

## THE RIGHT OF POSSESSION OF TRADITIONAL COMMUNITIES AND THE LAND TENURE REGULARIZATION POLICY OF THE STATE OF PARÁ

### O DIREITO DE POSSE DAS COMUNIDADES TRADICIONAIS E A POLÍTICA DE REGULARIZAÇÃO FUNDIÁRIA DO ESTADO DO PARÁ

### EL DERECHO DE POSESIÓN DE LAS COMUNIDADES TRADICIONALES Y LA POLÍTICA DE REGULARIZACIÓN FUNDIARIA DEL ESTADO DE PARÁ



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#### ABSTRACT

The article investigates whether the land tenure regularization policy of the State of Pará, within the scope of the Environmental and Territorial Planning Program (2020–2023), is compatible with the legal recognition of agroecological possession by traditional communities. It is based on the hypothesis that, despite quantitative advances in the issuance of land documents, the policy follows a predominantly individualizing logic, which strains the recognition of collective holdings and common-use areas. It is argued that the legitimacy of possession by traditional communities does not depend on state action, being based on labor on the land, sustainable practices, and fulfillment of the social function of the property. However, administrative recognition is essential for the enforcement of fundamental rights, especially for rural workers' retirement. The research adopts an inductive method, with bibliographic review and documentary analysis of state legislation and reports from the Instituto de Terras do Pará (ITERPA). It is concluded that land tenure regularization policy in the state of Pará, although presenting relevant quantitative results, still requires normative and institutional adjustments to ensure the effective recognition of collective and agroecological forms of land possession.

**Keywords:** Agrarian Possession. Agroecological Possession. Traditional Communities. Land Tenure Regularization. Territorial Rights.

#### RESUMO

O artigo investiga se a política de regularização fundiária do Estado do Pará, no âmbito do Programa Meio Ambiente e Ordenamento Territorial (2020-2023), é compatível com o reconhecimento jurídico da posse agroecológica das comunidades tradicionais. Parte-se da hipótese de que, apesar dos avanços quantitativos na emissão de documentos fundiários, a política segue uma lógica predominantemente individualizante, tensionando o reconhecimento de apossamentos coletivos e áreas de uso comum. Defende-se que a legitimidade da posse das comunidades tradicionais independe de ato estatal, fundamentando-se no trabalho na terra, nas práticas sustentáveis e no cumprimento da função social do imóvel. Entretanto, o reconhecimento administrativo é imprescindível à

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efetivação de direitos fundamentais, especialmente à aposentadoria por idade do camponês. A pesquisa adota o método indutivo, com revisão bibliográfica e análise documental da legislação estadual e de relatórios do Instituto de Terras do Pará (ITERPA). Conclui-se que a política de regularização fundiária no Pará, embora apresente resultados quantitativos relevantes, ainda demanda ajustes normativos e institucionais capazes de garantir o reconhecimento efetivo dos apossamentos coletivos e agroecológicos.

**Palavras-chave:** Posse Agrária. Posse Agroecológica. Comunidades Tradicionais. Regularização Fundiária. Direitos Territoriais.

## RESUMEN

El artículo investiga si la política de regularización fundiaria del Estado de Pará, en el marco del Programa Medio Ambiente y Ordenamiento Territorial (2020–2023), es compatible con el reconocimiento jurídico de la posesión agroecológica de las comunidades tradicionales. Se parte de la hipótesis de que, a pesar de los avances cuantitativos en la emisión de documentos de tenencia de la tierra, la política mantiene una lógica predominantemente individualizante, lo que tensiona el reconocimiento de las posesiones colectivas y de las áreas de uso común. Se sostiene que la legitimidad de la posesión de las comunidades tradicionales es independiente de un acto estatal, al fundamentarse en el trabajo sobre la tierra, en las prácticas sostenibles y en el cumplimiento de la función social de la propiedad. No obstante, el reconocimiento administrativo resulta imprescindible para la efectivización de derechos fundamentales, especialmente el derecho a la jubilación por edad del campesino. La investigación adopta el método inductivo, con revisión bibliográfica y análisis documental de la legislación estadual y de los informes del Instituto de Tierras del Pará (ITERPA). Se concluye que la política de regularización fundiaria en Pará, aunque presenta resultados cuantitativos relevantes, aún requiere ajustes normativos e institucionales capaces de garantizar el reconocimiento efectivo de las posesiones colectivas y agroecológicas.

**Palabras clave:** Posesión Agraria. Posesión Agroecológica. Comunidades Tradicionales. Regularización Fundiaria. Derechos Territoriales.

## 1 INTRODUCTION

Land regularization in the Brazilian Amazon is one of the main challenges of contemporary territorial planning, especially with regard to the legal recognition of the multiple forms of possession exercised over public lands. In the State of Pará, the implementation of land regularization policies aimed at the issuance of domain documents has revealed tensions between individualizing legal models of titling and the collective and agroecological forms of appropriation traditionally exercised by traditional communities.

Traditional Amazonian communities have historically exercised ownership of public lands through direct work on the land, the common use of natural resources, and the fulfillment of the socio-environmental function of the property, although, in many cases, without formal administrative recognition (Benatti and Bentes, 2024). This lack of state recognition produces relevant legal effects, especially in access to public policies and rural social security, evidencing the centrality of the territory for the realization of fundamental rights.

At the state regulatory level, Law No. 8,878, of July 8, 2019, which provides for the land regularization of rural and non-rural occupations on public lands in the State of Pará, defines land regularization as the set of legal and technical actions aimed at the regularization of occupations in state public areas, with a view to their allocation to third parties for the fulfillment of the socioeconomic function of the land. Based on this legal framework, the territorial planning policy of the State of Pará was structured within the scope of the Multiannual Plan (PPA) for the period 2020–2023, guiding the implementation of government actions for land regularization.

In view of this scenario, this article investigates whether the land regularization policy implemented by the State of Pará between 2020 and 2023, within the scope of the Environment and Territorial Planning Program, is compatible with the legal recognition of agroecological possession exercised by traditional communities.

It is supported as a hypothesis that, although the state policy presents relevant quantitative advances in the issuance of land documents, it still reproduces a predominantly individualizing logic of titling, which stresses the recognition of collective appropriations and areas of common use traditionally occupied by these communities.

The research adopts the inductive method, with a qualitative approach, combining bibliographic review and documentary analysis. It is based on state land legislation, on the legal-critical analysis of the national regulatory framework and on institutional reports produced by the Land Institute of Pará (ITERPA), including the systematization and interpretation of official data related to the issuance of land documents in the period from

2020 to 2023, with contextual update for the year 2024, in order to critically evaluate the impacts of the land regularization policy on the territorial rights of communities traditional ones.

By articulating the policy of land regularization in Pará with the legal recognition of agroecological tenure, the article seeks to contribute to the theoretical and empirical debate on the limits of the individualizing model of titling, evidencing its impacts on the realization of fundamental rights, especially access to social security by traditional communities occupying public lands. The analysis reaffirms the centrality of territory as a condition for the social, economic, and cultural reproduction of these communities and for the realization of the social function of land in the Amazonian context (Benatti, 2018).

## **2 THE POSSESSION OF PUBLIC LANDS BY TRADITIONAL COMMUNITIES**

In the Brazilian legal system, meek, fair and peaceful possession of public lands enjoys legal protection, especially when exercised by indigenous peoples, quilombolas and traditional communities that historically occupy certain territories. In these cases, the recognition of the legitimacy of possession is not limited to a factual fact, but stems from the social, cultural and productive relationship established with the land, which is projected as the legal basis of the right to territory.

The Constitution of the Federative Republic of Brazil (CRFB) of 1988 represents a fundamental normative milestone in redefining the legal regime of public lands and tenure. At the same time that it reaffirms state control over the destination of these lands, the Constitution conditions the recognition of private property to the acquiescence of the Government, restricting the possibility of acquiring public land on the exclusive initiative of the private party, except in the cases expressly provided for in the constitutional text (Barreto, 2012).

Before the consolidation of this constitutional understanding, it was admitted, in certain situations, the claim of possession through the action of adverse possession. However, after intense legal, legislative and doctrinal debates, the prohibition on adverse possession of public assets was established. The CRFB/88, especially in its articles 188 and 189, submits the allocation of public lands to state control, ruling out the possibility of original acquisition of public rural property by the exclusive initiative of the private party, through the simple passage of time.

In this sense, with the constitutional prohibition on adverse possession of public properties, there was a restriction on the acquisition of property by possession exercised in isolation by the private party, with the recognition of possession and ownership being linked

to acquiescence and to the regular state act (Barreto, 2012). Thus, except for exceptions expressly provided for, the lawful acquisition of agrarian property now depends on an administrative procedure for the allocation of public lands, which includes the formal recognition of possession, since such properties are not subject to adverse possession, as provided for in article 191, sole paragraph, of the Federal Constitution.

This restriction, however, does not extend to the appropriations traditionally exercised by indigenous peoples, quilombola communities and other traditional communities. The Federal Constitution guarantees these groups the original right to the territory, regardless of a constitutive act of the State, and the Government is only responsible for the formal recognition of these rights, under the terms of articles 231 and 225 of the Constitution, as well as article 68 of the Transitional Constitutional Provisions Act (ADCT). Such constitutional protection is based on the differentiated way in which these subjects conceive, use and relate to the land, marked by collective, historical and sociocultural ties (Barreto, 2012).

Thus, although the prohibition on adverse possession limited the acquisition of property on the exclusive initiative of the private party, it did not exclude the possibility of agrarian possession of public lands. On the contrary, the Federal Constitution began to admit possession authorized or recognized by the Government, as well as that legitimately exercised by indigenous peoples, quilombola communities, traditional communities and rural workers and their families, provided that the social, economic and environmental purposes of the land are observed (Gonçalves, 2008; Barreto, 2012).

The legal understanding of the possession of public lands, especially in the Amazonian context, requires dialogue with the social reality of the peasantry and traditional communities. These groups, over generations, occupy and use the land collectively or as a family, building their productive, cultural, religious and political practices in the territory, as well as their own rules for the use and management of natural resources. It is a land grabbing that is legitimized by work, housing, and social reproduction, central elements of the principle of the social function of land (Benatti, 2018).

In Brazil, the squatter is defined as the farmer who works the land without a formal registered title, living predominantly from agricultural production aimed at family subsistence, with the occasional commercialization of surpluses (Martins, 1980). From this perspective, the squatter cannot be attributed any presumption of clandestinity or bad faith, since his relationship with the land is based on the need for survival and the fulfillment of the social, environmental and productive functions of the rural property (Miranda, 1988).

Martins (1980) points out that the squatter is, as a rule, the poor farmer who depends on the land to ensure the family's livelihood, using the surplus income from agricultural

production to purchase essential goods, such as food, clothing and inputs for farming. Despite its social and economic relevance, the squatter is often excluded from access to rural credit and public policies to promote family farming, precisely because of the absence of formal land titling.

This exclusion is not limited to the economic field, producing direct impacts on the realization of social rights. As Benatti and Bentes (2024) point out, the peasant, as a squatter of public land, faces significant barriers in the recognition of his condition as a special insured in the context of social security, since proof of the exercise of rural activity remains strongly linked to the presentation of formal land documents, incompatible with the reality of traditional land tenures.

In this context, the legitimation of collective property assumes centrality. For Benatti (2002), collective property is built from the capacity of the social group to appropriate certain natural resources and, over time, establish its own rules of use and management, respected by the members of the community. It is a primary seizure, characterized by the occupation of the territory with the intention of exercising social dominion over it, regardless of formal authorization from third parties.

The analysis of these forms of possession reveals that the legal recognition of traditional seizures of public lands is an indispensable condition for the realization of fundamental rights, for the promotion of social justice in the countryside and for the construction of a land policy compatible with the plurality of possessory regimes existing in the Amazon.

## 2.1 AGRARIAN TENURE AND AGROECOLOGICAL TENURE

In the Amazonian agrarian reality, the ownership of rural lands exercised by different social groups must be understood beyond the arrangements defined in classical possessory theories, such as those elaborated by Savin and Ihering (Mattos Neto, 2024).

According to Mattos Neto (2024), agrarian possession contemplates the direct, continuous, and rational exercise of the land, for an uninterrupted time, in which the purpose is to use it for economic, social, and environmental well-being, so that the effective exercise of agrarian activity only occurs through possession.

In this sense, agrarian possession requires the immediate attachment of the possessor to the land, being composed of the elements *corpus* and *animus*: the first refers to the direct, material, immediate attachment of the possessor to the land, it is the objective, practical factor; the second constitutes the subjective factor in which the intention is represented by the work that the agrarian possessor performs on the land, that is, to work on the land, and

not the immediate intention of the right to property as if it were its holder (*animus domini*) (Mattos Neto, 2024).

Therefore, the fact that man relates directly to the land he occupies, conferring on it his social function, constitutes a legal value that fulfills the content of the foundation of agrarian possessory protection (Mattos Neto, 2024).

The possessor must use the land rationally, respect its limits and natural resources, that is, the cultivation of the land must meet certain levels of economic and social rationality, guaranteeing the social function of property. Thus, the squatter must "faithfully comply with all obligations and duties arising from agrarian and environmental normative provisions and other laws" (Mattos Neto, 2024, p. 105).

Agrarian possession is, therefore, the direct, continuous, rational and peaceful exercise of agrarian activities on the occupied land, which reflects on the ability to create sufficient and necessary conditions for its economic use, by which it conceives to the possessor a "legal power of a real and definitive nature, with broad repercussions on the Law, with a view to its progress and economic and social well-being" (Mattos Neto, 2024, p. 116).

In the field of agri-environmental law, possession is protected through the performance of agricultural work (Mattos Neto, 2024). In this vein, Benatti (2018) defends the understanding of the different types of appropriations by traditional communities in the Amazon based on agroecological possession, understood as the exercise of power over a given space, which may include forest and/or aquatic resources.

Agroecological possession is configured as a juridical-social phenomenon of a factual nature, which emerges from the continuous relationship between the subjects, the land and the natural resources. It is a land grabbing materialized by the rational use and management of the territory, through sustainable agroextractivist practices, guided by family work and the collective awareness of belonging, whose legitimacy derives from the fulfillment of the social, environmental, and cultural function of the land, regardless of a formal time frame (Benatti, 2018).

In the case of quilombola communities, it is recorded that the recognition of their possession guarantees the ownership and title of the land for the community. However, in the case of conservation units for sustainable use – extractive reserves (RESEX) and the Sustainable Development Project (PDS) – and sustainable settlements – agroextractive settlement project (PAE), sustainable development project (PDS) and forest settlement project (PAF) – the areas are in the public domain, with usufruct of the land and renewable natural resources granted to traditional populations (Benatti, 2011).

In summary, agroecological possession is configured as a specific form of agrarian possession, socially constructed and territorially situated, which is legitimized by the continuous, rational and collective use of natural resources. It is a seizure based on family and agroextractivist work, guided by sustainable practices and a collective awareness of belonging to the territory (Benatti, 2018). By incorporating economic, social, cultural, and environmental dimensions, agroecological possession challenges traditional legal categories and requires the State to recognize possessory regimes compatible with the Amazonian reality, under penalty of making historically consolidated legitimate forms of occupation invisible.

## 2.2 THE PEASANT SUBJECT AS A SQUATTER OF PUBLIC LAND

In this research, we consider as peasants the family farmers and extractivists who organize themselves into family productive units and use the land as a material basis for their social (re)production, simultaneously constituting themselves as units of consumption and production. These are subjects whose relationship with the land goes beyond the merely economic dimension, being directly linked to family survival, social organization and the construction of collective identities in rural areas.

The peasant is conceived as a rural worker whose production aims primarily to ensure the sustenance of his own family, and the surplus is eventually sold for the acquisition of goods indispensable to the reproduction of his living conditions. In this sense, Queiroz (1973, p. 29–30) points out that, from the economic point of view, "the peasant is defined by the objective of producing for consumption, while, sociologically, the peasantry constitutes a subordinate layer within global society, marked by relations of economic, political and social subordination".

In the context of public policies, from the 1990s onwards, the Brazilian State began to officially adopt the category "family farming", especially with the creation of the National Program for the Strengthening of Family Agriculture (Pronaf), instituted in 1994, aimed at supporting productive activities organized by and for the family (Abramovay, 1998). This category began to guide the design of public policies aimed at rural subjects.

At the legislative level, Law No. 11,326, of July 24, 2006, defined the family farmer as one who carries out activities in rural areas in an area of up to four fiscal modules, with a predominance of family labor and income mostly from the establishment itself. Although this definition fulfills a relevant normative function, it does not remove the reality that a large part of these subjects exercise possession over public lands, without formal domain title.

At the state level, Law No. 8,878/2019, which provides for land regularization in the State of Pará, also recognizes the family farmer or rural family enterprise, considering criteria related to consolidated occupation, the predominant use of family labor, and the origin of income. State legislation, by admitting the regularization of occupations on public lands, highlights the centrality of the figure of the family farmer as a squatter, whose permanence in the territory depends on the legal recognition of his possession.

Despite the diversity of denominations and classifications attributed to the subjects who live and work in the countryside, these different categories refer to a common reality: the existence of agricultural producers linked to families and social groups whose relationship with the land is organized around family heritage (Wanderley, 2014). It is these family, community and territorial ties that allow these subjects to be understood as peasants, beyond the specificities of each concrete situation. For the purposes of this research, these categories are understood in an articulated way, insofar as they express the condition of the peasant subject as a squatter of public land.

Thus, although peasantry and family farming are not conceptually confused, both allow the identification of subjects whose social reproduction is directly linked to the legal recognition of the possession exercised over public lands. The peasant condition, in this context, is central to the analysis of the limits of the land regularization policy, especially with regard to the realization of territorial rights, including access to public policies and social security.

### **3 OF THE LAND REGULARIZATION POLICY OF PARÁ**

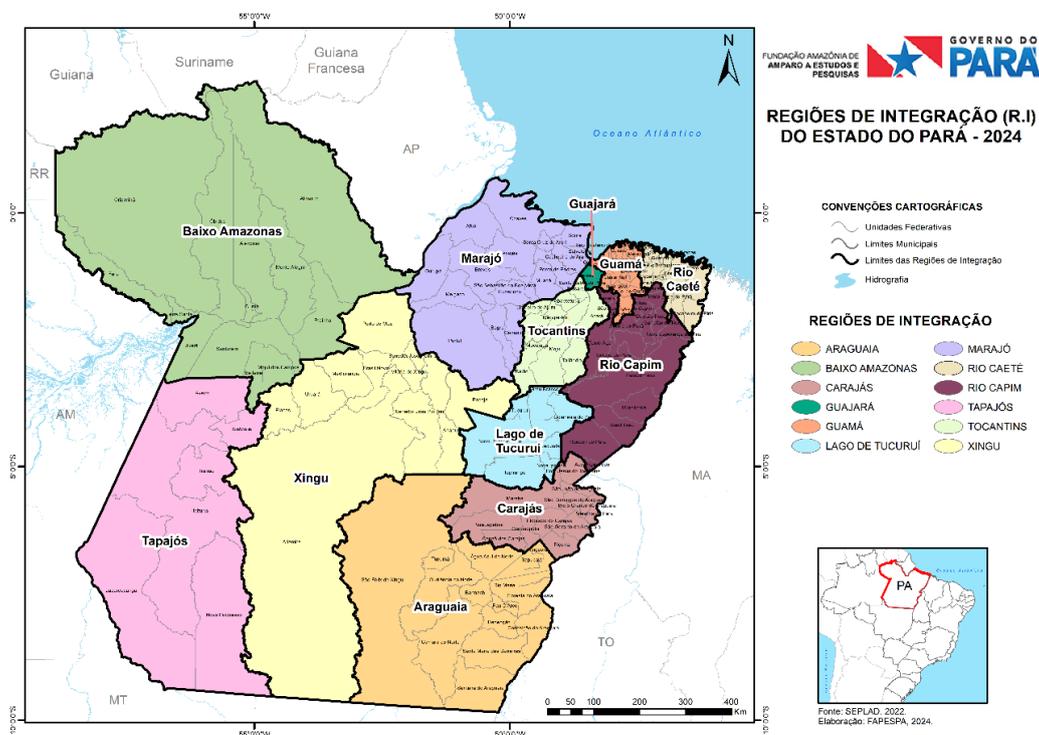
Pará is the second largest Brazilian state in territorial extension, with approximately 1,248,000 km<sup>2</sup> (IBGE, 2024). Located in the northern region of the country, in the eastern portion of the Amazon, the territory of Pará is composed of 144 municipalities, organized into 12 Integration Regions, defined based on criteria of socioeconomic similarity, patterns of territorial occupation and economic and social relations established between the municipalities (Pará, 2008).

This regionalization is an instrument for planning, monitoring and evaluating state public policies, and is guided by the objective of reducing regional inequalities through the implementation of strategic actions adjusted to territorial specificities. The Integration Regions of the State of Pará are: Araguaia, Baixo Amazonas, Guamá, Carajás, Lago de Tucuruí, Marajó, Metropolitana, Rio Capim, Rio Caeté, Tapajós, Xingu and Tocantins, as illustrated in Figure 1. It is an administrative division that allows us to understand the

heterogeneity of the territory of Pará and the different socio-territorial contexts in which land planning and regularization policies are developed.

**Figure 1**

*Map of Indicators of the Integration Regions*



Source: FAPESPA, 2024.

At the state level, the land regularization policy is operationalized through actions aimed at promoting access to land, legal security of tenure and socio-environmental sustainability, especially in relation to subjects who exercise possession of public lands without formal recognition by the State. In this context, the Land Institute of Pará (ITERPA), a state agency established by Law No. 4,584/1975, is the body responsible for the execution of the state agrarian policy and the management of vacant lands, and it is responsible for promoting land regularization, recognizing the validity of the titles issued and ensuring the socially appropriate destination of public lands.

Among the actions of Pará's agrarian policy, the Environment and Territorial Planning Program stands out, inserted in the Multiannual Plan (PPA) of the State of Pará for the period from 2020 to 2023. It is a structured public policy with objectives, goals, indicators and strategies defined for a four-year cycle, which justifies the time frame adopted in this research for the systematic analysis of its results and impacts on the existing tenure regimes in the territory of Pará. Although the analytical focus falls on the period from 2020 to 2023,

information related to the year 2024 is considered in a contextual way, with the objective of identifying trends in the institutional continuity of the state land policy.

Within the scope of this Program, ITERPA developed actions aimed at territorial planning, land and environmental regularization and the issuance of land documents, primarily benefiting small rural producers, family farmers, traditional communities, quilombola communities and state settlement projects, aiming at strengthening family farming, promoting sustainable development and mitigating land conflicts (ITERPA, 2021).

The analysis of ITERPA's Management Reports for the years 2020 to 2023 shows the issuance of various types of land documents, both individual and collective. Among the instruments used, individual definitive titles, collective titles for quilombola communities, patrimonial league titles, concessions of real right of use, land certificates, exchange terms and terms of redemption of *aforamento* stand out.

As shown in table 1, in the period analyzed, 13,503 land documents were issued, exceeding by 6.26% the programmed goal for the PPA cycle (programmed goal was 12,710 land documents). Among these documents, there are the issuance of 8,194 individual definitive titles, 26 collective titles for quilombola communities, 18 patrimonial league titles, 3,627 urban regularization documents, 1,047 concessions of real right of use, 7 concessions of real right of collective use, 487 land certificates, in addition to terms of exchange and *aforamento* (ITERPA, 2024).

The annual analysis of the data reveals oscillations in the fulfillment of the established goals. In the years 2020 and 2022, the programmed goals were not fully achieved. On the other hand, in 2023 there was a significant growth in land regularization actions, with the issuance of 5,823 documents, exceeding by approximately 67% the target set for the year (3,492 land documents). This performance suggests an intensification of state actions in the last year of the PPA cycle, possibly associated with the institutional consolidation of the policy and the need to meet the planned goals.

**Table 1**

*Land documents issued in Pará in the years 2021 to 2024*

Documents issued	2020	2021	2022	2023	Total
Scheduled in the period	1.023	1.967	5.509	3.492	12.710
Certificates issued	111	147	170	58	486
Individual Land Titles	360	1.200	2.063	4.571	8.194
Collective Titles	3	3	5	15	26
Heritage league titles	3		8	7	18
Urban regularization titles		868	1.704	1.055	3.627
Concessions of real right of use	349	193	417	88	1.047
Concessions of collective rights in rem	2	1	3	1	7
Lease terms	4	4	8	3	19

Terms of exchange	11	17	26	25	79
Total land documents in the period	843	2.433	4.404	5.823	13.503

Source: ITERPA management reports, 2021, 2022, 2023 and 2024.

From the territorial point of view, the actions of the Environment and Territorial Planning Program reached all the Integration Regions of the State of Pará, although unequally. In 2020, the regions that benefited the most from the issuance of land documents were the Rio Capim Region, responsible for 47.0% of the total, with emphasis on the municipality of Ipixuna do Pará, which received 348 documents, and the Araguaia Region, corresponding to 21.1%, with a highlight to São Félix do Xingu, which received 150 documents. Together, these two regions concentrated 72% of the total number of documents issued. On the other hand, the least benefited regions were Lago de Tucuruí and Marajó, with only 4 documents each, and the Xingu Region, with only 1 document issued (ITERPA, 2021).

In 2021, the State of Pará issued 258 land documents for the Tocantins Region, 238 for the Guamá Region, and 166 for the Carajás Region. The least benefited regions were: Xingu (7), Tapajós (4), Marajó (1) (ITERPA, 2022). In 2022, the Tocantins Region presented a significant number of land regularization, with 1256 documents issued, followed by the Guajará Region, with 1,312 documents, and the Guamá Region with 610 titles issued. However, Marajó (4) and Xingu (2) remain among the regions with the lowest issuance of land documents (ITERPA, 2023).

In 2023, the regions that benefited the most from the issuance of land documents were: Guamá (1577), Caetés (1244), Tocantins (1225), Guajará (1,066) and Capim (435), and the regions with the fewest land documents issued were: Xingu (20), Lago Tucuruí (13) and Marajó (6) (ITERPA, 2024). This distribution shows the persistence of territorial asymmetries in the implementation of the land regularization policy in the State of Pará, indicating that the intensification of state actions in the last year of the PPA cycle did not occur homogeneously among the Integration Regions.

With regard specifically to the titling of rural lands occupied by traditional communities, the data reveal a significant asymmetry between individual titling and collective titling. While 8,194 individual definitive titles were issued in the period analyzed, only 26 collective titles were allocated to traditional communities and 7 concessions of Real Right of Collective Use for State Projects of Agroextractivist Settlements (CDRUs), which highlights the centrality conferred by the State to land regularization through the fragmentation of the territory into individualized family units.

The most benefited regions concentrate areas of greater economic dynamism, land tenure pressure and consolidated presence of small producers and settlements, which tends

to facilitate the operationalization of land regularization under the logic of individual titling. On the other hand, regions such as Marajó, Xingu and Lago de Tucuruí, characterized by extensive areas of common use, a strong presence of traditional communities and greater logistical and institutional obstacles, remain with a low incidence of regularization actions, revealing structural limits of the state land policy to meet more complex socio-territorial contexts.

Although the quantitative results indicate relevant advances in the expansion of formal access to land, it is essential to problematize the legal model that guides the land regularization policy in the State of Pará. The predominance of individual titling reveals the persistence of a patrimonialist rationality of the land, which does not always dialogue with the socio-territorial complexity of the Amazon and with the collective forms of use and occupation traditionally exercised by traditional communities.

As Monteiro et al., (2019) point out, Brazilian land policy has prioritized the individual titling of public lands in the Amazon, even in the face of a significant liability related to the recognition of collective territories. This orientation disregards, in many cases, the relevance of environmentally differentiated settlement projects and forms of appropriation based on the common use of the land, which are fundamental both for income generation and for environmental protection.

This empirical scenario allows us to move towards a legal-critical analysis of the land regularization model adopted, especially with regard to the normative choices that guide the prioritization of individual titling to the detriment of the recognition of collective territories. The critical reading of the data cannot be restricted to the measurement of the formal fulfillment of administrative goals, but must consider the qualitative impacts of the land regularization policy on the different tenure regimes existing in the territory of Pará.

The centrality of individual titling, when analyzed in the light of agrarian and environmental law, reveals political options aligned with the national normative framework, especially Law No. 13,465/2017, which reformulated the legal regime of land regularization in Brazil. This legislation, by reinforcing individual titling as the main instrument of territorial planning, including on public lands located in the Legal Amazon, has been the object of criticism for favoring the commodification of land and for disregarding the specificities of collective and agroecological appropriations exercised by traditional communities.

In this context, the land regularization policy, when guided exclusively by the parameters of Law No. 13,465/2017, runs the risk of reproducing a legal rationality incompatible with the principles of agrarian and environmental law, especially with regard to the social function of land, the protection of the environment, and the recognition of the

territorial rights of traditional communities. Although the institutional advances of the land policy in Pará and the expansion of the issuance of land documents in the period analyzed are recognized, the asymmetry between individual and collective titling shows structural limits of the model adopted.

The prioritization of individual titling, by disregarding areas of common use and collective forms of possession, can weaken the territorial integrity of traditional communities and compromise their social, cultural and economic reproduction. This state option is part of a broader context of reorganization of the Brazilian land regime, marked by the growing economic valuation of land as a financial asset, often associated with the neoliberalization of agrarian policies. In the Amazonian context, this legal rationality is particularly problematic, as it disregards the ways of life of traditional communities and weakens forms of appropriation based on the common use of natural resources, such as agroecological possession.

From the above, the analysis shows that, although the land policy in Pará has significantly expanded formal access to land, its normative orientation reveals structural limits for the full recognition of the territorial rights of traditional communities.

### 3.1 UPDATE OF THE LAND REGULARIZATION POLICY IN PARÁ

Considering the institutional continuity of land policy in the State of Pará and the relevance of situating the reader in the most recent scenario, information related to the results obtained in the year 2024, which makes up the new cycle (2024-2027), is incorporated, in a complementary and contextual way, without prejudice to the delimited methodological cut.

The most recent data from ITERPA indicate the expansion of land regularization actions after the end of the 2020–2023 cycle. In 2024, the State of Pará, through ITERPA, issued 6,729 land titles under the Socio-Environmental Management and Territorial Planning Program, of which 6,597 were individual titles, 19 were intended for quilombola communities and only 3 CDRUs for State Projects of Agroextractivist Settlements (ITERPA, 2025). These numbers show the continuity of the individualizing logic in the state land policy, highlighting that, although the collective CDRUs represent more appropriate instruments to guarantee the territorial security of traditional communities, their use is still extremely limited.

Although these data indicate significant quantitative advances, their reading in the light of the results observed in the period from 2020 to 2023 reveals the maintenance of the legal-institutional pattern that guides the state's land policy. As verified in the multi-year cycle analyzed, most of the documents issued in 2024 corresponded to individual titling, while collective titling for traditional communities remained residual, even in the face of the

constitutional and infra-constitutional recognition of collective forms of land use and occupation.

The absence of formal recognition of agroecological possession exercised by traditional communities compromises the territorial security of these groups and produces relevant legal effects, such as the difficulty of access to public policies and social security. Thus, land regularization must be understood beyond the simple issuance of titles, requiring an approach capable of recognizing the plurality of forms of possession existing in the Amazon and the centrality of the territory for the social, cultural and economic reproduction of traditional communities.

The asymmetry between individual and collective titling confirms that the advances observed in subsequent years do not represent a structural inflection in the land regularization model, but rather the continuity of a predominantly individualizing logic, based on territorial fragmentation and the centrality of individual private property. Such legal rationality is shown to be tensioned with the recognition of agroecological possession and areas of common use traditionally occupied by traditional communities, especially in the Amazonian context.

In addition, the incorporation of the 2024 data shows that, despite the quantitative expansion of land policy, the legal effects associated with the low incidence of collective titles remain, such as the difficulties faced by traditional communities in accessing public policies and proving territorial and labor ties for social security purposes. Thus, the empirical update reinforces the central hypothesis of this study, by demonstrating that the land regularization policy in Pará, although continuous and expanded over time, still lacks normative and institutional adjustments capable of ensuring the effective recognition of the plurality of possessory regimes existing in the Amazon.

#### **4 FINAL CONSIDERATIONS**

The State of Pará has developed policies for territorial planning and land regularization in line with constitutional principles linked to land and the social function of property, enabling the realization of fundamental rights arising from access to land, such as the recognition of possession exercised by traditional communities, promoting the sustainable management of natural resources and social reproduction, cultural and economic of these groups.

The actions implemented under the Environment and Territorial Planning Program (2020–2023) produced positive impacts for rural workers and traditional communities, by enabling the issuance of land documents, recognizing local knowledge and practices, and ensuring formal means of proving the exercise of rural activity. Such measures also

strengthened the state's capacity to manage public lands, contributing to environmental protection and regional socioeconomic development.

Although the legitimacy of the possession exercised by traditional communities is independent of a state act, as it is based on work on the land, sustainable practices and the fulfillment of the social function, formal recognition by the State is essential for the realization of social rights, especially access to retirement due to age of family farmers occupying public land. The requirement of documentary proof of the link with the land highlights the limitations faced by peasant subjects when their possessions are not legally recognized.

In view of this, the research demonstrates that the land regularization policy in Pará, despite presenting relevant quantitative advances, still operates under a predominantly individualizing logic of titling, which stresses the recognition of collective appropriations, areas of common use and agroecological possession exercised by traditional communities. Such an orientation limits the full realization of the territorial and social rights of these groups.

It is concluded that the improvement of the state land policy requires normative and institutional adjustments aimed at recognizing the plurality of possessory regimes existing in the Amazon. The strengthening of legal instruments for collective titling, the protection of areas of common use, and the adoption of administrative procedures sensitive to the socio-territorial reality of the Amazon are fundamental measures to ensure the integrity of traditionally occupied territories and avoid their fragmentation. Only from the recognition of this diversity will it be possible to consolidate a land policy committed to social justice, environmental sustainability and respect for the sociocultural diversity of the Amazon.

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