

Urban Land Regularization in the First Patrimonial League of the Municipality of Belém in the Context of the Formation Process of Informal Urban Settlements

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Abstract

This study analyzes the application of the new federal legislation—Law No. 13,465/2017—through the perspective of the historical irregular formation of urban land and its influence on the territorial planning of Belém. The initial discussion addresses the disorderly occupation of land, urban dispossession, and the historical context of informal urban settlements established in the first patrimonial league. Subsequently, the research aims to analyze the history of urban land expansion in this portion of the first league, particularly regarding the disregard of territorial planning in the realization of the right to access regularized housing. Finally, the first area subject to Reurb by CODEM is presented, and through exploratory research, it is concluded that there is potential for reducing bureaucracy in resolving issues arising from irregular occupations through the instruments of Law No. 13,465/2017 and through analysis of the Municipal Terra da Gente Program as an urban policy that can serve as a tool for access to regularized housing. The scientific dialectical methodology was adopted, using comparative theoretical and normative analysis of the institutes.

Keywords: Urban land regularization; first patrimonial league; Terra da Gente; informal urban settlement; right to housing.

A Regularização Fundiária Urbana na Primeira Léngua Patrimonial do Município de Belém diante do processo de formação dos núcleos urbanos informais

Resumo

O presente trabalho analisa a aplicação da nova legislação federal – Lei nº 13.465/2017, por meio da perspectiva da formação histórica irregular do solo urbano e sua influência no

ordenamento territorial de Belém. Nesse sentido, a discussão inicial abordou a ocupação desordenada do solo, a espoliação urbana e a conjuntura histórica dos núcleos urbanos informais construídos na primeira léngua patrimonial. Posteriormente, a pesquisa teve como objetivo analisar o histórico da expansão do solo urbano nessa parcela da primeira léngua, especialmente no que diz respeito à inobservância do ordenamento territorial para a efetivação do direito ao acesso à moradia regularizada. Por fim, foi apresentada a primeira área objeto da Reurb pela CODEM, e, por meio de uma pesquisa exploratória, conclui-se que há possibilidade de desburocratização da resolução das problemáticas decorrentes das ocupações irregulares por meio dos instrumentos da Lei nº 13.465/2017 e da análise do Programa Municipal Terra da Gente, enquanto política urbana que pode contribuir como ferramenta para o acesso à moradia regularizada. Adotou-se a metodologia científica dialética, mediante análise comparativa teórica e normativa dos institutos.

Palavras-chave: Regularização fundiária urbana; primeira léngua patrimonial; Terra da Gente; núcleo urbano informal; direito à moradia.

La Regularización de Tierras Urbanas en la Primera Liga Patrimonial del Municipio de Belém frente al proceso de formación de centros urbanos informales

Resumen

El presente trabajo analiza la aplicación de la nueva legislación federal - Ley nº 13.465/2017, a través de la perspectiva histórica de la formación irregular del suelo urbano y la influencia de este problema en la organización territorial en la ciudad de Belém. En ese sentido, la discusión principal se desarrolló sobre la ocupación desordenada del suelo, el despojo urbano y la coyuntura histórica de los centros urbanos informales construidos en la primera liga patrimonial. Posteriormente, el objetivo de la investigación fue analizar la historia de la expansión del suelo urbano en la primera liga, especialmente en lo que se refiere a la inobservancia del ordenamiento territorial para el acceso efectivo al derecho a la vivienda regularizada. Y, finalmente, se enumeraron las áreas objeto del Reurb por CODEM, por lo que, a través de una investigación exploratoria, se concluye que existe la posibilidad de reducir la burocracia en la resolución de problemas derivados de ocupaciones irregulares a través de los instrumentos de la Ley nº 13.465 / 2017 y el análisis del Programa Municipal Terra da Gente, como política urbana que puede contribuir como herramienta para el acceso a la vivienda regularizada. Se adopta la metodología científica dialéctica, a través del análisis teórico y normativo comparativo de los institutos.

Palabras clave: Regularización de suelo urbano; primera liga de herencia; Tierra del Pueblo; núcleo urbano informal; derecho a la vivienda.

1 Introduction

The urban socio-spatial crisis in Brazil manifests itself especially through the expansion of irregular occupations in urban areas. This study analyzes this expansion in the metropolitan region of Belém, investigating the factors that promote informality in land access and evaluating the state's role in urban land regularization processes from a systemic understanding.

The study addresses the enforcement of constitutional social rights in light of urban territorial regulation, emphasizing spatial appropriation, particularly in areas

vulnerable due to irregular construction. It acknowledges the consolidation of these informal settlements, which are excluded from the urban planning guidelines set forth in municipal regulations.

From this perspective, existing urban land regularization policies were analyzed, highlighting the arbitrariness of segregationist reforms implemented in Belém. The work requires an examination of the factors generating informality in land access and a systemic analysis of fundamental rights and guarantees, such as the right to housing.

The historical occupation of space since the Industrial Revolution is emphasized, highlighting the struggle to have housing recognized as a human right, as safeguarded by the Universal Declaration of Human Rights¹.

Spatial occupation begins in areas unsuitable for housing, with problems particularly evident in informal land access and the absence of housing policies aimed at the most vulnerable populations (Martine; McGranahan, 2010).

State omission in the face of gentrification processes in urban centers has resulted in deficiencies in territorial organization and the implementation of housing and urban policies linked to land and social structures. Thus, low-income populations were relegated to poorly managed areas without access to legalized lands, due to the high land valuation driven by elitist standards (Smolka, 2003).

This urban scenario motivated the Explanatory Memorandum of Provisional Measure No. 759/2016, which introduced changes to the Urban Land Regularization Policy (Reurb), aiming to simplify the procedures previously established by the City Statute and to recognize properties of social interest, removing communities from legal irregularity.

The conversion into Law No. 13,465/2017 raised several doubts, leading this research to develop a critical analysis of the urbanization history in downtown Belém and access to regularized property. Initially, the section "Reproduction of Social Relations in the Structuring of Territorial Planning" discusses how social relations shape territorial planning and socio-spatial formation.

This is followed by the section "History of Urban Growth in the First Patrimonial League of Belém," which contextualizes the city's formation and the role of the Metropolitan Area Development and Administration Company of Belém (CODEM), a mixed-capital company that supports metropolitan policies and manages municipal patrimonial heritage.

The article proposes to analyze whether the acceleration of the land regularization process can overcome the deficit in territorial planning and the challenges of urban dispossession. The first section starts from the reproduction of social relations to examine spatial arrangements and the influence of social practices. Next, urban growth in the metropolitan region of Belém is analyzed, focusing on the municipality, due to the specific characteristics of land occupation and policy management concerning regularization.

¹ "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control" (UN, 1948, p.13).

After presenting the local reality and contextualizing federal urban policies such as Laws No. 11,977/2009 and No. 13,465/2017, the fourth section addresses the time frame of the latest legislation, highlighting the simplification of administrative regularization procedures in view of the large number of informal settlements in major cities. The fifth section presents the Municipal Terra da Gente Program, responsible for land regularization in Belém.

This part describes the public administration's proposal to address problems arising from metropolitan formation and disorderly land use through an exploratory methodology, which allowed the researchers to familiarize themselves with the subject studied and enhance their knowledge. The objective is to confront the normative logic of regulatory law with the historical-social perspective on the expansion of irregular settlements.

2 Reproduction of Social Relations in the Structuring of Territorial Planning

Territorial planning and socio-spatial formation are based on the materiality of social relations, with individuals' actions as the central dimension of land occupation. According to Henry Lefebvre, social space results from human interactions of production and reproduction, which are reflected in the relationship with the territory (Lefebvre, 2020).

The concept of social space encompasses physical space, transformed by the subject through labor. Nature provides resources for productive activity, energizing social space through biological relations of reproduction and the relations of production and organization of labor, which are hierarchically structured (Lefebvre, 2020).

It is concluded that the spatial arrangement is influenced by individuals' social practices, empirical representations of space, and the experience of subjects in relation to the territory.

From this relationship with the land, the mode of production of a society defines the formation of space and the applied territorial planning. Milton Santos highlights geographic space as an inseparable, interconnected, and contradictory set of systems of objects and actions, which constitutes the stage where history unfolds (Santos, 1997, p. 51).

The appropriation of territory results from social interactions, configuring "a set of instrumental and social means through which man realizes his life, produces, and at the same time creates space" (Santos, 2002, p. 29). Thus, the intrinsic relationship of the individual with the territory and with oneself produces geographic space.

In Brazil, social interactions reproduce themselves in geographic space marked by the colonial slave-owning history that formed a social fabric subordinated to the authority of income and property holders.

In this context, the political and social hierarchical structure reinforces the positions of social agents, since the continuous use of hierarchical space produces its own hierarchies (Melazzo; Guimarães, 2010, p. 25).

The analysis of territorial occupation is interconnected with social interaction, as socioeconomic inequalities are reflected in land appropriation. "There are social

inequalities that are, first and foremost, territorial inequalities, because they derive from the place where each one finds themselves” (Santos, 1988, p. 123).

The economic growth of Brazilian metropolises reveals the network of social relations that imposed pauperization in labor relations, unevenly distributing income and influencing land use.

This inequality originated in the process of industrialization and the appreciation of factory and residential land, which expelled workers’ villages, subordinating housing to economic relations of the real estate market (Kowarick, 1993).

Real estate speculation pushed the working class away from urban centers, occupying areas lacking infrastructure and unplanned. Public authorities intervened late, when urban design was already conditioned by informal occupations and speculative dynamics.

In this scenario, the workforce was subjected to wear caused by the deregulated economy, intensified by real estate speculation that valued specific areas through state expropriations (Kowarick, 1993).

This configuration further distanced poor populations from valued areas, as the tax burdens imposed were inaccessible to most of the working population. Lefebvre (2008) asserts that cities came to serve the market, sacrificing the population in the process of urban spoliation (Kowarick, 1993).

This process segregated social groups, displacing the poorest to distant peripheries, characterizing gentrification (Mendes, 2011). Popular strata had their access to collective services reduced, which were concentrated in affluent areas.

Brazil reproduced urban fragmentation resulting from the economic-social globalization, which increased inequalities and favored territorial appropriation by capital (Bauman, 2010). The lack of integrated social policies to order the territory intensified the shortening of space-time relations, integrating land appropriation, economic relations, and technological advances.

However, absolute physical space (Harvey, 2012) did not fully adapt to urban centers. Technological innovations and spatial proximity do not fully configure the reality of Belém, where registry informality and the exclusion of informal nuclei generate a distancing of the population from the prevailing social order (Rosa, 2013).

According to Harvey (2005), the greater insertion of capital drives consumption and labor exploitation, which occupy the territory precariously due to pauperization and lack of socioeconomic conditions to exercise the right to housing. The territory reflects and sustains power relations, forming hierarchical spaces (Moraes, 2005).

Lefebvre reinforces that the urban crisis is global, but its practical and ideological causes vary according to political regimes and social contexts (LEFEBVRE, 2001, p. 74). The socioeconomic issue in territories defines modes of space occupation, since “capitalist accumulation determines the form of production and transformation of the built space” (COUTINHO, 2011, p. 101).

Thus, the problems exceed the local scope, reflecting the mode of capital reproduction in the national territory. Therefore, an integrated and intersectoral planning is necessary to confront social segregation and promote the right to dignified housing.

3 History of Urban Growth in the First Patrimonial League of the Municipality of Belém

The growth of urban centers in the State of Pará was marked by spoliation and gentrification, influenced by the expansion of Amazon exploitation and rubber production from the late 19th century, which shaped the regional market (CASTRO; CAMPOS, 2015). The establishment of rubber plantations and labor supply in rural zones attracted families from various states, creating migratory pockets that transformed Amazon territorial occupation.

Belém concentrated the local oligarchy, which controlled the exploitation of natural resources and demanded urban opulence as a supposed benefit for their contribution to the regional economy. In this context, the mayor Antônio Lemos (1897-1912) implemented a sanitation policy that excluded citizens unable to adapt their homes to the architectural standards required for low-lying areas affected by flooding.

While the city invested in green areas, theaters for international works, and a commercial center oriented to Parisian fashion, urban expansion was controlled by disciplinary measures subjecting citizens to hygiene and etiquette norms (Sarges, 2002). The influence of the wealthy class shaped territorial occupation patterns, recognizing property rights for patriarchal white landowners who managed family businesses linked to extractivism. According to social scientist Antônia dos Santos Garcia (2009), the city was planned to serve the capital circulation of these groups, perpetuating oppression and inequalities.

Regarding the form of urban regularization at that time, the Belém City Hall granted leasehold titles over large areas to noble families, justifying their preservation for proper use (CODEM, 2005). This form of regularization maintained large tracts previously divided into estates under elite control, without concern for fair territorial organization given population expansion at the time. In Brazil, urban planning guidelines were incipient and only effectively emerged in the late 1950s and early 1960s, proposing to reverse properties granted to municipal patrimony to control transfers.

In Belém, within the First Patrimonial League — donated by the Portuguese Crown in 1627 — there was a transfer to the Metropolitan Area Development and Administration Company of Belém (CODEM). Created as a mixed-capital company by the City Hall in 1970 (Municipal Laws nº 6,795/1970 and 6,861/1971), CODEM received ownership of this area through the same legislation and its founding assembly.

CODEM became responsible for planning the Metropolitan Region of Belém (RMB), initiating activities for the elaboration of the Metropolitan Integrated Development Plan for the "Greater Belém" area (Lamarão Corrêa, 1989), considering a population of 88.33% in the 1980s, influential in the plans of the Federal Housing and Urban Development Service. However, the decentralization of agglomerations aimed only at verticalization, with settlements distant from the center and without popular consultation, benefiting private consortia. With institutional changes, previous agencies were extinguished or relocated, strengthening CODEM's role.

At the end of the 1970s, Brazil faced high inflation and rising unemployment, aggravating housing policies due to reduced purchasing power. In the 1980s, redemocratization and the 1988 Constitution assigned the Union responsibility for national and regional territorial planning. In this context, the dismantling of the

National Housing Bank (BNH) worsened urban problems and mandated the formulation of Master Plans for cities with over 20,000 inhabitants, which should guide municipal policies. Even so, the housing supply worsened in the early 1990s, with policies focused on the private sector, such as the Immediate Action Plan for Housing (PAIH).

In this scenario, the municipalization of public policies was strengthened, with the promulgation of Belém's first Master Plan in 1993, a milestone of the democratic period. However, urban management ignored the demands of the poor population, who sought basic sanitation and saw the peripheries as the only alternative.

At the end of the 20th century, the removal of irregular housing occurred in large urban areas, relegating low-lying areas to disordered occupation without official planning (Abelém, 1998). At the beginning of the 21st century, socio-spatial segregation and peripheralization were observed, accompanied by the absence of public services.

Between 1995 and 2003, the Federal government restructured housing financing subsidized by the Severance Indemnity Fund (FGTS), launching the National Housing Policy, the Pro-Moradia Program, and Residential Leasing. The creation of the Ministry of Cities was proposed to solve housing demand in 15 years (Bonduki, 2004).

Thus, with the election of Luís Inácio Lula da Silva in 2003, the government strengthened housing policy with the National Housing System, prioritizing low-income housing, followed by the Growth Acceleration Program (PAC), focused on infrastructure, urbanization, and sanitation, as well as the Minha Casa, Minha Vida program aimed at building one million homes.

Such policy was subject to several discussions because its operation was dissociated from the National Social Interest Housing Fund and excluded population control over budget allocation and project execution. Under Dilma's government, the program delivered 2 million units by 2014. In 2016, with Dilma's impeachment, the rise of Michel Temer and later Jair Bolsonaro, there were negative impacts on social policies: closure of the Cities Council, replacement of Minha Casa Minha Vida by Casa Verde e Amarela, reduction in public investments, and violations of international agreements such as the UN Millennium Goals.

Policies for low-income populations were gradually dismantled, evidencing neglect and scarcity of solutions, while programs only masked structural problems faced by the working class vis-à-vis the dominant private sector. For effective changes, it is necessary to rethink land production and occupation, giving voice to populations most harmed by current public policies.

4 Validity of Federal Law No. 13,465/2017 and the Debureaucratization of the Administrative Procedure for Social Interest Land Regularization

Society's resistance to inequalities marked historical struggles in Brazil from the early 20th century, between 1917 and 1920. Urban growth generated unrest and mobilizations to guarantee the working class, often subordinated to capital, minimum conditions of safety at work and in life.

Internationally, the Chicago School in the United States stood out, where urban and demographic expansion reverberated in social phenomena such as the formation of pockets of poverty, segregation, unemployment, and increased criminality.

Human ecology developed, viewing the city as a vast "social laboratory"². While these studies advanced abroad, urban sociology in Brazil, influenced by Marxism, gained strength, and with political redemocratization social movements began to act against purely technocratic interventions in urban planning.

The first structured national movement emerged in the 1970s with the Movement for the Defense of Slum Dwellers, created by residents of Vila Palmares in Santo André. The voice of the periphery gained prominence, strengthened by the organization of regional federations. Key demands included combating real estate speculation, basic sanitation, forced removals, and population segregation.

Among the joint proposals with public authorities, the Santo André Slum Urbanization Project stood out, which recognized the area as of Social Interest. Meanwhile, in the 1980s, the National Movement for Urban Reform (MNRU) advocated direct popular participation in the Constituent Assembly.

During this period, debates took place in national forums on urban policy (Maricato et al., 2007). Social movements for urban and rural regularization, encouraged by redemocratization, submitted amendments to the 1988 Constitution aiming at democratic city management.

Among the approved proposals were two articles in the chapter "On Urban Policy": one assigned municipalities responsibility for urban development, including a master plan, social function of property, land subdivision, and expropriation; another addressed special adverse possession (art. 183 CF/88), allowing property recognition after five years of uncontested possession (art. 182, §1 CF/88).

In the same period, the City Statute (Federal Law No. 10,257/2001) was passed in 2001 after ten years in Congress. The City Statute, regulating Articles 182 and 183 of the Federal Constitution, established important principles such as the social function of property and participatory planning, attempting to reverse the historic social exclusion and spatial inequality in Brazilian cities.

Inspired by a vision that recognizes the city as a "social laboratory," highlighted by Robert Ezra Park (1967) as a space to investigate human relations in the urban environment, the Statute sought to legalize urban management tools that could guarantee the right to land, housing, and popular participation in urban decisions.

Despite these formal achievements, the period was marked by concrete challenges in implementing housing policies, where neoliberal logic and the private real estate market continued to deepen inequalities. According to Raquel Rolnik (2015), a key reference on the right to housing, the absence of structuring public policies addressing the causes of the housing deficit—such as adequate employment

² The term gained prominence in Robert Ezra Park's research (1929, p. 14), a sociologist whose urban studies considered the city as a vast "social laboratory," investigating human relations in the urban environment, addressing themes such as crime, poverty, segregation, and lifestyles influenced by the social habitat.

and income—meant programs like Minha Casa, Minha Vida, implemented later, did not effectively meet their social objectives.

During these years, the combination of insufficiency in public policies and persistence of urban social exclusion revealed a paradoxical scenario: despite the advanced legal framework of the City Statute, Brazilian cities remained sites of social tensions, inequalities, and urban segregation that human ecology, through the lens of the Chicago School, had diagnosed as structural consequences of urban dynamics.

This reality highlighted the need to overcome mere formal regulation and combine legal instruments with social and economic policies that effectively promote the right to the city and housing for all—a debate that intensified with the 2009 crisis and new social movements emerging thereafter.

The 2009 crisis strengthened new social actors linked to collective movements demanding reductions in inequalities in housing access and effective housing policies, exemplified by the Minha Casa, Minha Vida Program (Law No. 11,977/2009). Funding came from the Social Collection Fund and the Social Development Fund, but the program's neoliberal management increased contradictions between public policy and its original goals.

This strategy of housing construction and distribution was controversial as it did not address the causes of the housing deficit, such as employment and income, serving primarily private real estate market interests. This approach expanded capital while deepening socioeconomic disparities (Rolnik, 2015).

Coupled with the housing policy deficit was political deterioration in 2015 with President Dilma's impeachment. This scenario was marked by political, social, and economic crisis, resulting in evictions, repossessions, and abandonment of housing policies. Additionally, owners perpetuated the logic of maintaining properties not fulfilling their social function (Rolnik et al., 2017).

After this democratic upheaval, Provisional Measure No. 759/2016 was introduced, proposing normative changes in rural and urban land regularization, which after approval was converted into Law n°. 13,465/2017.

Law No. 13,465 of 2017 brought significant changes in regulating urban and rural land regularization in Brazil. Among the main innovations was the systematization of regularization procedures, introducing greater simplification and flexibility for both collective and individual processes, expanding the possibility of property titling, especially for areas occupied by low-income populations.

The law defined modalities of Urban Land Regularization (Reurb) – social interest (Reurb-S) and specific interest (Reurb-E) – expanding the concept of urban area to also include occupations in rural areas with urban use and destination, a change bringing urban policy closer to agrarian law and sparking debates on the limits of this integration.

Another important change was creating legal instruments to resolve land conflicts, including the possibility of regularization in disputed areas through judicial or extrajudicial agreement and establishing conflict mediation chambers to facilitate negotiations among interested parties.

The law also promoted integration between land regularization and registry law, establishing procedures that facilitate the registration of regularized properties, thereby reinforcing legal security for occupants of these areas. Furthermore, Law No. 13,465/2017 amended several provisions of other norms, affecting over 20 federal

laws, demonstrating the breadth of its impact on Brazilian urban and land legal frameworks.

However, this legislation was not free from criticism and controversial points. One contested aspect involved direct actions of unconstitutionality regarding the flexibilization of urban parameters and the expanded concept of urban area to formal occupations in rural zones, which critics argued violated constitutional rights related to the social function of property and urban policy under the City Statute.

There were also concerns about reduced social and environmental controls in the regularization process, along with fears that the law might favor land concentration and titling without ensuring access to essential public facilities, contradicting principles of the social function of land and inclusion policies.

The legislation represents a normative milestone that, while modernizing and streamlining land regularization, raises profound debates about its social and constitutional effects. Among direct unconstitutionality actions, violations of the Federal Constitution's urban policy principles and undue interference in state and municipal competencies were highlighted.

The discussion about this legal framework reflects Brazil's challenges in reconciling property rights, urban development, and the realization of the social function of land, underscoring the importance of integrated and inclusive housing policies to reduce inequalities in access to adequate housing.

5 Terra Da Gente Program: Application of Reurb in the Municipality of Belém

Land regularization, besides resolving insecurity regarding occupied land, acts as an instrument to safeguard property rights and represents an effective contribution to the inclusion of large population contingents historically excluded from urban benefits, being implemented as public policy by CODEM.

This procedure, based on Law No. 13,465/2017 and legal, urbanistic, and social concepts, meant addressing both the legal aspect of land ownership and seeking to resolve risk situations, preparing favelas and urban communities to receive infrastructure and basic sanitation, and granting those citizens access to planned public and private spaces (streets, squares, lots, buildings, etc.), also involving the development of a social process aimed at informing and raising awareness among the population about the implications of transitioning from the status of occupant to that of owner or equivalent.

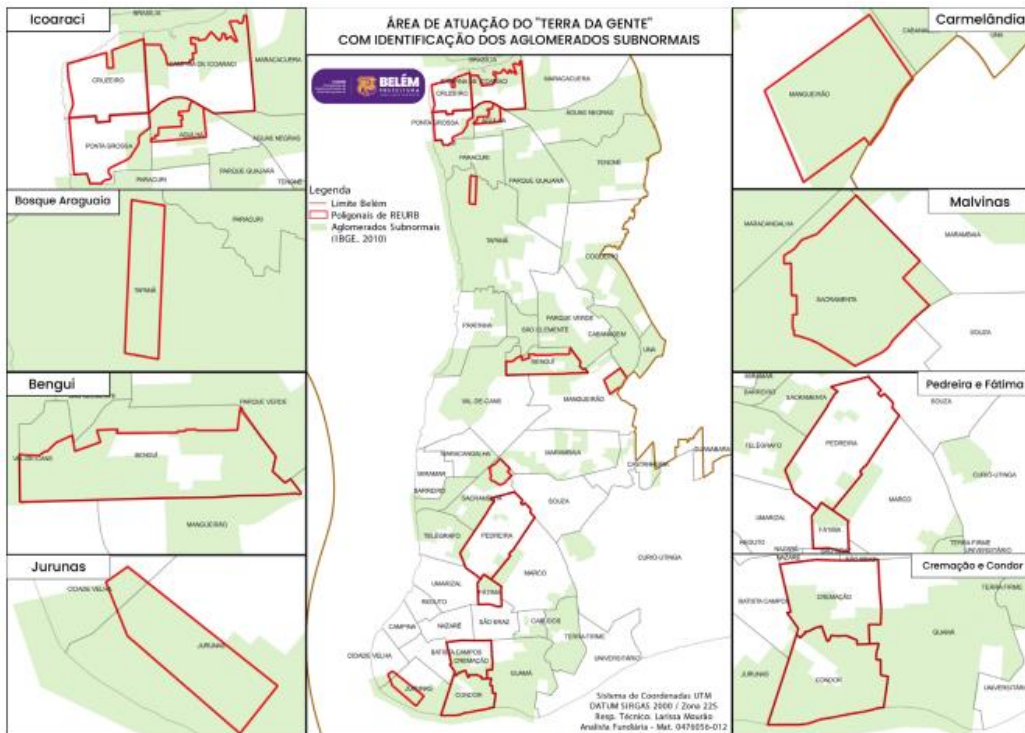
From this perspective, federal legislation was the basis for analyzing the reclassification of urban land regularization projects previously developed in the municipality of Belém. CODEM proposed changing the previous program called Chão Legal, which operated under Law No. 11,952, dated June 25, 2009, and expressed the intention to develop in the municipal urban space the Terra da Gente Program, under the aspects of Reurb.

Associated with this initiative, Municipal Law No. 9,733, dated January 11, 2022, was submitted and promulgated, instituting specific local interest norms and applicable procedures for Urban Land Regularization (Reurb), encompassing legal, urbanistic, environmental, and social measures aimed at regularizing informal urban nuclei within urban territorial planning and titling their occupants based on the

guidelines and objectives set out in Federal Law No. 13,465/2017, of July 11, 2017, Decree No. 9,310, of March 15, 2018, and the Master Plan of the Municipality of Belém.

In the Belém scenario, the object of the urban policy developed by the company, it is estimated that about 53% of properties in the capital city were irregular according to land tenure conditions (IBGE, 2015). These properties fall within the scope of the Terra da Gente Program, as shown in Map 01.

Map 01 - Operational Area of the Terra da Gente Program



Source: CODEM, 2023.

Based on the municipal government's mapping of areas with the greatest need and recognizing that Belém hosts two of the 15 largest favelas in Brazil, the company began work. For reference, the 11th largest favela was located in Baixada da Estrada Nova, in the Jurunas neighborhood, with 15,601 households, and the Sideral Settlement ranked 13th with 12,177 dwellings. Until 2022, the capital of Pará held the title of the most favela-affected capital, with 55.5% of its dwellings in areas classified by IBGE as "subnormal agglomerations," which include favelas, stilt houses, or other types characterized by irregular urban patterns and lack of sanitation (IBGE, 2021).

In this logic, the main right claimed by residents of these areas is to housing, guaranteed as a fundamental right in Article 6 of the 1988 Federal Constitution and integral to the principle of human dignity. This right is also stated in the Universal Declaration of Human Rights (UN, 1948), which in Article XXV, item I, recognizes:

Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services, as well as the right to security

in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control (UN, 1948).

Beyond the prerogative of fundamental rights, Brazil committed along with 192 countries to the 2015 UN action plan to eradicate poverty and ensure peace and prosperity by instituting the Sustainable Development Goals (SDGs). This document was established during a world leaders' meeting in September 2015 at the UN headquarters in New York. Regarding urban issues, SDG No. 11 sets the following target for Brazil:

By 2030, ensure access for all to adequate, safe, and affordable housing; basic services; and upgrade slums according to the goals set in the National Housing Plan, with special attention to vulnerable groups (UN, 2015).

This demand aligns with social movements' calls for recognition and integration of informal subdivisions into the city. The Belém City Hall, through Law No. 13,465/2017, simplified urban land regularization procedures and promoted a legislative paradigm shift, prioritizing regularization via property titles and land legitimization instruments.

The program seeks to solve registration problems from the urbanization process, recognizing the existence of so-called "subnormal agglomerations," areas marked by high real estate speculation linked to urban territorial expansion (IBGE, 2010).

The areas served by the urban policy were selected based on urban nuclei where part of the population faces difficulties ensuring regular housing. In these locations, residents live in irregular spaces poorly valued by the real estate market. Against this background, CODEM selected the Fátima neighborhood, due to its history of irregular occupation, block structuring, and the number of lots to be regularized, to begin applying Unnamed Land Regularization (Reurb-I), as provided by law, which allows regularizing parcels subdivided before December 19, 1979³, provided they are established and integrated into the urban fabric (BRAZIL, 2017).

The analysis was conducted through the assessment of a temporal map made in 1977 using aerial photogrammetric flight, combined with a technical evaluation of the level of integration with the city, as shown in Map 02.

³ Article 69: Land parcels subdivided for urban purposes before December 19, 1979, which have no registry, may have their legal status regularized by parceling registration, provided they are established and integrated into the city.

Mapa 02 - Map of the Municipality of Belém, Mosaic with Image from the Year 1977



Fonte: CODEM, 2023.

The presented objective of using this procedure was to overcome the land insecurity problems identified by the company in the neighborhood, as previous delivery of real right-of-use concessions and special-use concessions for housing, granted under the Chão Legal context, were documents no longer viable as titles for financing, real estate credit, or transfer to third parties without CODEM's direct intervention.

Socioeconomic studies conducted in the area indicated that land possession and ownership are significant barriers to transforming precarious settlements into sustainable communities, hindering the promotion of the right to the city and adequate housing (CODEM, 2021).

Consequently, the "Terra da Gente" program emerges as a public initiative to combat the historical exclusion in regularizing informal nuclei, offering property titles that ensure real rights for families in vulnerable legal situations due to consolidated occupation of municipal land.

According to the technical team at the Land Regularization Coordination, the focus is on Social Interest Land Regularization (RFIS), prioritizing vulnerable families, as mandated by the Master Plan (CODEM, 2021). The project aimed to replace the old

use concession instruments, which showed limitations, by issuing titles that guarantee legal security.

The program seeks to combat the housing deficit by incorporating consolidated urban nuclei, especially facing gentrification processes, and by territorial planning under municipal responsibility. For this, it foresees the signing of Technical Cooperation Agreements among secretariats to guarantee infrastructure, sanitation, urbanization, and other services, going beyond mere title delivery and ensuring dignified housing conditions, as per Article 9 of Law nº. 13,465/2017.

This article imposes on public authorities the duty to formulate urban policies based on principles of economic, social, and environmental sustainability, promoting efficient and functional land occupation (BRAZIL, 2017).

The goal is to resolve registration issues stemming from the urbanization process faced by Brazilian cities and to recognize the existence of "favelas and urban communities," which, according to IBGE (2022), are related to strong real estate speculation and land tenure caused by the territorial sprawl of urban fabric.

Complementing these measures, Municipal Law No. 9,733/2022 delegated to CODEM the competence to conduct regularization in municipal patrimonial holdings, aiming to simplify processes. By January 2023, more than 400 property titles and registration certificates had been delivered in the Fátima neighborhood, although pending issues remained. As of that date, the following projects were ongoing at CODEM:

Table 01 – Reurb-S Projects Executed by the Terra da Gente Program

PROJECT	NEIGHBORHOOD	TITLES (Property deeds)
Carmelândia	Mangueirão	376
Condor	Condor	198
Benguí	Benguí	201
Fátima	Fátima	489
Sub-bacia	Jurunas	623
Bosque Araguaia	Tapanã	124
Residente Cabano Antônio Vinagre	Souza	80

Source: CODEM, 2023.

Registrations have not been completed in the area and still have dossiers with pending issues to be addressed in this and other projects executed by the program, but the municipal initiative has shown agility in fulfilling its commitment to deliver the entire social interest area of the neighborhood regularly. It was identified that the main obstacle overcome in November 2022 was the challenge from the Federal Property Superintendence (SPU) regarding marine additions in the neighborhood. By

an official letter in 2022⁴, SPU recognized the property incorporated into the 1st Land League, authorizing the continuation of regularization with an indication of "controversial area" for later judicial discussion.

From these analyses, it was possible to identify that regularization can occur in a less bureaucratic way while respecting legislation and involving organs pertinent to alodial issues in Belém. The political choice of delivering property titles, even with judicial reservations, represents a significant advance over previous possession titles.

It is therefore evident that land regularization is legally understood as a broader procedure than the mere—but not simple—resolution of lot ownership issues, registration of land parceling, and titling of families. It is not a formalistic expedient to frame city segments within legal rules and the formal real estate circuit. Sustainable land regularization, even if not named so in current legislation, is anchored in the social function of cities and the constitutional right to housing.

6 Final Considerations

The shift in temporal parameters and the institution of new instruments for property recognition by legislators, in response to disordered urbanization and consolidation of subnormal agglomerations, reflected in urban policies implemented municipally. This aimed, through this new semantic of housing rights guarantee parameters, to bring legal perspectives into the daily lives of informal urban settlements and integrate them into the city.

Federal Law No. 13,465/2017 and the Terra da Gente Program arise in the context of the spontaneous social phenomenon of several consolidated informal urban nuclei in Belém, where many families face material deprivation and are excluded from constitutional housing rights and the social function of property.

It must not be forgotten that the State plays a fundamental role in fostering mechanisms for urban space recognition for these communities, as well as promoting regular housing policies. Therefore, inserting this mechanism of citizenship exercise with legislative guarantees and security represents positive progress.

This approach expands the axiological scope of civil code to understand cities as plural spaces, seeking to remedy lack of integration and overcome judgments generated by historical stratifications resulting from economic development.

Legalizing new instruments for housing access recognizes the origins of irregular urban occupation and highlights the difficulties faced by these communities when excluded from the law, without access to fundamental rights and urban integration.

Legitimizing housing under this new normative framework represents a new conception of urban occupation standards, breaking with old historical and social

⁴ Official Letter SEI No. 290414/2022/ME authorized the continuation of land regularization in the referenced area, suggesting issuance of the title with the expression "CONTROVERSIAL AREA owned by the Union, Case No. 0005185.2004.4.01.3900, pending in the Federal Regional Court of the 1st Region, with the discussion about domain to be clarified upon final judgment, and subsequent registry amendment.

dictates. This underscores the importance of defending this cause, especially due to its increasing influence on public policies.

The activism of social movements and community organizations in exposing challenges of regularization and urban planning influenced legislative agendas, strengthening the fight for housing rights. Although Law No. 13,465/2017 is not the sole solution for land regularization in Brazil, CODEM's work through the Terra da Gente Program is laudable, recognizing and regulating a social reality within legal norms, creating means to guarantee human housing rights for many families.

Thus, the analysis of public power exercise that revised and initiated the systematic application of new procedures and methodologies to ensure that these urban centers in the country were recognized is commendable to facilitate access to regularized land for historically vulnerable or segregated populations. It is necessary to guarantee housing land regularization, dialoguing as a human right expressed in the Universal Declaration of Human Rights. Or put differently: public authorities must readjust and revisit existing procedures, methodologies, and norms to simplify these legal processes to guarantee regularized housing for those who most need this social right.

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