



Qualis A1 - Direito CAPES

Presentation

December 2025

And so another fruitful annual cycle of *Direito e Práxis* comes to an end! With the 16th volume, we deliver to our reading community a rich collection: dozens of articles on a variety of topics, reviews, translations, and, with special emphasis, dossiers carefully curated by guest editors and publishers.

The year 2026 unfolded with profound debates: in March, the Dossier “Revisiting the debate on the theory of the derivation of the state,” organized by Flávio Roberto Batista, Áquilas Mendes, and Leonardo Carnut; in June, the pages were filled with the Dossier “Law and Political Economy in Latin America,” curated by Mario G. Schapiro, Raquel de Mattos Pimenta, Beatriz Kira, and Diogo Rosenthal Coutinho; and September brought to light “The relevance of Antonio Negri today: constituent power, autonomy, and the crisis of democracy,” organized by Vanessa Santos do Canto, Francisco de Guimaraens, and Alexandre Mendes.

To crown this editorial year, in December we published the comprehensive dossier “Decolonial Comparative Property Law,” the result of more than two years of international collaboration between researchers from the Max Planck Institute for Comparative and International Private Law (as part of its Decolonial Comparative Law Program) and Brazilian academics. The curatorship, signed by André Nunes Chaib, Deo Campos Dutra, Flávia Carlet, Karina Macedo Gomes Fernandes, Kwamou Eva Feukeu, Luiz de Abreu, Ralf Michaels, and Tatiana Emília Dias Gomes, brought together perspectives from authors based in Germany, Colombia, Congo, Indonesia, Italy, Ecuador, Brazil, and Turkey, offering diverse perspectives for rethinking comparative law.



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This latest edition of the year is further enriched by translations of articles by Daniel J. García López and Pedro Bertolucci Keese, and a review of the book “The Eye Of The Master: A Social History Of Artificial Intelligence,” by Matteo Pasquinelli (Verso, 2023).

Thus, we conclude another journey of *Direito e Práxis*, encouraged and inspired by the rigor and diversity of the research entrusted to us. These works, based on different theoretical frameworks and methodologies, courageously address the complexity, challenges, and openings of the socio-legal phenomenon. We believe that this is the fundamental contribution of the Journal: an academic, theoretical, and practical seedbed for the construction of more plural, egalitarian, and just societies.

This collective work is only possible thanks to the efforts of many people. We extend our sincere thanks to all the reviewers, whose role is fundamental to the quality and credibility not only of our journal but of the entire scientific endeavor. Our gratitude also extends to the interns who make up the executive committee, whose meticulous work is vital to maintaining the excellence of our editorial processes. *Direito e Práxis* is proud to be, in addition to a vehicle for scientific publishing and dissemination, a training ground for young and future legal thinkers and practitioners.

Finally, we remind you that our editorial policies for all sections are available on our website, and that submissions are ongoing and always welcome. See you in the next volume!

Enjoy your reading!

Direito e Práxis Team



Dossier “Decolonial comparative property law”

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Coloniality is a system of power and knowledge rooted in domination. In the context of property as a legal category, coloniality acts no differently. While the inherent faculties, modalities of acquisition, and means of defense used to materialize domination in property may vary across different forms of social organization, the element of subjugation at the core of the term's legal meaning remains constant, as observed in various comparative analyses on the subject. On the other hand, by erasing the hegemony of the liberal-bourgeois meaning of the term, property can also be understood as a



battlefield, one in which spaces of resistance, struggles, and other legal sensibilities inherent to different forms of appropriation emerge, and which must be described, investigated, and safeguarded.

To analyze and destabilize the coloniality of property law, it is necessary to understand its plurality of meanings and complex functions in the present day. Through comparative research, one can observe bridges of analysis by abandoning the logic of the mirror in search of absences.

In this sense, decolonial comparative law is an invitation to reinvent comparative law itself and, at the same time, to provide decolonial critiques of law in a different way.¹ On the one hand, it presents itself as a theoretical framework capable of offering important reading keys to researchers, who are generally deeply linked to modern epistemologies and cosmologies captured by coloniality. On the other hand, decolonial comparative law offers the capacity to produce studies that directly engage with the dilemmas experienced by groups affected by processes of domination and violence involving property from a liberal-bourgeois perspective. If successful in its inquiry, it becomes another ally and resource in the political struggles waged daily by these groups.

This special issue is the result of more than two years of collaboration between researchers at the Max Planck Institute for Comparative and International Private Law, as part of the Decolonial Comparative Law Program (DeCoLa), and academics from Brazil and its diaspora. The DeCoLa project was established in 2019 by Ralf Michaels and Lena Salaymeh and is currently organized by Ralf Michaels, Kwamou Eva Feukeu, and Passainte Ragab. This dossier is the result of the third workshop, following the first, dedicated to methodology in 2020 and held online (originally planned to be held in Witwatersrand, South Africa), and a second dedicated to pre-colonial law, held in 2022 at the University of Oxford.

From this collaboration, two events emerged in 2024: a “Spring School” at UFBA and a workshop at UCB with all the authors of the articles in this issue and 15 other

¹ See Lena Salaymeh & Ralf Michaels, *Direito comparado descolonial: uma introdução conceitual*, in Tatiana Cardoso Squeff & Gabriel Pedro Dassoler Damasceno (eds), *Direito internacional crítico*, Vol II (2023) 73-97 (original English version as open access at *Rabels Zeitschrift* 86 (2022) 166-188, <https://doi.org/10.1628/rabelsz-2022-0007>); Deo Campos Dutra & Luiz Eduardo Camargo Outeiro Hernandes, *Direito Comparado Decolonial: novas posturas epistemológicas, novas metodologias e os desafios para a realização do estudo jurídico comparado a partir do Brasil*, *Rev. Direito Práx.* 15 (04) 2024 <https://doi.org/10.1590/2179-8966/2024/80496>.



thinkers and activists, academics or not, in the field of comparative law and criticism of property law.

The papers contained in this special dossier, which were presented at the Workshop in Brasília, are unified by a common thread. They offer readers the opportunity to identify other possible ways of reflecting on property law. The papers, driven by the aim of deepening the debate within the legal field while remaining aligned with political struggles, particularly seek to displace property questions beyond the arena of state law, attributing greater weight to the contributions of diverse legal experiences, legal systems, and cosmologies. The purpose is to advance a more comprehensive understanding of the future of property, territoriality, and human relations with nature.

This issue brings together various methodological and thematic proposals. *Gabriela Niño Pedraza and Pablo Gonzalez Delgado* demonstrated the difficulty of considering property rights without adopting a colonial perspective and proposed an approach that neither separates nor decentralizes indigenous and *maroons'* rights. To this end, the authors adopted a dialogical perspective between the different laws applied to the Nasa and Palenquera communities in Colombia.

Mario Yaucén Remache and Jenny García Ruales examine the Own Law of the Kichwa People of Sarayaku, focusing on property as a key element in the interpretation of free, prior, and informed consent, and comparing it with Ecuadorian State property. They *corazon* (collectively propose) the Living Forest as a counterproposal of plural, fluid and collective Amazonian property, strengthened by the *legal minga* (the act of weaving law together and respecting the living cycles of natural elements and human laws). In their comparative decolonial exercise, resonances and tensions arise between State law and the Kichwa People's Own Law, evidencing the fragmented nature of property in the Constitution of the Living Forest.

In the article by João Zaidan, Flavianne Nóbrega, Aída Silvestre Teixeira, and Camilla Montanha de Lima, it is possible to understand how the notions of “property rights” provided for in the Chilean and Brazilian legal systems and “collective property” as developed by the jurisprudence of the Inter-American Court of Human Rights are insufficient to reflect the understanding of the mode of property disposal of the Xukuru and Mapuche indigenous peoples. To this end, the authors propose the adoption of the concept of “territorial identity.”



By conducting a comparative decolonial study, it is possible to see that some colonial instruments involving property gain a 'second life', such as the institution of emphyteusis, which was analyzed by Francesca Iurlaro. Similarly, it can be seen that the reappropriation of the law is not only an action of minorities, but also of the state. In Congo and Cameroon, for instance, the state is compelled to incorporate elements of indigenous laws into its land and property regimes, as demonstrated by *Gildelen Aty-Biyo's work*.

Through his observations of language, Harison Citrawan's temporal approach enables us to transition from space/time to memory/perception. Trauma plays a role in property law, and the temporality that was thought to have passed has not only persisted but also enables a more holistic understanding of rights to land and water.

From a perspective of destabilizing the concept of property, *Asya Ostroukh's* paper argues that Indigenous land rights in the Commonwealth Caribbean remain obstructed by colonial legal mentality. Through case-studies of land claims in Jamaica, Belize, and Guyana, it shows how coloniality persists in property law, marginalizing Indigenous traditions. The study calls for a decolonial approach that integrates constitutional, human rights, and international law, alongside Indigenous jurisprudence, to achieve true recognition, justice, and legal pluralism for Caribbean Indigenous communities.

We believe that all these works result from an initial process of approximation between researchers from different sociabilities who have comparative law and decoloniality as essential tools for thinking about law today. This movement is still incipient but has already produced verifiable results. It aims to build an international community of jurists who are committed to social transformation and the horizontal construction of legal knowledge. These jurists unite around epistemological and methodological tools that are unusual in the dominant legal field.

This special section is the direct result of hard work involving several researchers from different parts of the world. We would like to express our sincere thanks to all participants and their respective partner universities: the Catholic University of Brasília (UCB) and the Federal University of Bahia (UFBA). We would like to express our gratitude to the Max Planck Foundation for their generous financial support. Our thanks also go to César Sobrinho, the translator; the authors of this issue; the members of the scientific committee — Roberta Camineiro Baggio, Flávia Carlet, Ahmad Amara and Isidore Léopold



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Happy reading!

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