

**URBAN LAND REGULARIZATION AS A MECHANISM FOR THE
ENFORCEMENT OF FUNDAMENTAL RIGHTS AND THE PROMOTION OF
REGIONAL DEVELOPMENT**

**REGULARIZAÇÃO FUNDIÁRIA URBANA COMO INSTRUMENTO DE
EFETIVAÇÃO DOS DIREITOS FUNDAMENTAIS E PROMOÇÃO DO
DESENVOLVIMENTO REGIONAL**

**RREGULARIZACIÓN DE LA PROPIEDAD URBANA COMO COMO
INSTRUMENTO PARA LA REALIZACIÓN DE LOS DERECHOS
FUNDAMENTALES Y LA PROMOCIÓN DE DESARROLLO REGIONAL**

 <https://doi.org/10.56238/sevened2025.036-102>

Elaine Cristina Juliano Rossi¹, Guilherme Resende Oliveira²

ABSTRACT

The present article examines Urban Land Regularization as an instrument for the realization of fundamental rights and the promotion of regional development, situating it within the Brazilian historical and normative trajectory (sesmarias, Land Law, 1988 Constitution, City Statute, Laws No. 11,977/2009 and 13,465/2017) and within the right to the city and the social function of property. This research has a qualitative approach, with bibliographic and documentary research, to test the hypothesis that Urban Land Regularization, when conceived as a structuring and territorialized public policy, transforms housing into a concrete right, integrates informal settlements into urban planning, and activates local socioeconomic capacities, aligning itself with the goals of the 2030 Agenda (SDGs 1, 6, 9, 10, 11, and 16). The objective is to evaluate the extent to which land regularization, articulated with urbanistic, environmental, and social justice criteria, reduces territorial asymmetries, increases legal certainty, and strengthens multilevel governance. The results indicate that Urban Land Regularization produces positive impacts on social inclusion, tax collection, and investment in infrastructure, in addition to qualifying land use and climate adaptation. However, it requires safeguards to avoid speculative captures, as well as monitoring metrics and priority for Social Interest Regularization. It is concluded that Urban Land Regularization should be treated as a State policy (transdisciplinary and participatory) capable of articulating rights, organizing the territory, and promoting sustainable regional cohesion.

Keywords: Land Regularization. Right to the City. Social Function of Property. Regional Development. 2030 Agenda/SDGs.

RESUMO

O presente artigo examina a Regularização Fundiária Urbana como instrumento de efetivação dos direitos fundamentais e de promoção do desenvolvimento regional, situando-a no percurso histórico-normativo brasileiro (sesmarias, Lei de Terras, Constituição de 1988,

¹ Master's student in Regional Development. Centro Universitário Alves Faria (UNIALFA).

E-mail: elainecjrossi@uol.com.br Orcid: <https://orcid.org/0009-0007-5587-4361>

Lattes: 8323597488509063

² Dr. in Economics. Centro Universitário Alves Faria (UNIALFA). E-mail: guilherme.oliviera@unialfa.com.br

Orcid: <https://orcid.org/0000-0002-2170-3608> Lattes: 4435590881986017



Estatuto da Cidade, Leis 11.977/2009 e 13.465/2017) e no direito à cidade e da função social da propriedade. A presente pesquisa possui uma abordagem qualitativa, com pesquisa bibliográfica e documental, para testar a hipótese de que a Regularização Fundiária Urbana, quando concebida como política pública estruturante e territorializada, transforma a moradia em direito concreto, integra assentamentos informais ao planejamento urbano e ativa capacidades socioeconômicas locais, alinhando-se às metas da Agenda 2030 (ODS 1, 6, 9, 10, 11 e 16). O objetivo é avaliar em que medida a regularização fundiária, articulada a critérios urbanísticos, ambientais e de justiça social, reduz assimetrias territoriais, amplia segurança jurídica e fortalece a governança multinível. Os resultados indicam que a Regularização Fundiária Urbana produz impactos positivos na inclusão social, na arrecadação e no investimento em infraestrutura, além de qualificar o uso do solo e a adaptação climática, contudo, requer salvaguardas para evitar capturas especulativas, bem como métricas de monitoramento e prioridade à Regularização de Interesse Social. Conclui-se que a Regularização Fundiária Urbana deve ser tratada como política de Estado (transdisciplinar e participativa) capaz de articular direitos, ordenar o território e promover coesão regional sustentável.

Palavras-chave: Regularização Fundiária. Direito à Cidade. Função Social da Propriedade. Desenvolvimento Regional. Agenda 2030/ODS.

RESUMEN

Este artículo examina la Regularización Fundiaria Urbana como un instrumento para la efectividad de los derechos fundamentales y la promoción del desarrollo regional, situándola en el recorrido histórico-normativo brasileño (sesmarias, Ley de Tierras, Constitución de 1988, Estatuto de la Ciudad, Leyes 11.977/2009 y 13.465/2017) y en el derecho a la ciudad y la función social de la propiedad. La presente investigación tiene un enfoque cualitativo, con investigación bibliográfica y documental, para probar la hipótesis de que la Regularización Fundiaria Urbana, cuando es concebida como una política pública estructurante y territorializada, transforma la vivienda en un derecho concreto, integra los asentamientos informales en la planificación urbana y activa las capacidades socioeconómicas locales, alineándose con las metas de la Agenda 2030 (ODS 1, 6, 9, 10, 11 y 16). El objetivo es evaluar en qué medida la regularización fundiaria, articulada a criterios urbanísticos, ambientales y de justicia social, reduce las asimetrías territoriales, amplía la seguridad jurídica y fortalece la gobernanza multinivel. Los resultados indican que la Regularización Fundiaria Urbana produce impactos positivos en la inclusión social, en la recaudación y en la inversión en infraestructura, además de calificar el uso del suelo y la adaptación climática, sin embargo, requiere salvaguardias para evitar capturas especulativas, así como métricas de monitoreo y prioridad a la Regularización de Interés Social. Se concluye que la Regularización Fundiaria Urbana debe ser tratada como una política de Estado (transdisciplinaria y participativa) capaz de articular derechos, ordenar el territorio y promover la cohesión regional sostenible.

Palabras clave: Regularización Territorial. Derecho a la Ciudad. Función Social de la Propiedad. Desarrollo Regional. Agenda 2030/ODS.

1 INTRODUCTION

The persistence of urban land irregularity in Brazil constitutes one of the most serious challenges to the realization of fundamental rights and the promotion of regional development in which, even in the face of an extensive and progressively improved legal framework, including the Federal Constitution of 1988, the Statute of the City (Law No. 10,257/2001), Law No. 11,977/2009 and, more recently, Law No. 13,465/2017, several Brazilians still live on the margins of urban and registry legality, in informal settlements and without basic infrastructure. This contradiction reveals the distance between the constitutional text and the factual reality, demonstrating a structural crisis of effectiveness of the right to housing, to the city and to property with a social function. It can be seen, then, that there is an exclusionary urbanization, and the historically unequal distribution of urban land, perpetuate a model of a fragmented city, where the territory becomes a mirror of economic and social asymmetries.

From this point of view, the Urban Land Regularization (Reurb) was born as an instrument that seeks to bring formal law and territorial reality closer together, being more than an administrative procedure. Reurb represents a public policy of a legal, social and urban nature, aimed at incorporating informal urban centers into territorial planning and ensuring citizen inclusion, however, the consolidation of this institute still faces structural obstacles, such as the absence of federative coordination, institutional limitations and the economic appropriation of urban land to the detriment of the collective interest. Thus, the study of Reurb requires an approach that goes beyond the technical and legal plane, reaching the ethical, political and territorial dimensions that involve the effectiveness of social rights and spatial justice.

In view of this, the research is guided by the following guiding question: how does Urban Land Regularization, conceived as a public policy, contribute to the realization of fundamental rights and to the promotion of regional development in Brazil?

The general objective of the research is to demonstrate that Reurb, when implemented from the perspective of the social function of property and the right to the city, can constitute a mechanism of structural transformation, capable of promoting social inclusion and reducing regional inequalities. As specific objectives, it seeks to (i) analyze the historical-normative evolution of urban land regularization in Brazil, (ii) examine the relationship between Reurb, fundamental rights and sustainable urban development, and (iii) identify the challenges and potentials of Reurb as a public policy that promotes territorial justice and regional cohesion.

Methodologically, the research adopts a qualitative approach and theoretical-analytical nature, aimed at the critical investigation of the concepts of Urban Land Regularization, fundamental rights and regional development in Brazil, from an interdisciplinary perspective that involves Urban Law, Sociology and Regional Economics. It is based on bibliographic and documentary research, with analysis of the pertinent legislation, doctrinal studies and institutional experiences, seeking to understand how Reurb can operate as a vector of social and territorial integration.

The first chapter, entitled Historical-Normative Evolution of Urban Land Regularization in Brazil, presents the legal and political path that shaped the conformation of urban property and land exclusion, from the sesmarias regime to Law No. 13,465/2017. Its importance lies in demonstrating that land irregularity is a long-term phenomenon, rooted in historical processes of land concentration and commodification, which reinforces the need for public policies that combine legalization, urbanization and social inclusion.

The second chapter, Urban Land Regularization and its Relevance for the Realization of Fundamental Rights, examines Reurb as a legal instrument for the realization of the rights to housing, the city and property with a social function, provided for in the 1988 Constitution. The relevance of this chapter lies in showing that land regularization is not limited to the titling of possession, but constitutes a structuring action that unites legal, urbanistic and social dimensions, conferring materiality to human dignity and citizenship.

In turn, the third chapter, Land Regularization and Regional Development: a New Paradigm of Territorial Justice, analyzes Reurb as a public policy capable of inducing sustainable regional development, articulating it with the goals of the UN 2030 Agenda and the Sustainable Development Goals (SDGs). This chapter shows that land regularization, by integrating informal areas into the formal economy and urban planning, can contribute to territorial cohesion, the strengthening of governance and the consolidation of fairer and more inclusive cities.

With this approach, the study seeks to contribute to the understanding of Reurb from a broader perspective, which transcends the legal sphere and reaches the field of public policies and human development. In the end, it seeks to demonstrate that urban land regularization is more than an administrative act, configuring itself as a concrete expression of a constitutional project of social justice and regional balance, which transforms the right to housing into an effective right to the city.

2 HISTORICAL-NORMATIVE EVOLUTION OF URBAN LAND REGULARIZATION IN BRAZIL

Urban Land Regularization, provided for in the Brazilian legal system from Law No. 13,465/2017, is a public policy instrument aimed at the realization of fundamental rights and the promotion of social and territorial justice. More than a notarial procedure, Reurb represents a legal-urban mechanism of a structural nature, aimed at correcting historical inequalities in the appropriation of urban land and ensuring the inclusion of informal nuclei in territorial planning. Its legal nature is hybrid, encompassing legal, urban, environmental and social dimensions, in line with the constitutional principles of the social function of property (art. 5, XXIII, and art. 170, III, FC/88), the right to housing (art. 6) and urban policy (arts. 182 and 183). To understand land regularization today, it is necessary to resort to the trajectory of land regularization in Brazil, which is inseparable from the historical formation of the agrarian structure and the very conformation of the national State.

Since the colonial period, the appropriation of land has been marked by a concentrating and excluding model structured on the regime of sesmarias and the political power of the Crown, which granted land only to those who had influence or economic resources, consolidating a logic of patrimonialist privilege and social exclusion. This heritage, as Treccani (2009) observes, has given rise to the current inequality in access to land, creating a scenario of land irregularity that persists today, especially in urban areas.

In Brazil, the origin of this picture of urban informality can be attributed to the reproduction of the Lusitanian model of occupation, which linked the domain of land to the royal concession and excluded the popular strata from the right to property. Under the sesmarias regime (1500–1821), only holders of social prestige could request land, and the concession was conditional on effective cultivation, reinforcing land concentration (Treccani, 2009, p. 122). With the independence and the end of the sesmarias, the so-called "period of possessions" (1821–1850) was established, in which the absence of clear rules generated a multiplicity of informal occupations and overlapping titles. Over time, the enactment of Land Law No. 601/1850 inaugurated an important legal framework, as it provided that public lands would only be acquired through onerous acquisition, which ended up restricting access to land to those with the economic capacity to buy it, substantiating, as Prieto (2016) emphasizes, the institutionalization of social exclusion and the marginalization of the free worker, of the immigrant and the former slave.

During the imperial period and the first decades of the Republic, the right to property remained linked to the liberal-individualist conception inherited from the Portuguese tradition, according to which private domain was absolute and unconditional. The Civil Code of 1916, inspired by the French model, consolidated this patrimonialist view, ignoring the social function of property and the collective rights to urban space (Treccani, 2009, p. 130). It was only with the 1934 Constitution that the idea of limiting the right to property on the basis of social interest was introduced, inaugurating a slow transition to the paradigm of the social function of property.

Thus, in the second half of the twentieth century, with the process of industrialization and the intense rural exodus producing disorderly urban growth, the state's inability to provide decent housing and basic infrastructure became evident. This scenario increased land informality and the multiplication of irregular occupations, in which the State, in a late and fragmented way, intervened only to legitimize situations that were already consolidated in fact (Treccani, 2009). The absence of a continuous urban planning policy, added to the legal culture of exclusive protection of formal title, has had a strong impact on social inequality and the denial of fundamental rights to popular groups, marginalizing them more and more.

The promulgation of the Federal Constitution of 1988 represented a true turning point in Brazilian urban history. Influenced by social movements that fought for urban reform and by international debates about the right to the city, the Magna Carta incorporated the principle of the social function of property (art. 5, XXIII) and instituted urban policy as a tool for the organization and use of the territory (arts. 182 and 183). This new constitutional framework recognized housing as an essential social right and gave municipalities the leading role in the management of urban land, paving the way for a process of decentralization of public policies. As Oliveira and Ribeiro (2019) observe, this transformation was a direct result of pressure from urban movements, which sought legal mechanisms capable of promoting the democratization of space and the inclusion of marginalized populations.

In the same direction, the City Statute (Law No. 10,257/2001) emerged to make constitutional principles concrete, regulating them and outlining guidelines for urban policy. Among these guidelines, the "land regularization and urbanization of areas occupied by low-income populations" stands out (art. 2, XIV). The Statute introduced a broader vision of the city (not only as a physical space, but as a territory of citizenship and social coexistence), reaffirming the centrality of the social function of property and the collective right to the city. For Carmona (2015), this law symbolized a significant institutional advance, by consolidating

urban planning instruments and recognizing land regularization as a public policy of the State, overcoming the old logic of isolated and occasional actions.

Subsequently, Law No. 11,977/2009 was enacted, responsible for regulating the Minha Casa, Minha Vida Program and the mechanisms for land regularization of urban settlements. According to Oliveira and Ribeiro (2019), this rule represented an important step in instituting unified principles and procedures for the legalization of urban areas, although it has generated debates about the degree of intervention of the Union in matters of municipal competence. Even with the advances brought, the continuous increase in the housing deficit and the practical limitations of existing programs have highlighted the need for a new regulatory framework capable of addressing the persistent gaps.

In this context, the enactment of Law No. 13,465/2017 broadly reformulated the Brazilian land regularization system. The legal text introduced the concept of Urban Land Regularization, divided into two modalities: Reurb-S, aimed at Areas of Social Interest, and Reurb-E, aimed at Areas of Specific Interest. Its declared purpose was to simplify the titling procedures and integrate the rural and urban dimensions under the same legal regime. However, as Oliveira and Ribeiro (2019) warn, the new law also significantly expanded the margins of regulatory flexibility, which ended up opening loopholes for interpretations capable of legitimizing occupations in areas of high real estate value — including public property — without observing strict social criteria.

From this perspective, land regularization, although conceived to promote the right to housing and the social function of property, can produce perverse economic effects when applied indiscriminately. The successive enactment of laws and regularization programs tends to stimulate the expectation of future amnesties and, therefore, the incentive to irregular occupation³. This dynamic transforms the "city-law" into a "city-commodity" (Biasotto, 2012), displacing the value of use to the value of exchange and compromising the social function of the urban space.

From the perspective of Urban Law, Urban Land Regularization should be understood as an instrument for the structural transformation of cities, capable of articulating the material and symbolic dimensions that make up citizenship. As Carmona (2015) observes, urban policies involving land regularization are not limited to the issuance of property titles, as they

³ a phenomenon that Loures and Ribeiro (2019), based on the theory of first possession (Cooter & Ulen, 2016), identify as the "race for the invasion" of public lands, in which economic agents invest non-productive resources to guarantee in advance the appropriation of scarce goods.



also encompass territorial planning, the implementation of infrastructure and the promotion of social and environmental sustainability.

In this way, Reurb is not restricted to an administrative measure of individual titling, but configures a public policy of a structuring nature, guided by the principles of the social function of the city and the dignity of the human person. Regularizing, from this perspective, means producing the city, ensuring people access to public services, infrastructure and opportunities that characterize an inclusive, democratic and socially just urban space.

In this context, it is essential to distinguish land regularization from simple titling of possession or property. While titling is limited to the registration and patrimonial field, granting formal ownership over a specific property, regularization has a much broader scope, as it involves urban planning, social integration and environmental sustainability. This process requires coordinated action between the legal, urban, environmental and social spheres, so that the irregular area is effectively incorporated into the formal urban fabric. Only with this integration is it possible to improve living conditions, ensure adequate infrastructure and ensure access to public services and equipment essential to urban life.

In this context, Reurb should be understood as an instrument of a transdisciplinary nature, as it depends on the convergence of different knowledge and professional practices. Law provides the necessary normative basis and legal certainty, while engineering and architecture contribute to urban planning and physical infrastructure. The environment ensures sustainability and ecological compatibility, and public policies direct the social and economic integration of the communities involved. This multiplicity of perspectives expresses the very spirit of the Federal Constitution of 1988, which values the intersectoriality of public policies and the promotion of the social function of the city as an essential purpose of the State.

From this perspective, the legal concept of urban land regularization should be understood as the set of measures aimed at identifying, planning and correcting situations of dominial, urban or environmental irregularity, in order to guarantee the right to housing, to the city and to property with a social function. It is a structuring and continuous public policy, capable of boosting sustainable regional development by integrating previously marginalized territories into the formal economy, promoting the valorization of urban land and expanding access to public services.

Reurb, therefore, configures a new paradigm of territorial governance, whose essence goes beyond the simple formal legalization of land to achieve the concrete realization of

fundamental rights. By articulating social justice, territorial planning and environmental sustainability, land regularization reaffirms the constitutional commitment of the Brazilian State to the reduction of inequalities and the construction of more inclusive, humane and socially balanced cities.

3 URBAN LAND REGULARIZATION AND ITS RELEVANCE FOR THE REALIZATION OF FUNDAMENTAL RIGHTS: HOUSING, PROPERTY AND URBAN DEVELOPMENT

The Federal Constitution of 1988 represented a decisive milestone in the history of Brazilian constitutionalism by consolidating a State committed to the dignity of the human person and to the realization of social rights. More than a set of norms, the 1988 Charter outlined a project for society guided by social justice and human development, redesigning both the institutional structure of the State and the way it relates to society. This transformation imposed a new logic of public action, based on cooperation, inclusion and social responsibility, breaking with the liberal heritage that preached state neutrality in the face of structural inequalities.

According to Boaventura de Sousa Santos (2007), the democratic constitutionalism established in 1988 shifted the Judiciary from a merely declaratory function to an effective action in the promotion of citizenship and the realization of fundamental rights. From this movement, the Judiciary began to play an active role in the construction of a fair social order, becoming one of the pillars of support for the Democratic Rule of Law.

From this perspective, the realization of rights is not limited to the creation of norms, but requires coordinated institutional action that transforms them into material reality. It is in this context that urban land regularization gains prominence as an essential legal and social instrument, as it allows the realization of the fundamental rights to housing, the city and property with a social function. Through it, the constitutional project of 1988 materializes in a concrete way, translating into actions the ideal of distributive justice and full citizenship.

The right to housing, enshrined in Article 6 of the Federal Constitution, occupies a central position in the structure of the Brazilian social order. It is an indispensable condition for the realization of the dignity of the human person, as it goes beyond the simple guarantee of a property. It involves access to adequate housing conditions, basic sanitation, infrastructure, security, transportation and leisure, elements that are part of the essential core of citizenship and collective well-being.

The realization of this right requires more than the physical possession of a space to live. It presupposes the full insertion of the individual in urban life and his inclusion in public policies that ensure the collective enjoyment of the territory and dignified coexistence in society. Mastrodi (2008, p. 82) observes that social rights are the concrete expression of the public freedoms enshrined in the liberal tradition, constituting the positive face of freedom and the path to its materialization in the real plane.

It is noted that the right to housing acts as a meeting point between the principles of equality and freedom, as it ensures the material conditions necessary for the autonomous exercise of citizenship. From this perspective, urban land regularization functions as the main instrument for the realization of this fundamental right, by transforming informal ownership into legal security and integrating the citizen into urban and registry legality. Carmona (2015) highlights that the regularization of housing goes beyond the patrimonial aspect, articulating legal, urban and social dimensions, promoting territorial inclusion, the reduction of inequalities and universal access to the formal city.

On the other hand, the right to property, provided for in article 5, item XXII, is recognized by the Federal Constitution, but conditioned to the fulfillment of its social function, according to article 5, item XXIII, and article 170, item III. As Treccani (2009) recalls, the formation of the Brazilian land structure was historically marked by the concentration of land and the exclusion of the popular classes, a phenomenon consolidated by the Land Law of 1850, which transformed access to land into a mercantile relationship. The 1988 Constitution broke with this tradition by stating that the legitimacy of private property depends on the fulfillment of its social function, associating it with distributive justice, environmental sustainability, and the rational use of the territory.

From this perspective, urban land regularization materializes the constitutional principle of the social function of property, legally recognizing consolidated possession and formalizing ownership in favor of those who fulfill the social destination of the property. Such a process inverts the historical logic of exclusion and democratizes access to property, converting the urban territory into a space for the realization of citizenship. Oliveira and Ribeiro (2019) observe that Reurb represents an institutional effort to integrate formal legality into social reality, promoting legal certainty, territorial stability, and economic inclusion. The authors, however, warn that the application of the institute without defined social criteria can compromise its objectives and open space for real estate speculation practices. Thus, the effectiveness of the right to property in its constitutional dimension depends on the proper

implementation of land regularization policies, ensuring that the private domain is guided by its public and solidary purpose.

The right to the city goes beyond the merely urban field and represents the right to participate fully in urban life, to produce and enjoy social space under equal conditions. Inspired by Henri Lefebvre's conception, this right expresses the possibility of rebuilding the city as a collective work, based on the social appropriation of space and the overcoming of the capitalist logic that segregates and commodifies the territory. According to Ana Fani Alessandri Carlos (2019), Lefebvre understands the right to the city as the expression of the recognition that the urban has become the new historical horizon of humanity, in which space assumes a central role in the organization of social and political life.

The city, previously a direct result of the industrialization process, becomes the main scenario for the reproduction of social relations. Space, which once seemed neutral, reveals itself as a social and political product, shaped by the dynamics of power and the economy. The right to the city, in this sense, constitutes a transformative ideal, a horizon of emancipation that seeks to break with the alienation of everyday life and the submission of life to exchange value. It proposes a rationality focused on use, coexistence and belonging, shifting the focus from accumulation to collective life.

Within this perspective, urban land regularization plays an essential role, as it enables the concrete realization of this right. By reintegrating historically excluded populations into the formal city, Reurb promotes democratic access to the territory and reaffirms the social function of urban space as a place of coexistence, citizenship and human fulfillment.

Urban land regularization represents, therefore, the link between the constitutional text and the lived reality. By legally recognizing consolidated occupations and incorporating informal settlements into urban planning, it materializes the fundamental rights to housing, property with a social function and the city. Carmona (2015) observes that this is a highly complex process, which articulates legal, social, environmental and urban dimensions, seeking to correct historical inequalities and promote the sustainable use of the territory.

The principle that sustains this process is that of the social function of property, which breaks with the traditional view of an exclusively patrimonial character. Treccani (2009) recalls that the formation of the Brazilian land structure consolidated an exclusionary model, in which access to land remained restricted to a few. The Land Law of 1850, by requiring payment for the acquisition of public lands, reinforced this scenario of exclusion, removing the free worker and the formerly enslaved from the possibility of access to property. This

historical heritage is still reflected in contemporary cities, where vast areas remain outside formal legality, even though they are occupied by millions of people.

Thus, land regularization should be understood as much more than a titling procedure. It is an instrument of urbanization and social inclusion, which seeks to integrate irregular settlements into the formal city and ensure the population's access to public services, sanitation, lighting, transportation and basic infrastructure. Outeiro (2019) highlights that, by formalizing the occupation, regularization creates conditions for public and private investment in communities, stimulating local development and strengthening the link between citizenship and territory.

In this way, urban land regularization reveals itself as the practical expression of fundamental rights, transforming housing into an effective right, property into an instrument of social solidarity, and the city into a space of dignity and belonging. By making the positive freedoms provided for by the Constitution concrete, Reurb fulfills the essential mission of the Democratic Rule of Law, converting social rights into tangible realities and ensuring that the urban territory is a space for housing, citizenship and social justice.

4 LAND REGULARIZATION AND REGIONAL DEVELOPMENT: A NEW PARADIGM OF TERRITORIAL JUSTICE

The concept of regional development has undergone, over the last decades, a process of significant expansion, overcoming the old conception that reduced it to simple economic growth and the expansion of productive activities. Contemporary approaches understand it as a multidimensional phenomenon, which encompasses economic, social, environmental, and institutional aspects, recognizing that the advancement of a region depends not only on the generation of wealth, but also on the fair distribution of opportunities, the quality of life of the population, and the sustainability of the territory. This understanding is supported by Diniz (2009), when he states that true development is that which combines economic growth with social justice, territorial cohesion and strengthening of local capacities, in order to transform the territory into a space of citizenship and not of exclusion.

The change in this understanding resulted from a long historical process. At the beginning of the twentieth century, a vision centered on production and per capita income prevailed, in which development was measured by the increase of capital and industrialization. However, as Furtado (1972) warns, this model proved incapable of correcting structural and territorial inequalities, since the concentration of wealth in some

urban centers and the marginalization of the peripheries perpetuated regional imbalances. After the 1929 crisis and the collapse of the classical liberal model, the State began to assume the role of inductor of development, through regional policies and investments in infrastructure. However, the uniform application of these policies, disregarding local particularities, ended up reinforcing dependencies and reproducing inequalities, revealing the urgency of a new paradigm of territorial development.

In the following decades, the debate on regional development incorporated new dimensions, associating it with environmental sustainability, social inclusion and the democratization of institutions. Furtado (1972) pointed out that development should not be confused with simple economic modernization, but with the ability of a society to expand its autonomy and distribute opportunities in an equitable manner. Diniz (2009) complements this view by arguing that successful regional policies are those that balance competitiveness and equity, recognizing the importance of human capital, innovation and democratic governance. From this perspective, sustainable regional development has come to be understood as an articulation between economic, social and environmental variables, oriented to simultaneously achieve productive efficiency and territorial justice.

This conception is in line with the United Nations 2030 Agenda, which proposes the alignment of public policies with the Sustainable Development Goals (SDGs). In the Brazilian context, Urban Land Regularization stands out as an instrument capable of contributing in a concrete way to these goals, by integrating legal, urban, social and environmental dimensions in the same public policy. Reurb, therefore, ceases to be just a notarial measure to establish itself as a structuring policy, able to transform the relationship between State, territory and citizenship, translating fundamental rights into effective and lasting actions in the urban space.

Reurb's contribution is especially relevant to SDG 1, which deals with the eradication of poverty. By acting on the material living conditions of vulnerable populations, the policy guarantees legal certainty of ownership and asset valuation of real estate, allowing families historically excluded from the formal market to have access to credit, infrastructure and public policies. Diniz (2009) points out that development is only achieved when it translates into real improvements in living conditions. Reurb, by integrating housing, income and productive inclusion, breaks the cycle of urban poverty and reaffirms housing as a fundamental right linked to human dignity.



SDG 6, which deals with access to drinking water and sanitation, is also met by land regularization, as the formalization of settlements allows the expansion of basic sanitation infrastructure and universal access to water and sewage collection. Regularized urbanization enables the implementation of hydraulic and sewage networks, which improves public health and environmental quality indicators. For Furtado (1972), genuine development is that which harmonizes economy, well-being and sustainability, and basic sanitation is one of the bases of this integration. By guaranteeing essential services, Reurb strengthens territorial justice and increases environmental resilience.

With regard to SDG 9, which addresses industry, innovation and infrastructure, land regularization plays a strategic role, as it creates the legal and urban conditions necessary for productive and technological investments. Paving, energy grids and public works promoted in regularized areas boost local economies and promote sustainability. Diniz (2009) observes that infrastructure is a decisive element to reduce regional inequalities and stimulate endogenous development. In this way, Reurb transforms marginalized territories into hubs of economic dynamism, expanding access to innovation and mobility.

The relationship with SDG 10, which deals with the reduction of inequalities, is equally evident. Reurb contributes to the spatial redistribution of opportunities and to the strengthening of citizenship, by recognizing the right to housing and the city as an expression of social justice. Furtado (1972) reminds us that development cannot coexist with structures of power and property that perpetuate inequalities. In this sense, land regularization acts as an instrument of historical reparation, democratizing the urban territory and promoting more solid community bonds, which makes development more inclusive and balanced.

SDG 11, which deals with sustainable cities and communities, is the central axis of the land regularization policy. Reurb, by incorporating irregular settlements into territorial planning, encourages the rational use of the soil, planned densification and the protection of environmentally sensitive areas. The urban space thus comes to be understood as an environment of coexistence and not just of economic speculation. By promoting decent housing, participatory planning, and sustainable infrastructure, Reurb requalifies cities and strengthens social ties.

In SDG 16, aimed at peace, justice and effective institutions, urban land regularization finds a concrete field of application. Its effectiveness depends on transparent governance, legal certainty, and institutional articulation between different public agencies, such as the Judiciary, the Public Prosecutor's Office, the Public Defender's Office, and city halls. By

reducing land conflicts and ensuring the fulfillment of the social function of property, Reurb strengthens trust in institutions and contributes to social peace, reinforcing the link between territorial justice and sustainable development.

Based on the contemporary reading of regional development and in the light of the Democratic Rule of Law, it can be stated that effective development requires articulated, intersectoral and inclusive public policies, capable of achieving the constitutional promises of equality and social justice. Santos (2007) emphasizes that institutions must act in a coordinated manner, eliminating structural barriers and promoting efficient institutional flows, always under democratic legitimacy. In this context, Reurb stands out as a structuring policy, by reducing legal uncertainties, generating infrastructure, attracting investments and strengthening social and territorial cohesion.

The impacts of land regularization are wide-ranging, both economically and territorially. The titling of informal areas increases the value of real estate, expands access to credit and increases municipal revenue, which generates resources for new public policies. The formalization of possessions stimulates investments in mobility, sanitation and community facilities, improving the quality of life and boosting local economies. Oliveira and Ribeiro (2019) point out that Reurb creates a virtuous cycle of inclusion: legal certainty generates social trust, which attracts investments and reduces future costs resulting from conflicts, disasters, or exclusion.

In the territorial field, regularization contributes to a more rational use of the soil, avoiding expansion into areas of risk and environmental preservation. Outeiro (2019) observes that the integration of irregular settlements into the formal city redefines the urban space as a place of solidarity, coexistence, and sustainability.

Reurb synthesizes, therefore, the ideal of social justice and territorial cohesion enshrined in the 1988 Constitution. By transforming housing into an effective right, property into an instrument of solidarity and the city into a space of dignity, land regularization concretizes the principles of the social function of property and the city. As highlighted by Carmona (2015) and Treccani (2009), it is a public policy that goes beyond the administrative character and assumes an ethical and political dimension, committed to territorial reconstruction and overcoming historical inequalities.

The social justice that emerges from this process is both material and symbolic. By legally recognizing territories and their inhabitants, the State confers visibility and legitimacy to groups that have remained for decades on the margins of power structures. This

institutional incorporation strengthens the sense of belonging and consolidates community ties. Furtado (1972) teaches that development is only authentic when it reduces inequalities and ensures that everyone participates in the fruits of progress. Thus, Reurb not only regularizes the soil, but also rebuilds social bonds and creates the basis for a fairer and more sustainable urban economy.

Finally, urban land regularization reveals itself as an instrument of territorial integration and reconstruction of the social pact. By aligning itself with the constitutional values of human dignity, solidarity, and distributive justice, it promotes the inclusion of the peripheries, environmental protection, and the strengthening of local capacities. In this way, it reaffirms the territory as a space of emancipation and active citizenship, overcoming the paradigm of spatial inequality. Reurb, in this sense, enshrines social justice as the foundation of regional development and territorial cohesion as an indispensable condition for substantial democracy, transforming the right to the city into a right to a common and sustainable future.

5 FINAL CONSIDERATIONS

The present research demonstrated that Urban Land Regularization is an essential instrument for the realization of fundamental rights, the consolidation of the social function of property and the promotion of a sustainable regional development model, compatible with the constitutional principles of human dignity, equality and social justice. It was found that, although the Federal Constitution of 1988 and the Statute of the City have established a robust legal framework for the implementation of urban policy, the persistence of land irregularity reveals the distance between constitutional normativity and factual reality.

Such dissonance stems from the historical inequality in the distribution of urban land, the absence of inclusive territorial planning and the limited institutional capacity of the federative entities to operationalize Reurb as an effective and continuous public policy. From a legal-constitutional perspective, urban land regularization is not limited to the formalization of property, but represents the materialization of the rights to housing, the city and property with a social function, pillars that support the construction of the Democratic State of Law.

The effectiveness of these rights expands access to public policies for infrastructure, sanitation, transportation, education, and health, converting urban space into an environment of citizenship and dignity. From the socioeconomic and territorial point of view, it was found that land regularization acts as a catalyst for regional development, by integrating informal areas into the formal economy, increasing municipal tax collection, valuing the real estate

assets of families and boosting the local market. From this perspective, regional development is not reduced to economic growth, but involves the equitable distribution of opportunities and the reduction of territorial inequalities.

The analysis also highlighted the importance of territorial justice as a new development paradigm. This conception proposes an ethical and political reorganization of urban space, in which the city is recognized as a collective good and access to land, infrastructure and public services is a condition for full citizenship.

Land regularization, by democratizing the territory, materializes this ideal of spatial and social justice. It is concluded, therefore, that Urban Land Regularization should be understood as a strategic public policy for human and regional development, as it articulates the right to housing, the social function of property and territorial justice. Its consolidation depends on the strengthening of institutions, federative cooperation and social participation, indispensable conditions for the city to become a space for the realization of rights, and not for the reproduction of inequalities.

In summary, urban land regularization represents the passage from the formal right to the concreteness of citizenship, transforming housing into a vector of inclusion, territory into an expression of justice and development into an instrument of human freedom. It is, therefore, a new paradigm of public policy and regional development, based on the centrality of the person, social solidarity and the democratization of urban space.

REFERENCES

- Biasotto, R. C. (2012). Planejamento, legislação urbanística e instrumentos de gestão do solo urbano em disputa. In R. F. C. F. Ferreira & R. C. Biasotto (Orgs.), Políticas públicas e direito à cidade: Política habitacional e o direito à moradia digna. Rio de Janeiro: Letra Capital.
- Brasil. (1850). Lei nº 601, de 18 de setembro de 1850. Dispõe sobre as terras devolutas do Império. Coleção de Leis do Império do Brasil. https://www.planalto.gov.br/ccivil_03/leis/L0601-1850.htm (Acesso em 20 de outubro de 2025)
- Brasil. (1916). Código Civil dos Estados Unidos do Brasil: Lei nº 3.071, de 1º de janeiro de 1916. Imprensa Nacional. https://www.planalto.gov.br/ccivil_03/leis/L3071.htm (Acesso em 21 de outubro de 2025)
- Brasil. (1934). Constituição da República dos Estados Unidos do Brasil (de 16 de julho de 1934). Imprensa Nacional. https://www.planalto.gov.br/ccivil_03/constituicao/constituicao34.htm

(Acesso em 21 de outubro de 2025)

Brasil. (1988). Constituição da República Federativa do Brasil de 1988. Presidência da República. https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm

(Acesso em 21 de outubro de 2025)

Brasil. (2001). Lei nº 10.257, de 10 de julho de 2001. Regulamenta os arts. 182 e 183 da Constituição Federal.... Diário Oficial da União, seção 1, p. 1. https://www.planalto.gov.br/ccivil_03/leis/leis_2001/l10257.htm

(Acesso em 21 de outubro de 2025)

Brasil. (2009). Lei nº 11.977, de 7 de julho de 2009. Dispõe sobre o Programa Minha Casa, Minha Vida.... Diário Oficial da União, seção 1, p. 2. https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/lei/l11977.htm

(Acesso em 21 de outubro de 2025)

Brasil. (2017). Lei nº 13.465, de 11 de julho de 2017. Dispõe sobre a regularização fundiária rural e urbana.... Diário Oficial da União, seção 1, p. 1. https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13465.htm

(Acesso em 21 de outubro de 2025)

Carlos, A. F. A. (2019). Henri Lefebvre: A problemática urbana em sua determinação espacial. *Geusp – Espaço e Tempo* (Online), 23(3), 458–477.

Carmona, P. A. C. (2015). Curso de direito urbanístico. Jus Podivm; Fundação Escola Superior do Ministério Público do Distrito Federal e Territórios.

Diniz, C. C. (2009). Celso Furtado e o desenvolvimento regional. *Nova Economia*, 19(2), 227–249.

Furtado, C. (1972). Análise do modelo brasileiro. *Civilização Brasileira*.

Mastrodi, J. (2008). Direitos sociais fundamentais. *Lumen Juris*.

Oliveira, F. L., & Ribeiro, G. F. (2019). Regularização fundiária e teoria da primeira posse: O caso de condomínio de alto padrão no Distrito Federal. *RFD – Revista da Faculdade de Direito da UERJ*, (36).

Outeiro, G. M. (2019). Um estudo histórico-institucional do Programa Terra Legal de Regularização Fundiária na Amazônia. *Revista Estudos Institucionais*, 5(2), 559–585.

Prieto, G. F. T. (2016). *Rentismo à brasileira, uma via de desenvolvimento capitalista* (Tese de Doutorado). Universidade de São Paulo.

Santos, B. de S. (2007). *Por uma revolução democrática da justiça*. Cortez.

Treccani, G. D. (2009). O título de posse e a legitimação de posse como formas de aquisição da propriedade. *Revista da Procuradoria Geral do Estado do Pará*, (20), 121–158.