ABSTRACT

Objective: The objective of this study is to reflect on the implications of accessibility in the urban planning of cities, since this is a legal issue ensured by the various legislation in force considering that accessibility is relevant not only for people with reduced mobility or wheelchair users, but also for those with temporary disabilities, the elderly, pregnant women, obese people among others.

Method: The research is based on a qualitative approach using bibliographic review and documentary research procedures. Data interpretation is anchored in categorical content analysis.

Results and Discussion: The results obtained provide an understanding of how legislation seeks to promote a better quality of life for everyone within a city, through the implementation of various laws and decrees, including those related to urban planning and city development. Therefore, urban planning presents itself as an indispensable element for the organization of a city in all its aspects, contributing to its development and orderly growth. This is because, without this planning, it becomes difficult to guarantee quality education, access to healthcare, adequate housing, leisure opportunities and employment for all citizens.

Originality/Value: This study contributes to the literature by considering the importance of urban planning in achieving accessibility in cities, in this context, the importance of legislation in ensuring the well-being of all inhabitants of a city is perceived, by guaranteeing accessibility, along with other mechanisms, such as urban planning and related decrees. A change in lifestyles has been observed in relation to the rural exodus, with a greater number of people living precariously in cities, which has resulted in significant changes in their urban spaces.

Keywords: Urban Planning, Accessibility, Social Inclusion, Urbanized Spaces.
RESUMO

Objetivo: O objetivo deste estudo é refletir sobre as implicações da acessibilidade no planejamento urbano das cidades, uma vez que essa é uma questão legal assegurada por diversas legislações ao considerar que a acessibilidade é relevante não apenas para pessoas com mobilidade reduzida ou cadeirantes, mas também para aqueles com deficiências temporárias, idosos, mulheres grávidas, pessoas obesas entre outros.

Método: A pesquisa calca-se em uma abordagem qualitativa utilizando os procedimentos de revisão bibliográfica e pesquisa documental. A interpretação dos dados ancora-se na análise categorial de conteúdo.

Resultados e Discussão: Os resultados obtidos proporcionam compreender como a legislação busca promover uma melhor qualidade de vida para todos dentro de uma cidade, através da implementação de diversas leis e decretos, incluindo aqueles relacionados ao planejamento urbano e ao desenvolvimento das cidades. Portanto, o planejamento urbano se apresenta como um elemento indispensável para a organização de uma cidade em todos os seus aspectos, contribuindo o seu desenvolvimento e crescimento ordenado. Isso ocorre porque, sem esse planejamento, torna-se difícil garantir educação de qualidade, acesso à saúde, moradia adequada, oportunidades de lazer e emprego para todos os cidadãos.

Originalidade/Valor: Este estudo contribui para a literatura ao considerar a importância do planejamento urbano na efetivação da acessibilidade nas cidades, nesse contexto, percebe-se a importância da legislação em assegurar o bem-estar de todos os habitantes de uma cidade, ao garantir a acessibilidade, juntamente com outros mecanismos, como o planejamento urbano e decretos relacionados. Observa-se uma mudança nos estilos de vida em relação ao êxodo rural, com um maior número de pessoas vivendo de maneira precária nas cidades, o que tem resultado e mudanças significativas nos seus espaços urbanos.


URBANISMO Y ACCESIBILIDAD: UN DERECHO PRIORITARIO PARA GARANTIZAR EL BIENESTAR DE LAS PERSONAS EN LOS ESPACIOS URBANIZADOS

RESUMEN

Objetivo: El objetivo de este estudio es reflexionar sobre las implicaciones de la accesibilidad en la planificación urbana de las ciudades, ya que esta es una cuestión jurídica asegurada por las diversas legislaciones vigentes considerando que la accesibilidad es relevante no sólo para personas con movilidad reducida o usuarios de sillas de ruedas, pero también para personas con discapacidad temporal, personas mayores, mujeres embarazadas, personas obesas entre otros.

Método: La investigación se basa en un enfoque cualitativo utilizando procedimientos de revisión bibliográfica y de investigación documental. La interpretación de los datos está anclada en el análisis de contenido categórico.

Resultados y Discusión: Los resultados obtenidos permiten comprender cómo la legislación busca promover una mejor calidad de vida para todas las personas dentro de una ciudad, a través de la implementación de diversas leyes y decretos, incluidos aquellos relacionados con la planificación urbana y el desarrollo de la ciudad. Por tanto, el urbanismo se presenta como un elemento indispensable para la organización de una ciudad en todos sus aspectos, contribuyendo a su desarrollo y crecimiento ordenado. Esto se debe a que, sin esta planificación, resulta difícil garantizar una educación de calidad, acceso a la atención sanitaria, una vivienda adecuada, oportunidades de ocio y empleo para todos los ciudadanos.

Originalidad/Valor: Este estudio contribuye a la literatura al considerar la importancia de la planificación urbana para lograr la accesibilidad en las ciudades, en este contexto se percibe la importancia de la legislación para asegurar el bienestar de todos los habitantes de una ciudad, al garantizar la accesibilidad, junto con otros mecanismos, como la planificación urbana y decretos relacionados. Se ha observado un cambio en los estilos de vida en relación al êxodo rural, con un mayor número de personas viviendo precariamente en las ciudades, lo que se ha traducido en cambios significativos en sus espacios urbanos.

Palabras clave: Planificación Urbana, Accesibilidad, Inclusión Social, Espacios Urbanizados.


2
1 INTRODUCTION

Urban planning is a fundamental process for the development of cities, seeking to ensure proper organization, the well-being of citizens and sustainability. Goitia (2003) explains that a city is the human agglomeration founded on soil converted into a homeland, whose internal and external structures are constituted and developed by the work of history, to satisfy and express the aspirations of collective life, not only that which develops in them, but also of humanity in general. At the same time that space is produced, it also produces relations, since its accumulated history is determinant in the actions and decisions of the present and conditioning for those of the future; this because the production of urban space goes beyond the material base.

Accessibility is a right that must be treated as a priority at all stages of planning a city. There is a need for a critically elaborated urban planning, with the objective of contemplating the different areas of social life (Carneiro, 1998), treating differently the different ones, in order to invest in a fair way in collective means of consumption in the poorest sectors, so that the inequalities can be mitigated. The production of urban space is complex, because it occurs in a contradictory and dynamic way, in view of the elaboration of urban planning in (the) city, the organization of collective transport and the accessibility that it provides to the population - mainly the economically disadvantaged - to the places where the collective means of consumption are installed (Lojkine, 1997).

It is of fundamental importance that urban planning takes into consideration the diversity of the population, considering the specific needs of elderly people, children, pregnant women, people with reduced mobility, visual and hearing disabilities, among others. According to Corrêa (2005), the production and consumption of urban space occur from the dynamic and, at the same time, complex action of concrete social agents, which represent distinct interests of private enterprise, civil society and public power, which, materialized, will be reflected in the landscape. The actions of the public authorities refer to the organization of the city and, therefore, must be guided by a plan with the aim of promoting greater urban development - which translates into socio-spatial development (Souza, 2010), which will collaborate with
social transformation, provided that it is not only based on technical rationality guided by economic criteria (Vasconcellos, 2001).

The inclusion of measures that promote accessibility in urban areas is essentially to enable all people, regardless of their abilities or disabilities, to enjoy public spaces with dignity and autonomy. Almeida Prado (1994) states that the presence of accessibility in urban space is a legal requirement, whose objective must be to allow and make possible gains in autonomy and mobility for a larger portion of people, so that they can enjoy urban spaces with more security, confidence and convenience. Consultation and the active participation of local communities are fundamental to identify the demands and create inclusive and sustainable solutions, according to this intervention happens when society interacts with the State in the definition of priorities and in the elaboration of action plans of the municipality, the state or the federal government (Teixeira; Serafim, 2008).

By promoting accessibility in their planning, cities become more welcoming, improve the quality of life of their inhabitants and contribute to the strengthening of citizenship and human rights according to Santos (2004). Therefore, it becomes indispensable that policymakers, urbanists, architects and society in general work together to build truly inclusive cities where everyone can fully enjoy their spaces and opportunities. This includes the implementation of accessible sidewalks, ramps in strategic locations, adequate signage, adapted public transport, among other actions that facilitate the movement and participation of all in the life of the city. The overall objective of this study is to analyze the implications of urban planning and accessibility for people with disabilities or reduced mobility in a city, as this is a legal issue ensured by the current legislation.

2 METHODOLOGY

The research is classified as applied, because it refers to the search for understanding about a given fact with the premise of generating knowledge (Gil, 2002). Regarding the approach to the concerns of the study, the text relies on qualitative research opportunistizing the search for various readings, since the social facts need to be diagnosed, analyzed and interpreted in the context to which they belong (Gil, 2002). Qualitative research, for Minayo (1982), investigates a level of reality that cannot be quantified. In relation to the procedures, the investigation is anchored in bibliographic review and documentary research and interprets the results using the technique of content analysis proposed by (Bardin, 1977).
3 RESULTS AND DISCUSSION

3.1 THE GENESIS OF URBAN PLANNING IN BRAZIL

On periodizing planning in Brazil, Villaça (1999) presents three periods that, according to him, define history well: 1875 to 1830; 1930 to 1990 and from 1990 onwards. In the period between 1875 and 1830, the author highlights the works of beautifying and improvement made, mainly, in the big cities like Rio de Janeiro and São Paulo, being a planning of renaissance origin, whose emphasis is on monumental beauty. In Brazil, in the mid-1930s, this type of planning represented the concrete action of the State, with objectives that did not correspond to the discourse, in the majority of times.

The second period in the history of urban planning in Brazil, which covers the period from 1930 to 1990, is marked by the predominance of the dominant discourse, which seeks to hide the origin of urban problems, attributing to planning the responsibility for solving them. Since the 1930s, urban problems have been seen as a result of chaotic growth, leading to the belief that their solution depends on planning with well-defined techniques and methods. During the period of the military dictatorship, this type of planning was used as justification for the construction of several works, mainly those related to transport infrastructure. Since the Urban Reform, with the insertion of Articles 182 and 183 in the Federal Constitution of 1988, Brazilian municipalities have been seen as space planning units, and local government has been given greater autonomy in relation to the management of their territorial order, through the establishment of the Municipal Master Plan.

Law 12. 587 of 2012 establishes the National Mobility Policy created with the aim of promoting accessibility, improvement in the mobility of people and cargo and integrating the different modes of transport through the National System of Urban Mobility (SNMU). In this understanding, this system encompasses a set of principles, guidelines, instruments and mechanisms that regulate and guide the organization and functioning of transport and mobility in Brazilian cities. It is important to note that the National Urban Mobility System should promote the integration and efficiency of different transport modes in urban areas, aiming at improving the quality of life of citizens, reducing congestion, minimizing the environmental impacts and stimulating universal accessibility. It should be noted that the SNMU is based on some fundamental principles, such as: accessibility, equity, efficiency, sustainability and integration.

Technology has played a significant role in promoting accessibility, from applications
and assistive devices to universal design projects, since innovation has enabled solutions that benefit not only people with disabilities, but society as a whole. Cities are constantly growing, because people living in rural areas seek a better quality of life in the city through education, medical care, study, wage labor and all the facilities and amenities the city offers. However, this dynamic generates a number of concerns for those in power, who are challenged to develop effective strategies to ensure that all inhabitants can enjoy a common standard of living for all.

3.2 PUBLIC POLICIES IN URBAN PLANNING

The 1988 Constitution began to demand the Master Plan, a name that gives to the urban plan of the cities and that is a fundamental instrument of urban planning provided for by Law 10.257 of 2001 the City Statute, which is a Brazilian federal law where it establishes the general guidelines of the country's urban policy and has the objective of guiding the development and growth of the cities in an orderly, sustainable manner and with a focus on the social function. This plan is mandatory for municipalities with more than 20 thousand inhabitants. The importance of the Master Plan as a social function is fundamental to guaranteeing everyone's right to a more equitable and harmonious city. Medauar (2004) points out that by ensuring orderly land use, the promotion of social housing, the provision of public services and adequate infrastructure, the Master Plan seeks to ensure a fairer, sustainable and inclusive city.

The master plan must be drawn up with the participation of society, through debates, public hearings and consultations, and must include urban guidelines and policies aimed at balancing urban development, environmental preservation and meeting the needs of the population. Some of the key guidelines that the Master Plan should contain include: a) defining urban sprawl and environmental preservation areas; b) land use and land use planning; c) the deployment of urban infrastructure such as sanitation, public transport, and public facilities such as schools and hospitals; d) encouraging social housing; e) promoting accessibility and sustainable urban mobility; f) stimulating economic and social development; g) preserving the cultural and natural heritage; h) guaranteeing the right to the city for all citizens.

The City Statute determines that urban property fulfills its social function when it meets the fundamental requirements of city ordination expressed in the master plan. Meirelles (1996) signals that the master plan or integrated development master plan is the complex of legal norms and technical guidelines for the overall development, constant of the Municipality, under the physical, social, economic and administrative aspects, desired by the local community. The social function of the Master Plan is related to the idea that the city is a collective space, where
private property must fulfill a function that benefits the collectivity. This means that the city cannot be merely a place of appreciation and accumulation of capital, but must be thought out in such a way as to guarantee the well-being of the population as a whole, especially those in situations of social vulnerability. When well designed and effectively implemented, it can contribute to reducing social inequalities, improving citizens’ quality of life and protecting the urban environment.

3.3 ACCESSIBILITY AS A CITIZEN'S RIGHT

People with Disabilities are those who have permanent physical, mental, intellectual or sensory impediments, which, in interaction with various barriers, can obstruct their full and effective participation in society on an equal basis to others (FADERS, 2021). Accessibility is a right that guarantees the person with disabilities or with reduced mobility to live independently and exercise their rights of citizenship and social participation; constituting an essential attribute of the environment that guarantees the improvement of the quality of life of people.

Accessibility as a citizen's right refers to ensuring that all people, regardless of their physical, sensory, cognitive or mobility limitations, can fully enjoy the spaces, services, products and information available in society. It is a fundamental concept for promoting inclusion and equal opportunities, ensuring that no one is excluded or discriminated against because of their specific conditions. As cities grow rapidly, they face a range of challenges, including disorderly expansion of infrastructure, increased traffic and congestion, increased demand on public services such as health, education and sanitation, and also increasing demand for housing. Existing legislation therefore becomes a crucial tool to steer the development of cities in a sustainable, equitable and efficient manner.

In the 1988 Constitution, the basis of the right of accessibility is laid down in the principle of equality, which will be spread throughout the legal order below the Constitution. Article 5, caput, of the 1988 Charter deals, in a general manner, with this principle, by establishing that "everyone is equal before the law, without distinction of any kind, guaranteeing Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security and private property". Accessibility is not limited to physical aspects such as ramps and lifts for persons with reduced mobility. It also covers communication aspects, such as the provision of information in accessible formats for people with visual or hearing impairments, and cognitive aspects, such as clarity in communication for people with
comprehension difficulties.

The principle of equality must not be understood in the sense of formal equality. In fact, it requires material equality through the law, which must be "equal to that which is equal and unequal to that which is unequal". (Canotilho, 2000, p. 418). It is only possible to understand the theme of the exceptional protection of persons with disabilities if the understanding of the principle of equality is a reality, since equality is the master and superior beam of all the right to social inclusion of these persons and should always be present in the application of the law (Feijó; Brito, 2015). Urban planning therefore becomes a crucial tool for guiding the development of cities in a sustainable, equitable and efficient way and with this leading to a more accessible city for all who need it. The challenge is to create cities that are equitable, sustainable and adaptable, capable of providing a high quality of life for all inhabitants, regardless of their origin, disability or ability.

However, effective implementation of accessibility often faces challenges. This is because it requires a change of mentality, financial investments and the adaptation of existing infrastructure. In addition, awareness of the importance of accessibility and awareness of the needs of people with disabilities are important aspects of this process. For Feijó and Brito (2015), having and being a city with an inclusive urban environment necessarily involves the idea of a city of and for all, regardless of the type of disability, requiring a new conception of living in society, without segregation, without barriers. Therefore, understanding accessibility will help to realize the rights of people with disabilities, changing the thinking that accessibility is simply the construction of ramps, the laying of handrails and the installation of lifts.

Recognizing urban mobility as a strategic condition for the inclusion of people with disabilities, some changes are needed: conducting research and education actions with a focus on mobility, implementing accessibility and urban mobility initiatives, and making Urban Mobility Policy effective. Miranda (1998) states that citizens' rights are the same, but the conditions for exercising them are not. That is why it is important that the principle of equality be applied in conjunction with other rights, such as accessibility, in order to give the disabled the most natural life possible. Another important point is to really promote inclusion with investments in urban mobility and in technologies that will provide autonomy, a sense of freedom and coexistence with all people.
4 CONCLUSION

To make urban accessibility a priority, it is essential to involve all levels of government, from local to national, and to establish partnerships with civil society organizations and experts in the field. In addition, public awareness of the rights of people with disabilities and the importance of accessibility plays a crucial role in creating pressure for authorities to comply with their legal obligations. The first step is to carry out a comprehensive assessment of the needs of the community. This involves identifying existing barriers and understanding the specific needs of diverse groups, such as people with disabilities, the elderly, pregnant women, and others. Engaging the community is critical. Conducting public consultations and workshops to receive feedback from residents and stakeholders can help shape urban planning according to the needs of the population.

Known as the Brazilian Law on the Inclusion of Persons with Disabilities, it establishes important guidelines related to accessibility. Planning must meet these guidelines. Making sure that urban planning complies with current legislation is essential and one of the responsibilities of our leaders. Another aspect that can be considered is the implementation of practical actions, such as: access ramps, adequate signage, unobstructed sidewalks, accessible public transport, among other measures, is crucial to make the city more inclusive. In addition, promoting education and community awareness of the importance of accessibility can help create a more inclusive environment.

It is true that, despite existing legislation, the effective implementation of urban accessibility can be a challenge. It is important that society continues to push for change and that there is transparency and accountability on the part of the authorities to ensure that urban accessibility becomes a reality in all Brazilian cities. The challenge is to create cities that are equitable, sustainable and adaptable, capable of providing a high quality of life for all inhabitants, regardless of their origin. The balance between urban growth and social well-being is fundamental for the healthy development of cities and for the benefit of all citizens. Ensuring accessibility as a citizen's right is a matter of social justice and inclusion, providing everyone with equal access to available resources and opportunities in society. It is an approach that contributes to building communities that are more diverse, egalitarian and respectful of the dignity of each individual.
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