

# Notes on disappropriation in Brazilian law

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## Abstract

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From a theoretical point of view, it can be said that expropriation is the administrative procedure through which the Public Power compulsorily deprives someone of a property and acquires it for itself, through compensation, based on a public interest. In the light of Brazilian positive law, expropriation is defined as the procedure through which the Public Power, compulsorily, by unilateral act, deprives someone of a certain good, based on public need, public utility, or social interest, originally acquiring it through prior and fair compensation, payable in cash or, if the taxable person agrees, in public debt securities with a clause of exact monetary correction, with the exception of the Union the right to settle it by this means in the cases of certain rural dates, when the objective is to realization of social justice through agrarian reform. This concept is based on art. 153, § 22, in conjunction with art. 161, and paragraphs, of the Brazilian Constitutional Charter.

## Author Biography

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