


## REGISTRATION ACTIVITY AND URBAN LAND REGULARIZATION AS A TOOL TO ACHIEVE HUMAN DIGNITY<sup>1</sup>

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### ABSTRACT

The disorderly growth of Brazilian cities, caused by a series of factors that act directly or influence this result, causes a series of social problems, including those that affect the health of the population, such as the lack of basic sanitation, irregular housing and the absence of adequate transportation to serve these regions. This whole scenario is difficult to overcome due to the impossibility of directing investments to these areas, which do not have the minimum regularization necessary to receive resources, whether public or private. At the same time, it makes it impossible for the State to collect taxes and to be able to direct specific public policies to these areas and promote the desired legal certainty. In this sense, the research aims to direct the study to the economic analysis that the urban land regularization - REURB, carried out through extrajudicial services, has in the realization of the human dignity of people who occupy non-regularized areas, who lack minimum public services to exercise it. It uses as a comparative paradigm the fundamental services for the socioeconomic development of a region, embodied in the constitutional text. The deductive method was used, through the qualitative approach of bibliographic materials. It is reaped as a result that Law No. 13,465, of 2017, which governs REURB, dispenses with a more expansive implementation, given that it is still incipient in the vast majority of the national territory. In view of this, it keeps a considerable part of the population in an undignified human situation, in addition to the lack of effective public policies to prevent new irregular areas from forming.

**Keywords:** Economic analysis of law. Socioeconomic development. Human dignity. Urban land regularization. Extrajudicial services.

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## INTRODUCTION

To begin the necessary considerations on land regularization in Brazil, it is necessary to observe two aspects, the first falls on the benefits of land regularization (as a guarantee for investments), while the second deals with the perverse aspects of disputes over improved land (due to the increase in the scarcity of illegal but accessible housing land). What has been observed as an objective in some public policies is to legalize irregular lands to improve the effectiveness of service provision and at the same time attract public investments.

However, few understand the underlying factors that motivate people to improve and consolidate their homes where there is no legal tenure. The absence of substantial understanding about people's perceptions of improving their tenure security leads to higher levels of housing consolidation.

What this article reveals is that the relationship between people's perceptions of land tenure security and housing consolidation is much more malleable and complex than is conventionally supposed, through the governing legislation. The subtle difference between land tenure and home ownership indicates that people are willing to invest in their housing conditions almost regardless of their ownership status, as they seek a minimum of human dignity.

On the other hand, the Government is interested in regularizing these areas to start collecting taxes, and, in return, invest in improving essential public services to the population. In this vein, the work begins with the contextualization of urban land regularization in Brazil, a chapter that outlines a brief history and points out the main pertinent legislation.

Next, the social function of the notarial and registration activity is pointed out, as well as that carried out by its delegates, from which emanates the legal certainty necessary to support the stages of REURB carried out within the scope of extrajudicial services.

Thus, the social and economic problems caused by irregular housing and the reflection in terms of human dignity are discussed, such as the absence of basic sanitation, adequate public lighting and safe structure, among others.

In the last topic, it analyzes the current public policies for the realization of the right to housing, and the role of the State in giving consistency to the legal commandments of Law 13.465/2017. The study intends to point out, in the light of the economic analysis, that the REURB, carried out through extrajudicial services, is an important instrument for the

realization of the human dignity of people who occupy non-regularized areas, but that it does not require a better formulation for its effectiveness.

## **REURB – URBAN LAND REGULARIZATION IN THE CONTEXT OF THE ECONOMIC ANALYSIS OF LAW AND ITS NUANCES IN BRAZIL**

Land regularization is an essential ingredient in the formalization of land rights and plays an important role in improving the tenure security of the urban poor. To facilitate the land regularization process, it is necessary to have updated spatial information about the settlements intended for the regularization process.

According to Law No. 13,465 of 2017, "REURB is the set of legal, urban, environmental and social measures aimed at the incorporation of informal urban centers into urban territorial planning and the titling of their occupants" (BRASIL, 2017. p.1).

In this scenario, urban land issues and tenure security are emerging as one of the biggest challenges for decision-makers, planners, practitioners, and researchers involved in urban management and the implementation of new land and housing policies for the vulnerable.

The key assumptions of Hernando de Soto's influential book, "The Mystery of Capital," demonstrate that access to services, credit, and financing by people living in informal settlements can only be obtained if their security of tenure is recognized, which in turn is to be achieved through the distribution of individual titles to perfect ownership (SOTO, 2001, p. 128).

The author, drawing on the findings of various research projects in Latin America, as well as his own work, argues that while the actual or perceived security of tenure depends on a broad set of political-institutional and socio-economic factors, there is a diversity of legal options beyond traditional individual property titles that should be considered by policymakers responsible for formulating urban land regularization programs, especially because they can be more effective in promoting the socio-spatial integration of informal areas and their residents, which has long been claimed.

Hernando de Soto has made strong arguments for the extension of property rights, standing out since John Locke's revolutionary Two Treatises of Government in 1689. De Soto (2001, p. 187) defends the right to legal land titling for squatters and other illegal occupants of the informal economy under the promise of efficiency (increased land productivity).

However, the arguments of efficiency, which have dominated the recent literature on property rights and economics, fall short of an adequate basis for a fair doctrine, because, when bringing it to the context of real rights in Brazil, the requirements are different, and the conditions for its achievement must also be met, even if in situations of urban regularization with a strict social character (GRANER, 2007, p. 3).

Based on the theories of John Locke, there is, therefore, a need to understand the rules necessary to sustain society's equity objectives in the expansion of property. These rules focus on the meaning of property, the restrictions on its use, and the accumulation and delineation of the institutional insertion of these rights and obligations. For Cooter and Ulen (2016, p. 73) "from a legal point of view, property is a set of rights". Therefore, they add:

These rights describe what people can and cannot do with the resources they have: the extent to which they can own, use, develop, improve, transform, consume, deplete, destroy, sell, donate, bequeath, transfer, mortgage, lease, loan, or exclude others from their property. These rights are not immutable; They can, for example, change from one generation to another. But at any given time, they constitute the law's detailed answer to the four fundamental questions of property rights listed above<sup>6</sup> (COOTER; ULEN, 2016, p. 73).

When it comes to irregular housing areas, it has been one of the main paradigms of urban governance in Brazil. For almost three decades, the State has been allowed to maintain its claim to govern the country's cities in the face of two threats to the plausibility of this claim. The State seeks, at the same time, the regularization of the area so that it can tax the various services to be offered, as well as the property itself. There is a two-way street in satisfying the regularization of these areas, which constitute social bottlenecks that prevent the advancement of several other policies to improve the quality of life of the population, such as the construction of quality public schools, health centers, public places such as squares, among others. With these conditions, it is clear that:

Given that property rights are often shared, the possibility of their relocation and transfer will depend on the existence of "transaction costs". The aforementioned basic paradigm of Coase is the assumption of the irrelevance of the initial allocation of property rights in the absence of "transactional costs". (ZYLBERSZTAJN; ZTAJN, 2015, p. 52).

<sup>6</sup> "These rights describe what people may and may not do with the resources they own: the extent to which they may possess, use, develop, improve, transform, consume, deplete, destroy, sell, donate, bequeath, transfer, mortgage, lease, loan, or exclude others from their property. These rights are not immutable; they may, for example, change from one generation to another. But at any point in time, they constitute the detailed answer of the law to the four fundamental questions of property law listed above".

Considering these premises, it can be seen that regularization avoids the need for the State to recognize that it cannot or will not fulfill its constitutional obligations. In view of this, it strives of the commitment to ensure that Brazilians enjoy decent housing conditions.

The diffusion of informal land development processes can be seen as a continuation or evolution of previous practices, but also as a response to inefficient formal systems of land handover, along with exclusionary planning norms and regulations.

The formal channels for the delivery of affordable housing generally meet little of the effective demand, in which the land with this destination resides in the concern of attracting even more people to the cities that are already overpopulated and with few services.

With regard to the legalization of tenure and the urbanization of settlements, these are presented as a concession to the urban poor, a product of State action, such as the programs for the distribution of popular housing, which demonstrate benevolent paternalism towards its citizens.

It should be highlighted, according to the doctrine of Leal et al. (2013, p. 175), that it is up to the States to adopt the necessary measures to:

[...] to provide the scope of the Right to Development, and it is also their responsibility to ensure equal opportunities for all in their access to basic resources, education, health services, food, housing, employment and equitable distribution of income, that is, economic, social and political measures, which are appropriate to the eradication of all social injustices, and this equality of opportunity is also a prerogative of all nations in an international context.

Regularization may also entail adjusting claims deemed unfounded or in disagreement with land use regulations, as well as negotiations on space for community facilities. This ignores the fact that the lack of affordable housing in the formal sector allows the vast majority of people no option but to acquire land in an illegal settlement to build their own homes, or even to use abandoned buildings in illegal invasions.

This entire process allows the government to take credit for a shelter access system operating largely outside of state norms and policies, demonstrating the illegality of this process. However, it ends up undermining the State's ability to control and be seen as capable of projecting the nature and direction of urban growth (OJIMA; MARANDOLA JUNIOR, 2016, p. 115).

Therefore, regularization disguises itself as a strategy to regulate development, which, under these conditions, continues to be disorderly, and cannot be considered as a

form of positive growth. Government agencies respond to a need for intervention created mainly by discourses originating from the State itself, which present legal possession as a necessary condition for the implementation of services.

According to the doctrine of Zylbersztajn and Stajzn (2015, p. 52):

The reallocation of property rights is regulated by contracts that define the terms of the exchange both in the conditions of the use of the resource and in the division of the results. Its efficiency depends on the existence of legal institutional mechanisms, which guarantee the fulfillment of promises whenever the contracting and execution of the operation are delayed in time, as in the case of deferred execution contracts, for example.

In the proposed discussions, it is possible to emphasize efficiency over equity pointed out by Soto, and ultimately, enhanced property rights alone are unlikely to significantly improve housing stability or access to capital for families living in informal arrangements.

In the format that the Brazilian government currently proposes, REURB through the parameters of Law 13,465/2017 to specify, register and formalize the exclusive rights of certain individuals to informal assets means that possible claims from other interested parties must be discarded at the same time.

Formalization almost always implies a redistribution of the legal capacity of certain individuals and social categories to others. Brazil is experiencing the effects of a prolonged crisis, which in the last two years has been strongly affected by the pandemic period and by external and internal conflicts, which does not prove to be a very favorable scenario for the success of public policies that imply more spending on the social sector.

For a scenario considered ideal economically and socially, the effects are well known: macroeconomic stabilization in the form of a balanced budget and the end of hyperinflation. However, the increase in poverty and misery because of the increase in the cost of food, reduction of the minimum wage adjustment and mass layoffs are powerful opponents to achieve stability.

It is probably in this context that one should understand the interest of the doctrine of economic analysis of law in the question of why the liberal market does not seem to work in many emerging countries, whose theories are always separated from other countries. In practice, the processes of urbanization and legalization have, for the most part, operated independently. The regularization practiced so far in Brazil can, therefore, be described as a form of governance by sleight of hand.



## **SOCIAL FUNCTION OF EXTRAJUDICIAL SERVICES IN THE CONTEXT OF THE REGULARIZATION OF URBAN HOUSING**

The theoretical lens of endogenous development and institutional functionalism reveals an alternative explanation for its apparently high-cost services, as well as its role in the economic development that is carried out within the scope of extrajudicial services.

In the Brazilian scenario, they have a double social function: delegates of a public service exercised in a private capacity, as they perform diverse and essential activities, which in other countries are carried out by multiple actors, such as real estate agents, custody offices and title insurers.

When making a comparison with other countries in the world, which adopt notarial systems different from the Brazilian one, the role of the institutions that have legitimate authority to do the notarial deed is that of notarial agencies, in which the notarial deed is generally recognized as evidence, although the position usually depends on the legal system of each country (LOUREIRO, 2019, p. 75).

It is worth mentioning that the characteristic of Latin notaries is that they carry out activities with the purpose of meeting the needs of the population within the scope of private/civil law, although they also deal with matters of public interest, such as housing, which have such a hybrid characteristic.

In order to defend the full reputation of the profession and safeguard the proper performance of notarial and registry functions, legislators in all countries emphasize the importance of impartiality and integrity of the public services provided by extrajudicial services. There are national divergences regarding the specific rules of conduct related to impartiality, namely regarding the activities considered incompatible with notary and registry work, but they are based on common principles (BECKER, 2012, p. 21).

Most importantly, not only must the sphere of public interest be honored, but it must also be seen from the perspective of the social function to be performed. The organization and regulation of the activity, resulting from the constitutional provision set forth in article 236 of the Federal Constitution and its paragraphs, determines how it will be according to general rules, and in each of the state districts, the specific rules will be treated and delimited.

It is true that the exercise of the activity and the extrajudicial services that are provided raise important economic issues, namely with regard to competition/monopoly and market failures. That is why it is always important to discuss and evaluate the

importance of notarial and registration activity for the economy, as well as for the promotion of human and social development (LOUREIRO, 2019, p. 28).

The civil law notarial and registry system, also known as the Latin notarial and registry system, plays an important role in real estate transactions in most countries that adopt civil law as a legal system, as well as in some countries that affiliate with the common law.

The roots of the modern Latin notarial and registry system, however, are found in the values of humanism, the pursuit of justice and the protection of the weakest subjects. Through this system, using notaries and registrars as qualified legal professionals, the State wants to ensure security in legal trade and commercial exchanges and protection of individuals (VELOSO, 2019, p. 50).

Notary intervention improves fairness, quality of documentation, overall security, and reliability of real estate operations. In view of the evolution of real estate transactions, the practices and the development of cutting-edge technologies (such as the Internet, blockchain, cloud technology, etc.), some challenges are faced with the Notarial and Civil Law Registry System (Latin), such as some problems regarding electronic bookkeeping, the need to maintain strict neutrality and independence, and so on, all linked to the fulfillment of its social function (LOUREIRO, 2019, p. 128).

Essentially, the main subject of civil law is property rights and contracts. This means that one aspect of the Notary's duties and authority to serve the needs of the community is the conclusion of the contract/instrument with a view to legal certainty regarding the implementation of the agreements.

Such adjustments reinforce the idea and definition of possession, whose cause gives rise to demands arising from contexts of social justice, in the sense that every Brazilian has the equal right to the distribution, protection and enforcement of rights and obligations or responsibilities towards the parties.

At this point, the need for legal certainty in a variety of economic issues and social relations, both at the national, regional and global levels, given the role and functions of the level of notarial proficiency and registration, makes extrajudicial services play a primary role in the stages of REURB (BECKER, 2012, p. 21).

In addition to the authenticity of the act, which, in other words, is to have the power of proof, legal certainty, externally, formally and materially, includes the ethics of the notary and the registrar in the performance of pertinent acts. In the performance of their duties,



such professionals are not limited to performing the work delimited by law, while performing a very important social function, that is, being responsible for carrying out the trust given to the general public, legal certainty.

Thus, in order to meet the UN's economic development goals, made possible by the SDGs – economic development goals, notary offices have the strategic function of providing legal protection and security through public deeds and other notarial and registration services, as well as part of the legal system in the establishment of various legal transactions (ANOREG, 2022, p. 1).

Housing satisfies people's essential need for protection of the environment and privacy in their social relationships. The functioning of Brazil's housing sector has led to a situation in which not everyone has had access to adequate housing, especially low-income families, which has led to many of them being on the margins of the minimum of human dignity.

## **HUMAN DIGNITY AND THE SOCIAL PROBLEMS CAUSED BY IRREGULAR HOUSING**

In recent decades, most Latin American countries have had their constitutions substantially changed, and several countries have introduced new constitutions. Brazil's new constitution, erected in 1988, has since given society changes in its traditional attitudes toward social rights, which had previously been underestimated and dismissed as mere subjective issues.

Families unable to find housing solutions in formal markets have resorted to informal solutions to their shelter needs, whether by encroaching on land or illegally buying subdivided lots, as well as building their homes progressively and mostly irregularly.

The consequences for the well-being of precarious housing are many, as they are directly linked to problems such as poor hygiene and health conditions and poor educational performance. Under these conditions, it is not surprising that access to an adequate roof has been a recurring concern of all Latin American governments (PALUDO, 2013, p. 54).

Over the years, governments have experimented with a variety of approaches to tackling the housing problem, ranging from expanding supply through the provision of new homes by government agencies, to accepting informal settlements and assisted construction of incremental housing as a legitimate way to acquire housing.

Over the past three decades, some governments have also implemented housing programs that have supported the demand for new homes produced by private developers by providing direct subsidies that have served to increase household savings, thus allowing low-income families to access private mortgages for financing, as is the case with the use of FGTS in Brazil (CAIXA, 2022, p. 1).

Although the housing policies described above have been effective in reducing the housing deficit, they are considered insufficient to achieve a significant impact of the housing sector on development patterns. Without diminishing the importance of the housing problems faced by the rural population, it can be safely said that, in quantitative terms, housing problems in Latin America are mostly urban (ROJAS, 2015, p. 4).

Considering housing as a basic human right, the promotion of social housing has been constitutionally guaranteed and public policies have been established for this purpose. In this interregnum, the justice procedures established to enforce the right to habitat and housing, as brought to light in Brazil since the advent of the 1988 Constitution, have been gradually improved.

Through implemented public housing policies, historical limitations, financial objectives, political potentialities and real results are emphasized, which in some cases were the reproduction of inequality. It is due to housing problems that unplanned urbanization, income disparity, poverty, illiteracy and unemployment have made it impossible for this complex to offer dignity to people (CASAZZA, et al. 2011, p. 1958)

These issues have mitigated the housing problem, causing a housing deficit over the years, even though Brazil has a long history of establishing policies, programs, and institutions to address housing, without allocating adequate resources, their impact on improving scarcity has been marginal.

Law aims to promote social change for the better through legal certainty, whose evolution as an order and system has been driven by limited functions as an instrument to meet the needs of communities. The process of informal access to urban land and housing results from a combination of reasons that are still poorly understood, and is itself one of the underlying bases of many other serious problems (DE BRITO, et.al., 2025).

Of the main causes, which range from global macroeconomic factors to local variables, five deserve special mention, namely: the lack of formal options resulting from the nature of land, urban, housing and fiscal policies; the exclusionary dynamics of formalism land markets that do not serve the urban poor (BECKER, 2012, p. 22).

Alongside this, long-standing policies, in which there is the manipulation of people, who live in informal settlements through clientelist practices; elitist and technocratic planning systems, a place fostered by local administrations, which do not take into account socioeconomic realities and determine the conditions of access to urban land and housing (PONTES; FARIA, 2012, p. 153).

In this way, they demonstrate the capacity of local administrations to act to implement urban legislation. And last but not least, the expiry of the judicial systems prevailing in many developing and transition countries.

The importance of global and macroeconomic factors should not be underestimated, but the fact is that much can be done at the national level and especially at the local level, specifically with regard to inclusive policymaking, land and urban policies – and this still needs to be done.

If the need for legalization of possession is to some extent artificial, however, there is nothing artificial about the political uses of this process. Regularization is often described as a process of integration of the city's less favored population, but it is also - and mainly - a process of their political integration into a system of government dominated for many decades by the transition of governments.

As outlined by Pontes and Faria (2012, p. 151):

The types of informality generated by territorial segregation are numerous, but among them it is possible to draw attention to some forms of "irregularity" that were the object of the search for solutions by law; Among them is the occupation of the population in favelas or precarious settlements; in clandestine and irregular allotments, often caused by the subdividers themselves, and the tenements.

Land regularization ends up providing a vehicle for clientelist practices, delivering popular housing through social programs linked to public policies, in exchange for electoral support and social support, tranquility. It demobilizes the political opposition presented by social movements and remobilizes social activism in search of legal and infrastructure benefits along established channels that lead to a renewal of situational government.

To condemn the political uses of regularization is not, however, to argue that legalization is in itself undesirable. It serves a useful purpose of increasing the legal security of tenure for residents, protecting them against threats that arise, in practice, not so much from government agencies, but from other (alleged) residents, neighbors, unscrupulous tenants or disgruntled family members (PINTO, 2014, p. 53).

In an ideal world, land regularization would be unnecessary, since those who need it would not be forced to obtain it illegally, or at below-market prices, housing in clandestine locations. This means that services and property titles will not be available for years, and usually not without mobilizing residents to obtain these goods in a clientelistic pact, negotiating their citizenship for the satisfaction of immediate material needs.

Given that illegal land acquisition remains the main form of access to housing for the less fortunate in large urban centers, however, it is debated whether it is possible to envision a legalization model that delivers the desired benefits without subjecting beneficiaries to the risk of political manipulation.

Recognized as an emerging tool of urban planning, which is directly linked to development, especially when it is desired to acquire property titles in unplanned settlements, land regularization is a measure that must be based on serious and targeted public policies (PINTO, 2014, p. 92).

In this way, it is possible that there is community development in perspectives of growth processes and development of cities, encompassing different urban niches and planning modes to meet their peculiarities.

Returning to the debate on the problems caused by irregular urbanization and growing economic disparity, the challenges associated with housing hinder its availability, and the provision of housing and its use have become much more attenuated in Brazil (PONTES; FARIA, 2012, p. 158).

Demography and its change form another important context to understand the housing situation. With a total population of more than 215 million people (IBGE, 2021), Brazil is undergoing several transformations caused by the gradual displacement of the population from rural to urban areas.

The prevailing economic and political environment provides the context within which concerns about affordable housing, homelessness, poor housing quality, and mismatches in housing demand and supply can be understood. The political and economic vision for the development of contemporary Brazil, immediately after the period of redemocratization, focused on capital goods during the 1990s and 2000s (ACSELRAD, 2019, p. 392)

There was, therefore, a shift towards a neoliberal economy with contexts of the welfare state, whose deepening of democratic roots remained under the underlying beacons of constitutional terms. Political disincentives for an urban economy through

industrial licensing, import restrictions, and other such policies hindered industrial growth (PONTES; FARIA, 2012, p. 150).

The term neoliberal is widely used as shorthand to describe the political environment of the past three decades. However, the Brazilian experience suggests a broader description for what is in fact a sequenced, fragmented and politically indeterminate process.

Thus, the evolution of social protection stems from the more grounded historical approach of neoliberalism and some analytical refinement, in order to capture the different moments in its political evolution, its variant regional modalities and its coexistence with previous policies and institutional forms, as Pontes and Faria (2012, p. 151) ponder.

From a different perspective, what happens in developed countries such as the United States, economic integration through various mixed-income housing strategies has become the dominant housing policy, whose restructuring of space often takes place in the midst of conflicts.

Henri Lefebvre's (2016, p. 200) "Right to the City" conducts a socio-spatial analysis of mixed-income housing programs, including the degree to which integration increases public housing residents' access to diverse neighborhoods, the use value of a city, and participatory space.

Through the ideas espoused therein, the totalizing conceptions of neoliberalism are identified as imposing an inexorable market logic, with predetermined social and political outcomes, which may contain failures to capture the variant modalities, adaptations and, in fact, resist the global diffusion of structural reforms (LEFEBVRE, 2016, p. 201).

From the 1990s onwards, with globalization and the liberalization of markets, the economy and structure shifted to services. The political approach to housing followed these ideologies of the time, when the role of government transitioned from provider to facilitator.

Until then, adequate housing had been recognized as a necessity for social welfare, and Brazil cultivated an explicit national housing policy. Various programs associated with housing have been implemented by different governments (PROCOPIUCK, 2013, p. 196).

One of the challenges of the lack of political support (and appropriate constitutional support) has been that these programs lacked continuity and interconnectedness. Strategic government investments led to the migration of the population from rural to urban areas, new employment opportunities emerged in the cities while the rural economy was stagnant.

Whether the growth agenda was complemented by a social agenda for quality housing in cities is a question that can be evaluated according to the characteristics of each region, and there are variations.

## **PUBLIC POLICIES AND THE ROLE OF THE STATE IN THE REALIZATION OF THE SOCIAL RIGHT TO DECENT HOUSING**

The importance of the Democratic Rule of Law in a country that supports economic development is linked to the fact that the capacity to build in a developing country needs to have solid bases and objectives so that public policies are, in fact, effective.

This is not only so that the population receives public investments, but also private ones, which include many aspects that involve total linkage in support of these activities. It becomes, therefore, increasingly important, in a process of spatial reorganization, that the steps are carried out in line with the legislation and the reality experienced in each of the recipient areas (PROCOPIUCK, 2013, p. 200).

The population contingent living in these areas throughout Brazil grows more and more every day, and currently about 9.5 million live in risk areas, mainly as a result of the acute and prolonged period of crisis that has been dragging on in recent years (BRASIL, 2022, p. 1). Alongside this general scenario, each region, or sometimes each city in the same state, has its own characteristics that demand targeted initiatives.

However, the most striking consequence of the problem of irregular housing in Brazil is that it is accompanied by the absence of a dignified life for those who live there, not only those who live in risk areas, such as hills, slopes, swamps, but also those who live in invasions of urban properties, which can be abandoned buildings, public and private (OJIMA; MARANDOLA JUNIOR, 2016, p. 46).

The analysis of the impact of the legislative framework on urban sprawl suggests that laws and regulations at the national, metropolitan and local levels have a strong influence on the territorialization of urban growth/sprawl in Brazil and on the consequences induced by sprawl.

Given this normative scenario, it is understood that market-based reforms have played an important role in the restructuring of urban housing sectors in recent decades and have increasingly marginalized or excluded low-income groups, especially in the so-called global cities, where market pressures have been stronger (ACSELRAD, 2019, p. 393).



While reports of housing policies and market transformations in cities are not uncommon, there is a strong bias that relies on neoliberal transformations, housing practices and conditions. It demonstrates a notable variation in the manifestation of housing neoliberalization, as well as a considerable trajectory dependence in terms of housing policies, practices, and market restructuring.

What becomes evident is that the symbolic and de facto erosion of the right to the city for low-income residents, while a relatively ubiquitous result of the commodification of housing, is heavily mediated by local housing practices, structural constraints, and political legacies and regimes.

In historical terms, the creation of the National Housing Bank (BNH), in 1964, proposed to face the problem of the housing deficit, and "[...] represented one of the milestones to begin to systematically identify and attack problems, especially sanitation and road structuring in urban centers" (PROCOPIUCK, 2013, p. 194).

It is noteworthy that there was an advance in the housing sector in relation to the conditions offered improved due to the effects of public housing policies, which provided housing to a large portion of the population that was unable to solve its problems in the formal housing sector.

Successive governments have used two approaches: supply-side policies, including direct provisioning, and demand-side policies, including reforms aimed at improving the functioning of the formal housing market. Large housing programs were implemented with little investment in transportation and urban services and amenities (LEAL, et al, 2013, p. 176).

Situated in late industrial capitalism, Brazilian social housing is by no means linear in its development path, it is characterized by both convergence and divergence events that occur even within a single municipality over time, due to different options undertaken by the rotating political parties in power (PALUDO, 2013, p. 54).

Convergence implies that a capitalist state would show signs of housing development along similar trajectories or goals with continuity, while divergence is more often a response to the particular needs of dominant political parties, such as physical housing conditions, household consumption needs, and reasons to garner electoral support.

The emphasis placed on the issue of housing for vulnerable groups, both in political discourses and in the analyses carried out by researchers, may seem obvious, given the

worsening imbalance between supply and demand and concerns about segregation in Latin America.

There is a growing level of housing insecurity and, more recently, the financial crisis and the relatively unsuccessful tendency of governments to stimulate and monitor markets. The designation of vulnerable groups in relation to social risk – with an emphasis on targeting these groups – as well as attention to the distribution of vulnerable groups in the urban space through the concept of social mix, brought new actors and revised principles in the field of public policies (PROCOPIUK, 2013, p. 195).

Policies are reconfigured through a new division of tasks between assistance and assurance. Some legal regulations of spatial planning/urban growth management policies (tools, instruments) and weak spatial governance are the main sources of urban expansion.

The lukewarm effects of the public policies implemented so far, with inefficient tools used, such as zoning and urban rules, land use ordinances, configuration of urban boundaries, infrastructure regulations and construction of new infrastructure, and the cost of public transport, have diminished the possibilities of the local budget for new common urban public services.

The new urban policy, guided by processes of privatization and deregulation, substantially changes the principles of regulation of the city's economy and the economy of urban land use, giving priority to the private sector and the logic of the market. This supports the creation of an infinity of uncoordinated individual decisions about the use of space and leads to the marginalization of the role of public policy (PONTES; FARIA, 2012, p. 152).

Housing programs demonstrate the transformation of policies that has been taking place around the world, which occur through the application of capital from financial markets and state investments. This format leads to the reformulation of housing policies into a business model, transforming housing from a basic right into a commodity based on the ability of individuals to access credit.

This issue is particularly significant in Latin American countries, such as Brazil, while the latter have been overshadowed by a historical process of urban exploitation, especially in metropolitan areas, which are territories of socioeconomic concentration (GALINDO, 2004, p. 10).

There are, therefore, several factors that have hindered the coordination of housing policies in Brazilian metropolitan areas, the results of which show the need to reflect on the process of financialization of housing at the national and subnational levels. This represents a major obstacle to integrated metropolitan housing management.

Housing policies contributed to widespread urban expansion without mitigating subsequent urbanization. From then on, problems arose, such as the rapid consumption of valuable agricultural land, the need to expand infrastructure and services, reducing access to employment and service centers for the population of the new residential areas (PONTES; FARIA, 2012, p. 152).

However, the focus of the problem is that housing policies, when formulated, do not seek to carry out an urban-based approach focused on the integrated improvement of living conditions of urban populations, instead of the construction of more houses. The adoption of these recommendations can transform the housing sector and its related public policies into an instrument for building better cities.

New technical and financial measures to address the complexity and magnitude of social housing are expected to remain challenging in Brazilian politics.

## **FINAL CONSIDERATIONS**

The main conclusions include the fact that the extremely inefficient use of urban land and excessive urban expansion, especially driven by the intense movement of people from the countryside to the city, and later from poorer regions to the large centers, caused a high consumption of urban land.

When governments began to understand the need to recognize the importance of the role of urban land policy, with the use of existing apparatuses, not yet transformed, it was possible that some progress could be noted in the sense of contributing to responsible urban expansion, even if it is not possible to infer the right to housing provided for in Art 6 of the CRFB as well as to own a home.

Law 13,465/2017 deals generically with its addressees who are in a situation of consolidated irregular occupations. Article 1 of this legislation provides that REURB: "[...] encompasses legal, urban, environmental and social measures aimed at the incorporation of informal urban centers into urban territorial planning and the titling of their occupants" (BRASIL, 2017).

The delegates carry out social justice and give effectiveness to the rights of such people who, for a long period, have been forgotten by the Public Power, so that they need extra attention to achieve dignity in their next days of life.

What was observed, without many reservations, is that the main lesson for policymakers and public administrators is that there is an urgent need for integrated and articulated responses, with regularization of housing programs.

Currently, there is not the necessary reconciliation between land, urban, housing programs and fiscal policies, which constitute traditional bottlenecks that need to be overcome, especially in relation to the need for adequate information and registrations, the lack of institutional capacity to act, especially at the local level.

Allied to these problems, there are also difficulties with anachronistic registration systems. Another recurring issue refers to the adequate monitoring of cases within the existing programs, in which the continuous presence of the State in the regularized areas is necessary.

It is therefore clear that the formation of broad and solid socio-political bases is necessary to ensure the success of future land regularization programs. Given the scope and severity of the phenomenon, solutions cannot be left to market forces alone, nor to the state alone.

Adequate responses will require truly public national policies, in which all sectors and all stakeholders, including extrajudicial services, must be involved, with renewed but qualified support from international development agencies and financial institutions. Permanent intergovernmental coordination is fundamental, as well as partnership between the private, community and volunteers.

As seen, REURB reveals itself as a sum of interdisciplinary measures that have as their scope the regularization of housing, making them formally incorporated into the urban territory.

It results in the possibility of citizens achieving the real right of ownership, duly recognized by the competent Real Estate Registry Service when qualifying and registering the respective land regularization certificate. By performing the important registry (and social) function, it brings with it, in tow, rights and the longed-for sense of regularity and belonging to the whole, representing a way to realize the right to formal housing and the dignity of the human person.

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