

Law No. 67/2025 – Strengthening of Property Rights | Illegal Occupation

RELEVANT LEGAL INSTRUMENTS

Law No. 67/2025, of 24 November 2025 – Safeguards the right to property by strengthening the criminal protection of real estate subject to illegal occupation, amending the Penal Code and the Code of Criminal Procedure.

FRAMEWORK

Law No. 67/2025 arises as a response to the increase in instances of illegal occupation of real estate, strengthening the protection of property rights through the revision of criminal safeguards, with a view to intensifying the consequences, which had hitherto proved insufficient and largely ineffective.

These situations have been occurring with increasing frequency, in both public buildings and private property, with economic exploitation of such real estate often taking place where their condition so permits.

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In the case of vacant properties, although economic exploitation is not the primary objective, given that habitability and safety conditions do not permit it, they nevertheless tend to be frequently occupied, as they are, for the most part, easily accessible.

From the aforementioned revision, particular note should be made of the amendments to the Penal Code and the Code of Criminal Procedure, which alter the legal paradigm in this field, with the aim of curbing this issue that has been emerging in Portugal, commonly referred to as "okupas" or "squatting".

AMENDMENTS INTRODUCED BY LAW NO. 67/2025

Before the entry into force of the new law, the owner of a property confronted with an occupation situation had access only to the civil or criminal protection mechanisms already in place.

At the civil level, it was possible to request a precautionary measure for the restitution of possession or to file a claim of property recovery. These avenues remain unchanged under the new legal framework.

In the criminal sphere, the previous regime proved quite limited, given that the crime of usurpation of immovable property, as legally defined, only occurred when the occupation or invasion involved the use of violence or serious threat. Whenever the occupation was merely attempted or carried out without such conduct, the owner could only resort to civil protection measures.

Moreover, since the penalty provided for this crime was less than three years and prerequisites such as flight risk or risk of evidence destruction rarely occurred, the application of coercive measures allowing, in criminal proceedings, the immediate restitution of the property to its legitimate owner was practically unfeasible.

This legal framework proved manifestly insufficient. On one hand, the available mechanisms did not effectively deter attempts of invasion or occupation; on the other hand, even precautionary measures often proved slow, failing to provide the desired response.



With the entry into force of this new law, additional mechanisms have been introduced that significantly strengthen the criminal protection of property rights.

Occupation or invasion of a property now constitutes a crime even when carried out without the use of violence or serious threat, punishable by up to two years' imprisonment or a fine of up to 240 days.

In cases where the invasion or occupation is carried out with violence or serious threat, the legislature has provided for an increased criminal penalty, with imprisonment of up to three years.

The attempted unlawful entry or occupation of a property is also punishable, reinforcing the deterrent effect of the new regime.

When such conduct is carried out professionally or for profit, the crime is punished more severely, with imprisonment ranging from one to four years.

The main innovation introduced by this regime, however, lies in the possibility of ordering the immediate restitution of the property to its owner. When there is strong evidence of illegal occupation and sufficient grounds that the complainant is the legitimate owner, such an obligation may be imposed immediately, allowing a swifter and more effective response – an element essential for the protection of property rights.

Nevertheless, this legal reinforcement is not without limitations. Criminal proceedings are initiated only upon the filing of a complaint by the owner, and the application of the immediate restitution measure depends on a request from the Public Prosecutor's Office.

In this context, and to ensure more comprehensive protection, it remains prudent for owners to make simultaneous use of the available civil remedies, complementing the criminal route and mitigating the constraints inherent to each regime.



IMPACT OF THE INTRODUCTION OF THE NEW LAW

Despite the identified limitations, all indications suggest that this new legal framework will have a significant deterrent effect, contributing to a greater sense of security in the real estate market.

The strengthening of criminal protection for property rights is likely to increase the confidence of both economic agents and private individuals, fostering a more stable environment.

This change may translate into enhanced legal certainty, with positive impacts for different types of property owners. Primarily, it benefits owners of properties intended for personal residence or occasional use, by facilitating the restoration of possession in cases of illegal occupation.

Similarly, investors benefit from the combination of new criminal instruments with existing civil mechanisms, paving the way for a swifter response in reclaiming possession of properties, particularly when they are vacant, thereby stimulating the real estate market.

In any case, only the practical application of these measures will allow for the assessment of their real impact, both in terms of strengthening owners' confidence and in curbing the growing trend of illegal occupations and invasions.

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