

Noise pollution: human rights and conflict resolution

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SUMMARY

This scientific study addresses noise pollution, focusing primarily on its occurrence among neighbors. It addresses how this practice occurs, the problems it generates, the regulations and laws that address this issue, the police powers (for any appropriate measures taken at the time of the practice), and the solutions and conclusions regarding this issue. The key point of this research is how people often exceed their "rights" and begin to infringe on the rights of others, consequently causing them a wide range of harm and even breaking laws. This analysis was based purely on bibliography, with the main objective of understanding this problem and, by listing the authors, extracting from them the best solution for a peaceful coexistence, ending or reducing this practice within a neighborhood. An international comparison is also included, demonstrating how the European Union, the United States, and Japan address noise pollution and what measures can inspire progress in Brazil. Therefore, based on theoretical frameworks, situations already observed within society, and comparative analyses, noise pollution rates have been increasing, compromising coexistence and generating direct conflicts, often leading to drastic measures. The key to this study is to demonstrate current laws, but to emphasize that the best path forward is always dialogue and understanding.

Keywords: Environment. Noise Pollution. Neighborhood Rights. Individuals.

ABSTRACT

The present scientific study addresses noise pollution, mainly focused on its occurrence among neighbors; how this practice occurs, the problems that arise around it, the norms and laws that deal with this issue, the police power (for any appropriate measures at the time of practice), the solutions and conclusions regarding this issue. The key point of this research is how people tend to extrapolate within their 'rights' and start infringing the rights of others, consequently causing them the most diverse damages, and still infringing laws. The basis of this analysis was purely bibliographical, having as main objective the search for understanding this issue, and by listing the authors, extracting from them the best solution for a good relationship, ending or reducing this practice within a neighborhood. Additionally, the study includes an international comparative analysis, presenting how the European Union, the United States, and Japan address noise pollution and which measures could inspire improvements in Brazil. Therefore, based on theoretical references, on situations already observed within society, and on international comparisons, noise pollution rates have been increasing; the good relationship being compromised; intolerance causes direct conflicts, often leading to drastic attitudes. The key part of this study is to demonstrate the current laws, but always focus on the best way, which will be dialogue and understanding.

Keywords: Environment. Noise Pollution. Neighborhood Rights. Individuals.

1. INTRODUCTION

The respective study aims to demonstrate how Noise Pollution has been affecting people's lives in general, mainly affecting relationships

neighborhood, its consequences and how it is possible to break a relationship of good coexistence by a clumsy attitude.

After conceptualizing and defining what Noise Pollution is, we move on to the pre-existing norms in society so that the occurrence of this practice can be minimized. So, followed by the neighborhood rights, which shows us how far we can go between rights and duties, the norms and rules in certain places (such as condominiums, which have its own rules, norms and legal regulations, supported by commissions and inquiries). We will open the key point which is the legal provision of this topic, its scope proposed in law, and criminal sanctions for this practice, followed by the methodology applied and used for the obtaining results from this scientific study.

At the end, the results and discussions that were possible to obtain are demonstrated. obtain, as well as possible solutions to this dispute. Therefore, it is concluded that the practice of noise pollution in the neighborhood environment can often be reversed friendly, a calm conversation, where those involved can and should use common sense, and the norms of social treatment to resolve, firstly, than to look for more means exhausting (fights, direct conflicts, justice, complaints), and thus make your environment more pleasant coexistence with your neighbors.

2. THEORETICAL FRAMEWORK

2.1 The concept of Noise Pollution.

According to Bressane (2010), noise pollution constitutes an energy residue, odorless and colorless, which does not cause transformations of matter or any other changes permanent damage to the environment, representing an unusual form of pollution whose characteristics and properties require more careful analysis for adequate understanding of the phenomenon.

Gerges (1991) stated that sound and noise are the same physical phenomenon, but they are not synonyms. A noise is just a type of sound, but a sound is not necessarily a noise. From a psycho-acoustic point of view, noise would be an unpleasant sensation triggered by the reception of acoustic energy.

Sounds, music or noise, trigger feelings of pleasure or discomfort in a person. individual and therefore, some scholars interested in the psychophysical aspects, developed work to evaluate the correlation between noise, mood and irritability.

We can identify the most diverse types of noise pollution on a daily basis. Loud noise from your neighbor, the continuous honking of motor vehicles, sound cars, private parties, bars in residential areas and similar areas. All are subject to penalties under the law, in their respective areas.

2.2. Environmental Regulations on Noise Pollution.

Regarding Environmental Standards, there are laws and standards which must be followed strictly, even if it is not considered a serious crime, but it does entail losses and consequently to damages of a more vile nature.

When we deal with Noise Pollution, we stick to a limit (decibels) and schedules, stipulated by law to characterize it. The Silence Law gives us a position on this issue, where assumes that you can only make “noises” or sounds within a certain time stipulated, as follows:

- up to 55 decibels for the period from 7 am to 8 pm (daytime);
- up to 50 decibels for the period from 8 pm to 7 am (night);
- If the next day is a Sunday or holiday, the night time slot is extended until at 9am.

It is also worth mentioning that the use of common sense avoids and measures drastic situations, which even the individual, being within “his rights”, situations can be avoided unpleasant and future wear and tear. These standards, even if they have no legal value, are of great interpersonal value, and as already mentioned, it avoids many unpleasant situations, which are the Standards of Social Conduct.

REALE (2002 p. 56) defines that in society there is another category of rules that are followed by force of custom, consecrated habits, or as it is improperly said, in virtue of “social convention”. We call these norms of social conduct, which range from the most elementary rules of decorum to the most refined forms of etiquette and courtesy. In order to be a social norm is met, in effect, the external adaptation of the act to the rule is sufficient, being unnecessary to adhere to its content: at this point, the rules of social treatment coincide with the Law, in what it has of heteronomy.

Friendliness, use of common sense and understanding are attitudes that can reduce and to nullify this problem. Understand that we all have our limits, and that change



small actions (on both sides) can give us a better quality of life in environment in which we actually live and reside. The individual, when lowering the volume (which can be bothering a neighbor in a variety of situations) or, if this neighbor requests and explain that you are being harmed by some sound or noise caused by it, in a tone friendly, it is unlikely that this attitude will be repeated or postponed.

However, we can see that the reality is different. People live on the edge of stress, and the social environment contributes greatly to not collaborating with this type of attitude. It ends up becoming a “moral” power struggle, taking on, as has already been said, serious proportions.

2.3. Neighborhood Rights and Good Coexistence

At this point in the study, considering previously that there is a limit imposed by law for noise emissions and the respective schedules for this, we enter the sphere where, for certain places, the rules on sound and noise emissions may change and even rights such as citizen, to issue them.

Places where we can clearly observe our own rules are Condominiums residential areas. These include the so-called Internal Regulations, which are previously agreed upon with all residents through inquiries and minutes, so that they are aware previously. What we can mention in this is that, since buildings and condominium areas are closer to each other, any noise can become a problem.

For this, it is common to have pre-established schedules (such as for cases of changes, reforms) and these must be communicated to those responsible (trustees) in advance so that other residents can be informed. Also in this regard, in places where there are areas of use Social areas (Party Rooms, Swimming Pools and Sports Courts) are also commonly located further away. away from the residential area, and are used by prior appointment in the forms of their internal regulations.

However, we can observe that in each place there is a different intrinsic norm regarding noise emissions. Whether in gated communities, common residential areas, among others others, there is always a law that supports both sides in this issue, and that is what will be addressed next.

2.4 Legal Provision

As already provided for in the Brazilian Federal Constitution, in art. 225:



“Everyone has the right to an ecologically balanced environment, a common good for the people and essential to a healthy quality of life. It is the duty of the Government and the community to defend and preserve it for present and future generations.”

As provided for in Brazilian legislation, pollution represents a type of degradation of quality of the environment, which results, combined with other activities and factors, in harm to health of human beings and social well-being as well, Federal Law No. 6,938, art. 3 of 1981 (BRAZIL, 1981).

“For the purposes set out in this Law, the following shall be understood as:

I - environment, the set of conditions, laws, influences and interactions of a physical, chemical and biological nature, which allows, shelters and governs life in all its forms;

II - degradation of environmental quality, the adverse change in the characteristics of the environment;

III - pollution, the degradation of environmental quality resulting from activities that directly or indirectly:

- a) harm the health, safety and well-being of the population;
- b) create adverse conditions for social and economic activities;
- c) adversely affect the biota;
- d) affect the aesthetic or sanitary conditions of the environment;
- e) release materials or energy that do not comply with established environmental standards.”

Therefore, according to Brazilian (2012), noise pollution is, in this way, the object of control by the bodies that make up the National Environmental System (Sisnama), responsible for the control and supervision of activities capable of causing degradation environmental, at the federal, state and municipal levels, under the terms of art. 6 of Law No. 6,938, of 1981.

2.5 International Comparison

Comparative analysis demonstrates that noise pollution is a global concern, and different countries adopt strict measures to face it.

In the European Union, Directive 2002/49/EC obliges Member States to draw up maps of noise and action plans to reduce noise levels in urban areas. According to the Agency

European Environmental Agency (EEA, 2022), around 20% of the European population is exposed to noise levels that are harmful to health, making the issue a public health priority.

In the United States, the Environmental Protection Agency (EPA) sets standards for controlling noise since the 1970s. Many cities have adopted specific local legislation: in New York, for example, the *Noise Code* sets noise emission limits for activities commercial, industrial and residential, with fines that can exceed US\$8,000.00 in cases of recidivism.

In Japan, a country renowned for its social discipline, the Noise Pollution Control Law (1968) defines noise emission limits differentiated by urban area (residential, commercial and industrial). In addition, there is great incentive for extrajudicial dispute resolution, with community mediation bodies specializing in neighborhoods.

International comparison shows that Brazil still lacks public policies more effective prevention and collective awareness. While other countries advance in integration between legislation, inspection and social education, the Brazilian reality shows greater dependence on the Judiciary, which overloads the system and does not solve the root of the problem.

3. METHOD ADOPTED

When conceptualizing method, Lakatos (2003:83) states that “the method is the set of systematic and rational activities that, with greater safety and economy, allow us to achieve the objective - valid and true knowledge -, tracing the path to be followed, detecting errors and assisting the scientist’s decisions.”

As this research was mainly aimed at how noise pollution affects relations of good coexistence between neighbors, and its central objective; understanding the rights of neighborhood in relation to Noise Pollution, we arrived at the following concepts, which refer to the research method adopted:

Bibliographical research, or secondary sources research, encompasses all bibliography already made public in relation to the topic of study, from individual publications, bulletins, newspapers, magazines, books, research, monographs, theses, cartographic material, etc., even media oral: radio, magnetic tape recordings and audiovisual: films and television. Its purpose is put the researcher in direct contact with everything that was written, said or filmed about a given subject, including conferences followed by debates that have been transcribed in some form, whether published or recorded. (LAKATOS, 2003:183)

Minayo (2001:16) conceptualizes scientific methodology as the guide for thought and practice gains in the real world. This makes it of fundamental importance for studies and theories, always inserted within these.

Therefore, this research has a purely bibliographical, qualitative origin, as it responds to social and even private issues, with the aim of clarifying questions about the topic, through the collection of various data, and thoughts of authors. Minayo (2001:22) states that “she is concerned, in the social sciences, with a level of reality that cannot be quantified. Or that is, it works with the universe of meanings, aspirations, beliefs, values and attitudes, which corresponds to a deeper space of relationships, processes and phenomena that do not can be reduced to the operationalization of variables.”

The literature review, which was the main method adopted in this study, is conceptualized as being of exploratory origin, that is, of evaluation of a concrete situation unknown, in a given location, someone or a group, somewhere, must have already done equal or similar research, or even complementary to certain aspects of research desired. The search for such sources, whether documentary or bibliographical, becomes essential for the non-duplication of efforts, the non-"discovery" of ideas already expressed, the non-inclusion of "commonplaces" at work.

Citing the main conclusions reached by other authors allows us to highlight the contribution of the research carried out, demonstrate contradictions or reaffirm behaviors and attitudes. Both the confirmation, in a given community, of results obtained in another society as the enumeration of discrepancies are of great importance. (LAKATOS, 2003:225)

Argumentation is key to this type of study. For each topic, there is its own theoretical basis and its legal prediction, all to justify the theory to what happens in human relations, specifically between neighbors. This research lasted about 6 months, collecting material, analyzing it and making it available in this scientific study. This early analysis of the data allowed filtering and deciding more directly what would be included in this article, and the comparison of the authors' concepts, the citations, made it easier to understand the analysis of the social environment affected by the misconduct of certain individuals, and where it should there is a good coexistence, there is a “deal of incoherent attitudes”.

4. RESULTS AND DISCUSSION

The results of the occurrence of Noise Pollution can range from the simplest to the most serious. The bothered neighbor, as a consequence, may suffer in the simplest ways (such as irritation, stress, disturbance, insomnia, depression) the most severe forms (such as hearing loss, migraine, headaches, increased blood pressure) and thus triggering problems larger. Furthermore, with the increase in the practice of Home Office (Working from home) and EaD (Education at Distance) the occurrence, complaints and legal claims have been occurring on a larger scale every year that passes. People stay in their homes more; some to escape the stress turn on their music, make home renovations, make louder noises; while others disturb, as they need a calmer and healthier environment to carry out their work. work activities in general.

The imposition of rules concerning this topic, here, is clearly justified by its need. Based on the proposed research, it is possible to conclude that this entire struggle could be easily avoided and resolved through the individual use of common sense. Understand the boundaries of others, empathy and a friendly relationship within a neighborhood is the key for good coexistence among all. The norms of social conduct greatly facilitate coexistence and health of the proposed environment, but it is not always used. The ideal would be to talk, explain how there is damage to the relationship between people when this occurs, and the other side, make yourself understandable and listen, put yourself in the other person's shoes and together reach an agreement common solution. However, an agreement between the parties is rarely reached, which turns into a dispute of moral power, fights (in the form of moral and even physical aggression). In these cases the measures possible measures to be taken are the most drastic, and for this they must be guided by laws and imposed by legal authorities, in order to avoid serious problems.

In addition to theoretical reflections, it is important to highlight data and jurisprudence that confirm the seriousness of the issue. The World Health Organization (WHO) recognizes noise pollution as one of the biggest urban environmental problems, responsible for negative effects on health mental and physical. Studies show that levels above 55 decibels are enough to cause stress, sleep disorders, high blood pressure and increased risk of diseases cardiovascular. In Brazil, according to a survey by IBGE (2022), noise pollution is among the three main environmental complaints of the urban population, behind only the accumulation of garbage and air pollution.

In the legal field, case law has reinforced protection against harmful effects of noise. The Superior Court of Justice (STJ) has already consolidated its understanding that pollution noise constitutes a violation of neighborhood rights and may give rise to compensation for damages moral and material. An example is REsp 1.819.075/DF (2019), in which the Court recognized the right of residents to compensation for excessive noise from an establishment commercial. At the state level, several Courts of Justice have been deciding in the same sense, including applying emergency measures to immediately cease noisy activities.

Such data demonstrate that, although there is a robust and growing regulatory framework action of the Judiciary, the definitive solution to the problem requires more than simply law enforcement: requires a change in social attitude, use of mediation and collective education to respect for the limits of coexistence.

FINAL CONSIDERATIONS

Therefore, the research shows that noise pollution, although often treated as a minor problem, it reveals itself to be a phenomenon capable of generating serious social, legal and public health repercussions. Neighborhood conflicts, when not treated preventively and peacefully, can escalate into legal disputes and even situations of violence, which reinforces the need for mediation mechanisms and social education.

The study demonstrated that the Brazilian legal system already has instruments effective in controlling noise pollution, both in the environmental and civil spheres and criminal. However, such measures only become effective when combined with a culture of respect, dialogue and empathy.

Thus, it is concluded that the solution to this problem does not lie solely in application of legal sanctions, but above all in collective awareness and the adoption of practices of good coexistence. The research therefore contributes to the debate on the importance of promote a more balanced society, in which the exercise of individual rights is compatible with the preservation of the rights of the entire community.

REFERENCES

BRAZIL. Constitution (1988). **Constitution of the Federative Republic of Brazil**. Brasília, DF: Federal Senate: Graphic Center, 1988.

BRAZILIAN, Veronica Maria Miranda. **Noise pollution.** Legislative Consulting of the Chamber of the Deputies, 2012. Available in: <https://www.terrabrasil.org.br/ecotecadigital/images/poluicao%20sonora.pdf>

BRESSANE, Adriano. **Noise pollution: a synthesis of fundamental principles of the theory acoustics.** *Holos Environment*, v. 10, 2010. Available at: <https://www.ce.unesp.org.br/holos/article/view/4728/3757>

DREOSSI, Raquel Cecília. **Noise and its interference on students in a classroom class: literature review.** *Scientific Update Journal*, v. 17, 2005. Available at: <https://www.scielo.br/j/pfono/a/7yXJSScQJzXjwjn79PPd3Fm/?format=pdf&lang=pt>

GERGES, S. **Effect of noise and vibrations on humans.** In: _____. *Noise and vibrations industrial systems: fundamentals and controls*. Florianópolis: Samir, 1991.

LAKATOS, Eva Maria; MARCONI, Marina de Andrade. **Fundamentals of methodology scientific.** 5th ed. São Paulo: Atlas, 2003.

GROUP SOFTWARE. **Silence Law: myths and truths about the subject.** Group Software, 2021. Available at: <https://www.groupsoftware.com.br/blog/lei-do-silencio/>

MINAYO, Maria Cecília de Souza (org.). **Social research: theory, method and creativity.** 18. ed. Petropolis: Vozes, 2001.

REALE, Miguel. **Preliminary Lessons in Law.** 27th ed. São Paulo: Saraiva, 2002.

EUROPEAN UNION. **Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002.** *Official Journal of the European Communities*, 2002. Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:189:0012:0025:PT:PDF>

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