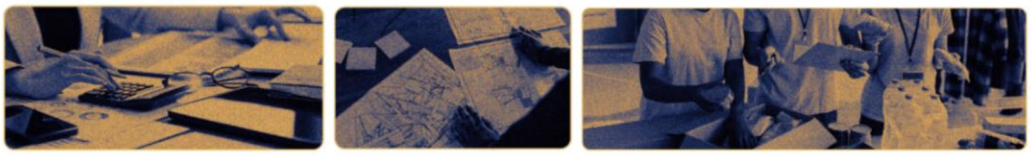

IMPACTO CIENTÍFICO EDITORA

FEDERAL TERRITORIES AND DECENTRALIZED GOVERNANCE IN BRAZIL: A CONSTITUTIONAL AND INSTITUTIONAL ANALYSIS

TERRITÓRIOS FEDERAIS E GOVERNANÇA DESCENTRALIZADA NO BRASIL: UMA ANÁLISE CONSTITUCIONAL E INSTITUCIONAL

TERRITORIOS FEDERALES Y GOBERNANZA DESCENTRALIZADA EN BRASIL: UN ANÁLISIS CONSTITUCIONAL E INSTITUCIONAL

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Alexandre Walmott Borges[1], Diogo Debs Hemmer[2], Gilberto Ferreira Ribeiro Junior[3], João Souza Araújo Filho[4], Nery dos Santos de Assis[5]

ABSTRACT

This article presents a doctrinal and normative analysis of the modalities of administrative decentralization enshrined in the Brazilian Federal Constitution. It examines their legal applicability to the various governmental entities comprising the Federation, including federal territories, administrative regions, metropolitan regions, microregions, urban agglomerations, and municipal districts. The study offers a systematic exposition of the constitutional framework governing administrative decentralization, supported by an interpretive exegesis of the relevant provisions. The primary objective is to undertake a legal inquiry into the structural and regulatory dimensions of decentralization within the Brazilian federative system, grounded in the hermeneutic interpretation of constitutional norms.

Keywords: Brazilian Federalism. Administrative Decentralization. Constitutional Norms. Territorial Governance. Comparative Constitutional Law.

RESUMO

Este artigo apresenta uma análise doutrinária e normativa das modalidades de descentralização administrativa previstas na Constituição Federal Brasileira. Examina sua aplicabilidade jurídica aos diversos entes federativos, incluindo territórios federais, regiões administrativas, regiões metropolitanas, microrregiões, aglomerações urbanas e municípios. O estudo oferece uma exposição sistemática do arcabouço constitucional que rege a descentralização administrativa, apoiada por uma exegese interpretativa dos dispositivos pertinentes. O objetivo principal é realizar uma investigação jurídica sobre as dimensões estrutural e regulatória da descentralização no sistema federativo brasileiro, fundamentada na interpretação hermenêutica das normas constitucionais.

[1] Dr. in History. Universidade Federal de Uberlândia (UFU). E-mail: walmott@gmail.com
Orcid: https://orcid.org/0000-0001-8767-5542
[2] Master's student. Universidade Federal de Uberlândia (UFU). E-mail: diogo@hemmeradvocacia.com
Orcid: https://orcid.org/0009-0005-6656-6140
[3] Master's degree in Law. Universidade Federal de Uberlândia (UFU).
E-mail: gilbertoferreiraribeirojunior@gmail.com Orcid: https://orcid.org/0009-0002-7436-4774
[4] Master's degree in Law. Universidade Federal de Uberlândia (UFU). E-mail: joaosouzafilho255@gmail.com
Orcid: https://orcid.org/0009-0002-4184-6793
[5] Dr. in Biofuels. Observatory for Renewable Energy Regulation. E-mail: assis.ns@icloud.com
Orcid: https://orcid.org/0000-0002-1661-7318

Palavras-chave: Federalismo Brasileiro. Descentralização Administrativa. Normas Constitucionais. Governança Territorial. Direito Constitucional Comparado.

RESUMEN

Este artículo aborda las formas de descentralización administrativa bajo la Constitución Federal Brasileña, centrándose en aquellas que pueden ser adoptadas por las diversas entidades políticas de la Federación, a saber: territorios federales, regiones administrativas, regiones metropolitanas, microrregiones, aglomeraciones urbanas y distritos municipales. El texto presenta una descripción resumida de los aspectos normativos de la descentralización administrativa, con comentarios sobre las disposiciones constitucionales relevantes. El objetivo de esta investigación es realizar una descripción analítica de las formas de descentralización administrativa en la federación, a partir de la interpretación de las normas constitucionales nacionales.

Palabras clave: Federalismo Brasileño. Descentralización Administrativa. Normas Constitucionales. Gobernanza Territorial. Derecho Constitucional Comparado.

1 INTRODUCTION

The central objective of this study is to conduct a doctrinal and normative analysis of the modalities of administrative decentralization codified in the Brazilian Federal Constitution. These mechanisms are multifaceted and fulfill distinct legal and institutional functions, encompassing the governance of federal territories and the organizational structuring of metropolitan regions and urban agglomerations. Each form of decentralization is characterized by its own legal attributes and operational architecture.

This research undertakes a systematic examination of the constitutional provisions regulating administrative decentralization in Brazil, with particular emphasis on the various models of regional organization constitutionally recognized. To achieve this, the study adopts a descriptive-analytical methodology, grounded in the critical review of legislation, legal scholarship, and pertinent jurisprudence. The analysis is supported by a bibliographic survey of foundational works authored by leading scholars in Constitutional Law, as well as the scrutiny of official legal instruments, including statutes, decrees, and decisions issued by superior courts.

The article provides an analytical description of the various forms of administrative decentralization designated as federal territories, administrative regions, metropolitan regions, urban agglomerations, microregions, and municipal districts. This terminology is adopted by the Brazilian Constitution to classify the different modalities of administrative decentralization, which may involve the central authority, the Federal Union, the regional authority, the states of the Federation, or the local authority, the municipalities.[6]

2 THEORETICAL FOUNDATION

The theoretical foundation of this study is anchored in the juridical analysis of the spatial dimensions of state authority, particularly as they pertain to the phenomena of centralization and decentralization within the constitutional framework. From a legal-scientific perspective, these processes are not merely administrative arrangements but reflect deeper normative structures that govern the distribution of competences among institutional actors across territorial units. The interplay between centralized command and decentralized autonomy is shaped by constitutional provisions, historical trajectories, and the legal validity

[6] Under the Brazilian federative model, the Federation is composed of four legal entities governed by public law: the Federal Union, the States, the Federal District, and the Municipalities. This structure is expressly established in Article 18 of the Federal Constitution of Brazil.

of norms within defined jurisdictions. Accordingly, this section examines the doctrinal underpinnings and institutional configurations that inform the legal architecture of administrative decentralization in Brazil, drawing upon constitutional theory, legal hermeneutics, and comparative federalism.

In the realm of political analysis, the dynamics of centralization and decentralization must be examined through the territorial dimension of the nation-state. Political processes are inherently spatial, requiring analytical frameworks that account for their geographic distribution. The historical occupation and configuration of state territory give rise to challenges of integration, fragmentation, and the incorporation of territorial units (Schwartzman, 1988, p. 40). Within Brazilian political history, mechanisms of territorial integration and incorporation have produced cyclical shifts between centralized institutional arrangements and decentralized governance models. These decentralized frameworks have varied in scope, particularly with respect to the allocation of powers and prerogatives among local, regional, and central authorities (Faoro, 1991; Vianna, 1996).

From a legal standpoint, the distinction between centralization and decentralization is defined by the territorial scope of normative validity and the institutional actors responsible for norm creation and enforcement. In the specific context of administrative decentralization, administrative and judicial bodies are vested with the authority to issue normative acts within territorial jurisdictions delineated by superior legal provisions. These bodies exercise jurisdictional competence within their respective spatial domains. The conceptual divergence between administrative and political decentralization lies in the degree of autonomy conferred: political decentralization entails legislative competence and normative independence, whereas administrative decentralization presupposes subordination to a superior central authority (Kelsen, 2005, pp. 433–434; 447–448).

Over the course of two centuries of Brazilian constitutionalism, the country has adopted a range of state models and territorial frameworks for administrative decentralization. This historical trajectory has evolved from a decentralized unitary state structure—characteristic of the imperial period—to federative arrangements that incorporate both administrative decentralization and federative autonomy. These configurations have encompassed nominal models of federal decentralization, as well as the substantive institutional design established under the current constitutional order (Nogueira, 2012; Baleeiro, 2012; Poletti, 2012; Porto, 2012; Baleeiro & Sobrinho, 2012; Cavalcanti, Brito & Baleeiro, 2012).

The existing constitutional framework delineates the modalities of administrative decentralization applicable to the constituent entities of the Federation, including federal territories, administrative regions, metropolitan regions, microregions, urban agglomerations, and municipal districts (Jacques, 1974; Horta, 1999; Silva, 2000). These entities are constitutionally recognized as instruments through which the spatial distribution of administrative authority is operationalized within the Brazilian federative system.

2.1 FEDERALISM IN THE UNITED STATES AND BRAZIL: HISTORICAL AND INSTITUTIONAL TRAJECTORIES

As observed by Adalberto Pimentel Diniz de Souza (2005, pp. 170–172), the historical development of federalism in the United States and Brazil has followed markedly divergent paths.[7] In the United States, federalism emerged as a constitutional mechanism to unify the thirteen former British colonies, which, following the Declaration of Independence in 1776, sought to establish a governmental structure capable of balancing state sovereignty with centralized authority. The initial adoption of the Articles of Confederation in 1781 proved institutionally fragile, prompting the convening of the Philadelphia Convention in 1787. This led to the creation of a Federal State under the U.S. Constitution, a model theoretically articulated by Hamilton, Madison, and Jay in *The Federalist Papers*, which emphasized the separation of powers and the supremacy of the national government within its constitutionally defined spheres of competence.

In contrast, Brazilian federalism evolved through a top-down process. Rather than arising from the voluntary union of autonomous entities, it was instituted by the central government, which progressively delegated administrative functions to the provinces—later reconstituted as States following the Proclamation of the Republic in 1889. The 1891 Constitution formalized this federative arrangement, drawing structural inspiration from the American model while retaining significant centralized control. Subsequent constitutional reforms introduced modifications to the federal architecture, notably during the Estado Novo regime (1937), and culminating in the 1988 Constitution, which substantially reinforced the autonomy of States and Municipalities within the Brazilian federative system.

[7] The comparative reference to the United States is justified by its adoption of the modern federal model, which served as a structural and conceptual inspiration for the Brazilian Constitution of 1891 and all subsequent constitutional texts. The U.S. system provided a foundational framework for the organization of federative relations, influencing the delineation of competences and the institutional design of the Brazilian Federation.

2.2 FEDERAL TERRITORIES IN BRAZIL: INSTITUTIONAL AND LEGAL FRAMEWORK

As noted by Souza et al. (2025, pp. 14–15), the institutional experience of Federal Territories in Brazil, although conceptually influenced by U.S. legal doctrine, evolved with distinct structural characteristics. Rather than adopting a model of uniform territorial expansion, Brazil pursued a strategy of peripheral occupation, aimed at consolidating national borders—particularly in the Amazon region—as a means of geopolitical stabilization.[8]

Federal Territories were conceived as proto-states, functioning as legal fictions within the Brazilian federative framework. This institutional arrangement allowed certain territorial units to acquire a form of federative integration while remaining administratively and economically subordinated to the Federal Government.

Souza et al. (2025, p. 15) emphasize that, due to persistent structural and fiscal constraints, Federal Territories required sustained public investment to enable their eventual transition to statehood. The governance model replicated the political, administrative, and legal architecture of the central government, thereby ensuring a gradual and controlled process of institutional incorporation into the federative order.

2.3 METROPOLITAN REGIONS, INTEGRATED DEVELOPMENT REGIONS

According to Cavalcante (2020, p. 5), Metropolitan Regions (MRs) in Brazil are defined as urban agglomerations composed of contiguous municipalities, formally instituted by state complementary law. Their principal function is to coordinate the organization, planning, and execution of public policies addressing matters of common interest. The current legal framework delegates to state governments the authority to establish MRs, thereby enhancing governance mechanisms for urban functions that extend beyond municipal boundaries.

Integrated Development Regions (RIDEs), by contrast, consist of groupings of municipalities that span more than one federative unit. Although frequently treated as analogous to MRs, RIDEs are governed by a distinct and less conceptually defined legal framework. As Cavalcante (2020, p. 8) observes, RIDEs were originally conceived to facilitate the coordination of federal policies within specific socio-economic and geo-spatial complexes.

[8] As will be further developed in this article, the first Federal Territory in Brazil—the Territory of Acre—was established in the early twentieth century, followed by the creation and subsequent suppression of other territories throughout the century. Although the current Federal Constitution provides for the possibility of creating Federal Territories (Art. 33), none are presently in existence. Notably, the Constitution's Transitional Provisions extinguished the remaining territories as of October 5, 1988: Roraima and Amapá were elevated to statehood, and Fernando de Noronha was incorporated into the State of Pernambuco.

Nonetheless, the regulatory architecture governing RIDEs remains incomplete, giving rise to legal ambiguities regarding their jurisdictional scope, institutional competencies, and operational structure.

The formal recognition of Metropolitan Regions (MRs) in Brazil emerged as a direct consequence of centralizing institutional dynamics. Beginning with the 1937 Constitution, which authorized the aggregation of municipalities, and continuing through the 1946 Constitution, which established technical assistance bodies for municipal administration, a gradual expansion of regionalization policies took shape. The 1967 Constitution, together with Constitutional Amendment No. 01/1969, formally incorporated MRs into the Brazilian legal order. The 1988 Constitution further consolidated their status by placing them under the constitutional provisions applicable to States (Art. 25, §3, in conjunction with Art. 43), thereby affirming their role within the federative structure.

Notably, MRs are institutionally distinct from federal regional development agencies such as Sudene, Sudam, DNOCS, Suvale, Sudesul, and Sudeco, all of which were established during the 1970s. Whereas these agencies operate under the jurisdiction of the Federal Union and are designed to implement national development policies, MRs are state-level entities that serve as instruments of regional governance. Their primary function is to coordinate public services and administrative responsibilities across municipal boundaries, thereby contributing to the spatial reorganization of governmental competences within a decentralized framework.

In addition to the aforementioned modalities of administrative decentralization involving the Federal Union, the States, and the Municipalities, the Brazilian legal framework also provides for the creation of administrative units known as districts. These districts, established within the territorial scope of municipalities, serve as sub-municipal entities designed to facilitate local governance and administrative management. Although they do not possess political autonomy or legislative competence, districts function as instruments of territorial organization, enabling the decentralization of municipal services and the closer alignment of public administration with community needs.

2.4 THE EVOLUTION OF BRAZILIAN FEDERALISM AND ITS INSTITUTIONAL IMPACTS

Marcelo Rocha Saboia (1998, p. 233) observes that the historical trajectory of Brazilian federalism has been characterized by a sustained process of political centralization, initiated with the collapse of the First Republic and the 1930 Revolution. This centralizing shift was

closely linked to Brazil's accelerated industrialization and urbanization, which contributed to the concentration of governmental functions at the federal level, frequently to the detriment of subnational autonomy.

From the Federal Constitution of 1934 to the authoritarian Charter of 1937—enacted under the Estado Novo regime—and through the subsequent constitutional texts of 1967 and Constitutional Amendment No. 01/1969, there was a progressive reallocation of legislative and administrative competencies to the Union. Within this centralized institutional framework, the formalization of state planning emerged as a foundational principle of governance. This was particularly evident during the administration of President Juscelino Kubitschek (1956–1961), which witnessed the establishment of the Planning Secretariat, an organ hierarchically positioned above ministerial structures and tasked with coordinating national development strategies.

2.5 ADMINISTRATIVE DECENTRALIZATION IN THE CONSTITUTION

The constitutional treatment of administrative decentralization in Brazil reflects a complex interplay between federative autonomy and hierarchical coordination. The Federal Constitution of 1988 establishes a normative framework that enables the distribution of administrative competences across distinct territorial entities, including the Union, the States, the Federal District, and the Municipalities. This framework is complemented by provisions that authorize the creation of specialized administrative units—such as federal territories, metropolitan regions, microregions, urban agglomerations, and municipal districts—each designed to fulfill specific governance functions within the federative structure. The constitutional text delineates the legal parameters for decentralization, balancing the principle of subsidiarity with the need for integrated public administration. Accordingly, administrative decentralization is not merely a managerial tool, but a constitutional mechanism for territorial organization and institutional pluralism.

In addition to the political decentralization inherent to the federative model, the Brazilian Constitution establishes distinct modalities of administrative decentralization. These modalities entail the spatial distribution of administrative competences across the municipal, state, and federal levels, thereby structuring the exercise of public authority within the national territory.

Over the course of two centuries of constitutional development, Brazil has enacted seven constitutions. Among these, only the 1824 Constitution formally adopted a unitary state

model. The authoritarian charters of 1937 and 1967 instituted a formal—though not substantive—federalism, characterized by strong centralization. By contrast, the constitutional texts of 1891, 1934, 1946, and the current 1988 Constitution have embraced the federative form, each with varying degrees of decentralization.

The central objective of this study is to demonstrate that, within the federative structure established by the 1988 Constitution, there exist constitutionally enshrined forms of administrative decentralization. This implies a normative partition in which each federative entity—the Union, the States, and the Municipalities—is vested with the authority to regulate its own administrative decentralization. The constitutional text is drafted in such a manner that it recognizes and allocates decentralizing competences to the respective political entities, thereby reinforcing the principle of territorial pluralism within the Brazilian legal system:[9] The Federal Union is constitutionally authorized to establish Federal Territories and administrative regions, pursuant to Articles 33 and 43, as instruments for territorial organization and regional development under federal jurisdiction.; [10] b) The States may create metropolitan regions, urban agglomerations, and microregions, as provided in Article 25, with the objective of

[9] The Federal District exercises normative and administrative competences analogous to those attributed to the States, while simultaneously accumulating the prerogatives constitutionally reserved for Municipalities. Unlike the federative units organized under the state model, the Federal District is not subdivided into municipalities. Its institutional configuration reflects a hybrid legal nature, combining state-level autonomy with municipal administrative functions, thereby positioning it as a unique entity within the Brazilian federative structure.

[10] Article 33, CF. The law shall provide for the administrative and judicial organization of the Territories. Paragraph 1. The Territories may be divided into municipalities, to which the provisions of Chapter IV of this Title shall apply, insofar as pertinent. Paragraph 2. The accounts of a territorial government shall be submitted to the National Congress, with the prior opinion of the Federal Accounting Court. Paragraph 3. Federal Territories with over one hundred thousand inhabitants shall have, in addition to a governor appointed according to this Constitution, courts of first and second instances, members of the Prosecution Office and Federal Public Defenders; the law shall provide for the elections to the Territory Chamber and its decision-making powers. Article 43. For administrative purposes, the Union may coordinate its action in one same social and geo-economic complex, seeking to attain its development and to reduce regional inequalities. Paragraph 1. A supplementary law shall provide for: I – the conditions for the integration of developing regions; II – the composition of the regional agencies which shall carry out, as provided by law, the regional plans included in the national social and economic development plans approved concurrently. Paragraph 2. The regional incentives shall include, inter alia, as provided by law: I – equality of tariffs, freight rates, insurance and other cost and price items which are within the responsibility of the government; II – favored interest rates for the financing of priority activities; III – exemptions, reductions or temporary deferment of federal taxation owed by individuals or by legal entities; IV – priority in the economic and social use of rivers and dammed water masses or areas with a potential to form water reservoirs in low-income regions subject to periodical droughts. Paragraph 3. In the areas referred to in paragraph 2, item IV, the Union shall grant incentives to recover the arid lands and shall cooperate with small and medium-size rural landowners to implement water sources and small-scale irrigation in their tracts of land. The English version of the constitution was extracted from the official publication of the STF: https://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/Brazil_Federal_Constitution_EC_125.pdf

coordinating public functions of common interest among contiguous municipalities; [11] c) The Municipalities are empowered to institute districts, in accordance with Article 30, as sub-municipal administrative units aimed at facilitating local governance and service delivery.[12]

2.6 FEDERAL TERRITORIES

Federal Territories constitute a specific modality of administrative decentralization within the scope of the Federal Union. They are not equivalent to States or Municipalities, as they do not possess legal personality, nor do they hold the constitutional competences or prerogatives attributed to federative entities. Rather, they are territorial extensions under the direct administration of the Union, governed by the provisions of Article 33 of the Federal Constitution and its respective paragraphs. As the nomenclature suggests, a Federal Territory refers to a portion of the national territory that does not belong to any State or to the Federal District, remaining under exclusive federal jurisdiction. This territorial configuration endows Federal Territories with a peculiar institutional character: although they share with States the attribute of possessing a defined territorial base, they are not political entities. Their defining feature lies precisely in this paradox—being territorially demarcated like States, yet functionally subordinated to the Union.

The rationale for the creation of Federal Territories is multifaceted. In general, such territories are established in regions lacking the economic infrastructure necessary to sustain political autonomy. The absence of significant economic activity impairs the viability of a federative entity, particularly in fulfilling its constitutional obligations related to taxation, budgeting, and public service provision. Additionally, sparse population density often

[11] Article 25. The states are organized and governed by the Constitutions and laws they may adopt, in accordance with the principles of this Constitution. Paragraph 1. All powers that this Constitution does not prohibit the states from exercising shall be conferred upon them. Paragraph 2. The states shall have the power to operate, directly or by means of concession, the local services of piped gas, as provided by law; governors are forbidden to issue any provisional decree for its regulation. (CA 5, 1995) Paragraph 3. The states may, by means of a supplementary law, establish metropolitan regions, urban agglomerations and micro regions, formed by the grouping of adjacent municipalities, in order to integrate the organization, the planning and the operation of public functions of common interest.

[12] Article 30. The municipalities have the power to: I – legislate upon matters of local interest; II – supplement federal and state legislations where pertinent; III – enact and levy the taxation within their jurisdiction, as well as apply their revenues, without prejudice to the obligation of rendering accounts and publishing balance sheets within the periods established by law; IV – create, organize and suppress districts, with due regard for the state legislation; V – organize and render, directly or by concession or permission, the public services of local interest, including mass-transportation, which is of essential nature; VI – maintain, with the technical and financial cooperation of the Union and the state, programs of early childhood and elementary school education; (CA 53, 2006) VII – provide, with the technical and financial cooperation of the Union and the state, health services to the population; VIII – promote, wherever pertinent, adequate territorial organization, by means of planning and control of use, apportionment and occupation of the urban land; IX – promote the protection of the local historic and cultural heritage, with due regard for federal and state legislation and supervision.

correlates with limited political representation, further undermining the conditions for statehood. Historically, considerations of national security have also motivated the creation of Federal Territories; however, in the current constitutional context, such arguments are increasingly difficult to substantiate with consistency and plausibility. [13]

According to Souza et al. (2025, pp. 2–3), the institutional trajectory of Federal Territories in Brazil can be delineated into three distinct phases: centralization (1904–1969), decentralization (1969–1988), and statehood (from 1988 onward).[14] The initial phase of centralization was marked by intense intervention by the Federal Government, whereby administrative and economic decisions were concentrated in the Federal Capital and executed by Governors directly appointed by the President of the Republic. This centralized model was consolidated with the creation of the Federal Territory of Acre in 1904, an initiative inspired by the territorial governance structure of the United States.

The decentralization of Federal Territories in Brazil was formally initiated by Decree-Law No. 411 of 1969, which redefined their legal and institutional framework. This normative shift introduced new functions and selection criteria for territorial representatives, thereby attenuating the direct influence of the central government. Although Federal Territories remained administratively subordinated to the Federal Union, this phase marked a significant

[13] The conceptual origin of Federal Territories in Brazil was influenced by the jurisprudence of the U.S. Supreme Court, which assigned to the Federal Union the responsibility for administering territories acquired through war. This doctrinal foundation informed the Brazilian constitutional treatment of territories, particularly under the 1937 Constitution, which restricted their creation to matters of national defense.
A paradigmatic example of this rationale is the Federal Territory of Fernando de Noronha, instituted by Decree-Law No. 4,102 of February 9, 1942. Article 1 of the decree explicitly states that the territory was created “in the interest of national defense,” comprising the archipelago of Fernando de Noronha. Article 2 transferred all assets, taxes, and fees previously under the jurisdiction of the State of Pernambuco to the Federal Union, reinforcing the centralizing logic of territorial administration. Subsequent legislation, notably Law No. 6,971 of December 14, 1981, regulated the administrative organization of the territory. It established that Fernando de Noronha would be subordinated to a Military Ministry, designated by the President of the Republic (Art. 3), and classified as a Budgetary Unit with administrative autonomy (Art. 4). The governance structure included a Governor, assisted by Secretaries of Government (Art. 9), with the position of Governor reserved for an Active-Duty Superior Officer of the Armed Forces, who would also serve as Commander of the Military Garrison (Art. 10, sole paragraph). This legal framework illustrates how national security considerations shaped the institutional design of Federal Territories, positioning them as strategic administrative instruments under direct federal control, distinct from the federative entities endowed with political autonomy.

[14] The process of centralization in Brazil occurred gradually. The 1891 constitutional regime was marked by an extreme form of decentralization favoring the States, which granted them broad autonomy in legislative, fiscal, and administrative matters. This model was progressively revised, beginning with the 1930 Revolution and culminating in the 1934 Constitution, which sought to correct the “federalist excesses” of 1891 by reasserting federal authority. Shortly thereafter, the 1937 Constitution intensified this centralizing trend, consolidating power in the hands of the central government under an authoritarian framework. Even during the effective period of the 1891 constitutional regime, a reaction against the prevailing model of exacerbated federalism—epitomized by the so-called “politics of the governors”—began to take shape. Throughout the 1910s and 1920s, it became increasingly evident that the federative “feudalization” resulting from excessive decentralization was institutionally dysfunctional, undermining national cohesion and the capacity for coordinated public governance.

advance in their administrative autonomy, allowing for greater local participation in governance and public management. The final phase of this trajectory was consolidated with the promulgation of the 1988 Federal Constitution, which elevated the remaining Federal Territories to the status of States, thereby granting them full political and administrative autonomy. This constitutional transformation was driven by strategic geopolitical considerations, particularly the imperative to reinforce the occupation and integration of the Amazon region into national development policies. The transition from territorial administration to federative membership reflects the broader constitutional commitment to decentralization, regional equity, and the consolidation of Brazil's territorial sovereignty.

In the comparative analysis of Brazilian constitutional systems, it is noteworthy that Federal Territories were first instituted under the constitutional regime of 1891, despite the absence of explicit constitutional provisions on the matter. During the validity of that Constitution, the Treaty of Petrópolis was signed in 1903, formalizing the annexation of the disputed territory of Acre to the Federal Union. As Paulino Jacques (1974, p. 139) observes, drawing upon precedents from U.S. constitutionalism, the annexed territory remained under the direct domain of the Federal Union, thereby reinforcing the centralizing logic of territorial incorporation.

The 1934 Constitution marked a turning point by introducing a specific constitutional provision regarding Federal Territories. Notably, Article 5 of the Transitory Provisions established the obligation of the Union to compensate the States of Mato Grosso and Amazonas for the territorial losses resulting from the incorporation of Acre into the national territory. This provision not only recognized the legal status of Federal Territories but also acknowledged the fiscal and patrimonial implications of territorial reconfiguration within the federative framework. Under the aegis of the 1937 Constitution, the first normative instruments specifically addressing Federal Territories were enacted. Decree-Law No. 4,102 established the Federal Territory of Fernando de Noronha, while Decree-Law No. 5,812 created the Territories of Guaporé (now Rondônia), Rio Branco (now Roraima), Iguaçu (now part of Paraná), Ponta Porã (now part of Mato Grosso do Sul), and Amapá. Subsequently, Article 8 of the Transitory Provisions of the 1946 Constitution reverted the Territories of Iguaçu and Ponta Porã to the states of Paraná and Mato Grosso, respectively. The process of territorial elevation continued with the transformation of Acre into a State in 1962, followed by Rondônia in 1982, and finally, Roraima and Amapá, elevated to statehood by Article 14 of the Transitory Constitutional Provisions Act of the 1988 Constitution. The Territory of Fernando

de Noronha was incorporated into the State of Pernambuco, completing the cycle of territorial reconfiguration.

From a doctrinal perspective, José Afonso da Silva (2000, p. 473) and others have drawn parallels between Federal Territories and autarchies, both being legal entities under public law and expressions of administrative decentralization. However, Federal Territories possess a distinctive feature: they are territorial units directly administered by the Federal Union, and their organizational complexity may surpass the conventional framework of autarchic entities. Paragraph 3 of Article 33 of the Federal Constitution stipulates that Federal Territories with a population exceeding 100,000 inhabitants may be endowed with state-like institutional structures, including a Territorial Judiciary, Public Prosecutor's Office, Legislature, and Public Defender's Office. Importantly, the existence of such bodies does not imply political autonomy, as all are maintained and subordinated to the Union. The local executive authority is vested in the Governor of the Territory, whose powers are defined by the law that creates the respective Territory. Notably, the constitutional text refers to the Governor as being "appointed," indicating that the position is filled at the discretion of the Federal Executive, subject to approval by the Federal Legislature, and not through popular election—except in cases where specific legislation provides otherwise: [15] a) Pursuant to the Federal Constitution, the Territorial Chamber serves as the local collegiate normative body within Federal Territories. Analogous to the role of the Territorial Governor, its structure, prerogatives, and competences are to be defined by the specific law that institutes the

[15] . The legal framework governing Federal Territories, as established by Law No. 6,971 of December 14, 1981, outlines the administrative structure and responsibilities of the Territorial Governor, who serves as the highest executive authority within the territorial unit. According to Article 14, the Governor is entrusted with a set of duties that reflect the Union's direct administrative control over the Territory. Among these, Item I establishes a foundational obligation: "Art. 14 – The Governor shall be responsible for the following: I – Enforcing and ensuring compliance with federal laws and regulations applicable to the Territory." This provision underscores the Governor's role as an agent of the Federal Executive, tasked with implementing federal norms and safeguarding their observance within the territorial jurisdiction. The Governor's functions are not derived from political autonomy, but rather from delegated administrative authority, reinforcing the centralized nature of territorial governance. II. Issuing decrees and other acts necessary for the administration of the Territory. III. Representing the Territory in legal matters pertaining to the interests of the administration. IV. Submitting the proposed budget to the Minister of State for approval, within the established timeframe. V. Preparing and, if necessary, revising the annual and multi-year budget plans, submitting them to the Minister of State for approval. VI. Executing the annual budget and multi-year budget plan of the Territory. VII. Initiating the establishment of boards of inquiry to investigate the liability of civil servants assigned to the Territory. VIII. Executing or ensuring the execution of judicial decisions, and providing any assistance requested by judicial authorities in enforcing said decisions. IX. Coordinating the activities of federal agencies within the Territory. X. Submitting a detailed report to the Minister of State, within the established timeframe, on the Government's actions in the previous fiscal year. XI. Communicating directly with Ministries and other agencies on matters concerning the Territory. XII. Entering contracts, agreements, and arrangements with public or private entities. XIII. Delegating authority for carrying out administrative acts, in accordance with current legislation.

respective Territory. This legislative body does not possess political autonomy, but rather functions as an instrument of administrative decentralization under federal oversight. The local Judiciary applicable to Federal Territories is regulated by Law No. 8,185 of 1991, which establishes the legal framework for judicial organization in these entities. b) The aforementioned law adopts a shared judicial structure between the Federal District and the Federal Territories, stipulating that the Court of Justice of the Federal District and Territories shall be headquartered in the Federal District. Within this framework, Federal Territories may be subdivided into judicial districts, as necessary, to ensure adequate provision of jurisdictional services and access to justice across their territorial extent. c) The law further provides for the designation of Judges of the Territories, drawn from members of the Judiciary who perform functions within the administrative units of the Territories. Additionally, the Public Prosecutor's Office operating in the Territories is formally integrated into the institutional structure of the Federal Public Prosecutor's Office, while the Public Defender's Office functions locally, albeit under federal coordination. These arrangements reinforce the administrative nature of Federal Territories and their subordination to the Union, while ensuring the presence of essential legal institutions within their jurisdiction. [16] d) Paragraph 1 of Article 33 of the 1988 Federal Constitution permits the division of Federal Territories into Municipalities, granting them a distinct constitutional status. Unlike Municipalities situated within States, those located in Federal Territories are embedded in an entity that lacks political autonomy, and are therefore directly linked to the Union. As a result, Territorial Municipalities are subject to the constraints inherent in territorial administrative decentralization, which differs fundamentally from political decentralization. These Municipalities do not enjoy the full spectrum of attributes, competences, and prerogatives afforded to constitutionally autonomous Municipalities. This is reflected in the constitutional language of Paragraph 1 of Article 33, which stipulates that the provisions of Chapter IV (pertaining to Municipalities) shall apply "as appropriate", signaling a qualified application of municipal norms. Furthermore, in cases where intervention is required in a Municipality situated within a Federal Territory, the

[16] The appointment of judges within the Federal District and Territories Courts is governed by Article 42 of Law No. 8,185 of 1991, which establishes a unified public examination for entry-level judicial positions. Specifically, the provision states that the selection process for Judges of Law of the Territories and Substitute Judges of the Federal District shall be conducted through a single examination, with successful candidates granted the right to choose their placement according to their ranking. Sole Paragraph of the same article provides an exception, authorizing the Court of Justice of the Federal District and Territories to determine, at its discretion, that a specific examination be held exclusively for the appointment of Judges of Law of the Territories. This mechanism reflects the integrated judicial structure shared between the Federal District and the Federal Territories, while also allowing for targeted recruitment to meet territorial demands.

competent entity is the Federal Union, as provided in Article 35 of the Constitution. This reinforces the Union's direct administrative and political oversight over Territorial Municipalities and underscores their exceptional status within Brazil's federative structure[17] e) Paragraph 3 of Article 33 of the Federal Constitution acknowledges the possibility of establishing normative bodies within Federal Territories. However, their normative production is inherently limited. Unlike States, the Federal District, and Municipalities, which possess the authority to enact their own State Constitutions or Organic Laws, Territories lack the normative autonomy to define their basic organizational structure. f) The organization and foundational norms of a Territory are subject to the exclusive legislative competence of the Union, reflecting the Territory's status as an administrative extension rather than a political entity. This constitutional arrangement reinforces the centralized nature of territorial governance and underscores the subordinate legal position of Territories within Brazil's federative system.

Federal territories are territories administered by the Federal Union (note the unavoidable redundancy). In some aspects, they resemble political entities, having a territorial governor and functioning as an electoral district for calculating the number of representatives of federal deputies. However, they are not entities endowed with political autonomy, but rather with administrative autonomy, as they fall under the purview of the Federal Union.

[17] The prerogatives of Municipalities established within Federal Territories are exemplified by Law No. 7,009 of July 1, 1982, which created municipal entities in the then Federal Territory of Roraima. According to Article 3, the newly instituted municipalities remained under the jurisdiction of the Judicial District of their municipality of origin, until the enactment of specific legislation providing for the creation of their own judicial districts. Paragraph 1 of the same article enumerates the administrative powers conferred upon appointed Mayors, highlighting the functional autonomy granted within the territorial framework. Among their prerogatives are: I. Issuing normative and administrative acts necessary for the establishment and governance of the municipality. II. Proposing to the Territorial Council, with the Governor's approval, the creation of a provisional personnel table. III. Appointing, dismissing, and disciplining municipal personnel, in accordance with applicable legal provisions. IV. Requesting financial resources from the Federal Territory, subject to approval by the Territorial Council. V. Entering into agreements, accords, and contracts for the execution of municipal services and public works. VI. Submitting to the Territorial Council, with the assistance and approval of the Territorial Government, an annual administrative plan, including projected revenues and expenditures'. Applying, where appropriate, the legislation of the municipality of origin, thereby ensuring normative continuity. This legal framework illustrates the administrative decentralization permitted within Federal Territories, while reaffirming the absence of political autonomy. The municipalities operate under the hierarchical coordination of the Territorial Government, with their institutional design shaped by federal legislation and oversight.

3 ADMINISTRATIVE REGIONS

The constitutional provision for Administrative Regions in Article 43 of the 1988 Federal Constitution reflects Brazil's commitment to cooperative federalism and its recognition of the country's profound social, economic, cultural, and environmental diversity. The Brazilian State encompasses a wide range of ecological formations and developmental disparities, necessitating territorially tailored public policies. Given its institutional capacity to mobilize resources and coordinate financial and administrative action, the Federal Union is entrusted with the competence to establish Administrative Regions. These regions are not legal entities, but rather planning instruments designed to: Define and implement public policies in areas requiring special attention; Integrate underdeveloped regions into national development standards. The programmatic content of the legislation establishing an Administrative Region is intrinsically linked to the principle of equality, aiming to: Reverse regional inequalities; Promote integration of socially and economically interconnected areas; Ensure sustainable use of environmental resources; Align regional development with national averages.

The creation of an Administrative Region requires a Complementary Law, as mandated by Paragraph 1 of Article 43, reflecting the Constituent Assembly's intent to treat such regions as strategic instruments of territorial planning. These laws must organize Union action across large blocks of states, interstate areas, or specific portions of the national territory, defining the cultural, environmental, economic, and social space that warrants targeted government intervention (cf. Bonavides, 1998, pp. 324–326).

Ultimately, Article 43 conveys that regional inequalities, ecological diversity, and population groupings transcend individual state boundaries, requiring coordinated federal action to promote balanced and inclusive development.

The Complementary Law establishing a development region must address two foundational elements, as set forth in Article 43, Paragraph 1, Items I and II of the Federal Constitution: The conditions and purposes for defining the region, ensuring alignment between the regional development plan and the national regional development strategy; The composition of regional bodies responsible for implementing development policies. Although Brazilian legislation divides the national territory into five geographical regions—North, Northeast, Midwest, Southeast, and South—based on shared physical, human, economic, and cultural characteristics, the Constitution adopts a more flexible approach. The caput of Article 43 refers to the "articulation of a geoeconomic and social complex", which may or may not coincide with these predefined regions. Thus, Union-led development actions are not

bound by the strict boundaries of the five regions. They may extend across multiple regions, be limited to subregional areas, or target specific geoeconomic clusters, depending on the developmental objectives and territorial dynamics involved.[18]

These aspects gain importance when coordinated state action is required in urban groupings spanning multiple states. The Constitution mandates planning and organized action (Art. 21, IX; Art. 48, IV) and requires proper environmental zoning across all federative units (Art. 225, §1º, III).[19] The execution and implementation of regional development policies by the Union rely on administrative bodies endowed with statutory and programmatic mandates specifically oriented toward territorial equity and socioeconomic advancement. Historically, Brazilian law favored the establishment of federal autarchies—entities with legal personality and administrative autonomy—for the implementation of such policies. These autarchic institutions were instrumental in executing developmental programs, particularly in structurally disadvantaged regions. In recent decades, however, the traditional autarchic model has been progressively supplanted by regional development agencies, which offer

[18] The legislative treatment of regions within the Brazilian constitutional order remains sparse and fragmented, with much of its normative content derived from prior constitutional texts and sectoral legislation. The concept of regions, although relevant for economic planning, territorial integration, and development policy, has not been consolidated as a distinct federative entity within the current constitutional framework. In relation to the Amazon Region, successive legislative instruments have sought to define its territorial scope for planning and administrative purposes: Law No. 1,806 of January 6, 1953 (Art. 2) defined the Brazilian Amazon as encompassing the states of Pará and Amazonas, the federal territories of Acre, Amapá, Guaporé, and Rio Branco, as well as portions of Mato Grosso (north of the 16th parallel), Goiás (north of the 13th parallel), and Maranhão (west of the 44th meridian). Law No. 5,173 of October 27, 1966 updated this definition to include the states of Acre, Pará, and Amazonas, the Federal Territories of Amapá, Roraima, and Rondônia, and maintained the same geographic delimitations for Mato Grosso, Goiás, and Maranhão. Complementary Law No. 31 of October 11, 1977 (Art. 45) further expanded the Amazon Region to include the entire territory of the state of Mato Grosso, thereby reinforcing its strategic importance in national development policy. The Northeast Region has also been defined through legislative acts, notably:
Law No. 1,348 of February 10, 1951, Law No. 6,218 of July 7, 1975, and Law No. 9,690 of July 15, 1998, which collectively encompass the states of Maranhão, Ceará, Piauí, Rio Grande do Norte, Paraíba, Pernambuco, Alagoas, Sergipe, Bahia, Espírito Santo, and portions of Minas Gerais, including specific regions and municipalities. A notable example of urban regional integration is the Integrated Development Region of Brasília (RIDE), which includes the Federal District and surrounding municipalities in the state of Goiás. This configuration exemplifies a multi-federative regional arrangement, where populations and infrastructure transcend state boundaries. The legal establishment of such regions is constitutionally reserved to the Union, reflecting the central government's exclusive competence in matters of regional planning and development coordination.

[19] A notable example of urban regional integration is the Integrated Development Region of Brasília (RIDE), encompassing the Federal District and adjacent municipalities in the state of Goiás. This configuration illustrates a multi-federative urban region, where populations and infrastructure transcend state boundaries. The establishment of such regions falls under the exclusive legislative competence of the Union, as provided by Article 43 of the Federal Constitution, which authorizes the creation of development regions to coordinate public functions of common interest. These considerations are especially pertinent when coordinated state action is required in urban groupings spanning multiple states—typically smaller than Brazil's five official regions. The Constitution mandates planning and organized action in such contexts (Art. 21, IX; Art. 48, IV), and further requires the establishment of appropriate environmental zoning across all federative units (Art. 225, §1º, III).

greater institutional flexibility and programmatic adaptability. These agencies may coexist and operate in parallel with other entities, regardless of their legal nature or personality, provided that their mandates align with the overarching goals of regional integration and development.

Given that regional development bodies often encompass multiple states, their governance structure must reflect the interfederative character of their operations. Accordingly, such entities are required to adopt a council-based governance model, incorporating: Representatives from the participating states, ensuring federative coordination; Members of the affected communities, promoting democratic legitimacy and participatory planning. This collegiate structure reinforces the principles of subsidiarity, shared responsibility, and territorial justice, ensuring that regional development policies are not only technically sound but also socially inclusive and constitutionally grounded. [20] Paragraph 2 of Article 43 of the 1988 Federal Constitution establishes the normative basis for incentivizing regional development, particularly in less-developed areas of the national territory. By employing the term “incentive,” the constitutional text signals the intent to provide differentiated and preferential treatment to economic activities conducted in regions marked by structural inequalities, low development indices, or geographic vulnerabilities.

The provision is prescriptive for Public Authorities, who are constitutionally obligated to implement developmental policies that include: Differentiated lending mechanisms to stimulate investment; Tax incentives aimed at attracting and retaining productive activities; The execution of public works and services to enhance infrastructure and access to essential goods (Items I–IV, Paragraph 2). For private agents, the rule functions as an indicative or stimulating norm, encouraging voluntary participation in regional development through market-driven initiatives and partnerships. The Constituent Assembly’s concern for the

[20] The institutional framework for regional development in Brazil has undergone significant restructuring over the past decades. In the Northeast Region, the Agência de Desenvolvimento do Nordeste (ADENE) was established by Provisional Measure No. 2.146-1 of 2001, replacing the former Superintendência do Desenvolvimento do Nordeste (SUDENE). However, in 2007, the agency reverted to its original designation, SUDENE, reinstating its historical identity and regional mandate. In the Amazon Region, the Agência de Desenvolvimento da Amazônia (ADA) was created through Provisional Measure No. 2.157-5 of 2001, succeeding the Superintendência do Desenvolvimento da Amazônia (SUDAM). These institutional changes reflect a broader effort to modernize regional governance structures while preserving their strategic development functions. Conversely, Law No. 8.029 of April 12, 1990, formally dissolved the regional superintendencies for the South (SUDESUL) and Midwest (SUDECO), signaling a shift in federal policy away from centralized regional planning in those areas. In the Northeast, regional development is further supported by the concurrent operation of two federal entities: the Companhia de Desenvolvimento dos Vales do São Francisco e do Parnaíba (CODEVASF), a public company, and the Departamento Nacional de Obras Contra as Secas (DNOCS), a federal autarchy. Both institutions play complementary roles in infrastructure development, water resource management, and socioeconomic integration across semi-arid and riverine zones.
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Northeast region, and particularly the semi-arid zone, is explicitly reflected in the constitutional language. The provision underscores the urgency of specialized public policies for the management and utilization of water resources in these areas, recognizing their environmental fragility and strategic importance for national cohesion and equity.

This constitutional directive aligns with broader principles of territorial justice, balanced development, and interregional solidarity, reinforcing the role of the State in correcting historical asymmetries and promoting inclusive growth. [21] Administrative regions, as conceptualized within the Brazilian constitutional framework, do not possess territory in the legal-political sense. Unlike political entities—such as the Union, States, Federal District, and Municipalities—which hold territorial jurisdiction and autonomy, administrative regions are defined by functional spaces wherein public administrative action is coordinated and executed. These regions are not autonomous entities; rather, they are instrumental configurations designed to facilitate the planning, regulation, and delivery of public services across areas that share geographic proximity, socioeconomic interdependence, or infrastructural integration. Their area of operation is delineated by the territories of existing political entities, particularly the states, which hold the constitutional competence to establish such regions under Article 25, Paragraph 3 of the Federal Constitution. This distinction underscores that administrative regions are governance constructs, not sovereign jurisdictions. They serve as territorial frameworks for interfederative coordination, enabling the integration of public policies and the optimization of service delivery in complex urban and regional environments..

3.1 METROPOLITAN REGIONS, URBAN AGGLOMERATION, MICROREGIONS

The Metropolitan Region, Urban Agglomeration, and Microregion are institutional modalities of administrative organization expressly attributed to the states of the Federation under Article 25, Paragraph 3 of the Federal Constitution. These modalities are designed to provide administrative solutions and enable the integration of public policies across

[21] Article 159, Section I, Subsection (c) of the Federal Constitution of Brazil establishes a dedicated fiscal mechanism for promoting regional development. It mandates that 3% of the revenue collected from the Income Tax (IR) and the Tax on Industrialized Products (IPI) be allocated to financing programs for the productive sector in the North, Northeast, and Midwest regions. These resources are to be administered through the respective regional financial institutions, in alignment with constitutionally defined regional development plans. A critical distributive provision within this framework guarantees that 50% of the funds allocated to the Northeast Region shall be earmarked for the semi-arid zone, as stipulated by specific legislation. This reflects a constitutional commitment to territorial equity, economic integration, and the mitigation of structural disparities across Brazil's diverse geographic regions.

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contiguous municipalities, whether they are bordering geographically or situated within a shared geoeconomic and sociocultural complex. Each of these entities is established exclusively within the territorial scope of the state, and their creation requires the enactment of a State Complementary Law. This legislative instrument must define the structure, scope, and governance mechanisms of the regional entity, in accordance with constitutional parameters and technical criteria.

The Federal Supreme Court (STF) has consistently held that state constituent assemblies may not introduce additional requirements or reinforced conditions for the creation of these modalities beyond those established by the Federal Constitution. In particular, any attempt to expand procedural thresholds, impose plebiscitary conditions, or alter the normative essence of Article 25, Paragraph 3 is deemed unconstitutional, as it infringes upon the exclusive legislative competence of the state legislature and undermines the constitutional framework of regional organization. This jurisprudential stance reinforces the principle that regional administrative entities must be created through ordinary legislative processes, guided by technical, demographic, and functional criteria, and not through constitutional entrenchment at the state level. It preserves the flexibility and adaptability of

gional governance while safeguarding the autonomy of municipalities and the coordinating role of the state. [22] [23]

[22] The Federal Supreme Court (STF) has consistently affirmed that the legal requirements for the establishment of metropolitan regions, urban agglomerations, and microregions are to be defined exclusively by State Complementary Laws, pursuant to Article 25, Paragraph 3 of the Federal Constitution. In ADI 796, originating from the State of Espírito Santo, the Court declared unconstitutional the provision in Article 216, Paragraph 1 of the Espírito Santo State Constitution, which required a prior plebiscite for the creation of metropolitan regions. The STF held that such a requirement imposed an additional procedural condition not contemplated by the Federal Constitution. While Article 18, Paragraph 4 mandates a plebiscite for the creation or merger of municipalities, no such requirement exists for metropolitan regions. Historically, the authority to establish metropolitan regions was vested in the Union under the 1967 Constitution, which led to the enactment of Federal Complementary Law No. 14 of 1973, creating the metropolitan regions of Belém, Belo Horizonte, Curitiba, Fortaleza, Porto Alegre, Recife, Salvador, and São Paulo. Complementary Law No. 20 of 1974 subsequently established the metropolitan region of Rio de Janeiro. In ADI 1.842, the STF addressed the issue of ownership of metropolitan public interest, rejecting the binary allocation of such ownership to either the municipality, the group of municipalities, or the state. The Court upheld the principle of joint competence and shared ownership, requiring the existence of a collegiate governance structure within the metropolitan region to ensure municipal participation. Although the STF refrained from prescribing a definitive institutional model, it expressly prohibited the concentration of decision-making power in a single federative entity. This prohibition entails a corollary: the benefits of metropolitan cooperation must be equitably distributed, and cannot be monopolized by one entity. If municipal autonomy encompasses political, financial, and administrative independence, then the prohibition of power concentration necessarily implies the affirmation of shared management and shared benefits. The Constitution does not impose a uniform model for benefit-sharing; it merely prohibits exclusive control, allowing for differentiated participation based on regional characteristics rather than strict parity. This principle was reaffirmed in ADPF 863, reported by Justice Edson Fachin, adjudicated on May 16, 2022. The notion of common interest includes public functions and services that extend beyond the jurisdiction of a single municipality, or that—although locally confined—are functionally dependent, concurrent, or integrated with supra-municipal services. Basic sanitation, for instance, frequently transcends local boundaries and becomes a matter of common interest within metropolitan regions, urban agglomerations, and microregions, as recognized in Article 25, Paragraph 3 of the Constitution. To address such common interests, integration of municipal sanitation services may occur either voluntarily, through associated management, cooperation agreements, or public consortia (as per Articles 3, Item II, and 24 of Federal Law No. 11.445/2007, and Article 241 of the Constitution), or mandatorily, as provided by the State Complementary Law that establishes the urban agglomeration. The establishment of metropolitan regions may require the participation of bordering municipalities to ensure the technical and economic viability of public sanitation functions, particularly in underserved areas. Importantly, this mandatory integration does not infringe upon municipal autonomy. The creation of a metropolitan region does not entail a transfer of competencies to the state; rather, it reflects a collective governance model, where the common interest exceeds the sum of individual municipal interests. Mismanagement by a single municipality can compromise regional public health and undermine the collective effort. The constitutional parameter for evaluating such arrangements lies in the respect for the division of responsibilities between municipalities and the state. To preserve self-governance, it is essential to prevent the concentration of decision-making and granting powers in a single entity. The STF recognizes that ownership and granting authority over metropolitan services belong to the collegiate body formed by the municipalities and the state. While equal participation is not constitutionally mandated, the structure must prevent absolute predominance by any one entity. This was reaffirmed in ADI 1.842, with the decision summarized by Justice Gilmar Mendes, adjudicated on March 6, 2013. As of 2022, Brazil has 74 Metropolitan Regions, distributed as follows (CLÈVE, 2022):

Region	Number of Metropolitan Regions
Southeast	10
South	21
Northeast	31
North	10
Midwest	2

Translator´s note: The expression "Justice" was chosen for the Ministers of the STF.

The creation of Metropolitan Regions, Urban Agglomerations, and Microregions under Article 25, Paragraph 3 of the Federal Constitution, is subject to a set of structural and functional criteria that justify their institutionalization as instruments of territorial governance and regional planning. These modalities, while distinct in their spatial configuration and intensity of integration, share foundational elements that guide their legislative and administrative establishment: a) Groupings of Bordering Municipalities The formation of any of the three modalities presupposes the existence of a cluster of contiguous municipalities. However, territorial contiguity alone is insufficient. The group must exhibit social, economic, and cultural exchange, thereby constituting a geoeconomic complex within the state. Importantly, the fact that municipalities are geographically adjacent does not imply conurbation — i.e., a continuous or interconnected urban fabric. This distinction is particularly relevant for Microregions, which may lack urban continuity but still qualify due to functional interdependence. b) Integration of Public Functions of Common Interest The integration and interdependence among municipalities serve as the normative justification for coordinated administrative action. Such integration may manifest in a continuous urban area, as in the case of Metropolitan Regions and certain Urban Agglomerations, or through economic and social interlinkages that do not require physical urban continuity, as observed in Microregions. The presence of shared public functions—such as transportation, sanitation, and infrastructure—warrants the establishment of a regional governance framework capable of planning, organizing, and executing services of common interest.

c) Common Interest as Legislative Foundation The principle of common interest is the central normative element legitimizing the enactment of State Complementary Laws for these modalities. The relationships among municipalities must be sufficiently robust to support joint problem-solving and collaborative undertakings. Common interest is evident in: Administrative activities, which gain efficiency through regional coordination; Public service delivery, which benefits from spatial integration and economies of scale; Public works planning, which requires territorial coherence to serve contiguous areas effectively. This framework ensures that the creation of regional entities is not merely a cartographic exercise,

[23] 'Hoje, no Brasil, existem 74 (setenta e quatro) Regiões Metropolitanas, assim distribuídas: 10 (dez) na Região Sudeste; 21 (vinte e uma) na Região Sul; 31 (trinta e uma) na Região Nordeste; 10 (dez) na Região Norte e, por fim, 02 (duas) na Região Centro-Oeste'. (CLÈVE, 2022). Currently, there are 74 (seventy-four) Metropolitan Regions in Brazil, distributed as follows: 10 (ten) in the Southeast Region; 21 (twenty-one) in the South Region; 31 (thirty-one) in the Northeast Region; 10 (ten) in the North Region; and, finally, 02 (two) in the Midwest Region.

but a constitutional mechanism for enhancing governance capacity, service efficiency, and territorial equity.

The Federal Constitution of 1988, particularly Article 25, Paragraph 3, provides the normative foundation for the establishment of Metropolitan Regions, Urban Agglomerations, and Microregions, each with distinct territorial, demographic, and functional characteristics. The differentiation among these modalities is reflected in the legislative requirements and governance implications associated with their creation: a) Metropolitan Region A State Complementary Law establishing a Metropolitan Region must recognize that such regions are defined by high population density and contiguous municipalities forming a continuous urban area (conurbation). These regions are typically structured around a central or head municipality, which exerts socioeconomic and infrastructural influence over the surrounding municipalities. b) Urban Agglomeration In contrast, an Urban Agglomeration is characterized by bordering municipalities with sufficient population density to form a continuous urban area or a tendency toward urban continuity, but without a dominant central municipality. Although certain municipalities may exert polarizing influence, the agglomeration lacks a singular core, reflecting a more horizontal governance dynamic. c) Microregion A Microregion is defined by distributed population patterns across bordering municipalities, without the necessity of forming a continuous urban area. These municipalities exhibit functional interdependence and integration, often with the presence of a core municipality, but with less intensity than in metropolitan or agglomerated contexts. The primary purpose is regional planning and coordination, rather than integrated service management. d) Jurisdiction over Sanitation Services In addressing the provision of sanitation services—traditionally classified as matters of local interest—the Federal Supreme Court (STF) has interpreted such services, when provided within regions or agglomerations, as subject to the rule of common competence under Article 23 of the Federal Constitution. This interpretation affirms the need for interfederative coordination, particularly when local services have regional impact or dependency. e) Legislative Gradations and State-Level Innovation The constitutional framework permits state legislatures to enact complementary classifications that refine and adapt the federal concepts to local realities. For instance: The State of Santa Catarina, through Complementary Law No. 62, defined State Metropolitan Regions by distinguishing between an urban core and a metropolitan expansion area, thereby introducing a graded territorial model; The State of Goiás offers the example of the Integrated Development Region of Goiânia (RIDE-Goiânia), which reflects a hybrid model of regional integration and

development planning, incorporating elements of both metropolitan and agglomerated governance. These legislative innovations demonstrate the flexibility of the federative model, allowing for contextualized territorial governance while preserving the constitutional principles of autonomy, coordination, and subsidiarity.[24]

In its judgment of ADI 2809, adjudicated on September 25, 2003, and published on April 30, 2004, the Federal Supreme Court (STF) clarified the constitutional requirements for the establishment of Metropolitan Regions under Article 25, Paragraph 3 of the Federal Constitution. The case, originating from the state of Rio Grande do Sul, involved a challenge to the inclusion of a bordering municipality in a metropolitan region through an act of the Legislative Assembly. The STF upheld the constitutionality of the inclusion, affirming that states possess the authority to create administrative regions composed of bordering municipalities for the regulation and execution of public functions and services of common interest. The Court emphasized that such creation must be formalized through a State Complementary Law, and that the Legislative Assembly's role in incorporating municipalities is legitimate and constitutionally valid.

The metropolitan region was characterized as an organism of shared territorial management, with the state acting as both participant and coordinator. Furthermore, the STF underscored that the allocation of financial resources in both state and municipal budgets must reflect the organizational, planning, and operational needs of the metropolitan region, including its newly incorporated municipalities. The action was ultimately deemed unfounded, thereby confirming the validity of the inclusion and reinforcing the constitutional framework

[24] 'Com o advento da Lei Federal nº 13.089/2015 e a imposição às regiões metropolitanas e aglomerações urbanas da formulação de um plano de desenvolvimento urbano integrado – o qual deverá ser elaborado no âmbito da estrutura de governança interfederativa e aprovado pela instância colegiada deliberativa, com a participação, inclusive de representantes da sociedade civil, para posterior aprovação por meio de Lei estadual, apresentou-se uma nova
realidade de planejamento, o regional' (De Oliveira; Pereira; De Sousa, 2019, p. 181). The enactment of Federal Law No. 13.089 of January 15, 2015—known as the Statute of the Metropolis—marked a significant shift in Brazil's approach to regional planning and metropolitan governance. The statute mandates that metropolitan regions and urban agglomerations must formulate an Integrated Urban Development Plan (PDUI), designed and implemented within an interfederative governance structure. This governance model requires that the PDUI be: Developed collaboratively by the federative entities involved; Approved by a collegiate deliberative body, ensuring institutional pluralism; Informed by participatory mechanisms, including the representation of civil society; Subsequently ratified through state legislation, thereby integrating the plan into the formal legal order. This framework introduces a new normative reality for metropolitan governance, emphasizing shared responsibility, horizontal coordination, and democratic legitimacy. It reflects a departure from unilateral state-led models, reinforcing the constitutional principles of municipal autonomy, cooperative federalism, and functional integration in the management of public services and territorial development.

for regional governance. Comparative Framework: Metropolitan Region, Urban Agglomeration, and Microregion

Table 1

Criterion	Metropolitan Region	Urban Agglomeration	Microregion
Definition	A grouping of contiguous municipalities exhibiting strong socioeconomic integration centered around a metropolis.	An urban territorial unit composed of two or more bordering municipalities with functional complementarity and integrated geographic, environmental, political, and socioeconomic dynamics.	A regional planning unit comprising municipalities with shared characteristics and socioeconomic interdependencies.
Establishment	Historically established under Federal Complementary Law; currently by State Complementary Law, based on technical and demographic criteria.	Established by State Complementary Law, typically following identification by the Brazilian Institute of Geography and Statistics (IBGE).	Defined by planning and statistical agencies, such as the IBGE, according to technical parameters.
Purpose	To enable integrated planning and management of public services of common interest, including transportation, sanitation, and environmental protection.	To coordinate the organization, planning, and execution of public functions of common interest among member municipalities.	To support regional planning and analysis, without the objective of integrated public service management.
Characteristics	Marked by the dominant influence of the central metropolis over surrounding municipalities.	Characterized by intermunicipal interdependence, without a single dominant metropolis.	Defined by internal cohesion and interaction among municipalities, though with less intensity than urban agglomerations.

The institutional configuration of regions, microregions, and urban agglomerations in Brazil reveals persistent challenges in the exercise of jurisdiction, particularly due to the coexistence of regional and local spaces. While certain public services are traditionally classified as local, the structural and demographic characteristics of metropolitan regions and agglomerations often necessitate regionalized solutions. This functional shift underscores the

inadequacy of purely local approaches in contexts marked by intermunicipal interdependence. The organization and delivery of such services—ranging from basic sanitation to transportation and solid waste management—frequently depend on the issuance of general federal norms. A salient example is the national legislation on basic sanitation, which assigned to the states the competence to regulate sanitation services within metropolitan regions and urban agglomerations, thereby reinforcing the need for interfederative coordination.

According to Cavalcante (2020, pp. 14–19), the establishment of Metropolitan Regions (MR) and Integrated Development Regions (RIDE) produces diverse impacts, which may be analyzed across three dimensions: the national framework, the allocation of resources, and the legal obligations imposed on participating municipalities: National Framework: Cavalcante notes that Brazil currently has 74 Metropolitan Regions, five urban agglomerations, and three RIDE, encompassing approximately 25% of the country's municipalities. However, the heterogeneity of governance models undermines institutional effectiveness. In some cases, so-called "metropolitan regions without metropolises" emerge, where the functional integration of municipalities is tenuous. Similar governance fragmentation is observed in certain RIDE, where not all constituent municipalities maintain functional interdependence; Allocation of Resources: There is no legislation that automatically guarantees financial benefits to municipalities within MR or RIDE. Nonetheless, public policies often prioritize these regions in the distribution of urbanization and infrastructure investments, and inclusion may facilitate access to parliamentary amendments and targeted funding. Despite these potential advantages, empirical studies have yet to confirm whether municipalities within these structures receive proportionally greater resources than those outside them; Legal Obligations: Municipalities integrated into MR and RIDE are subject to additional normative requirements, such as the mandatory preparation of master plans and urban mobility plans. Moreover, legislation stipulates that RIDE exhibiting metropolitan or agglomeration characteristics must comply with certain rules applicable to MR, reinforcing the perception that these models are often treated as functionally equivalent.

In summary, while the institutionalization of MR and RIDE may offer planning and resource coordination benefits, there is limited evidence that their implementation yields tangible advantages for the municipalities involved. The absence of a clear conceptual framework and the prevalence of governance heterogeneity pose significant obstacles to

their efficacy, calling for a more coherent and integrated approach to regional public administration.

3.2 MUNICIPAL DISTRICTS.

Under Article 30, Clause IV of the Federal Constitution of Brazil, Municipalities possess the constitutional competence to create, organize, and suppress districts as a form of administrative decentralization. This prerogative enables local governments to structure their internal territorial organization in response to demographic, geographic, and infrastructural demands. However, the exercise of this competence is subject to central normative parameters established by both the State Constitution and State Law, which may impose procedural or substantive conditions. Such limitations must respect the principle of municipal autonomy, ensuring that state-level norms function as general guidelines rather than restrictive mandates.

The rationale for instituting decentralized municipal entities stems from Brazil's unique territorial realities. Numerous municipalities possess extensive land areas, in some cases exceeding the territorial size of sovereign nations. These municipalities often exhibit dispersed population distributions, with multiple urban centers, or high population densities concentrated in specific regions. In both scenarios, the creation of districts serves as a strategic mechanism for localized governance, facilitating the execution of municipal functions and the delivery of public services in peripheral or densely populated zones. The appropriate legal instrument for regulating the creation and functioning of districts is the Organic Municipal Law, which serves as the foundational normative framework for municipal governance. In the case of the Federal District, this function is fulfilled by the Organic Law of the Federal District.[25]

[25] 'A União e os estados podem editar normas gerais sobre a criação de distritos: A criação, a organização e a supressão de distritos, da competência dos Municípios, faz-se com observância da legislação estadual (CF, art. 30, IV). Também a competência municipal, para promover, no que couber, adequado ordenamento territorial, mediante planejamento e controle do uso, do parcelamento e da ocupação do solo urbano – CF, art. 30, VIII – por relacionar-se com o direito urbanístico, está sujeita a normas federais e estaduais (CF, art. 24, I). As normas das entidades políticas diversas – União e Estado-membro – deverão, entretanto, ser gerais, em forma de diretrizes, sob pena de tornarem inócua a competência municipal, que constitui exercício de sua autonomia constitucional. ADI 478, rel. min. Carlos Velloso, j. 9-12-1996, P, DJ de 28-2-1997. ADI 512, rel. min. Marco Aurélio, j. 3-3-1999, P, DJ de 18-6-2001. Toda a organização dos Municípios gira em torno da sua lei orgânica. Ela é a lei de referência para o exercício das competências municipais. De maneira simétrica à Constituição Federal, as leis orgânicas disciplinam a organização dos Municípios, dos poderes locais e de sua administração pública, bem como possuem uma hierarquia em relação a todo o sistema normativo municipal. É na lei orgânica, por exemplo, que encontraremos a organização dos poderes políticos e o formato que devem encerrar as leis locais – se ordinárias ou complementares'. (Clève, 2022). *The Union and the States may enact*

The institutional rationale for the creation of municipal districts is grounded in the principles of urban policy and territorial management. Municipalities adopt the district model as a means of administering urban areas located at a significant distance from the central nucleus, thereby ensuring the provision of public services and administrative oversight in peripheral zones. In municipalities characterized by high population density, the division into districts also serves as a mechanism for managing neighborhoods and sub-regional clusters more effectively.

Given the vast territorial dimensions of certain Brazilian municipalities—some of which possess land areas comparable to those of sovereign states—the establishment of districts becomes a functional necessity. In such cases, districts operate as administrative subunits, enabling the municipality to govern remote settlements and dispersed population centers with greater precision and responsiveness. This model reflects the constitutional mandate for adequate territorial planning under Article 30, Item VIII of the Federal Constitution, and

general rules regarding the creation of districts. The creation, organization, and dissolution of districts, which fall under municipal competence, must comply with state legislation (Federal Constitution, Article 30, Item IV). Furthermore, the municipal authority to promote, where applicable, adequate territorial planning—through the planning and control of land use, subdivision, and urban occupation (Federal Constitution, Article 30, Item VIII)—is connected to urban law and therefore subject to federal and state norms (Federal Constitution, Article 24, Item I). However, the norms issued by different political entities—the Union and the Member States—must be general in nature, formulated as guidelines, under penalty of rendering municipal competence ineffective, which constitutes an exercise of constitutional autonomy. This interpretation was affirmed in ADI 478, Reporting Justice Carlos Velloso, adjudicated on December 9, 1996, and in ADI 512, Reporting Justice Marco Aurélio, adjudicated on March 3, 1999. The entire organizational structure of Municipalities revolves around their organic law, which serves as the reference norm for the exercise of municipal powers. Analogous to the Federal Constitution, organic laws govern the organization of Municipalities, the local branches of government, and their public administration, and they establish a hierarchical framework within the municipal normative system. It is within the organic law, for instance, that one finds the structure of political powers and the formal requirements for local legislation—whether ordinary or complementary laws. Under the Brazilian constitutional system, Municipalities hold the primary competence for the creation, organization, and dissolution of districts, as provided in Article 30, Item IV of the Federal Constitution. However, such actions must be carried out in observance of state legislation, reflecting the federative principle of shared normative authority. Moreover, the municipal competence to promote territorial planning—including the use, subdivision, and occupation of urban land—is intrinsically linked to urban law, and therefore subject to federal and state regulations, pursuant to Article 24, Item I of the Constitution. This regulatory overlap requires that the Union and the States enact general norms, formulated as guidelines, to avoid infringing upon the constitutional autonomy of Municipalities. This interpretative stance was affirmed by the Federal Supreme Court (STF) in landmark decisions: ADI 478, Reporting Justice Carlos Velloso, adjudicated on December 9, 1996, ADI 512, Reporting Justice Marco Aurélio, adjudicated on March 3, 1999. In both cases, the Court emphasized that excessive normative imposition by higher-level entities risks rendering municipal competence ineffective, thereby violating the constitutional guarantee of local self-governance. The organic law of the Municipality serves as the foundational legal instrument for the exercise of municipal powers. Mirroring the structure of the Federal Constitution, the organic law governs the organization of local government, the distribution of powers, and the administrative framework. It also establishes the hierarchical structure of the municipal legal system and defines the formal requirements for local legislation, distinguishing between ordinary and complementary laws.

reinforces the principle of municipal autonomy in structuring internal governance to meet local needs.

4 FINAL CONSIDERATIONS

The 1988 Federal Constitution establishes a multifaceted framework for administrative decentralization, reflecting the institutional diversity of the Brazilian State. Instruments such as federal territories, administrative regions, metropolitan regions, urban agglomerations, microregions, and municipal districts serve as normative mechanisms designed to address the territorial specificities and developmental needs of distinct areas across the country. Their overarching objective is to promote socioeconomic development in a manner that is both balanced and functionally efficient. Within the scope of Union-led decentralization, federal territories operate in a manner analogous to political entities, albeit without political autonomy. Administrative regions represent spatial configurations for the coordination of federal administrative action, facilitating the implementation of national policies across defined territorial zones.

Conversely, urban agglomerations, metropolitan regions, and microregions are instruments of state-level administrative organization, enabling coordinated governance across clusters of municipalities. These structures provide institutional solutions for managing densely populated areas or enhancing administrative capacity in broader regional contexts. At the municipal level, districts function as subdivisions that support the execution of local governance and urban planning competencies, reinforcing the constitutional principle of municipal autonomy.

The Federal Supreme Court (STF) has played a pivotal role in interpreting the constitutional provisions governing administrative decentralization. Through its jurisprudence, the Court has consolidated key principles, including: The preservation of municipal autonomy as a constitutional guarantee; The requirement of state complementary laws for the formal establishment of metropolitan regions and urban agglomerations; The mandatory participation of municipalities in the governance and management of these regional entities. These decisions underscore the STF's commitment to a cooperative federalism model, where decentralization is not merely a structural feature but a normative imperative grounded in constitutional legitimacy.

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