

### **Study on the relation between civil construction and the State in guaranteeing safe housing rights in marginalized urban areas**

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**Abstract:** This article addresses the right to housing in Brazil, focusing on a critical analysis of the State's guarantee to ensure safe dwellings in socially marginalized areas. In this sense, there are public policies capable of promoting the democratization of access to safe housing, as foreseen in Law 10.257/2001 or, as it is known, the City Statute, however, in contrast, the Brazilian historical-social formation, favored the peripheral invisibility and the lack of regularization of occupations in these areas. The present work was carried out through data survey and analysis through bibliographical references, qualitative study of data and the 1988 Federal Constitution, examining its relation to the guarantee of safe housing for the citizens of the mass under study.

**Keywords:** constructions; public policy; right; dwellings.

### **Estudo sobre a relação da construção civil e o Estado na garantia de direitos habitacionais seguros em zonas urbanas marginalizadas**

**Resumo:** Este artigo aborda o direito à habitação no Brasil, centrando-se na análise crítica da garantia do Estado em assegurar habitações seguras nas áreas socialmente marginalizadas. Neste sentido, existem políticas públicas capazes de promover a democratização do acesso à habitação segura, como previsto na Lei 10.257/2001 ou, como é conhecida, o Estatuto da Cidade, no entanto, em contraste, a formação histórico-social brasileira, favoreceu a invisibilidade periférica e a falta de regularização das ocupações nessas áreas. O presente trabalho foi realizado através de levantamento e análise de dados através de referências bibliográficas, estudo qualitativo de dados e da Constituição Federal de 1988, examinando a sua relação com a garantia de habitação segura para os cidadãos da massa em estudo.

**Palavras-chave:** construções; políticas públicas; direito; habitações.

## **1. INTRODUCTION**

The State is a social, political and economic institution that ensures housing and dignity to the citizen. From this point of view, in Brazil, public policies, which include housing safety, are rights guaranteed to citizens, duly enacted by the Federal

Constitution of 1988. Therefore, it is essential to analyze and expose this reality with regard to democratization and safe housing.

In principle at first, it is worth noting that, historically, the debate on accessibility to housing in Brazil, in a broad way, took place at the end of the 19th century, after freedom from slavery, with the precariousness of human conditions in the favelas (primarily, housing space between the ex-enslaved) and the beginning of autonomous construction among them. Based on this perspective, at the end and during the process of freedom of the enslaved, according to Cosme <sup>[1]</sup>, the false proposal of possible social ascension to the newly freed emerged, with indirect narratives of guaranteeing experiences and decent housing for them. However, this was not a reality. Even so, in favor of survival, the enslaved began the process of forming favelas in Brazil, improvised houses in vulnerable situations, evidencing, since then, the autonomy in producing their construction techniques and the lack of State action in these. <sup>[1]</sup>

Thinking in this way, until the present day, urban spaces are occupied in scale, in a generally irregular way, based on the reality of their constituents, resulting then, as a unique alternative, to occupy areas called peripheral or urban marginalized, which are, in mostly from third parties or the government. Consequently, because they are built in improper and technically autonomous ways, marginal dwellings are fragile and constantly unsafe, affected by bad weather and invasions, as mentioned in the following text.

[...] in any case, as a common feature of these agglomerations, there is the use of materials that are more readily available in the region and, consequently, cheaper and better culturally assimilated by the population. Human adaptation to different contexts means, for example, that low-income families tend to build their homes in the form of stilts in places on the banks of rivers, mangroves or the sea. <sup>[2]</sup>

Based above mentioned, public housing policies emerged, which are guaranteed by the State and willing to promote, mainly, comfort, safety and direct and indirect intervention, according to the City Statute (Law 10.257/2001) [3] and Constitution of 1988. However, the assurance by law is not the experience found.

Therefore, in face this contexto, the presente scientific document, has the objective of discussing the public housing policies in Brazil, highlighting the importance of safe construction and its various promotions in marginalized areas, taking into account the construction techniques used based on social formation. Moreover, the promotion of visibility to social vulnerabilities evidencing the unsafe building techniques, which are generally masonry.

## 2. METHODOLOGY

The present study was made through the survey and analysis of data by means of bibliographic references, so that foundation therefor the study of the actions of the State in marginalized urban areas. Moreover, it was opted, in this project, for the qualitative analysis, which is based on the interpretation of data and applied statistics,

objectively weighing the facts presented. Furthermore, an attempt was made to link ideas to understand causes and effects, through the explanatory method.

Furthermore, it should be noted that the Federal Constitution of 1988 and other statutes referring to the State and its relation to the guarantee of safe housing for citizens were of the mass, so that there is a comparison between the current reality of the construction techniques of the marginalized and the exercise of the State in them.

### 3. RESULTS AND DISCUSSION

As previously presented, the practical operation associated with the guarantee of housing rights is an exercise to which the Brazilian State is normatively, by constitution, bound. However, the achievements in the practical field, elucidate the commodification that took place in order to solve the housing problem and democratize housing in Brazil.

According to the issue under discussion, maintenance and effective actions in the short and long term are necessary, so that there is an integrated promotion of urban advancement in the slums. Thus, one can list directive lines, as possible remedial aids, as highlighted by Lima <sup>[13]</sup>, some of which are extensive from the Brazilian plan of public housing policies:

1. Plan actions for the construction of standard houses on a floor plan and in construction techniques, considering a field study in order to obtain information such as: land dimensions, the insertion of rooms, local culture and basic needs. In addition, it is important to base studies on NGOs that carry out similar actions, such as: *Construïde* and *Teto*;
2. Maintain the application of housing policies, which consists of integrating urban policies and meeting the basic rights of citizens, such as: basic sanitation, safe housing, hydraulic plumbing, among others.
3. Evaluate the promotion of incentives to municipalities for the effective application of the Athis law in the implementation of urban and municipal development policy;
4. Re-analyze the executions of housing programs, with an outlet for illegitimate and unjustifiable corruption, clientelism and favoritism.

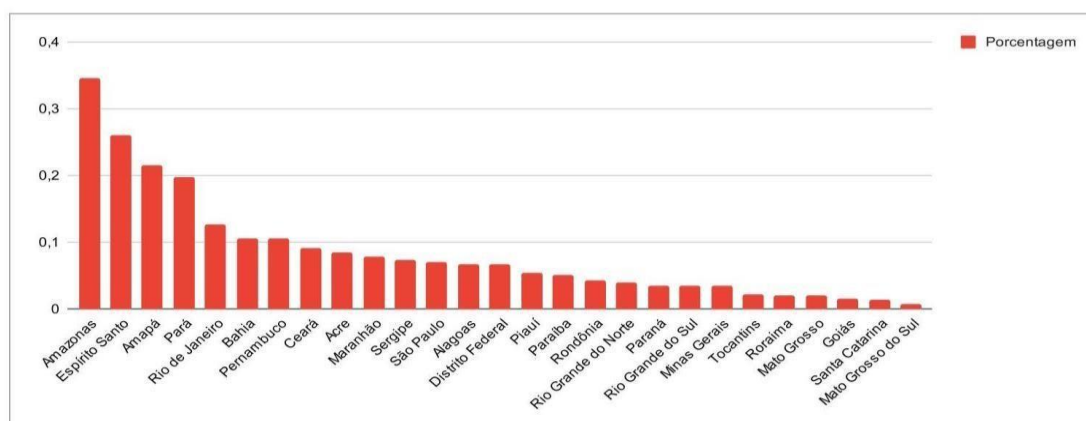
Therefore, it is up to the State, together with the council responsible for civil construction in Brazil, CONFEA, to analyze the counterpoints of the present policies in the fight against unsafe housing in Brazil and the suggestive lines. In addition to effectively complying with the constitutional provisions, in order to genuinely remedy the current problems.

#### 3.1 UNSAFE MARGINAL HOUSING

Subnormal agglomerates, popularly known as favela, invasion, grota, baixada, community, mocambo, palafita, subdivision, ressaca and vila, are basically composed

of the occupation of irregular land. According to the Brazilian Institute of Geography and Statistics (IBGE) <sup>[5]</sup>, the country has more than 5.1 million households in precarious conditions, of which about 13,100 are places with subnormal agglomerations. The classification is based on criteria that include inadequacy of basic services, irregular urban patterns and location in areas of difficult access, having as a common element the precariousness of the housing condition. <sup>[5]</sup>

**Figure 1** - Proportion of households in subnormal agglomerations Federation Unit



Source: Adapted IBGE, 2020. <sup>[5]</sup>

In view of this, it is considered that the constructive techniques in the favelas were formed from the autonomy of the residents, developing their techniques, without technical advice, resulting in unsafe and irregular constructions. Furthermore, it is necessary to understand that construction techniques, which emerged through the struggle for survival and lack of accessibility, mostly use materials and techniques related to masonry, in places without adequate structure (Figure 2). The reality of these houses and buildings, in general, is precarious <sup>[6]</sup>. Thinking in this way, the inefficiency of the State in ensuring housing rights is perceived.



Figure 2 - Disordered occupation in Jardim Cajazeiras



Source: Civil Defense of Salvador, 2022. <sup>[7]</sup>

However, it is worth mentioning that the dignity of the human person associated with the right to housing are necessary pillars to guarantee the existential minimum, and a condition for obtaining a dignified life <sup>[8]</sup>.

### 3.2 THE RELATION OF BETWEEN CIVIL CONSTRUCTION AND THE STATE

It is worth noting that the construction GDP grew 9.7% in 2021, helping to boost the national economy by influencing Brazil's GDP, which grew 4.6% in the same year, according to the IBGE <sup>[9]</sup>. GDP is an indicator index that governs national economic progress in order to quantify a country's economic activity <sup>[10]</sup>. Understanding this, it is possible to state that a nation with a good rate of safe housing, developed in the field of construction and with structures worthy of human conditions, will promote an economically and politically relevant country in world geopolitics.

It is important to analyze that civil construction, together with the State, in the last two years, presented palliatives in the search to ensure decent housing (such as subsidies to social classes) and not the genuine solution to the problem, causing the heating of the civil construction market. by applying these resources. In addition, sociospatial segregation in Brazil has become even more evident. In view of this, the reduction of effective policies, intrinsically offered to solve the problem, causes harm in relation to the universalization of the guarantee of access to housing <sup>[11]</sup>.

Beyond, it is essential to note that it is established by article 6 of the 1988 Constitution and established through the City Statute, the right and access to decent and safe housing guaranteed by the State through public policies. Therefore, it is the responsibility of the State to guarantee the housing security of the citizen, inserting in its current plan the coordination and fulfillment of its legal projections <sup>[12]</sup>. Therefore, it

is understood that the relation between civil construction and the State is fundamental and relevant contributor to national economic promotion.

### 3.3 HOUSING POLICIES IN BRAZIL

Housing policies in Brazil, in general, take place through social practices, such as the complementary social housing and urban development program “*Minha Casa Minha Vida*”. However, the reality of reducing this policy to the financial ideal results in activity in the formation of the housing market camouflaged in housing policy actions.<sup>[11]</sup> POUSO (Posto de Orientação Urbanística e Social) was a practical political planning that, in the first analysis, aimed to seek proximity with residents of urbanized slums (mostly through the Favela Bairro program) in order to maintain the maintenance of works carried out, apply and supervise the public by-laws for the area in focus, in addition to advising residents on new constructions or improvements to their homes. However, all that remained for POUSO was the service of inspecting the actions of the State in the favelas, thus causing the separation of this institution. from the residents and from the main objective of the program. <sup>[4]</sup>

Based on this reference, it is confirmed that the programs or public housing policies in Brazil are, for the most part, applied incongruously with the reality and needs of the current population mass <sup>[13]</sup>. Therefore, public policies to guarantee safe housing in Brazil can be made viable through State actions that include meeting demands from the context, customs and needs of the mass of the population in debate to aid, housing construction and effective supervision of these actions.

### 4. CONCLUSION

Taking into account those exposed in the present study, it is possible to conclude that the housing problem in Brazil comprises an element resulting from the inefficiency of the State, an item that reveals the crisis of constitutional effectiveness in housing.

Therefore, the State, together with civil construction, are tools that promote social well-being and national elevation. Therefore, in order to have the right to live in a decent place, with safe and regular construction techniques, in compliance with the legislation, inspection must be rigorous, with legitimate solutions. After all, a house is not a commodity - masonry, fences and a roof. It is a place to live in a dignified, safe and accessible way. It is a right of all Brazilian citizens.

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