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PEACE, JUSTICE AND EFFECTIVE INSTITUTION: THE SUSTAINABLE DEVELOPMENT GOAL 16 IN THE CONTEXT OF THE FEDERAL JUSTICE OF MARANHÃO, BRAZIL¹

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Abstract: Aims at a research of documentary origin, hybridized with the bibliographic procedure, in addition to permeating an exploratory study, systematized with the approach of qualitative research. Based on the results, it appears that management applications are presented in this work as a determinant for the configuration of an effective institution. It is also inferred that the management outlined in the investigation reveals a way to conceive the SDG 16 in Brazil.

Keywords: Environmental management. Federal Court of Maranhão. Efficiency. Electricity.

INTRODUCTION

Care related to environmental protection is salutary, because, in a vast analysis, this reflects on the perpetuity of life. Furthermore, the environment is a third-generation fundamental human right. Based on this anchor point, dialogues between environmental management and the Sustainable Development Goals (SDGs) of the United Nations (UN) 2030 Agenda are envisaged, specifically SDG 16: Peace, Justice and Effective Institutions. In this light, it is pertinent to inform that in the Brazilian legal system the principle of efficiency, established in art. 37 of the 1988 Republican Charter, constitutes the foundation that approaches the focused SDG.

In this sense, it emerges that the understanding of matter goes beyond ecological vectors, being intertwined with economic and social factors. In such an interaction of ideas, the interdisciplinary character emanating from the highlighted theme is evident.

By the way, looking at the Brazilian legal context, institutions of the Justice system are raised that exemplify the scope of the highlighted SDG. Following this journey, it is revealed in the scenario of the Federal Justice,

Judiciary Section of Maranhão (SJMA), base years 2018 and 2019, the fulfillment of the indicators that embody the comparative productivity index of Justice (IPC-Jus), based on the 2019 and 2020 editions of the Justice in Numbers analytical report of the National Justice Council (CNJ). From these considerations, the mitigation of electricity expenses in the SJMA is understood as one of the points of congruence for the achievement of SDG 16 in Brazil.

Along these lines, the question arises: *Why do the actions mentioned in the Sustainable Logistics Plan/SJMA regarding the electric energy indicator impact the achievement of SDG 16?* As a result, the present study has the general objective of analyzing the PLS of the SJMA, concerning the electric energy indicator with perspectives of impact for the achievement of SDG 16, and, as specific: to investigate the PLS of the judicial section, base years 2018-2019, under the approach of environmental management; raise the managerial acts listed in the PLS to obtain the energy target; and assess the impact relationship between the actions outlined with the scope of the concept of an effective institution in the light of SDG 16.

It is noteworthy that this research is important because it presents key points for the improvement of effective institutions. Furthermore, it is relevant for the breadth of the dimensions it includes: environmental, economic and social, in addition to providing the sharing of effective ideas for the experience of concepts that reflect sustainability and efficiency in the sphere of the defined institution.

This is an exploratory study, linked to a qualitative approach, with bibliographic-documentary research procedures, whose structure is presented in sequence: introduction, containing the central elements of the analysis; theoretical foundation,

approaching the assumptions, perceptions and postulations formulated by scholars of the subject and that sediment the investigative line; conclusion, revealing the main inferences verified; and, finally, references, listing the sources that helped to build the research.

CONSTITUTIONAL INTERLOCUTIONS TANGIBLE TO ENVIRONMENTAL CONSERVATION TREATMENTS

For the substantiation of the research, it is considered essential to survey theoretical perspectives, especially in the field of Constitutional Law. Because of this, lectures conceived by jurists versed in this field of knowledge and dealing with matters related to the environment are presented. At the outset, it is highlighted: “[...] the environment is well for the general enjoyment of the community, of a diffuse nature [...]” (LENZA, 2019, p. 2252). Along these lines, the view of Moraes (2017) is explained:

Notwithstanding the concern for the environment is ancient in several legal systems, including the Philippine Ordinances that provided in Book Fifth, Title LXXV, as a very serious penalty to the agent who cut a tree or fruit, subjecting him to scourging and exile to Africa for four years, if the damage was minimal, otherwise, the exile would be forever to our previous Constitutions, unlike the current one, which destined a chapter for its protection, they never worried about it (MORAES, 2017, p. 617).

The potential for breadth with which the environment theme can be discussed in the Brazilian legal system is notorious, revealing that the current Federal Constitution of 1988 (CF - FEDERAL CONSTITUTION/88) deliberates on issues related to the environment. In fact, the defense of the environment is listed as a principle of the Brazilian economic order in article 170 of

the Constitution (BRAZIL, 1988). In this thinking, it is observed that: “[...] in the *caput* of art. 225, the constitutional text claims that the environment is a good for common use by the people, prompting the use of all legislative, administrative and judicial means necessary for its effective protection [...]” (MORAES, 2017, p. 618). Bulos (2015), complementing this assertion, adds that:

The environment chapter of the 1988 Constitution is one of the most advanced and modern in world constitutionalism.

The concern to guarantee this authentic *diffuse right* has acquired enormous importance in the most recent constitutions.

In ancient times, the supreme texts foresaw, in a generic way, attributions of bodies or delimitation of environmental competences.

In recent decades, the constitutional discipline of the environment has become a fundamental right of the human person, a legitimate *third-generation right of solidarity*, because human health and quality of life have become the main goal of States [...]

This pioneering spirit made it an essentially environmentalist document (BULOS, 2015, p. 1614-1615, author's emphasis).

As a result, it is noticeable that when dealing with the chapter on the environment, the 1988 Republican Charter is a robust instrument of international relevance. Mendes, Coelho and Branco (2009, p. 1425) agree with the vision of Bulos (2015), when they postulate that “[...] in the constitutional scope, as most jurists point out, the chapter on the environment is one of the most advanced and modern in world constitutionalism, containing norms of remarkable breadth and recognized usefulness” From this angle, Kassmayer (2009) asserts that the aforementioned chapter guarantees the right to balance the environment of this and future generations, as well as perpetuating itself in a vast field of interpretation of the constitutional text, considered transversal.

Furthermore, “[...] at the infra-constitutional level, as a reflection and derivation of this superior matrix, the rules for protecting the environment and quality of life are equally adequate and rigorous [...]” (MENDES; COELHO; BRANCO, 2009, p. 1425). In this reasoning, Lenza (2019) also argues that it was only with the constitutional institute of 1988 that the environment was ensured, both in a specialized and generic way. Therefore, the scholar shares the understanding that the Constitution is a milestone for guaranteeing the right to an ecologically balanced environment in the Brazilian reality.

In addition to the intellectual contributions already recorded, Moraes (2017) emphasizes that the defense of the environment permeates the basic conciliation of Constitutional Law and International Law, promoting the advancement of the conventional idea of domain and public/private interest. In view of this, it is understood the pertinence of debates tangent to the issue of environmental bias in the horizon of national and global relations. This way, the author explains:

The environment must, therefore, be considered the common heritage of all humanity to guarantee its full protection, especially in relation to future generations, directing all State Public Power’s conduct towards full internal legislative protection and adherence to international pacts and treaties that protect it 3rd generation fundamental human right, to avoid harm to the community in the face of an allocation of a certain good (natural resource) to an individual purpose (MORAES, 2017, p. 618).

It is evident, then, that the environment is considered a fundamental human right of the third generation. In this journey, Kassmayer (2009), as well as Mendes, Coelho and Branco (2009) corroborate the same thought that the right to an ecologically balanced

environment is one of the principles listed in the fundamental rights of the human person, advocated in art. 225 of CF - FEDERAL CONSTITUTION/88. In this regard, the designations of the fundamental principles of the law in question are condensed (TABLE 1).

NOMENCLATURES OF FUNDAMENTAL PRINCIPLES OF ENVIRONMENTAL LAW	
Principle of ecologically balanced environment as a fundamental right of the human person	Polluter pays principle
Principle of the public nature of environmental protection	Principle of prevention
Principle of control of the polluter by the Public Power	Principle of the socio-environmental function of the property
Principle of consideration of the environmental variable in the decision-making process of development policies	Principle of the right to sustainable development
Principle of community participation	Principle of cooperation between peoples

Table 1 - Denominations of the fundamental principles of environmental law.

Source: Adapted from Mendes, Coelho and Branco (2009).

Therefore, the list of principles that guide the negotiations regarding environmental law is denoted. In closing, Moraes (2017, p. 618) adds that: “[...] the Law must rely on notions of Ecology, which conceptualizes the biosphere as constituted by the set of soil, water and air existing on the globe terrestrial and ruler of the necessary conditions for life [...]”

In this weaving of ideas, Kassmayer (2009) highlights the impossibility of analyzing the environmental issue without a proper understanding of the legal issue and its connection with socioeconomic and cultural aspects. Then, it is verified that the constitutional approach to the environment includes the interaction of biological and applied social sciences.

Balera and Silva (2019) advocate that society needs to develop the ability to live together based on a favorable order for the environment, with quality of life, in order to achieve peace. Thus, the connection between achieving peace and environmental protection for the benefit of humanity is envisaged, as postulated by the UN in the 2030 Agenda in the SDGs.

THE ISSUE OF SUSTAINABLE DEVELOPMENT GOAL 16 IN THE SCENARIO OF THE JUDICIAL SECTION OF MARANHÃO, BASE YEARS 2018-2019

The discussion about the environment is necessary in the current situation, because, as taught by Lenza (2019), even though it is

an individual right, it is also collective and of future generations. In the international scenario, the theme was widely treated, however, Bulos (2015) suggests that in Brazil, with the promulgation of the Constitution of 1988, the matter was arbitrated with due relevance.

Regarding the world scenario, Balera and Silva (2019, p. 216) point out that “[...] the goals of sustainable development are [sic] a new agenda for 2030, guided by the principles of the Charter of Nations, whose objective is to seek a more just, solidary, humane and pacifying society” This inculcates the utopian discourse of establishing peace between men (BALERA; SILVA, 2019). Regarding the SDGs of the UN 2030 Agenda, Figure 1 shows the 17 goals.



Figure 1 - Sustainable Development Goals.

Source: United Nations Organization (2021).

It must be noted that Schneider and Pezzella (2017) point out that Brazil's representatives at the 2017 High Level Political Forum (at the UN headquarters in New York) highlighted the importance of the SDGs for the country, classifying them as State commitments, inserted in a broader agenda, which encompasses public institutions (Legislative, Executive and Judiciary), civil society and the public sector.

In order for Brazil to achieve compliance with the agenda, Decree No. 8.892/2016 was edited, with the purpose of creating the National Commission for the SDGs. This body is composed of representatives of governments, public institutions (Legislative and Judiciary), civil society and the private sector. It must be noted that the aforementioned institute paid special attention to the action plans and monitoring of the goals established by the UN (SCHNEIDER; PEZZELLA, 2017). In this direction, it is verified that SDG 16 works on these horizons: Peace, Justice and Effective Institutions. In this regard, it is worth considering that:

Within this context, art. 225 must be interpreted in line with art. 1, III, which enshrines the principle of human dignity as the foundation of the Republic; the art. 3, II, which provides for national development as a fundamental objective of the Republic; and the art. 4, IX, which stipulates that Brazil must be governed in its international relations by the principles of cooperation between peoples for the progress of humanity, **in order to allow greater effectiveness in protecting the environment** (MORAES, 2017, p. 618-619, emphasis added).

In this reflection, it appears that the chapter reserved for the environment in the CF - FEDERAL CONSTITUTION of 1988 illustrates the concern with environmental preservation (BULOS, 2015). Exchanging these notes, it is appropriate to add that CNJ Resolution No. 325/2020 slightly tried to

couple the SDGs of the UN 2030 Agenda in the Strategic Planning map of the Judiciary, period 2021 to 2026 (NATIONAL COUNCIL OF JUSTICE, 2020a).

Translucent is the attention focused on the observance of the SDGs in the national planning of the Brazilian Judiciary. In this logic, the statement by Moraes (2017, p. 618) is brought up: “[...] the Federal Constitution of 1988 enshrined the Public Power's obligation to defend, preserve and guarantee the effectiveness of the fundamental right to the environment ecologically balanced environment [...]” And, in turn, Lenza (2019) points out that the aforementioned preservation and care for the environment is both a duty of the State and of the community, since it is the common good of society, not being considered neither public nor private.

Note, therefore, the careful path in conceiving SDG 16: Peace, Justice and Effective Institutions, unfolding in the universe of Federal Justice, more precisely, in the dimension of the Federal Regional Court of the 1st Region (TRF1), context of the SJMA, as it stands out for the scope of efficiency from the perspective of the IPC-JUS, in the base years 2018 and 2019, as shown in Table 2.

YEAR OF ISSUE	EFFICIENT JUDICIAL SECTION (IPC-JUS 100%)
2019 edition of the Justice in Numbers (CNJ) analytical report	Judicial Section of Acre Judicial Section of Maranhão
2020 edition of the Justice in Numbers (CNJ) analytical report	Judicial Section of Maranhão Judicial Section of Minas Gerais Judicial Section of Piauí Judicial Section of Tocantins

Table 2 - IPC-Jus efficiency perspective - base years 2018-2019 - TRF1.

Source: Adapted from the National Council of Justice (2019; 2020b).

Thus, it can be seen that the SJMA stands out for reaching 100% (one hundred percent)

of efficiency relative to the IPC-Jus, in the base years of 2018 and 2019, based on the statistical diagnoses of the CNJ, expressed in the reports analytical Justice in Numbers, respective editions of 2019 and 2020, available on the institution's electronic portal, Publications and Research segment (NATIONAL COUNCIL OF JUSTICE, 2019; 2020b). Along these lines, it is appropriate to highlight the Facade of the SJMA headquarters, in São Luís/MA (FIGURE 2).



Federal Court of Maranhão

Figure 2 - Facade of the SJMA Building - São Luís/MA.

Source: Brazil (2001).

It is noted that the SJMA illustrates the application of the principle of efficiency in light of the provisions of art. 37 of CF - FEDERAL CONSTITUTION/88 (BRAZIL, 1988), as well as instills a precept of an effective institution in harmony with SDG 16, which marks the consolidation of peace, justice and effective institutions (ORGANIZATION OF THE UNITED NATIONS, 2021).

In addition to this view, the research is committed to unveiling the application of concepts inserted in art. 225 CF - FEDERAL CONSTITUTION/88. Because of this, it is worth mentioning that in the strategic planning of the Federal Justice, period 2015-2020, environmental responsibility advocated the institutional value aspect of the Federal Justice in the face of society (BRAZIL, 2014).

In this reasoning, the strategic planning of the Federal Justice, six - years period 2021-2026, encompasses sustainability as a characteristic of the institution's value. (COUNCIL OF FEDERAL JUSTICE, 2020). Regarding these points, it is worth viewing Table 3.

FEDERAL JUSTICE STRATEGIC PLANNING MAPS (VALUES SEGMENT)		
Federal Justice	Value Environmental responsibility	sexennium 2015-2020
Federal Justice	Value Sustainability	sexennium 2021-2026

Table 3 - Strategic Planning - Institutional Value - 2015-2020 and 2021-2026.

Source: Adapted from Brazil (2014) and Federal Justice Council (2020).

Therefore, respect for art. 225 of CF - FEDERAL CONSTITUTION/88 in the field of Federal Justice, behold, in the management axes, the path that contemplates the concept of sustainable development and that unites environmental, economic and social interests is unraveled. In fact, Mendes, Coelho and Branco (2009, p. 1425, author's emphasis) combine this knowledge: "In Brazil, [...] the awareness of the necessary correlation between environment and quality of life has been taking place for some time, a concern reflected in the *constitutionalization* and *legalization* of ecology [...]"

In this sense, it is appropriate to show Table 4, since it condenses the practices adopted by the Judiciary Section, contained in the respective PLS, to obtain efficiency in the reduction of expenses with electric energy.

PLS ACTIONS - SJMA Reduction of electricity costs
Configure printers and computers in economizer mode
Awareness campaign on the rational use of electricity with lectures
Deploy LED lighting
Reduce lighting in circulation areas
Assign fluorescent lamps
presence sensors
Reduced operation of the air conditioning system
Inform consumption data to the staff

Table 4 - PLS-SJMA Actions to Mitigate Electricity Expenses.

Source: Brazil (2016, p. [10]).

Based on the management acts listed in Table 4, it can be deduced that respect for the determinations of the Judiciary Section, on the part of its staff, is revealed as an important aspect for achieving the revealed efficient result. It appears, then, that the vector highlighted in the study points to a possibility of complying with SDG 16 in Brazil by exemplifying its application in the reality of the SJMA, base years 2018-2019.

In this path, it is considered coherent to base the point of view of Balera and Silva (2019, p. 216), as they argue that the struggle for peace in a global way is guided by these dimensions: “[...] the prevalence of rights human dignity, the social, political, economic and solidarity development of humanity, and the protection of the environment as one of the objectives of sustainable development ”

Kassmayer (2009) reduces the ideas and points out that the CF - FEDERAL CONSTITUTION/88, by protecting the environment, ensures the quality of life for Brazilian society. The author also concludes by informing that “[...] fundamental rights originate from the principle of human dignity and establish the basic principles of the Constitution in force, [...] fundamental

to an ecologically balanced environment” (KASSMAYER, 2009, p. 121).

Based on the analysis carried out, management is denoted as a relevant aspect to instigate the achievement of SDG 16 in Brazil, as it appears, in the unraveled line of studies, as an influential vector to catalyze, in particular, the conception of an effective institution.

CONCLUSION

In the present work, the assessment on the axis of environmental management of the SJMA is delimited, demarcating the managerial acts listed in the PLS to direct the mitigation of electric energy expenses, a point of evidence of the Judiciary Section analyzed in the base years 2018-2019, time frame in which it achieved 100% (one hundred percent) efficiency from the IPC-Jus perspective.

In the design of exploratory studies, effective environmental management acts are grouped to impact the achievement of goals related to electricity. In this regard, it was possible to identify that this indicator stands out as one of the points of congruence for efficiency in mitigating SJMA's expenses in 2018-2019.

It is also worth noting that the knowledge postulated here was essential for the of aspects of an economic (spending) and environmental (environmental preservation) nature in the unraveled bias. In this reasoning, it is confirmed, in particular, the contemplation of art. 37 of the Constitutional Text, above all, regarding the principle of efficiency, and, the observance of its art. 225. This occurs because the preservation of the environment in the line triggered by the investigation in question concentrates, in addition to environmental factors, economic elements, attracting, therefore, the application of efficiency.

Thus, it is argued that the investigation undertaken can illustrate the preservation of

the environment in the sphere of the research institution. It appears, therefore, that the respect of the staff of the SJMA, regarding the guidelines listed in Table 4, tends to imply the consolidation of the efficient result investigated.

In approaching the matter, consistency in the understanding of matters concerning Administration is revealed, by exemplifying how public management, in the field of environmental management, collaborates with the achievement of SDG 16 in Brazil, UN 2030 Agenda: Peace, Justice and Effective Institutions!

Finally, it is important to continue with the studies to share other relevant strategies that contribute to environmental protection, and, in broad perception, to the continuity of life.

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