



PROPERTIES SUBJECT TO ILLEGAL OCCUPATION

Law no. 67/2025, of 24 November

Law no. 67/2025, of 24 November introduces several amendments to the Penal Code and the Code of Criminal Procedure, aiming to protect the right to property by strengthening criminal protection concerning properties subject to illegal occupation.

LEGISLATIVE AMENDMENTS

Article 215 of the Penal Code (Usurpation of Immovable Property)

Previous wording:

1 - Whoever, through violence or serious threat, invades or occupies immovable property belonging to another, with the intention of exercising rights of ownership, possession, use or easement not protected

by law, court judgment or administrative act, shall be punished with imprisonment of up to 2 years or with a fine of up to 240 days, if no more severe penalty applies in view of the means employed.

2 - The penalty provided for in the previous paragraph is applicable to anyone who, through the means indicated in the previous paragraph, diverts or dams water without having the right to do so, with the intention of obtaining an unlawful benefit for themselves or another person.

3 - Criminal proceedings depend on a complaint being filed.

Current wording:

1 - Whoever invades or occupies immovable property belonging to another,

with the intention of exercising rights of ownership, possession, use or easement not protected by law, court judgment or administrative act, shall be punished with imprisonment of up to 2 years or a fine of up to 240 days, if no more severe penalty applies under another legal provision.

2 - If the acts described in the previous paragraph are carried out through violence or serious threat, or concern immovable property intended for permanent primary residence, the offender shall be punished with imprisonment of up to 3 years or a fine.

3 - Whoever commits the acts described in the preceding paragraphs in a professional capacity or with the intention of obtaining profit shall be punished with imprisonment from 1 to 4 years.

4 - The penalty provided for in paragraph 1 is applicable to anyone who, through violence or serious threat, diverts or dams water without having the right to do so, with the intention of obtaining an unlawful benefit for themselves or another person.

5 - Attempt is punishable.

6 - Criminal proceedings depend on a complaint being filed.

ANALYSIS OF THE AMENDMENTS

Following the legislative amendment to this legal provision, violence has been

removed as a basic constituent element of the offence of usurpation of immovable property.

The criminal offence thus ceases to protect solely the possessory order against violence, and now penalises any unlawful occupation, even without resorting to force or threats.

The use of violence or threats now constitutes an aggravating circumstance, alongside the situation in which the invasion or occupation concerns immovable property intended as permanent primary residence (paragraph 2).

In addition, a qualified form of this offence is introduced where the offender acts professionally or with intent to obtain profit.

Finally, it should be noted that, with this legislative amendment, attempted commission of the offence also becomes punishable. The regime of a semi-public crime remains unchanged.

FINAL NOTE

These legislative amendments aim to combat organised illegal occupations and seek to promote enhanced protection of the right to property, particularly in cases involving properties intended for permanent primary residence.

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