improve the efficiency and effectiveness in the execution of these measures. This reconfiguration should focus on simplifying bureaucratic processes, especially about land regularization and the imposition of sanctions. A more agile and unbureaucratic management will allow the quick and effective application of policies, combating real estate speculation and ensuring the proper use of urban properties according to their social function. With this, it will be possible to avoid delays that hinder compliance with the established standards.

In addition to restructuring, it is essential that public funding for urbanization projects be expanded, accompanying the strengthening of the technical training of the civil servants responsible for implementing these policies. The increase in financial and human resources will help to overcome the lack of infrastructure and qualified personnel, essential elements for the efficiency of urban policies. In addition, the engagement of civil society, promoted by awareness and education campaigns on the social function of property, will foster the active participation of the population and managers, creating an environment conducive to the execution and continuous monitoring of public policies. The involvement of society from the formulation to the evaluation of measures will reinforce the transparency and legitimacy of government actions (Veiga, 2002).

The scholar Edésio Fernandes (2011), in the document "*Regularization of Informal Settlements in Latin America*," discusses the regularization of informal settlements as an important public policy to promote urban inclusion and guarantee legal land tenure. It highlights the need for an integrated approach, which includes not only property titling but also the provision of public services, infrastructure, and community support. The role of the State is central to the regularization process, both in the implementation of policies and in the mobilization of resources to finance these actions.

Taking advantage of the opportunity, when one looks at the 2030 Agenda of the United Nations (UN) and comes across 193 (one hundred and ninety-three) Member States, including Brazil, one can see the existence of 17 (seventeen) Sustainable Development Goals (SDGs) whose basic purpose is for all peoples and nations to live in a better world. Of the 169 (one hundred and sixty-nine) goals, we find in SDG 11 that aims to "make cities and human settlements inclusive, safe, resilient and sustainable" (UN). The aforementioned objective is aligned with the social function of property that seeks to avoid the abandonment and underuse of real estate, promoting the sustainable and inclusive use of urban areas, such as affordable housing, sustainable urbanization and land



regularization. However, the correction of this function faces obstacles such as resistance from economic sectors, lack of inspection and scarcity of resources. To overcome these challenges, it is necessary to develop public policies that encourage social participation, ensure transparency in urban management, and create legal mechanisms for the expropriation of idle properties. The strengthening of control bodies and the technical training of managers are also essential to ensure a more inclusive and sustainable urban development, according to SDG 11 goals.

## CONCLUSION

The analysis presented throughout this article reveals the importance of facing the challenges of implementing public policies aimed at fulfilling the social function of urban property in Brazil. The research highlighted how property, which has historically been conceived as an individual right, has evolved to incorporate social responsibilities that benefit the collectivity. This transformation is reinforced both by the doctrine and by the Federal Constitution of 1988, which emphasizes the social function of property, especially in the urban context, where the proper use of real estate becomes fundamental for collective well-being.

Thus, about the City Statute (Law No. 10,257/2001), it establishes important mechanisms to ensure that urban property fulfills its social function. However, the effectiveness of these policies is often compromised by lack of resources, political resistance, and fragmentation in the implementation of urban guidelines. Urban planning, often conducted based on private economic interests, ends up neglecting the real needs of the population and contributing to the maintenance of social and spatial segregation.

Furthermore, public policies, as discussed, have a continuous cycle that involves several phases, from formulation to evaluation. The lack of integration between these stages, coupled with excessive bureaucracy and pressure from economic sectors, creates barriers to the effective implementation of these policies. In this sense, the resistance to the application of instruments such as the progressive property tax and the expropriation of underutilized properties reflects the need to strengthen the State's performance and to sensitize society about the importance of the social function of property.

In addition, the lack of popular awareness about the rights related to the social function of property also presents itself as an obstacle to the implementation of more inclusive policies. To overcome this obstacle, it is essential to invest in awareness

campaigns and popular education, fostering the engagement of civil society in the demand for public policies that effectively combat the inappropriate use of urban properties.

From this perspective, institutional restructuring, with the objective of streamlining bureaucracy and increasing the efficiency of the bodies responsible for the application of urban policies, is necessary. This reconfiguration must be accompanied by an increase in the resources allocated to land regularization and inspection areas, ensuring that urban policies not only exist on paper, but that they are implemented effectively and equitably.

Given the above, the hypothesis raised is confirmed that the existence of gaps in the formulation, implementation and monitoring of public policies makes it difficult to effectively combat the non-fulfillment of the social function of urban property, compromising social equality, economic development, environmental sustainability, social cohesion and peace, etc.

Finally, the UN 2030 Agenda, especially SDG 11, reinforces the relevance of promoting inclusive and sustainable cities. The social function of urban property is a key element in achieving these goals, and Brazil, by addressing the obstacles to its implementation, can move towards a fairer urban development, where property fulfills its collective function and contributes to the construction of cities that promote social inclusion and the well-being of all.

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