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# Building Sustainable Cities Along the Dimensions of Democracy

*Construindo cidades sustentáveis de acordo com as dimensões da democracia*

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**ABSTRACT:** This research seeks to make evident the intimate connection between sustainable development and democratic concretization, characterized here not only by the electoral process, but also by a permanent dialogical relation between the State and civil society. The emphasis of the reflection is set on the local aspect with the purpose of studying forms of effective democratization of the urban space, and the possible means of achieving it. The starting point for this work is the hypothesis that the city is a space and territory in dispute, which reflects in contrasting expressions such as being the place of violations and denial of a dignified life, and yet, an environment of expansion of dignities and liberties. Therefore, what will be analyzed are the possible strategies to be elaborated, considering democratic planning and transforming institutional proposals, in order to enable the creation of a formal channel which effectively instrumentalizes dialogue with city population, considering all participants of the scenario, from the individual to the private sector, up until, finally, the public power, which manages the public space. The following research is qualitative and deductive, adopting the procedures of bibliographic and documental research.

**KEYWORDS:** Sustainable cities, social participation. Urban planning; urban space. Democracy.

**RESUMO:** Esta pesquisa procura tornar evidente a conexão íntima entre desenvolvimento sustentável e concretização democrática, caracterizada aqui não apenas



pelo processo eleitoral, mas também por uma relação dialógica permanente entre o estado e a sociedade civil. A ênfase da reflexão é definida no aspecto local com o objetivo de estudar formas de democratização eficaz do espaço urbano e os possíveis meios de alcançá-lo. O ponto de partida para este trabalho é a hipótese de que a cidade é um espaço e território em disputa, que reflete em expressões contrastantes, como ser o lugar de violações e negação de uma vida digna e, no entanto, um ambiente de expansão de dignidades e liberdades. Portanto, o que será analisado são as estratégias possíveis a serem elaboradas, considerando o planejamento democrático e transformando propostas institucionais, a fim de permitir a criação de um canal formal que efetivamente instrumentaliza o diálogo com a população da cidade, considerando todos os participantes do cenário, do indivíduo, para o setor privado, até que, finalmente, o poder público, que gerencia o espaço público. A pesquisa a seguir é qualitativa e dedutiva, adotando os procedimentos de pesquisa bibliográfica e documental.

**PALAVRAS-CHAVE:** Cidades sustentáveis. Participação social. Planejamento urbano. Espaço urbano. Democracia.

## 1 INTRODUCTION

A designed city, built to be accessible to all, is the territory for the exercise of fundamental rights, since it materializes insofar as the urban spaces have functional structures compatible with the existing demands. Housing, circulation, job opportunities, use of the environment and leisure and healthy living conditions reflect a composition for the collective well-being of the community.<sup>1</sup>

From such a perspective, the square, the organization for its use and experience, reflects much of the local life. In contemplating, for example, its occupation or lack thereof, its ecologically adequate or

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<sup>1</sup> Emerson Gabardo points to the non-abandonment of constitutional values and principles which have social well-being as a reference. Even though his approach takes place within the scope of criticism of the use of efficiency as a legitimizer of the Law, one can understand that his point, in view of the analysis of the importance of the right to the city for those who live in it, reinforces the constitutional nature of the functionality that is expected of the urban space: one that guarantees dignified living conditions within its territory (GABARDO, 2003, p.151).

hostile architecture, one obtains data regarding the society in which it operates. In turn, secrets confided by lovers on a bench, moments of leisure with family and friends, parties and political manifestations are all testimonies of its importance for the development of individual and social relations.

Urban spaces truly reflect the complexity of social relations. Their structuration and dynamics show, among other aspects, the demographic index and organization, the quality of public services, the interaction of citizens and their individuality among each other, with government and the environment.

Since human being is a political being, in permanent need of communicability, urban spaces are also, therefore, political spaces, which mirror the degree of social democracy, allowing or restricting its progress. In an interactive cycle, urban space is a factor that can develop or harm democracy, just as, at the same time, state and social channels of dialogue can increase or atrophy urban democracy, depending on how its structuration might mirror society's wishes.

Appropriating urban spaces is necessary, as well as experiencing them and, therefore, adapting them to social needs, in an egalitarian way. However, it is important to investigate whether and how such a phenomenon can be achieved.

The present work has been developed with the purpose of studying this effective democratization of the urban space, and the possible means of achieving it. It is based on the hypothesis that the city is, many times, the place of violations and the denial of a dignified life, but perhaps it doesn't need to be so, representing, as such, an environment of expansion of dignity. Therefore, what will be analyzed are the possible strategies to be elaborated, considering democratic planning, and transforming institutional proposals, in order to enable the creation of a formal channel which instrumentalizes dialogue with city population, considering all participants of the scenario, from the individual, to the private sector, until the public power, which manages the public space.

The following work shall be divided in two parts. The first part will cover democratic techniques to enable broader citizen participation in decisions regarding urban organization. The second part will analyze the political feature of urban planning, in order to justify the use of the democratic techniques previously referred to.

The following research is, above all, bibliographic and deductive. The fallibilistic method is used, in which, upon the identification of a problem, hypotheses will be presented in order to explain or solve a given problem within it, in a clear and objective way, subject to argumentative testing by those who disagree and, eventually, to falsification in the formulation of such hypotheses. Furthermore, opposing, and possibly incompatible, ideas will be considered. The contrast of said ideas is to be considered already a way of, in the work itself, testing them reciprocally and opting for those that best explain and solve the referred problems, opening up a debate of a scientific, plural and critical nature.

## **2 SUSTAINABLE CITIES: SETTING PARAMETERS FOR UNDERSTANDING**

The environmental challenges that mark the 21st century are not exclusive to national governments. On the contrary, one may reasonably state that the success or failure of reversing the impacts which human action have on the ecosystem is directly dependent on the construction of adequate and efficient policies, and strategies, which are the responsibility of local governments. Hence the well-known slogan: “think globally and act locally”<sup>2</sup>.

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<sup>2</sup> The slogan “think globally and act locally” is associated with the objectives of sustainable development and aims to communicate the need for subnational governments, civil society and individuals to engage in the implementation of the objectives, according to the necessary recognition of how local peculiarities interfere in the reading of the problems and sustainable development solutions.

In view of what has been mentioned above, the construction of sustainable cities must be at the center of the political and legal agenda and, with equal importance, in the academic research agenda as well. Sustainable cities aren't solely contingent on modern and innovative engineering and logistics techniques, but, in fact, require an adequate institutional arrangement which can map needs and demands, as well as coordinate effective public action.

Sustainable cities are understood based on the parameters established by objective n. 11 of the United Nations 2030 Agenda, Sustainable Development Goals (SDG), which consists of: “making cities and human settlements inclusive, safe, resilient and sustainable”. More in depth, the objective includes: adequate housing (11.1), mobility (11.2), participatory planning and management (11.3), protection of natural and cultural heritage (11.4), reduction of natural disasters (11.5), reduction of atmospheric pollution and management of waste (11.6) and access to public spaces (11.7).

One of the challenges in designing sustainable cities is promoting economic and social development with the limitations of natural resources in mind. Brazilian cities, for example, envision the overlapping of two serious problems: economic inequality and environmental degradation. Consequently, one cannot point to a radical ecological proposition that would further weaken the poorest sections of the population without subjecting the endeavor to the very inefficiency the environmental policy seeks to avoid.

In order to better outline the connection between environmental and social issues, it is indicated that the development of policies for access to adequate housing can reduce or eliminate occupations in protected and environmentally fragile areas, as well as reduce the impacts which human settlements without basic sanitation have on the ecosystem. In the same way, the construction of an economic policy aimed at encouraging activities related to the reuse and recycling of materials, ecological tourism and the maintenance of traditional low-impact activities (such as artisanal

fishing and agriculture) can contribute to the generation of jobs, as well as income for the population.

What has been exposed thus far is consistent with the Policy Unit on urban ecology and resilience, which was itself developed to guide the formulation of the United Nations Urban Agenda, and which had been approved at the Habitat III Conference, in 2016, in the city of Quito, Ecuador. The Policy Unit states that: “Cities cannot be sustainable if significant parts of their population lack access to basic services and essential resources, and are unable to participate in the city’s decision-making process” (ORGANIZAÇÃO DAS NAÇÕES UNIDAS, 2016).

However, the formulation and implementation of such policies should not be exclusive to the Public Administration (SDG 11.3). The structuring of sustainable cities depends on an alliance between state, market and society<sup>3</sup>, which must all cooperate to build guidelines and action plans for an environmental public policy which lives up to the challenges that arise in this century. In other words, a sustainable city presupposes a democratic city, because: a) it can guarantee more adequate diagnoses of the city and the urban ecosystem, since knowledge of those who live and build the city is of paramount importance; b) it will facilitate social adherence to the action plan, for the community sees itself as co-participant and co-responsible for the environmental policy; c) it will enable follow-up and social control over public power, and private sector, actions or omissions, in relation to the established norms.

The construction and implementation of an adequate environmental policy for urban centers, therefore, involves societal participation

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<sup>3</sup> Urban and environmental issues do not require solely state action, and the norms created on the subject reflect this. Article 225 of the Federal Constitution imposes on the Public Power and the community the duty of “defending and preserving the environment for present and future generations”. The City Statute provides, in article 2, item III, that the Urban Policy guideline is “cooperation between governments, the private sector and other sectors of society in the urbanization process, in compliance with the social interest”.

in its elaboration and implementation. In this regard, it will demand, on an instrumental basis, the construction of smart cities that can efficiently capture and organize information from the Government, the market and civil society and, thus, design management and action strategies which mirror collective desires and that, ultimately, are effective in carrying them out.

### **3 DIALOGICAL PUBLIC ADMINISTRATION: ON PARTICIPATORY DEMOCRACY IN EXECUTIVE DECISIONS**

Bearing in mind that human occupation occurs due to different interests, which can range from need for housing, be it voluntary or not, to economic investment, there is always a search for urban center functionality, which needs to be defined so that chaos does not ensue (MOURA; REGO, 2016, p.4). In any case, higher population density, in general, spreads disregarding directions, infrastructures, and living conditions, demonstrating that the dynamism of urban life requires understanding the elements that characterize such a process.<sup>4</sup>

The urban procedures and activities, in turn, are configured in the practice of administrative, material and normative acts coming from the Executive branch.<sup>5</sup> The list of competences and content of

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<sup>4</sup> According to the following study, the IBGE “identifies the so-called population arrangements as groupings of two or more municipalities with a strong population integration, as well as isolated municipalities, with a population of more than 100,000 inhabitants, which together make up urban concentrations (IBGE, 2015). In both cases, the identified concentrations obey the criterion of spatial continuity of occupation. However, one may observe that the interaction between municipalities, facilitated by the several means of communication and commuting, extends the clustered spaces to units that go beyond the limits of continuity, forming discontinuous spatial arrangements, but with a strong connection between the component municipalities, many of which cross the national border.” (MOURA; REGO, 2016, p. 8)

<sup>5</sup> One recalls the lessons of Celso Antônio regarding the meaning of the expression “administrative act”, its concept as well as the indication of the practice, by the public

such activities must be known by the population, as well as by public agents, motivating their engagement and ensuring that the object of urban social planning is put into effect<sup>6</sup>, which can be the general organization of inhabitable spaces, the structuring of modes of urban displacement, the materialization of a city's housing policy, etc. What needs to be stated is that administrative practice cannot be removed from the central core which motivates and compels urban planning, i.e.: the social well-being of all, which in a country like Brazil implies making the urban territory a *locus* of development, and, therefore, less unequal, socially and economically, in addition to reflecting social aspirations.

In other words, administrative practice in urban organization needs to carry out its democratic mission both in the material aspect, abiding by principle of equality, and in the formal aspect, related to the choices to be made by citizens to fulfill their desires.<sup>7</sup>

Municipalities have a clear democratic vocation, as they are closer to citizens and thus more able to listen to them. But it is important that this vocation be carried out in an effective dialogue with the participants of the urban scenario, and that the Administration does not close itself, therefore, in a bureaucratic and hierarchical action.

There are many aspects which demand an increase in dialogue, such as: the increase in interaction in urban centers, the expansion of the concept of equality, the perception that democracy can advance in its agendas and channels and the availability of new technologies

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administration, of countless other acts, among material, political or government acts, ruled in part by private law (MELLO, 2016, p.395-397).

<sup>6</sup> Such a proposal is related to legitimacy in accepting the consecration of rights, by respecting those involved, taking seriously their points of view and fundamental rights (DWORKIN, 2006, p. 97).

<sup>7</sup> Bobbio observes that democracy includes a formal concept, referring to the “set of rules whose observance is necessary for political power to be effectively distributed among the majority of citizens”, and another substantial concept, linked to the idea of equality (BOBBIO, 2017, p.61).

to enable this communication. The political crisis, with the decline in the reliability of representatives, intensifies the debate on the greater use of direct democratic techniques in governmental decision-making.

It is true that representative democracy, with the choice of rulers, does not replace direct democracy which would aim at transferring the immediate management of the city to the population, but, nonetheless, greater interaction must be sought.<sup>8</sup> The political class is an important manager of public interests, not to mention the fact that there are technical and administrative reasons to justify why choices should be made, in many cases, by the executive, but such policies must, as much as possible, take advantage of and welcome the desire of the population<sup>9</sup>. In practice, little has been done to give the population an effective voice and to welcome their manifestations. Considering the broad spectrum offered by participatory democracy (which mixes techniques of indirect democracy with forms of direct democracy), techniques have been insufficiently used in favor of the administered, and those that have been used often take on empty contours, as is the case of hearings in which the popular manifestation is not even considered.

Democracy, in every society, can be perceived in layers. Periodic elections only amount to a single outer layer of democratic degree in a social sphere. For the people to effectively have access to power in the management of the city, it is necessary that they interact and act permanently with it. As Robert Dahl (2001, p.48) points out, democracy requires “deliberating, discussing and then making political decisions”.

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<sup>8</sup> Choosing representatives entitles the advantage of delegating the debate of the minutiae of the political scenario to people whose profession is exactly to act in the negotiation of the equation of multiple interests, as Benjamin Constant rightly observed, ensuring that citizens are free to turn their attention to other issues of the life (CONSTANT, 1997, p. 593-595).

<sup>9</sup> It is, therefore, necessary to overcome the traditional resistance to participation in the administrative field. Marcelo Neves points to the existence of a risk of excessive politicization of the administration, which would be harmful to systemic purposes (NEVES, 1994, p. 72).

There are several ways to make the improvement in dialogue and the intensification of formal democracy possible, especially as a means of increasing material democracy (freedom and equality). As for the material aspect, in the context of the city, it is important that not only social and economic issues be considered, but also environmental issues, embracing the notion of environmental democracy, so that citizens have equal access to ecologically relevant goods in the urban setting and participate in the elaboration of projects, plans or programs on the theme<sup>10</sup>. As for the formal aspect, it is important to make physical and plural spaces available for the debate of issues relevant to the city<sup>11</sup>. It is also important to use currently available technologies to bring citizens and public authorities closer together, thus embracing the notion of digital democracy.

There are classic forms available to the Administration such as decentralization and deconcentration. Both forms allow structure to be fragmented and specified, making the executive's performance more transparent and capillary, through units of specific competences aimed at city management. These competences, in turn, aim at creating paths of communication with citizens, focusing on clarity and dialogic dynamics. One can argue, of course, that decentralization and deconcentration are liable to bring about an increase in expenses, financially overloading the Public Administration, but this type of reasoning is wrong. Legal entities and official bodies can be specific but lean. A poorly managed unit of power may be, on the other hand, more staffed and more expensive than divided centers. It is just a question of putting an allocative intelligence into practice. Thus, municipalities can have specific official bodies aimed at communicating with citizens

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<sup>10</sup> On the subject, refer to (STRUILLOU; HUTEN, 2018, p.147-165) and (BARIL, 2009).

<sup>11</sup> Even in the era of widespread digital coexistence, physical spaces remain important because, as Harari points out, "a community can start as an online group, but in order to truly flourish, it must set down roots in the offline world as well." (HARARI, 2018, p. 119) 9

in their structure, such as the special coordination offices for social participation.

It is up to the Administration, through its official bodies, entities and delegates, to carry out and allow the realization of fundamental social rights, through the democratic perspective which the Brazilian State is based on. As such, one should not ignore the fact that institutionalized bureaucracy has as its objective the proceduralization of administrative management, organization and coordination of its actions from the perspective of a transparent, fair and equitable dialogue between the administration and the citizen (CASIMIRO, 2007).

The bureaucratic structure — in the Weberian sense —, and according to the Constitution, must work efficiently and morally. It must also function with wide publicity and transparency, observing the legal outline, behaving in an impersonal manner, to the extent in which: disrespect to one would ultimately cast a stain upon all the others. In this sense, despite the understanding of all the internal and external nuances that involve the administrative machinery, the economic and political issues, the principles cited in the article descend from a greater understanding of what the Brazilian State should be today, even if reality is, in fact, different (OTERO, 2003, p.155).

However, just structuring its own official bodies is not enough, it is important that the decision taken within its scope and accepted by the head of the executive in the formation of public policies take into account the population's desires, in a communicative link between its various agents. This is how public hearings and the action of representative councils should take place.<sup>12</sup>

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<sup>12</sup> According to art. 43 of the City Statute, in order to guarantee the democratic management of the city, the following instruments shall be used, among others: **I** - collegiate bodies of urban policy, at the national, state and municipal instances; **II** - debates, hearings and public polls; **III** - conferences on urban interest subjects, at the national, state and municipal instances; **IV** - popular initiative of bill and plans, programs and projects of urban development;

Brazilian law provides the holding of public hearings as a condition for the validity of laws and normative acts on urban organization, such as the directing plan<sup>13</sup>, and, consequently, of laws that change urban zoning<sup>14</sup>. However, it is common in Brazil for: hearings not to be held, hearings to be held without proper clarification<sup>15</sup>, or, for public manifestations to be simply disdained and disregarded.

Public Administration reveals traces of authoritarianism disguised as democracy. And it is so, especially when it holds hearings, but does not consider the manifestations presented. In this hypothesis, a whole symbology of legitimacy is used to impose interests other than those revealed by the population in the yearning for city management, thus violating and denying a dignified life, making it difficult to control the invalidity of the act, due to the fact of it having been

<sup>13</sup> Although the term has often been translated as “master plan”, “key plan” or even “director plan”, the following translation has been carried out with the aim of approaching it to its particular use in Brazilian Portuguese, which has the adjective “directing” as a key component.

<sup>14</sup> There are those who understand that alterations to the directing plan do not require a public audience, as, for example (SOUZA; SOUZA, 2018). We disagree with this idea by logical symmetry. The alteration is a partial undoing of the internally voted law, with a new elaboration. If, for democratic reasons, a hearing is required while drafting the law, in order to change it, the requirement must be maintained. This understanding is in line with what is stated in the guide for the implementation of the City Statute prepared by the Chamber of Deputies at the time of the enactment of the referred law: “The public hearing must be used as a procedural guarantee of collective and diffuse rights, both by the Executive Branch and by the Legislature, and is therefore an essential component of both the administrative and legislative processes, based on the principle of due process of law.” (BRASIL, 2001, P.204).

<sup>15</sup> “... Modification of the Municipal Zoning by Law n° 2.070/2011.” This alteration only appeared in the map forwarded to the city council along with the bill, without having been submitted to any public discussion. In addition, there had been an ongoing hypothesis of favoring a company in the field of civil construction, which was not removed. Imperiousness of the application of the democratic management of the city, provided for in art. 43 of Law n° 10.275/2001 (Statute of the city). Absence of public hearings compromising the realization of the right to the city and guaranteeing popular participation in urban planning decisions. (Ac. por maioria de votos da 4ª Câmara Cível do TJ PR - AGRADO DE INSTRUMENTO N° 1059705 - DA COMARCA DE TOLEDO)

veiled. When a hearing required by law is not held, it is legally easier to carry out the validity control of the act, since a formal criterion is clearly no longer met. But when the hearing takes place, without paying attention to the civic agendas presented, the formality required by law and which should be a channel for dialogue between administrators and public authorities becomes a mere alibi, in a theater manipulating discursive reason.<sup>16</sup> Even if the Administration is not linked to the manifestations expressed in the hearings, its discretion stems from the possibility of managing the public interest in different ways, but this cannot be a bridge for it to simply disregard the claims presented in hearings.

It is necessary to face the challenge of participation, which, indicating propositions for modifying the structure of urban occupation, will allow for changes that can produce effective and feasible solutions to conflicts and urban problems, in proportion to an inclusive development that can structurally unify the divided city (Villaça, 2019, p. 2001). The objective must be to think about participation as an element in the search for efficiency and effectiveness of public decisions.<sup>17</sup>

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<sup>16</sup> A trend seen, for example, in the city of Fortaleza during the elaboration of the Fortaleza 2040 Plan and in the revision of the Land Use and Occupation Law of 2016, see Carvalho (2017, p. 100). The recent approval of the Code of the City of Fortaleza provides for the preparation of the public hearing report (article 736), which includes “the consolidation of the main suggestions and contributions of the participants” (item II), and grants greater normative density to the control of legality and legitimacy of the aforementioned participation mechanism. Another resource for evaluating the degree of participation can be the participation ladder proposed by Marcelo Lopes de Souza, adapted from the original version by Sherry R. Arnstein, which divides the mechanisms into eight levels: coercion, manipulation, information, consultation, co-option, partnership, delegation of power and self-management. (SOUZA, 2010, p. 203–205).

<sup>17</sup> In addition, a proposition of scientific rationality that is based only on the “authority” of the technical staff becomes unsustainable, denying public debate for alternative readings and solutions to those presented by the technical staff (POPPER, 1998, p.225–228). Urban democracy must be open to knowledge arising from the experience of city inhabitants and the traditions of the population, ultimately at risk of not integrating the entire population.

Urban development is achieved, especially, with urban planning built within the scope of public competences – be them linked as well as discretionary –, in a democratic manner, following procedures based on constitutional and infra-constitutional principles. Thus, efficiency, publicity, impersonality, and morality entail greater knowledge, effectiveness, distribution and cost reduction, promotion of equality and social equity, all of which are fundamental elements in the elaboration of urban public policies and actions that promote more humane cities (CASIMIRO, 2017, p. 90–92).

After all, as Robert Dahl (2001, p.48) observes in a thought already mentioned above, and presented here once again, democracy requires “deliberating, discussing and then making political decisions”. Deliberating is related to transparency regarding what will be debated. This transparency should involve not only the announcement of the agendas and facts to be discussed in the hearings (for example, whether a certain area of the city should or should not be organized in a certain way). In fact, it should also require the presentation of the necessary data for decisions to be made. In addition, the exposure of this data must be done in an uncomplicated manner and with maximum amount of information available to the Administration shared.<sup>18</sup> Arguing, in turn, requires not only that a manifestation be made, but that its content be accepted, even if only partially, or that at least a justification be presented as to why it is not possible to accept it. And at this point, a final decision must be sought that implies the total exclusion of the interests expressed, in the sense that either the claim of those involved in the decision is accepted or it is rejected. In fact, one should try to achieve

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<sup>18</sup> Cass R. Sunstein (2013, p. 10) compares administrative action to the operation of a computer or a tablet which, despite the complex network of interconnected equipment and processed data, presents itself to the user as an easy-to-handle, even self-explanatory tool. Intuitively, following easy and direct steps, it is possible to understand the commands necessary for the operation of the machine, without having to master the intricacies of the internal architecture of its electronic structure and the software underlying the images and icons.

the composition of the multiple interests involved in the urban context, with concessions from each one, as much as possible. Only after this procedure should political choices be made.

In addition to holding hearings, it is important to provide technological means for greater citizen interaction, or a broader consultation on their satisfaction or lack thereof. One could think of plebiscites and referendums, but these require greater formality and citizen maturity, while consultations of satisfaction and communication made possible by technology can be presented as more agile channels and in which, in any case, the population's will in the city management can be known. These means range from increasing information<sup>19</sup> given by the government so that those administered may participate in government decisions, to interactive techniques on, for example, the quality of public service and urban organization.

It cannot be ignored that nowadays the individual is inserted in a context in which interaction has become common. In several aspects of social life one interacts, not being a mere spectator. Whenever one reads the news, for example, even in traditional communication channels, one can give one's opinion, share content, and indicate one's satisfaction or dissatisfaction with the information through signals. It is necessary that a similar procedure be gradually made available by the Administration, under penalty of becoming anachronistic and insensitive in the management of the public interest, especially because in order to obtain data of interest, it is already up to date in several aspects. Requirements and benefits for the citizen must be a two-way street. For example, the Administration has radars for surveillance and facial recognition machines, but it does not always use this technology for citizen participation, rather, it often displays it as an imposition of its power. The São Paulo subway installed screens with advertising that

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<sup>19</sup> Information that should be accompanied, whenever possible, by training, for the proper interpretation and understanding of city dwellers regarding city management issues may require knowledge of some technical and specific aspects.

had a facial recognition apparatus, which detected the feelings of users. If, on the one hand, the measure invades privacy and collects information without the consent of the administered (to the point of being suspended by the Judicial branch), such a feature reveals how administration, in fact, has the technological means necessary to allow such an interaction. In the place of this apparatus, another one could have been made available, allowing the users to freely express their feelings regarding the quality of public service.

The “digital cities” and “smart cities” enable precisely the collection of data for the management of the city and public services, with greater efficiency of material and human resources.<sup>20</sup> It is necessary, however, that the citizen not only be a mere source of information<sup>21</sup>, but, in fact, a transforming channel of the urban environment, manifesting their will. Such a procedure is indispensable. So much so, that technology not be used as a mere manipulation of data, and improperly appropriated by governments and IT companies, but as an emancipatory way of developing freedom, and new ways of thinking about the city.<sup>22</sup>

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<sup>20</sup> In Porto Alegre, for example, a simple technique for carrying out medical examinations enabled greater adherence and faster completion. As reported by Weiss, Bernardes, Consoni (2017): “The Telemedicine System enables pregnant women to perform ultrasound examinations at health centers. This consists of a mobile unit in which the doctor at the health center examines the patient remotely and, in which, a doctor at the Hospital-Materno Infantil Presidente Vargas oversees the very same exam in real time. This innovation reduced absenteeism rates from 40% to 10%, and the waiting time for exams from four months to a month.”

<sup>21</sup> The São Paulo subway system, for example, provided advertising panels that could analyze users’ reactions and, based on facial expressions, assess whether the advertisements were pleasing or not. In this hypothesis, the subway users are treated more as an object than as a transforming agent, so much so that in September 2018, the Justice prohibited the respective use. (<https://olhardigital.com.br/noticia/justica-manda-metro-de-sp-parar-com-reconhecimento-facial-de-usuarios/78567>. Accessed on 11/30/2018). A similar device could have been available, not with the measurement of advertising reaction, but with the possibility for the user to indicate his satisfaction with the quality of the service provided.

<sup>22</sup> The storage of information and the possible uses arising from it open a new field for discussing privacy and freedom in an increasingly controlled urban environment.

## 4 PLURAL CITY: URBAN POLICIES AND DEMOCRATIC MANAGEMENT

The value of the plural city cannot be appreciated without containing elements of the urban process by which such spaces are built. This is why, as already highlighted, the design of the city is a reflection, of social, economic, cultural, political and formal interventions; leaving the public power, to the extent of its competence, to operate in a planned manner to balance the urbanization that, historically, presents itself as a conflicting phenomenon of classes (HARVEY, 2014, p.30-31).

Faced with such ideas, the political character of planning, which from the Constitution of 1988 became a legal rule, establishes a vector for the realization of access to the right to the city in an equitable way (CÂMARA, 2014, p.327). Society needs popular protagonism to ensure the conditions for the exercise of rights are discussed, claimed and materialized, which despite the prediction of formal equality, is not accessible to all social segments (MIRANDA, 1998, p. 202).

The competence to define the territorial organization, use and occupation of the land is divided between the constitutionally defined public institutions and the population, whose participation is indicated as a criterion of validity of the planning, assuming a binding and mandatory character when approved (COUTO E SILVA, 1982, p.30-31).

In light of the problems and challenges that urbanization presents, such as urban environmental degradation, housing deficit, territorial segregation due to inaccessibility to urban land, high population densities, lack of infrastructure and instrumental services which would allow for dignified living conditions (MARRARA, 2007, p.262), thinking about public policies and intervening actions for the

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Although it is not the object of investigation of this article, this theme seems to be a rich and relevant research agenda for the 21st century.

city, alongside the population, guarantees the possibility of greater efficiency and legitimacy for public power to meet social demands (GABARDO, 2003, p. 165-166).

The processes of formulating urban public policies require democratic deliberation, considering that it is a collective process that has the population of a given territory as its specific recipient (MENCIO, 2007, p.95). The prediction made in the Statute, addressing the elaboration of the municipal directing plan, defines the guidelines and also the instruments considered to promote participation, indicating different political actors and their diverse (converging and diverging) interests.

From the perspective of the symbolic dimension of the right to the city, the diversity made possible by social participation guarantees a broader reading of urban territories. In a macro and micro view, it is possible to create a network with possibilities to produce information for the elaboration, implementation and evaluation of such public policies necessary for the modification of the material and social structure in the city (SANTOS, 1979, p. 28-30). This is one of the strong values contained in the urban norm of democratizing content.

In the debate on the promotion of the fundamental right to the city, it is necessary to take into account its reason for being: the existence of all extensions of life, in an environment in which individuals may be able to fulfill the desire for progress, individually and jointly. This yearning is promoted through active citizenship with “conscious participation” (MUNFORD, 1998, p.621). Each and every one must be responsible for structuring and developing mechanisms for intervention, use and occupation of urban spaces, instrumental in achieving better living conditions.

Therefore, one returns to the theme of the collective construction of the city through a process that takes its foundation from the constitution itself, legitimizing the administrative decisions that take into account the (conflicting) plurality of interests, the informal city, and not just those that are the exclusive work of technical specialists,

often responsible for an exclusionary urbanism, incapable of proposing effective solutions to real urban problems (BARZ, 2013, p.45).

Urbanization, spaces and public goods have always been in the power of the State-administration. Urban planning is a public function, presenting itself as an administrative activity with all of the burdens which are characteristic of it, for instances, those of a multidisciplinary process, involving political, technical and administrative decisions. But the city is not just a space traced by invisible lines that delimit its shape; it is, rather, the result of manifestations that emerge in urban practices. Its dynamism is beyond formal control, as there is a link with the “exercise” of the city, which is inserted in the physical and psychological needs of the people (HARVEY, 2014, p.142-144).

In this perspective, the structuring of urban policies requires the presence of the population, source and recipient of political power, to participate directly and substantially in the formation of will about the common good; in this case the (re) structuring of the city’s territory into an urban system that comes as close as possible to the care of well-being.<sup>23</sup>

Promoting the functionality of a city requires a set of structures, fixtures, provision of urban services and construction as well as administrative, management, and control activities which are constant and intermittent. All of this makes up a complex system that involves the entire municipal territory, urban, rural and urban expansion areas, which deserve a treatment that composes the global vision to the specificities, social participation, budgetary capacity and administrative management, based on of a type of trans-disciplinary planning that moves away from improvisation (SÉGUIN, 2005, p. 50-54).

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<sup>23</sup> The author defends a new paradigm for Democracy, as well as for domination and for the people, the very elements which compose it. Muller states that “the people never dominate”, which requires a duplication of instances, by institutions and rights, to make it difficult, to complicate and to divide the “oligarchic domination by force of the people”. In this sense, his ideas reinforce the substrate of social participation in the elaboration of urban policies, through planning (MULLER, 2013, p. 69-74).

The development of public policies and their respective planning (FRIEDMANN, 187, p.197) in order to be executed<sup>24</sup> should be in tune with the constitutional and infra-constitutional provisions, building urban development policies alongside the population, through a formal and material public debate about the city. The starting point for this elaboration is defined in the City Statute, with provisions that spread throughout the thematic legislation, as foreseen in the urban mobility law, when indicating planning and democratic management as instruments of the National Mobility System.

The directing plan has its contours pre-established with principles for the construction of a democratic municipal urban policy with a social aim, considering the role which was given within the national “legal system”. (CÂMARA, 2014, p. 326). For this very reason, it is not a document to be constructed in isolation, as it seeks to define what type of behavior will be possible in city spaces, even if it is discredited as an effective instrument for urban transformations.

The right to the city is a human right that emerges in life as it is “experienced” (or “lived”). As a collective and diffuse right, it stands out from the more traditional view of human rights, as it presents itself as a right to live and enjoy adequate conditions in a given territory, which also connects it with development (SAULE JÚNIOR, 2007, p.38). It is established as a right to make use of a certain place, where one can live and move around in adequate conditions, developing a set of activities for subsistence as well as possibilities for personal advancements and progress (SUNFELD, 2014, p.45-54).

From this perspective, public power has the function of combining individual and collective interests, as well as actions to reduce

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<sup>24</sup> Maria Paula Dallari (2002, p.244-247) defends public policies as general guidelines for individuals, organizations and the State itself to promote social well-being. Nevertheless, she first points to general and specific definitions of state intervention techniques and their relationship with society, citing Charles-Albert Morand and indicating planning as an instrument of propositive action in finalistic programs such as urban interventions.

socioeconomic inequalities, social and territorial exclusion, urban poverty, without moving away from issues involving gender, ethnic and cultural discrimination, through the control of urban interventions, acting in the coordination of general and sectorial policies aimed at social well-being. Such tasks impose dialogue with the population, legitimizing public power (CARVALHO FILHO, 2006, p.276).

The city is a collective space in constant construction, a common good for everyone who wants or needs to enjoy it.<sup>25</sup> As such, it could not be planned without social participation, especially given the profile of Brazilian cities, which comprises a significantly heterogeneous type of occupation, marked by unequal formulations and distribution of policies and structuring actions, involving local and regional issues, all over the country (IPEA, 2010, p.10). Ultimately, it is far from being a space for balanced enjoyment and a guarantee of a healthy quality of life.

The possibility of a paradigm shift is made possible at the moment when urban functionality is presented in a republican, democratic and

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<sup>25</sup> One must reinforce that the city is considered, in the specialized doctrine, as the urban division of the municipality, federative entity, with legal personality of public law, politically autonomous and competent to define its administrative and legislative organization and its adequate territorial ordering, through its own instruments of local interest, including the possibility of administratively dividing its territory into districts. In any case, the concept of the city is associated with that of municipality and, for urban policy purposes, planning includes urban territorial organization and its incidence in the rural sphere, in whatever is appropriate, such as preserving natural resources, as well as defining services and subdivisions with urban features. (SILVA, 2012, p. 24-26). According to the World Charter for City Rights, “a city is any village, village, capital, locality, suburb, municipality or town, institutionally organized as a local government unit of Municipal or Metropolitan character, and which includes urban proportions, rural or semi-rural areas within its territory.” Available at: <http://www.righttothecityplatform.org.br/download/publicacoes/Carta%20Mundial%20do%20Direito%20Cidade.pdf>. Accessed on: jun. 2022. However, one must point out that the priority association between city and municipality does not exclude the fundamental importance of metropolitan territorial management, which is subject to regulation by the Statute of the Metropolis (13.089/2015), which places democratic management as one of its guidelines (art. 6, item V).

social perspective. Moreover, by recognizing that there is a double dimension<sup>26</sup> present in the duty of urbanizing: the territorial order previously established by the duty to plan and flatten<sup>27</sup> social participation,<sup>28</sup> as well as the preemptive and repressive control of urban occupation, are now defined by the duty that real estate has to fulfill its social function.

With the occupation of cities reflecting social, economic and cultural inequalities, the presence of the population, as the protagonist of reflections and debates, can modify the troubled scenario of the urban territory, stimulating changes in behavior, provoking accountability, as well as joint solutions that become effective.

The participation of the population in defining the uses to be given to the city exposes the urban scenario, which enables the

<sup>26</sup> Such an understanding is inspired by the ideas of Luciano Parejo Alfonso (1998, p. 81–83), as he analyzes the law on land regime and Spanish urban order, in 1956, and the extension of urban planning, pointing to the existence of a double dimension of the activity of urbanization, of both an extensive nature and also a qualitative one. ALFONSO, Luciano Parejo. The private sector as an urban development agent.

<sup>27</sup> The difference between planning and plan must be stressed. Following the lessons of Marrara (2011, p.11), the plan is just a moment of planning, as it involves a sequence of acts and decisions that can take the plan as a reference, but do not end there. For example, a directing plan, once enacted, does not fully bind public administration, as it will have to make decisions about which actions will be adopted as a priority and how they will be carried out. A planning system, therefore, must be constantly fed with new information and variables.

<sup>28</sup> “Art. 40. The directing plan, approved by municipal law, is the basic instrument of the urban development and expansion policy. § 1 The directing plan is an integral part of the municipal planning process, and the multi-annual plan, the budgetary guidelines and the annual budget must incorporate the guidelines and priorities contained therein. § 2 The directing plan must encompass the territory of the Municipality as a whole. § 3 The law establishing the directing plan must be reviewed at least every ten years. § 4o In the process of drawing up the directing plan and overseeing its implementation, the municipal Legislative and Executive branches will ensure the following: I – the promotion of public hearings and debates with the participation of the population and associations representing the various segments of the community; II – publicity regarding the documents and information produced; III – access to the documents and information produced by any interested party”. Brasil (2001).

coordinated prioritization of actions based on adequate planning as well as planning for the existing situation (Solé, 2009, p.287). In the arena of unequal urban disputes, the strengthening of social ties around a common objective can emerge, consolidating democracy through practice (FILHO OLIVEIRA; VASCONCELOS, 2011). These are broader possibilities, not certainties, which emerge while carrying out the democratic exercise of active citizenship.

This context, in addition to legal determinations, requires the construction and implementation of a space of constant social participation that allows the precise definition of principles, guidelines and interventions which are specific to each city, supported by the limits already established by federal legislation. In this way, one may argue that participatory democracy is only configured with political self-determination, conceived in spaces of expression in which people's will is presented, forming an educational process of structuring ideas, with the presence of all citizens (SAULE JÚNIOR, 2021).

## 5 CONCLUSION

The guarantee of participatory democracy also needs to be deliberative. That is, that popular participation must have the capacity to influence the conception of the city in a political, economic and administrative manner. The necessary transformations depend, therefore, not only on the authorization for their presence; but rather, they depend on the provision of conditions for the citizens to interact, deliberating on collective issues within the city territory or even the metropolitan area (MENDES, 2010, p.89).

It involves, in particular, the availability of information on the urban content, as well as a significant understanding about it; the physical, human and financial resources available to the city administration and, also, that which is the object of dispute, as well as the guarantee that the structure and physical accessibility will allow for

the collective presence in the debates<sup>29</sup>. In addition, given the current techniques of dialogue, with the assimilation of technology, it is necessary to expand the channels of democratic communication, allowing greater interaction between the participants, also through the most diverse digital means.

The planning of urban instruments and territorial organization can have a significant impact on the lives of citizens, representing real human development strategies, provided that they articulate instruments of participatory social integration with those that define environmental urban territorial definitions, with social and economic investments, without leaving aside respect for the list of cultural issues characteristic of each city (BLANCO, 2014, p. 22–23). That is, effectively, what the Constitution defends through the definition of the Brazilian State as democratic, republican and social, especially in articles 1 and 3. That's why the participatory planning of the city, which is social (CASIMIRO, 2017), must present guidelines which lead to urbanistic technique, to management and to territorial administration and services in the sense of the necessary transformations for the city, which must exist and be for all.<sup>30</sup>

One must not ignore the effect of the inclusion of social actors in decision-making processes, which, while transforming and qualifying the decisions to be made, can also become slow and conflicting, in light

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<sup>29</sup> Some important measures to implement a democratic management of the city are listed, by way of example, as follows: providing information in a didactic and accessible way (which include both the language and the ease of finding information); holding meetings and councils outside of business hours; providing equality in terms of opportunities for manifestation and clarity in the presentation of what was or was not accepted by public management.

<sup>30</sup> According to the United Nations Development Program (2013, p.10), in the report on human development: “Unless people can meaningfully participate in the events and processes which shape their lives, human development pathways at the national level will be neither desirable nor sustainable. People should be able to influence policy decisions and outcomes — and young people, more specifically, should be able to look forward to greater economic opportunities, political participation and accountability.”

of the intensification of social tensions which arise from the debates and propositions achieved in spaces of participation and manifestation of heterogeneous opinions, such as the city (PIRES; AMARAL; SANTOS, 2014, p. 114-116). Democratic complexity, however, with the challenges of each era, cannot be invoked as a basis for simplifying decision-making, in order to make them more isolated<sup>31</sup>. This complexity, moreover, is characteristic of democracy, demanding confrontation of difficulties through the composition of interests<sup>32</sup>.

Thus, the challenge remains, to recognize and face conflicts, to overcome attempts to eliminate the debate, and, ultimately, to face and direct discussions in a way which stimulates participation culture.<sup>33</sup>

The city is the place for the individual to walk freely, interact and emancipate. Urbanism, as a public function, must be at the disposal of catering to such needs which are, in turn, components for the achievement of people's well-being. With the definition and application of participation mechanisms, which are scattered in different normative texts, we will translate desire into reality.<sup>34</sup>

<sup>31</sup> Complexity, by the way, as Bobbio (1986, p.9) recalls, is characteristic of democracy, insofar as “for a democratic regime, being in transformation is its natural state: democracy is dynamic, while, despotism is static and always the same”. 9

<sup>32</sup> One must avoid returning to the myth of authoritarian efficiency, which sometimes permeates political literature and which has already been employed at certain moments in Latin American history. (KELSEN, 2000, p. 280)

<sup>33</sup> To Regina Ferrari (2003, p. 331), “Democracy embodies itself as a dynamic process, typically present in a society that accepts the development of citizens, providing their participation in the political process under conditions of equality, which is reflected in the economic, political, social and legal field”

<sup>34</sup> It is worth highlighting the forecast of social participation seen in law n. 9.784/1999, of the federal administrative procedure, in article 31 indicating that matters of general interest may be the subject of public consultation for manifestation of third-party members, understood as of general interest, according to Thiago Marrara, encompassing all normative acts of public administration. Still, in article 31 of the same law, there is the provision for a public hearing on the relevance of the issue dealt within the process, which may be, for example, the definition of criteria for an urban and environmental licensing process of great repercussion, or even the prediction of possible developments to be normatively authorized in a given territory involving 2 or more municipalities. (MARRARA, 2009, p.230-239).

## REFERENCES

ALFONSO, Luciano Parejo. El sector privado como agente de desarrollo urbanístico. In: AROCENA, Alfonso Rentería (dir.). **Urbanismo: función pública y protección de derechos individuales**. Madrid: Editorial Civitas, 1998.

BARIL, Jean. « Droit d'accès à l'information environnementale : pierre d'assise du développement durable », **Vertigo - la revue électronique en sciences de l'environnement** [En ligne], Hors série 6 | novembre 2009, mis en ligne le 09 novembre 2009, consulté le 16 novembre 2022. Disponible em : <http://journals.openedition.org/vertigo/8931>. Acesso em : 31 jul. 2023. DOI : 10.4000/vertigo.8931

BARZ, Elton. Burocracia e Cidade: Um passeio pela história da Administração Pública em Curitiba. In: IMAP. Instituto Municipal de Administração Pública (org.). **Estado, Planejamento e Administração Pública no Brasil**. Curitiba: IMPA, 2013.

BLANCO, Federico A. Castillo (dir.); LÓPEZ, Fátima Ramallo (coord.). **Claves para la sostenibilidad de ciudades y territorios**. Aranzadi: Thomson Reuters, 2014.

BOBBIO, Norberto. **Liberalismo e Democracia**. Tradução de Marco Aurélio Nogueira. São Paulo: Edipro, 2017.

BOBBIO, Norberto. **O futuro da democracia: uma defesa das regras do jogo**. Tradução de Marco Aurélio Nogueira. Rio de Janeiro: Paz e Terra, 1986.

BRASIL. Câmara dos Deputados. Estatuto da Cidade: guia para implementação pelos municípios e cidadãos. Brasília: coordenação de publicações, 2001.

CÂMARA, Jacinto Arruda. Plano Diretor. In: **Estatuto da Cidade (Comentários à Lei Federal 10.257/2001)**. (coord.) DALLARI, Adilson; FERRAZ, Sérgio. São Paulo: Malheiros; SBDP, 2014.

CARVALHO, Harley Sousa de. **Sobre democracia e direito à cidade na política urbana de Fortaleza: aportes teóricos e desafios práticos**. 2017. Dissertação (Mestrado em Direito) - Faculdade de Direito, Universidade Federal do Ceará, Programa de Pós-Graduação em Direito, Fortaleza, 2017.

CARVALHO FILHO, José dos Santos. **Comentários ao Estatuto da Cidade**. Rio de Janeiro: Lumen Juris, 2006.

CASIMIRO, Lígia Maria Silva Melo de. **Planejamento social e mobilidade urbana como fundamentos do direito à cidade no Brasil**. Tese (Doutorado em Direito) – Pontifícia Universidade Católica do Paraná, Curitiba, 2017.

CASIMIRO, Lígia Maria Silva Melo de. Novas perspectivas para o Direito Administrativo: a função administrativa dialogando com a juridicidade e os direitos fundamentais. **A&C Revista de Direito Administrativo & Constitucional**. year 7, n. 30, out./dez. Belo Horizonte: Fórum, 2007.

CONSTANT, Benjamin. *Écrits politiques: De la liberté des anciens comparée à celle des modernes* (1819). Paris: Gallimard, 1997.

COUTO E SILVA, Almiro. Responsabilidade do Estado e problemas jurídicos resultantes do planejamento. **Revista dos Tribunais**, São Paulo, n. 63, jul./set., 1982.

DALLARI, Maria Paula. **Direito Administrativo e políticas públicas**. São Paulo: Saraiva, 2002.

DWORKIN, Ronald. **Is democracy possible here?: principles for a new political debate**. Princeton: Princeton University Press, 2006.

GABARDO, Emerson. **Eficiência e Legitimidade do Estado: uma análise das estruturas simbólicas do Direito Político**. São Paulo: Manole, 2003.

HARARI, Yuval Noah. **21 lições para o século 21**. São Paulo: Companhia das Letras, 2018.

HARVEY, David. **Cidades Rebeldes: Do direito à cidade à revolução urbana**. São Paulo: Martins Fontes, 2014.

DAHL, Robert. **Sobre a democracia**. Tradução Beatriz Sidou. Brasília: UnB, 2001.

FERRARI, Regina Maria Macedo Nery. Participação democrática: audiências públicas. In: CUNHA, Sérgio Sérulo.; GRAU, Eros Roberto. (org.). **Estudos de direito constitucional em homenagem a José Afonso da Silva**. São Paulo: Malheiros, 2003.

FILHO OLIVEIRA, João Telmo de.; VASCONCELLOS, Carla Portal. Democracia e participação popular: As possibilidades de transformações nas formas de gestão do território a partir do Estatuto da Cidade. IPEA. Instituto de Pesquisa Econômica Aplicada. **Anais do I Circuito de debates acadêmicos**. Disponível em: <http://www.ipea.gov.br/code2011/chamada2011/pdf/area7/area7-artigo23.pdf>. Acesso em: nov. 2022.

FRIEDMANN, J. **Planning in the public domain**. New Jersey: Princeton University Press, 1987.

MARRARA, Thiago. **Bens Públicos. Domínio Urbano. Infraestruturas**. Belo Horizonte: Fórum, 2007.

MARRARA, Thiago. Da Instrução. *In*: NOAHARA, Irene.; MARRARA, Thiago. (org.). **Processo Administrativo: Lei n. 9.784/1999 comentada**. São Paulo: Atlas, 2009.

MARRARA, Thiago. A atividade de planejamento na Administração Pública: o papel e o conteúdo das normas previstas no anteprojeto da Nova Lei de Organização Administrativa. **Revista Brasileira de Direito Público**, Belo Horizonte, v. 34, 2011.

MENCIO, Mariana. **Regime Jurídico da audiência pública na gestão democrática das cidades**. Belo Horizonte: Fórum, 2007.

MENDES, Ovídio Jairo Rodrigues, **Concepção de cidadania**. 2010. Dissertação (Mestrado em Direito) – Faculdade de Direito da Universidade de São Paulo. São Paulo, 2010, p.89. Disponível em: <http://www.teses.usp.br/teses/disponiveis/2/2139/tde-13122010-163731/pt-br.php>. Acesso em: 20 nov. 2022.

MELLO, Celso Antônio Bandeira de. **Curso de Direito Administrativo**. São Paulo: Malheiros, 2016.

MOURA, Rosa.; PÊGO, Bolívar. **Aglomerções Urbanas no Brasil e na América do Sul: trajetórias e novas configurações. Texto para discussão n. 2203**. Brasília: Rio de Janeiro: IPEA, 2016.

MUMFORD, Lewis. **A cidade na história: suas origens, transformações e perspectivas**. Trad. Neil R. da Silva. São Paulo: Martins Fontes, 1998.

NEVES, Marcelo. **A constitucionalização simbólica**. São Paulo: Acadêmica, 1994.

OTERO, Paulo. **Legalidade e Administração Pública: o sentido da vinculação administrativa à juridicidade**. Coimbra: Almedina, 2003.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. **Objetivo do desenvolvimento sustentável n. 11**. Disponível em: <https://nacoesunidas.org/pos2015/ods11/>. Acesso: 22 mar. 2022.

PIRES, Roberto Rocha C.; AMARAL, Lucas Alves.; SANTOS, José Carlos dos. **Planejamento governamental e participação social: encontros e**

desencontros na experiência brasileira recente. *In*: CARDOSO JÚNIOR, José Celso.; COUTINHO, Ronaldo (org.). **Planejamento estratégico em contexto democrático: lições da América Latina**. Brasília: ENAP, 2014.

POPPER, Karl Raimund. **A sociedade aberta e seus inimigos**. 2 vol. Tradução Milton Amado. Belo Horizonte: Itatiaia, 1998.

PNUD. A Ascensão do Sul: Progresso Humano num Mundo Diversificado. **Relatório do Desenvolvimento Humano**. 2013, p.10. Disponível em: <http://www.br.undp.org/content/brazil/pt/home/library/relatorios-de-desenvolvimento-humano/relatorio-do-desenvolvimento-humano-200012.html>. Acesso em: nov. 2022.

SAULE JÚNIOR, Nelson. A participação dos cidadãos no controle da Administração Pública. **Polis paper 1**. Disponível em: [file:///C:/Users/USUARIOCECOMIL/Desktop/TESE/Cap%202-/item%205%20participa%20a%20cidade/participa%20popular%20\\_Nelson%20Saule.pdf](file:///C:/Users/USUARIOCECOMIL/Desktop/TESE/Cap%202-/item%205%20participa%20a%20cidade/participa%20popular%20_Nelson%20Saule.pdf). Acesso em: nov. 2022.

SOLÉ, Juli Ponce. La proyección social del planteamiento: derechos urbanísticos y derechos constitucionales. *In*: REBOLLO, Luis Martín.; BOLAÑO, Roberto O. Bustillo (dir.). **Fundamentos de Derecho Urbanístico**. Pamplona: Arazandi: Thomson Reuters, 2009.

SOUZA, Marcelo Lopes. **Mudar a cidade: uma introdução crítica ao planejamento e à gestão urbanos**. 6 ed. Rio de Janeiro: Record, 2010.

STRUILLLOU, Jean-François ; Hutten, Nicolas, « Démocratie environnementale », *Revue juridique de l'environnement*, 2018/1 (Volume 43), p. 147-165. Disponível em :<https://www.cairn.info/revue-revue-juridique-de-l-environnement-2018-1.htm?page=147.htm>. Acesso em: 31 jul. 2023

SUNDFELD, Carlos Ari. O Estatuto da Cidade e suas diretrizes gerais. *In*: DALLARI, Adilson.; FERRAZ, Sérgio (coord.). **Estatuto da Cidade (Comentários à Lei Federal 10.257/2001)**. São Paulo: Malheiros; SBDP, 2014.

SUNSTEIN, Cass. **Simpler: The Future of Government**. New York. Simon & Schuster.

VILLAÇA, Flávio. **Espaço intra-urbano no Brasil**. São Paulo:Studio Nobel: FAPESP: Lincoln Institute, 2001.

WEISS, Marcos Cesar.; BERNARDES, Roberto Carlos.; CONSONI, Flávia Luciane. Cidades inteligentes como nova prática para o gerenciamento dos

serviços e infraestruturas urbanos: a experiência da cidade de Porto Alegre. **Revista Brasileira de Gestão Urbana**, [S.l.], v. 7, n. 3, p. 310-324, out. 2017. ISSN 2175-3369. Disponível em: <https://periodicos.pucpr.br/index.php/Urbe/article/view/22054/21164>. Acesso em: 30 nov. 2022.

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