

Scientific Journal of Applied Social and Clinical Science

NEGOTIATED CRIMINAL JUSTICE: A COMPARISON BETWEEN THE NON- PROSECUTION AGREEMENT IN BRAZIL AND THE ABBREVIATED TRIAL IN ARGENTINA

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Acceptance date: 24/10/2024



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Abstract: This article analyzes Negotiated Criminal Justice, focusing on the Non-Prosecution Agreement (ANPP) in Brazil and the Juicio Abreviado in Argentina. With the growing demand for mechanisms that speed up the resolution of criminal conflicts and reduce the burden on the judicial system, both countries have implemented solutions that allow negotiations between the Public Prosecutor's Office and the defense, offering alternatives to the traditional criminal process. The ANPP, introduced by Law No. 13,964/2019, allows for the suspension of criminal proceedings upon fulfillment of conditions by the defendant, while the Juicio Abreviado results in the application of an agreed sentence. This study compares the roles of the agents involved, such as the Public Prosecutor's Office, the defense and the judge, as well as discussing the social and legal implications of each mechanism. In the end, the article highlights the similarities and differences between the two systems, contributing to a deeper understanding of negotiated criminal justice in South America.

Keywords: Non-Prosecution Agreement; Abbreviated Trial; Negotiated Criminal Justice; Brazil; Argentina.

INTRODUCTION

In recent years, Negotiated Criminal Justice has emerged as an innovative response to the growing demands for efficiency and speed in the justice system. In Brazil, the Non-Prosecution Agreement (ANPP), established by Law No. 13,964/2019, and the Juicio Abreviado, implemented in Argentina, represent attempts to decongest the criminal justice system by offering alternatives to the traditional judicial process. Historically, both mechanisms have emerged in a context of court overload, where procedural delays and a lack of adequate resources have become pressing issues. Socially, the search for solutions that respect the rights of the accused while promoting the

effectiveness of justice is essential in societies where crime and insecurity remain high.

The central problem of this research lies in the analysis of how these two mechanisms of negotiated criminal justice influence the dynamics between the Public Prosecutor's Office, the defense and the judge, as well as the implications for the rights of defendants. What are the similarities and differences between the Non-Prosecution Agreement in Brazil and the Juicio Abreviado in Argentina, and how do these practices impact on the rights of the accused? This question arose from observing the tensions between the search for swift justice and the protection of the fundamental rights of individuals involved in criminal proceedings.

The general objective of this article is to compare the Non-Prosecution Agreement in Brazil and the Juicio Abreviado in Argentina, analyzing their procedures, agents involved and effects on defendants. The specific objectives include: investigating the historical and legal context that led to the implementation of both mechanisms; examining the conditions of application and the requirements for the validity of the agreements; and evaluating the legal and social consequences that arise from the use of these instruments in practice.

The research is of paramount importance to society, as it contributes to the understanding of alternative ways of resolving criminal conflicts, emphasizing the need to balance procedural efficiency with the protection of human rights. Academically, this study provides a comparative analysis that enriches the literature on negotiated criminal justice in South America, serving as a basis for future research and reflection on the subject.

To prepare this article, a qualitative research method was adopted, with a comparative approach. Data was collected by means of a bibliographic review of relevant legislation, academic articles and official documents dis-

cussing the ANPP and the Abbreviated Trial System. This methodology allows for an in-depth analysis of the characteristics and implications of each system.

The article will be structured as follows: first, it will look at the Non-Prosecution Agreement in Brazil, followed by the Juicio Abreviado in Argentina. Finally, a detailed comparison will be made between the two systems, highlighting their similarities and differences.

NON-PROSECUTION AGREEMENT IN BRAZIL

HISTORICAL AND LEGAL CONTEXT

The history of the Non-Prosecution Agreement (ANPP) in Brazil is marked by a progressive development, which reflects the transformations in the Brazilian penal system in search of greater efficiency and speed.

The Brazilian criminal justice system has always been traditionally inquisitorial, characterized by slowness and inefficiency in resolving cases. This slowness has generated a growing demand for solutions that can relieve the Judiciary and speed up proceedings, especially for minor crimes. In this context, the idea arose of creating alternative mechanisms to traditional criminal prosecution.

In 2017, with the publication of Resolution No. 181 by the National Council of the Public Prosecutor's Office (CNMP), the ANPP was initially regulated, providing for the possibility of the Public Prosecutor's Office entering into agreements to avoid criminal prosecution in specific cases. This resolution established the first parameters for the use of the agreement, including the basic requirements for its application, such as the need for the suspect to confess to the crime and for the offense to have a minimum sentence of less than four years, without involving violence or serious threat.

On January 24, 2018, Resolution No. 183 amended Resolution No. 181/2017, making

adjustments to the ANPP procedure but maintaining its essential guidelines. These normative acts were precursors to a more robust change in the Brazilian legal system, which would consolidate the ANPP as a relevant institute.

The Resolution also defines the conditions that the beneficiaries of the agreement must fulfill, which can be agreed between the parties in a cumulative or alternative manner. These conditions include:

“Art. 18. (...)

I - repair the damage or return the item to the victim, unless it is impossible to do so; (Edited by Resolution 183 of January 24, 2018)

II - voluntarily renounce assets and rights, indicated by the Public Prosecutor's Office as instruments, product or profit of the crime; (Redaction given by Resolution No. 183, of January 24, 2018)

III - provide services to the community or to public entities for a period corresponding to the minimum penalty for the offense, reduced by one to two thirds, in a place to be indicated by the Public Prosecutor's Office; (Redaction given by Resolution No. 183, of January 24, 2018)

IV - pay a pecuniary allowance, to be stipulated under the terms of Article 45 of the Penal Code, to a public or social interest entity to be indicated by the Public Prosecutor's Office, and the allowance should preferably go to those entities whose function is to protect the same or similar legal assets as those apparently harmed by the offense; (Edited by Resolution No. 183, of January 24, 2018)

V - comply with another condition stipulated by the Public Prosecutor's Office, as long as it is proportional and compatible with the criminal offense apparently committed. (Redaction given by Resolution No. 183, of January 24, 2018)” (BRASIL, 2017).

The definitive legal milestone for the ANPP came with the enactment of Law No. 13,964 of December 24, 2019, also known as the “Anti-Crime Package”. This law formally inserted the ANPP into the Code of Criminal Procedure, consolidating the agreement as an official criminal negotiation tool in Brazil. As Eugênio Pacelli explains, the creation of the ANPP with Law No. 13,964/2019 was an attempt to solve one of the biggest problems in the Brazilian criminal justice system: the length of criminal proceedings (Pacelli, 2020).

The implementation of the ANPP requires compliance with strict requirements. As provided for in Resolution 181/2017 and Law No. 13,964/2019, the crime must have a minimum sentence of less than four years, and there must be no violence or serious threat to the person. In addition, the accused must formally and circumstantially confess to committing the crime. The validity of the agreement depends on judicial approval, and the investigated person must always be assisted by a lawyer, and the agreement can even be concluded during the custody hearing, which, according to some authors, such as Vasconcellos (2017), may represent a deviation from the original purpose of this hearing.

This chronological development of the ANPP demonstrates its evolution from an alternative mechanism, introduced by internal resolutions of the Public Prosecutor’s Office, to becoming a legally recognized tool in Brazilian criminal proceedings, aimed at speed and efficiency in dealing with minor crimes.

HOW THE ANPP WORKS

The Non-Prosecution Agreement is proposed by the Public Prosecutor’s Office, Nilo Batista points out that the ANPP is applicable to crimes committed without violence or serious threat to the person, whose minimum sentence is less than four years, being an important tool to avoid excessive judicialization and allow the accused the possibility of repairing the damage without the need to go through a complete process (Batista, 2020).

According to Sanches (2020, p. 127), the agreement not to prosecute is:

A binding agreement between the prosecution and the investigated person (assisted by a lawyer), duly ratified by the judge, in which the investigated person assumes his responsibility, agreeing to comply with conditions that are less severe than the criminal sanction applicable to the fact imputed to him.

In order for the ANPP to be offered, the defendant must formally and circumstantially confess to committing the crime, as well as not be a repeat offender in intentional crimes and not have previously benefited from other decriminalizing mechanisms, such as the criminal transaction or conditional suspension of proceedings. Queiroz (2020) states:

For the purposes of the agreement, and not necessarily for other purposes (e.g. recognition of the mitigating factor of spontaneous confession), only a simple confession allows the ANPP to be carried out. In other words, a formal and circumstantial confession (the law actually talks about a circumstantial confession) must be understood as a simple confession. A formal and circumstantial confession is therefore a simple and voluntary confession in which the investigated person mentions the essence of the offense committed, narrating the motivation and the legally relevant circumstances. The law requires that it be detailed, including for judicial assessment of its consistency and verisimilitude.

The role of the judge is crucial in ratifying the agreement, as it is up to them to verify the legality and adequacy of the NPA to constitutional principles. As Alexandre de Moraes states, the role of the judge in the Non-Prosecution Agreement is essential to ensure that the conditions of the agreement are fair and proportionate, and that the defendant has not been coerced or induced to confess to a crime (Moraes, 2021). Approval is the act that legally validates the agreement, making it effective and able to produce the intended effects.

AGENTS INVOLVED

The main agents involved in the ANPP are the Public Prosecutor's Office, the defense and the judge. The Public Prosecutor's Office is responsible for formulating and proposing the agreement, seeking a solution that is compatible with the public interest and legal requirements. Rogério Greco points out that the Public Prosecutor's Office plays a leading role in the ANPP, since it is its prerogative to propose the agreement (Greco, 2020).

The defense plays a key role in protecting the defendant's rights throughout the process. The lawyer must advise his client on the legal consequences of the agreement and ensure that the conditions proposed are fair. Luiz Regis Prado states that the defense must act diligently in the ANPP negotiation process, ensuring that the accused fully understands the consequences of the agreement and that their rights are respected (Prado, 2021).

The judge, in turn, acts as an inspector of legality and justice in the process, ensuring that the agreement respects constitutional and infra-constitutional norms. As Moraes has already mentioned, the judge's approval is essential for the ANPP to be formalized.

ABBREVIATED TRIAL IN ARGENTINA

HISTORICAL AND LEGAL CONTEXT

The Argentine penal system has undergone significant reforms in recent years, with the aim of responding to the challenges posed by the growing demand for efficiency and speed in the prosecution of crimes. The introduction of the *abbreviated trial* in the Argentine Penal Code reflects this trend. This mechanism was created to allow for the rapid resolution of certain criminal cases, minimizing the time it takes to process cases and offering an alternative to the traditional slow pace of Argentine criminal justice.

The Juicio Abreviado was formally introduced into the Argentine legal system with the enactment of Law No. 24.825/99, which modified the Argentine Criminal Procedure Code, and its main objective is to speed up the judicial process in cases where the defendant admits guilt, allowing an agreement between the defense and the Public Prosecutor's Office on the penalty to be imposed. Unlike the retributive justice model, the *juicio abreviado* seeks a consensual resolution between the parties, promoting procedural efficiency without jeopardizing the defendant's rights. With the introduction of this mechanism, the Argentine legislature aimed to combat the excessive backlog of cases by offering a means of speedy trial for minor crimes.

The legal basis for the *abbreviated trial* is based on the search for greater efficiency, and it is an important tool for relieving the judicial system. It is a form of negotiated criminal justice which, while seeking speed, cannot disregard the principles of due process and the rights of the accused, and it is essential that the defendant is fully aware of the consequences of his confession and the negotiation of the sentence.

OPERATION OF THE ABBREVIATED TRIAL ACCORDING TO CHAPTER III OF THE BUENOS AIRES CRIMINAL PROCEDURE CODE

The Juicio Abreviado in Argentine criminal law is a procedure designed to speed up the resolution of criminal cases, offering an alternative to the traditional trial. This mechanism allows, in situations where the custodial sentence does not exceed fifteen years or is a non-custodial sentence, the Public Prosecutor's Office to propose an agreement to close the case without the need for an oral trial. The accused, together with their defense counsel, can also request the use of this procedure, which demonstrates the consensual and collaborative nature of the process.

The continuity of the Juicio Abreviado depends on the agreement between the Public Prosecutor's Office, the accused and his defender, covering both the agreed sanction and the legal classification of the crime. This agreement also requires the victim to be notified and to be able to express their opinion, even if they don't have the power to stop the proceedings. The judge will take this into account, balancing the interests of the parties involved and ensuring that the victim is heard in the process.

The request for an Abbreviated Trial must be formalized by the Public Prosecutor's Office, accompanied by the agreement reached between the parties. The deadline for this agreement to be made is up to 30 days before the oral argument hearing, which allows the process to move forward in an orderly manner while maintaining the flexibility needed for negotiations.

Once the agreement has been submitted, the judge has the task of deciding on its admissibility. He can reject the request if there are indications that the accused's consent was obtained improperly or if it is incompatible with the legal classification of the fact. In this case, the proceedings will continue in the or-

dinary way. However, if the judge accepts the agreement, he or she will pass sentence without the need for further deliberations. Before making the final decision, the judge must speak directly with the accused, making sure they understand the consequences of the agreement. If the ordinary procedure is resumed, any confession made under the Juicio Abreviado cannot be used against the accused.

The sentence, once the agreement is accepted, must be passed quickly, within five days. The sentence cannot be higher than that agreed between the Public Prosecutor's Office and the defendant, and the conditions for serving the sentence cannot be changed to harm the defendant. This provision reinforces the legal certainty of the agreement, preventing the defendant from being harmed by changes to the initial agreement.

In cases where there is more than one defendant, the rules of the Juicio Abreviado apply to all of them, unless the judge decides to reject any of those involved. This allows the procedure to remain cohesive, even when it involves multiple defendants.

In addition, there is provision for the decisions made in the Juicio Abreviado to be appealed against, guaranteeing the parties' right to judicial review. Both the Public Prosecutor's Office and the accused, his defender and the injured party can challenge the judgment, ensuring that the procedure is subject to control by higher courts.

The victim's participation in the process, although limited, is guaranteed by the notification of the agreement. They can express their opinion, but have no power to prevent the Juicio Abreviado from proceeding, which reflects the procedure's focus on procedural speed. Finally, civil proceedings arising from the crime can also be resolved within the same framework as the Juicio Abreviado, provided there is consensus between the parties involved. Otherwise, the civil matter will be dealt with separately.

AGENTS INVOLVED IN ABBREVIATED TRIAL

The Juicio Abreviado involves the collaboration of various agents, each with specific functions that ensure compliance with the procedure and guarantee a balance between speed and justice. The main players in this process are the Public Prosecutor's Office, the accused, their defender, the victim, the injured party and the judge.

The Public Prosecutor's Office is responsible for initiating the request for an Abbreviated Trial, by assessing that the sentence does not exceed the limit set by law or that a non-custodial sentence is appropriate. It is also responsible for negotiating with the defense and proposing a consensual solution that meets the interests of justice and society. Their role is central to the process, since the Juicio Abreviado depends on their initiative to take place.

The accused and his defender play a crucial role, since the agreement of the accused is indispensable to the progress of the Abbreviated Trial. The accused must be aware of the implications of the agreement and must give their consent freely and knowingly. The defender, in turn, has the task of ensuring that the rights of the accused are respected throughout the process, advising them on the best options and negotiating the terms of the agreement with the Public Prosecutor's Office.

The victim and the injured party are also important players in the Juicio Abreviado, although their role is more restricted. The victim must be notified of the agreement and has the opportunity to express their opinion, although this does not have the power to stop the proceedings. The injured party, for their part, can appeal the judgment if they feel that their interests have not been adequately addressed, ensuring that their position is taken into account.

The judge is responsible for ensuring that the Abbreviated Trial is conducted in accordance with legal and procedural principles. He must check that the accused is aware of the consequences of the agreement and that he has given his consent freely. The judge also has the power to reject the request for an Abbreviated Trial if he identifies defects in the consent or legal inconsistencies. If the agreement is accepted, the judge must pass sentence on the basis of the evidence already presented, ensuring that the agreed sentence and conditions are respected.

Together, these agents guarantee the efficient and fair functioning of the Juicio Abreviado, promoting a rapid solution to the criminal process without compromising the rights of the parties involved.

COMPARISON BETWEEN THE NON-PROSECUTION AGREEMENT AND THE ABBREVIATED TRIAL*

The Non-Persecution Agreement (ANPP) in Brazil and the Juicio Abreviado in Argentina are mechanisms that fall within the context of negotiated criminal justice, allowing for the speedier resolution of criminal cases. Both aim to reduce the number of full oral trials, avoiding unnecessary prolongation of the criminal process, while at the same time seeking a quick and proportionate response to the crime committed. Although their particularities are determined by the different legal systems in each country, there are several similarities that allow for a comparative analysis between these two institutes. According to Foucault's famous lesson (1987, p. 27), punitive measures are not simply 'negative' mechanisms that make it possible to repress, prevent, exclude or suppress; rather, they are linked to a whole series of positive and useful effects that they are charged with sustaining.

SIMILARITIES

One of the main similarities between the Non-Prosecution Agreement and the Abbreviated Trial is the **consensual nature** of both mechanisms. In both cases, the process can only move forward if there is agreement between the Public Prosecutor's Office and the accused, and the defendant's consent is essential for the agreement to be validated. This aspect reflects the negotiated nature of the decisions, which seek to avoid a conventional trial and promote an agreed solution.

Queiroz defines consensual criminal justice:

“Consensual criminal justice consists of making agreements between the parties to the case in order to reach a short resolution to the alleged criminal offense. There is a trend towards its application, as it helps to process cases more quickly.” (Queiroz, 2019, page 10)

Given that negotiated criminal justice offers alternatives to conventional criminal prosecution, it is essential to ensure the protection of individual rights, in addition to respecting constitutional and criminal procedural precepts. The application of these mechanisms must avoid any form of arbitrariness or violation of fundamental guarantees.

In addition, both the ANPP and the Juicio Abreviado offer **sentence reductions** as an incentive to the accused. In the case of the ANPP, the agreement can result in benefits such as the conditional suspension of proceedings or the replacement of the custodial sentence with alternative measures, such as community service. In the Juicio Abreviado, the negotiation allows the defendant to avoid a higher sentence than the one agreed with the Public Prosecutor's Office, offering legal certainty and predictability to the process.

In both mechanisms, **the judge's role** is limited to approving the agreement, since the negotiation takes place predominantly between the Public Prosecutor's Office and the accused, with the participation of the defense. The

judge, in both cases, has the role of verifying that the terms of the agreement are in accordance with the law and that the defendant has understood the consequences of the pact, ensuring that there are no defects of consent.

Another common point is the **impact on procedural economy**. Both the ANPP and the Juicio Abreviado are mechanisms that seek to relieve the burden on the criminal justice system by enabling cases to be resolved without the need for lengthy court proceedings. This contributes to the speed and efficiency of the criminal justice system, as well as avoiding the overload of trials and the consequent delay in solving crimes.

Finally, another similar aspect is the **victim's participation in the process**. Although the victim does not have the power to veto the agreements in either mechanism, both provide for them to be heard or notified about the terms of the agreement, ensuring that their position is considered, even if only to a limited extent. This involvement, albeit limited, demonstrates a concern with protecting the rights of the victim and ensuring their participation in the criminal proceedings.

These similarities between the Non-Prosecution Agreement and the Abbreviated Trial reflect the tendency of various legal systems to seek negotiated alternatives for resolving criminal conflicts, promoting justice in a more agile and efficient manner, while respecting the fundamental guarantees of the process.

DIFFERENCES

Although the Non-Prosecution Agreement (ANPP) in Brazil and the Juicio Abreviado in Argentina share a number of similarities within the framework of negotiated criminal justice, there are substantial differences between the two mechanisms, which reflect the specificities of each legal system and the way in which they both deal with criminal prosecution.

One of the main differences concerns the applicability criteria. In Brazil, the ANPP is restricted to crimes without violence or serious threat to the person, with minimum sentences of less than four years, which limits its application to crimes of medium offensive potential. In Argentina, on the other hand, the Juicio Abreviado can be applied to more serious crimes, as long as the custodial sentence does not exceed fifteen years, broadening its scope in relation to the ANPP. This means that in the Argentine system, more serious crimes can be the subject of negotiation, while in Brazil this possibility is restricted to less serious crimes.

Another difference lies in the **procedural stage** at which each mechanism is used. The ANPP is offered before charges are filed, i.e. at the investigative stage. It serves as a way of preventing criminal proceedings from being initiated, which reinforces its preventive nature. The Juicio Abreviado, on the other hand, takes place during the course of the proceedings and is an alternative to an oral trial, after the formal charges have been filed. This shows that, in Brazil, the ANPP aims to avoid litigation, while in Argentina the Juicio Abreviado seeks to shorten the duration of the process once it has already begun.

Another important distinction is the **victim's participation** in the process. In the ANPP, the victim does not have the right to directly influence the conclusion of the agreement, but they must be heard before the agreement is signed, especially in order to verify any reparation for the damage caused. In the Juicio Abreviado, the victim cannot prevent the agreement either, but has a greater say, being notified and being able to express their views more widely on the terms negotiated. Although neither system gives the victim the power to veto the agreement, the Argentine procedure seems to ensure more active participation.

In terms of **formal requirements**, the Juicio Abreviado has a more defined structure

when it comes to judicial approval. Upon receiving the agreement, the Argentine judge must verify both the legality and the voluntariness of the accused's consent, as well as ensuring that there is no discrepancy in the legal classification of the crime. In Brazil, on the other hand, the ANPP, once signed, is presented to the judge only for analysis of its regularity, legality and voluntariness, but without the same depth of verification as to the classification of the offense.

In terms of **legal consequences**, there are also important differences. In the ANPP, the fulfillment of the conditions agreed to by the accused leads to the extinction of punishability, i.e. the crime is considered not to have occurred, and the accused does not receive a condemnatory criminal sentence. In the Juicio Abreviado, the accused receives a formal conviction, but with a reduced sentence in accordance with the agreement reached with the Public Prosecutor's Office. Thus, while the ANPP aims not to initiate criminal proceedings, the Juicio Abreviado leads to the conclusion of proceedings with a sentence.

Finally, with regard to **appeals** against the final decision, both systems offer the possibility of a challenge. However, the appeal in the Argentinian Juicio Abreviado is more detailed, allowing both the Public Prosecutor's Office and the accused, the defender and the injured party to appeal against the sentence. In Brazil, the ANPP, on the other hand, does not allow appeals regarding the acceptance of the agreement, since it is a consensual measure prior to the complaint, and can only be reviewed in the event of non-compliance with the agreed conditions.

These differences show how the ANPP and the Juicio Abreviado, despite starting from the same principle of speeding up and simplifying the criminal process, are structured in different ways, reflecting the particularities of each legal system and its objectives within criminal prosecution.

SOCIAL AND LEGAL IMPLICATIONS

Both the ANPP and the *juicio abreviado* raise significant social and legal issues, particularly in relation to the impact on defendants. A common criticism is that defendants may feel pressured to accept plea bargains, especially in the face of an overburdened judicial system and the prospect of lengthy court proceedings. In the case of the *abbreviated trial*, this pressure can be even greater, as admitting guilt can result in a lasting social stigma, in addition to the immediate legal consequences.

In terms of society's trust in judicial institutions, these negotiated justice mechanisms can have contradictory effects. On the one hand, the speed and efficiency provided by these agreements can increase the perception that the judicial system is effective and agile in resolving conflicts. On the other hand, there is a risk that quick agreements may be perceived as superficial solutions that do not provide real justice for all parties involved. This is especially relevant when you consider that many settlements are signed without a full trial, which can give the impression that defendants are being punished without due process.

In the long term, the widespread implementation of negotiated justice mechanisms, such as the ANPP and the *juicio abreviado*, can influence the way society views the administration of justice. If these mechanisms are used in a balanced way, respecting the rights of the accused and providing fair solutions, they can strengthen public trust in institutions. However, if they are perceived as instruments of pressure or as a way of avoiding the proper prosecution of more serious crimes, trust in the justice system can be undermined.

FINAL CONSIDERATIONS

The comparative analysis between the Non-Prosecution Agreement (ANPP), as established in the Brazilian Code of Criminal Procedure, and the *Juicio Abreviado*, regulated by the Argentine Code of Criminal Procedure, shows not only the similarities, but also the significant differences that characterize these two mechanisms of consensual criminal justice. Both institutes have emerged as responses to contemporary demands for speed and efficiency in resolving criminal conflicts, promoting the debureaucratization of processes and reducing the burden on judicial systems.

Based on the research carried out, it can be seen that while the ANPP stands out for its preventive function, acting before proceedings are initiated, the *Juicio Abreviado* is positioned as an alternative during the course of proceedings, allowing cases that have already been formally initiated to be resolved more quickly. The different conditions of applicability, the victim's participation, the formal requirements for judicial approval and the legal consequences are elements that reveal the particularities of each system.

The laws that underpin these procedures - Law No. 13,964/2019 in Brazil, which introduced the ANPP, and the Argentine Code of Criminal Procedure, which regulates the *Juicio Abreviado* - represent efforts by the respective legislators to meet the demands of a faster and less punitive justice system, promoting negotiation and reparation over mere punishment.

In view of the above, the implementation of these mechanisms must be accompanied by strict observance of fundamental rights and procedural guarantees, in order to avoid arbitrariness and ensure that justice is effective and fair. Strengthening consensual criminal justice can thus represent a significant advance in the search for solutions that reconcile criminal accountability with the protection of individuals' rights, contributing to a more humane and efficient justice system.

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