

THE 2ND JUDICIARY CENTER FOR CONFLICT RESOLUTION AND CITIZENSHIP OF IMPRERATRIZ/MA AND SUSTAINABLE DEVELOPMENT

O 2º CENTRO JUDICIÁRIO DE SOLUÇÃO DE CONFLITOS E CIDADANIA DE IMPERATRIZ/MA E O DESENVOLVIMENTO SUSTENTÁVEL

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ABSTRACT

The study aims to understand how the 2nd Judicial Center for Conflict Resolution and Citizenship (CEJUSC) contributes to the development of the municipality of Imperatriz, State of Maranhão, from the perspective of the objective of sustainable development (OSD) 16. This is a study descriptive, which has a qualitative approach. The research sources are documentary, consisting of public data on oficial websites and unit productivity reports, as well as field studies, carried out through interviews. The content analysis technique proposed by Bardin was used to analyze documentary and interview data. The results indicate that in the municipality the general sustainable development index is low and Sustainable Development Goal 16 is one of the indicators with the lowest score. It was identified that the Center contributes to access to justice, as it allows conflicts to be resolved quickly and amicably, with the pre-procedural sector being free, and to social pacification, because self-composing methods allow dialogue, calm tempers and value human beings. However, the small number of conciliators/mediators and the lack of remuneration for carrying out the role, which is carried out on a voluntary basis, were identified as negative points. It is concluded that the Imperatriz Conciliation Center has the potential to contribute to sustainable development in the municipality. However, more investment in conciliators/mediators and more publicity about the importance of conciliation and mediation are needed.

Keywords: Sustainable Development. CEJUSC. Mediation. Access to justice. Peace.

RESUMO

O estudo tem como objetivo compreender como o 2º Centro Judiciário de Solução de Conflitos e Cidadania (CEJUSC) contribui para o desenvolvimento do município de Imperatriz, Estado do Maranhão, a partir da perspectiva do objetivo do desenvolvimento sustentável (ODS) 16. Trata-se de um estudo descritivo, que possui uma abordagem qualitativa. As fontes de pesquisa são do tipo documental, consistentes em dados públicos constantes em sites oficiais e relatórios de produtividade da unidade, bem como o estudo de campo, realizado por meio de entrevistas. Utilizou-se a técnica de análise de conteúdo, proposta por Bardin para a análise dos dados documentais e das entrevistas. Os resultados indicam que no município o índice geral de desenvolvimento sustentável é baixo e o Objetivo do Desenvolvimento Sustentável 16 é um dos indicadores com menor pontuação. Identificou-se que o Centro contribui para o acesso à justiça, pois permite a resolução dos conflitos de forma rápida e amigável, sendo gratuito o setor pré-processual, e para a pacificação social, porque os métodos autocompositivos permitem o diálogo, acalmam os ânimos e valorizam o ser humano. Contudo, foram identificados como pontos negativos, a pequena quantidade de conciliadores/mediadores e a não remuneração pelo exercício da função, que é exercida de forma voluntária. Conclui-se que o Centro de Conciliação de Imperatriz tem potencial para contribuir com o desenvolvimento sustentável no município. Contudo, são necessários mais investimentos em conciliadores/mediadores e mais divulgação sobre a importância da conciliação e da mediação.

Palavras - chave: Desenvolvimento Sustentável. CEJUSC. Mediação. Acesso à justiça. Paz

INTRODUCTION

This article examines the 2nd Judiciary Center for Conflict Resolution and Citizenship (CEJUSC) of Imperatriz, Maranhão State, from the perspective of sustainable development. This discussion shares a broader research, resulting from a master's thesis, in which the theme was addressed.

CEJUSCs are units belonging to the Judiciary with the responsibility of conducting conciliation and mediation hearings, both pre-litigation and litigation, as well as providing legal guidance to citizens through the citizenship sector, which were established through Resolution No. 125/2010 of the National Council of Justice (NCJ), which establishes the National Judiciary Policy for the adequate treatment of conflicts of interests within the Judiciary. It should be noted that in the state of Maranhão there are twenty-one CEJUSCs (Maranhão, 2023). However, this study focuses on the 2nd CEJUSC of Imperatriz/MA.

Conciliation and mediation are methods of conflict resolution, in which the parties themselves, with the assistance of an impartial third party, construct a solution that best satisfies their interests. They differ in some aspects, such as the technique used by the third party, as the conciliator is allowed to participate more actively in the construction of solutions, while the mediator seeks to bring the parties

closer, stimulates dialogue, and interferes less in the solution (Brazil, 2016).

Sustainable development is defined as the ability to meet the needs of the present generation without compromising the ability of future generations to meet their own needs (United Nations, 1987). According to Sachs (2002), sustainable development is an objective that should be pursued by society as a whole, all social actors, both public and private sectors.

The United Nations (UN), with the aim of promoting sustainable development, created the 2030 Agenda, which has 17 Sustainable Development Goals (SDGs) and 169 targets that should be pursued by the 193 countries that are part of the organization. According to Lima and Da Silva (2021), the SDGs are integrated and indivisible, and their targets should be monitored at the global, national, and regional levels. The measures for their implementation are the responsibility of all, the public sector, private sector, and civil society.

SDG 16 deals with promoting sustainable development through peaceful and inclusive societies, access to justice, and strong and inclusive institutions. In the study, the focus was mainly on social pacification and access to justice, due to their relationship with Conciliation and Mediation, which are carried out within the CEJUSCs, according to CNJ Resolution No. 125/2010.

Vasconcelos (2008) understands that peace is achieved when people learn to deal with conflicts. Similarly, Chrispino and Dusi (2008) define the culture of peace as a set of values based on full respect for life and the promotion of human rights. Access to justice is addressed in the study based on Cappelletti and Garth (2002), who state that the justice system should be equally accessible to all and produce results that are individually and socially just.

Motivation for the study was found, mainly in the face of the low sustainable development index of the municipality of Imperatriz/MA, which presented a low score in the General Sustainable Development Index (GSDI-BR) in 2023, ranking 4,017th among Brazilian municipalities, according to the Sustainable City Institute Instituto (SCI, 2023). The data demonstrates the importance of studies that guide public policies in this direction.

Thus, the study aimed to understand how the 2nd CEJUSC contributes to the sustainable development of the municipality of Imperatriz/MA, from the perspective of Sustainable Development Goal 16 (SDG 16).

SUSTAINABLE DEVELOPMENT

The United Nations Conference on the Human Environment (UNCHE), held in Stockholm, Sweden, in 1972, was one of the first movements aimed at promoting sustainable development, although the term was not yet used, based on a new relationship between the environment and development (Barbiere, 2020).

The expression Sustainable Development emerged in 1980 in a document produced by the International Union for Conservation of Nature (IUCN) and the World Wildlife Fund (WWF), at the request of the United Nations Environment Programme (UNEP), called the World Conservation Strategy. However, it was only with the publication of the report titled Our Common Future, by the World Commission on Environment and Development (WCED) or Brundtland Commission, in 1987, that the term began to be more widely disseminated (Barbiere, 2020).

Sustainable development was defined by the Brundtland Commission as meeting the needs of the present generation without compromising the ability of future generations to meet their own needs (United Nations, 1987). According to Brundtland (1991), the concept is based on two main ideas: 1) there must be the fulfillment of people's needs, especially the basic needs of the poorest, 2) technology and social organization impose limitations on the environment, affecting present and future generations.

According to Sachs (2002), development cannot be limited to natural resource stocks and capital, as in past experiences, because there is a new paradigm of development, characterized by being sustainable. Development must be seen from various dimensions, which must be analyzed simultaneously. The social, economic, environmental or ecological, spatial, cultural, political, and institutional dimensions are detailed by Barbiere (2020):

Table 1 Dimensions of Sustainable Development

Social Sustainability	Refers to the pursuit of social equity among members of the current generation, with the aim of improving the living conditions of the population.
Economic Sustainability	Refers to the need for public and private investments and efficient management of productive resources.
Ecological or Environmental Sustainability	Refers to actions to prevent environmental damage resulting from development processes.
Spatial Sustainability	Refers to the balance between urban and rural issues and the better distribution of territory. It is concerned with the excessive concentration of metropolitan areas.
Cultural Sustainability	Refers to respect for different cultures and their contributions to the construction of development models appropriate to each culture and location.
Political Sustainability	Refers to the fact that development is a right for all; it is the result of the participation of those who will benefit; it implies the active participation of new non-state actors.
Institutional Sustainability	Political institutions and the administrative apparatus of state entities are important in the development process.

Source: Barbiere (2020, p. 63/64)

Other international meetings aimed to discuss the topic of Sustainable Development. According to Monteiro (2015), the United Nations Conference on Environment and Development (UNCED), also known as the ECO-92 and RIO-92, held in 1992 in Rio de Janeiro, aimed to assess the changes since the Stockholm Conference in 1972. As a result, the Rio Declaration on Environment and Development, the Climate Change Convention, the Biodiversity Convention, and Agenda 21 were approved.

In 2000, the United Nations General Assembly held the Millennium Summit at its headquarters in New York, USA, which resulted in the approval of the United Nations Millennium Declaration, with objectives to be achieved by the year 2015, aiming to eliminate extreme poverty and hunger from the planet, especially among the poorest populations of the least developed countries (Roma, 2019).

In 2012, the United Nations Conference on Sustainable Development, or Rio+20, was held in Rio de Janeiro, aiming to assess the progress of commitments already made in other international meetings and to renew the commitment to sustainable development. In 2015, the United Nations Sustainable Development Summit was held, where the 2030 Agenda was approved (Barbiere, 2020).

THE 2030 AGENDA OF THE UNITED NATIONS

In 2015, the United Nations Sustainable Development Summit, held in New York, approved the document titled "Transforming Our World: The 2030 Agenda for Sustainable Development," which consists of 17 Sustainable Development Goals (SDGs) and 169 targets. The agenda is an action plan for the period 2016 to 2030 and is based on five essential elements: people, planet, prosperity, peace, and partnership (United Nations, 2015).

According to Lima and Da Silva (2021), the SDGs of the 2030 Agenda are integrated and indivisible, and their targets should be monitored and evaluated at the global, national, and regional levels. The axes of sustainable development are related to human existence itself, and it is the responsibility of the public sector and the private sector, including businesses, institutions, and civil society, to take measures for their implementation. The 17 sustainable development goals of the 2030 Agenda are:

Figure 1 | Sustainable Development Goals





Source: Catalyst 2030 Brasil (2021)

According to Barbiere (2020), SDG 16 is related to the element of Peace and the Political and Institutional dimensions of sustainable development. It provides conditions for the achievement of other SDGs as it is related to the defense of citizenship, the rule of law, and institutions.

SDG 16 has 10 substantive targets directly related to the achievement of the SDGs, and 2 implementation targets related to human, financial, legal, and other resources needed to achieve the substantive targets (Barbiere, 2020). The targets of SDG 16 are described as follows:

Table 2 of Sustainable Development Goal (SDG) 16

16.1 Significantly reduce all forms of violence and related death rates everywhere.

16.2 End abuse, exploitation, trafficking, and all forms of violence and torture against children.

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.

16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets, and combat all forms of organized crime.

16.5 Substantially reduce corruption and bribery in all their forms.

16.6 Develop effective, accountable, and transparent institutions at all levels.

16.7 Ensure responsive, inclusive, participatory, and representative decision-making at all levels.

16.8 Broaden and strengthen the participation of developing countries in global governance institutions.

16.9 By 2030, provide legal identity for all, including birth registration.

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

16.a Strengthen relevant national institutions, including through international cooperation, for capacity-building at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

16.b Promote and enforce non-discriminatory laws and policies for sustainable development

Source: United Nations (2015)

Target 16.3 of SDG 16 aims to ensure equal access to justice for all and therefore has a special relationship with the present study. According to the Institute of Applied Economic Research (IPEA), this target was adapted to the Brazilian reality to guarantee access to justice for all, especially those in vulnerable situations.

People in vulnerable situations are those who suffer violations or restrictions of their rights due to race, gender, sexual orientation, disability, economic situation, among others, which can also be empirically verified (IPEA, 2019).

THE 2030 AGENDA AND THE BRAZILIAN JUDICIARY

Lima and Da Silva (2021) state that the Brazilian Judiciary, in partnership with the justice system at the national level, must promote public policies to ensure access to justice as envisioned in SDG 16. Measures in this regard include decoupling the state's judicial activity as the sole means to resolve disputes and the creation of Judicial Centers for Conflict Resolution and Citizenship.

Pamplona and Pereira (2019) highlight the duty of the Judiciary to guarantee the right of access to justice through a swift and effective judicial protection. The authors emphasize that the issuance of Resolution No. 125/2010, which establishes the National Policy for the Adequate Treatment of Conflicts of Interests within the Judiciary, by the National Council of Justice (NCJ), reveals a concern of the Judiciary to adopt consensual practices that minimize the problems arising from the judicialization of conflicts.

In order to institutionalize the UN's 2030 Agenda in the Brazilian Judiciary, the National Council of Justice (NCJ) published Ordinance No. 133/2018, which established the Interinstitutional Committee aimed at proposing the integration of the Judiciary's goals with the SDGs. In 2019, representatives from the NCJ, the National Council of the Public Ministry (NCPM), and the UN signed a Pact for the Implementation of the Sustainable Development Goals of the 2030 Agenda in the Judiciary and the Public Ministry (Brazil, 2023).

On September 19, 2019, the NCJ published Resolution No. 296, which created the Permanent Commission for Monitoring the Sustainable Development Goals of the 2030 Agenda. And in November of the same year, it approved National Goal 9 of the Judiciary, aimed at taking actions to prevent or de-judicialize disputes related to sustainable development goals, valid for the Superior Court of Justice, State Courts, Federal Courts, Labor Courts, and Military Courts of the Union and the States (Brazil, 2023).

The NCJ issued Resolution No. 325 on June 29, 2020, which established the national strategy of the Judiciary for the period 2021-2026, aligned with the UN's 2030 Agenda, setting forth some macro challenges applicable to the national judiciary, with the following macro challenge standing out, as it is related to the present study:

PREVENTION OF LITIGATION AND ADOPTION OF CONSENSUAL SOLUTIONS FOR CONFLICTS Description: Refers to the promotion of extrajudicial means for the prevention and negotiated resolution of conflicts, with active citizen participation. Aims to encourage the community to resolve conflicts without the need for judicial proceedings, through conciliation, mediation, and arbitration. It also includes partnerships between the branches of government to prevent potential legal disputes and unlock existing controversies (Brazil, 2020).

In this context, Lima and Da Silva (2021) argue that the Judiciary, through policies aimed at pacification, as well as swifter and more cost-effective judicial protection, intends to assist Brazil in fulfilling the goals assumed in the international plan.

CONFLICT AND FORMS OF RESOLUTION

According to Vasconcelos (2008), conflict is the result of divergent perceptions regarding facts that involve expectations. Even in interpersonal relationships where there is a lot of affinity, dissent can be present. The outcome of a conflict will depend on how the individual perceives it; maturity in accepting divergent opinions can help in its resolution. However, when conflict is approached with an adversarial focus, it can escalate into confrontation or violence.

Conflicts can be of four types: a) conflicts of values (related to morals, ideology, and religion); b) conflicts of information (distorted information, negative connotations); c) structural conflicts (political and economic circumstances of those involved); and d) conflicts of interests (contradictions in the claim for goods and rights) (Vasconcelos, 2008).

People can deal with conflicts in a constructive or destructive manner. In constructive processes, the pre-existing social relationship is strengthened due to constructive communication. In destructive processes, there is usually a weakening of pre-existing relationships, and the conflict tends to escalate (Deustch, 1977 cited in Vasconcelos, 2018).

According to Miranda (2018), conflict is something that needs to be addressed using appropriate techniques. In some cases, the parties involved can reach a consensus on their own. In others, the participation of a third party is necessary to assist in conflict resolution, using alternative means and acting impartially. However, there are situations where the intervention of the judicial authority is necessary to resolve the dispute.

Miranda (2018) states that the pursuiting of conflict resolution by the parties reveals a process of peacebuilding. Similarly, Dusi, Araújo, and Neves (2005) argue that peace does not mean

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the absence of conflicts but rather a constant process of conflict management in everyday life. Vasconcelos (2008) asserts that peace is currently understood as a good that is achieved when individuals or societies learn to deal with conflicts.

Chrispino and Dusi (2008) define the Culture of Peace as:

"[...] a set of values, attitudes, traditions, behaviors, and lifestyles based on full respect for life and the promotion of human rights and fundamental freedoms, fostering peace among individuals, groups, and nations (UN, 1999). It can be seen as a political strategy for transforming social reality" (Chrispino; Dusi, 2008, p. 604).

Given this human need for peace, instruments have been sought to manage conflicts. According to Cunha (2016), there is a multi-door system available for dispute resolution, which expands the forms of conflict resolution and access to justice. The most appropriate form of resolution should be chosen for each type of dispute. According to the author,

"The so-called 'alternative means of dispute resolution' are usually referred to as mediation, conciliation, and arbitration (Alternative Dispute Resolution - ADR). Recent studies show that these means are not 'alternative' but rather integrated, forming a model of a multidoor justice system. For each type of controversy, a suitable solution method would be appropriate, so there are cases where the best solution is achieved through mediation, while others through conciliation, others through arbitration, and finally, those that would be resolved through a decision by the state judge. There are cases, then, where the alternative means would be those of the state justice. The term multi-door comes from a metaphor: it is as if there were several doors in the atrium of the court; depending on the problem presented, the parties would be directed to the door of mediation, conciliation, arbitration, or the state justice itself" (Cunha, 2016, p. 637).

According to Vasconcelos (2018), negotiation, mediation, and conciliation are methods of conflict resolution through self-composition. In negotiation, the parties directly work towards restoring relationships or resolving disputes without the interference of third parties. Mediation, on the other hand, is a method of resolving or transforming interpersonal conflicts that involves the presence of an impartial third party who assists in dialogue between the parties.

Conciliation is a process in which the parties, through dialogue, aim to reach a solution or agreement with the assistance of a neutral third party who uses appropriate techniques. It is an activity that seeks to assist the parties in the process of self-composition, allowing for the presentation of proposals by the conciliator (Brazil, 2016).

The Brazilian Civil Procedure Code, Law 13.105/2015, provides some distinctions between Conciliation and Mediation in its Article 165, § 2 and § 3:

§ 2 The conciliator, who will preferably act in cases where there is no previous relationship between the parties, may suggest solutions for the dispute, with the use of any type of coercion or intimidation to encourage the parties to reconcile being prohibited § 3:The mediator, who will preferably act in cases where there is a previous relationship between the parties, will assist the parties in understanding the issues and conflicting interests, so that they can, through the reestablishment of communication, identify consensual solutions that generate mutual benefits (Brazil, 2015).

Arbitration is a method of dispute resolution, provided for in law number 9,307/2006, in which the parties in conflict choose to use it through an arbitration agreement. The arbitrator is responsible for examining the matter and, therefore, it has a contractual and jurisdictional nature. The arbitrator's role is to gather evidence, arguments, and make a final and binding decision through an arbitral award (Vasconcelos, 2008).

MEDIATION AND CONCILIATION AS FORMS OF ACCESS TO JUSTICE

Access to justice is the most basic of human rights, in a legal system that seeks to guarantee the rights of all (Cappelletti; Garth, 2002). In the Brazilian legal system, access to justice is provided for in Article 5, item XXXV of the Constitution of the Federative Republic of Brazil, ensuring everyone the right to seek the judicial protection of the State in case of injury or threat to rights.

Cappelletti and Garth (2002) state that there have been movements for access to justice called "renewal waves" of access to justice. The first wave refers to the need to legally support the economically disadvantaged who cannot afford the expenses of a lawsuit. The second wave refers to the protection of new rights in the legal system, such as diffuse, collective, and homogeneous individual rights.

The third renewal wave is related to the effective provision of justice, which allows for real satisfaction of the litigant in substitution of the simple right of access to representation in court, and thus, the expansion of the right to access justice (Cappelletti; Garth, 2002). At this point, Vasconcelos (2008) states that the resolution of disputes through extrajudicial methods, such as conciliation and mediation, is part of the current movement for access to justice, characterized by simplicity and orality, which make these procedures faster and more effective.

Pamplona and Pereira (2019) affirm that the existence of consensual practices for conflict resolution and the consequent reduction of demands brought to the judiciary result in the expansion of access to justice and the exercise of citizenship by individuals. In the same sense, Vasconcelos (2008) understands

that through self-compositional methods, there is the exercise of active citizenship, as society assumes the role of protagonist in conflict resolution.

According to Watanabe (2011), access to justice is broader than simple access to the judiciary, it means access to a just legal order that guarantees the exercise of fundamental rights. And in order for alternative methods of dispute resolution to ensure access to justice and a just legal order for litigants, it is necessary to establish a public policy for the appropriate treatment of conflicts.

MEDIATION, CONCILIATION, AND LOCAL AND REGIONAL DEVELOPMENT

Some authors have been concerned with relating the themes of conciliation and mediation to local or regional development. Rodrigues (2016) states that the CEJUSC, through conciliation and mediation, fulfills a social function, as it contributes to the effectiveness of the right of access to justice by enabling the free resolution of conflicts, and also represents the exercise of participatory democracy, as citizens participate actively and peacefully.

Conciliation and mediation develop behaviors in people that strengthen a democratic and peaceful culture, allow for the exercise of citizenship, and encourage the search for peaceful conflict resolution. In this way, they contribute to regional development by seeking to improve the quality of life for people by helping them solve their problems (Rodrigues, 2016).

Bertagnolli (2017) found that mediation processes restore communication between parties, preserve existing relationships, allow for inclusion and social restoration, as well as result in satisfaction for the parties by reaching agreements in conflicts of interest, without delegating decision-making to a third party (judge). In this way, mediation as a public policy contributes both to access to justice and to local development.

Santos (2018) states that mediation is a form of local development, as it depends on endogenous forces for negotiation, increasing the autonomy of those who participate and the collective itself. It also constitutes a process of national territory development, as it provides greater agility and effectiveness to justice. And as a process of social pacification, it aligns with the objectives of sustainable development, of the UN's Agenda 2030.

Pavon (2018) understands that the mediator, properly trained, is a true agent of local development. Mediation seeks to maintain pre-existing relationships, values the human being behind conflicts, and thus contributes to the human development of society, as well as promotes a culture of social pacification. The practice of mediation contributes to building the autonomy of the human being in relation to the State and the exercise of citizenship.

METHOD

Godoy (1995) states that all research aims to seek new information and expand existing knowledge. It can have a qualitative approach when it starts from a broad area of interest, which is defined during the study, without the need to enumerate or make measurements. In the same vein, Gerhardt and Silveira (2009) state that qualitative research seeks to explain the why of things, aiming for a deep understanding.

According to Godoy (1995), qualitative research is also descriptive, as written words are important in the process of data collection and dissemination of results. With the objective of a comprehensive understanding of the phenomenon, all data from reality should be analyzed, as well as the environment and the people within it.

This study has a qualitative approach, as it seeks a deep understanding of the topic through description and interpretation. It is characterized as descriptive, as it aims to provide a detailed description of the object of study, based on the observation of data from reality, the environment, and the people involved.

The following documentary sources were used: 1) productivity reports from the 2nd CEJUSC of Imperatriz, extracted from the judicial systems called Themis and PJE, 2) laws and normative acts (resolutions, ordinances) available on the official websites and public consultation platforms of the Central Government, National Council of Justice, and Court of Justice of Maranhão, and 3) official public data published by the Institute of Sustainable Cities and the National Council of Justice (Datajud).

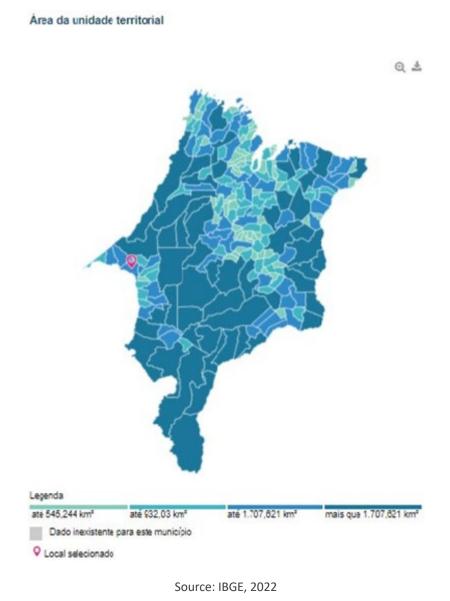
For the field research, semi-structured interview guides were used as a source to verify the participants' perception regarding the researched topic.

The study was conducted at the 2nd CEJUSC of Imperatriz, which is currently located in a building of a private university in the municipality, at Rua Barão Rio Branco, No. 104, Maranhão Novo, Imperatriz/

MA. The Center serves the jurisdiction of Imperatriz, which includes, in addition to the headquarters municipality, the districts of Davinópolis and Governador Edson Lobão.

The municipality of Imperatriz is the second most populous in the state of Maranhão, with an estimated population of 273,210 inhabitants (IBGE, 2022). The municipalities of Davinópolis and Governador Edson Lobão have 14,404 and 18,411 inhabitants, respectively, according to data from IBGE (2022). The location of the municipality of Imperatriz, in the state of Maranhão, where the 2nd CEJUSC is located, can be better visualized in the following figure.

Figure 2 | Location of the Municipality of Imperatriz, State of Maranhão



The surveyed population consists of the actors who experienced and participated in conciliation and mediation hearings at the CEJUSCs (Centers for Judicial Conflict Resolution and Citizenship) - parties in conflict, lawyers, and conciliators/mediators, during the surveyed period.

For data collection, a bibliographic/documentary review was conducted to seek theoretical and scientific foundation. This included reading books, articles, dissertations, and published theses, as well as laws and regulatory acts related to the subject. Then, there was an in-depth search for documentary data, through a request to the 2nd CEJUSC for productivity reports, in order to obtain data regarding the designated and conducted conciliation and mediation hearings during the surveyed period. And finally, interviews were conducted.

For data analysis, the content analysis technique proposed by Bardin (2016) was used, which consists of the following stages: (a) pre-analysis; (b) exploration of the material; (c) treatment of results, inference, and interpretation.

The research was approved by the Research Ethics Committee of the University of Taubaté, opinion no. 6,007,320.

RESULTS AND DISCUSSIONS

Contextualization of the Municipality of Imperatriz/MA in Relation to the Sustainable Development Goals (SDGs) of the UN's 2030 Agenda

The data presented were obtained from the Institute for Sustainable Cities (ISC), which measures the development of Brazilian municipalities based on information available from public and official sources in Brazil. The Institute presents, for each municipality, an index for each SDG and another for the set of 17 SDGs, in order to evaluate progress and challenges (ICS, 2023). Below are the data related to each SDG, in the year 2023:

Table 3 | Sustainable Development Indicators of Imperatriz/MA, by SDG (2023)

SDG	Level of Sustainable Development	SDG	Level of Sustainable Development	
01 - No Poverty	56.50 (medium)	10 - Reduced Inequality	55.26 (médium)	
02 - Zero Hunger and Sustainable Agriculture	45.97 (low)	11 - Sustainable Cities and Communities	67.75 (high)	
03 - Good Health and Well-being	64.17 (high)	12 - Responsible Consumption and Production	32.92 (very low)	
04 - Quality Education	40.52 (low)	13 - Climate Action	59.15 (medium)	
05 - Gender Equality	19.67 (very low)	14 - Life Below Water	35.72 (very low)	
06 - Clean Water and Sanitation	61.39 (high)	15 - Life on Land	26.76 (very low)	
07 - Affordable and Clean Energy	63.36 (high)	16 - Peace, Justice, and Strong Institutions	29.93 (very low)	
08 - Decent Work and Economic Growth	51.10 (medium)	17 - Partnerships for the Goals	12.18 (very low)	
09 - Industry, Innovation, and Infrastructure	11.33 (very low)			

Source: elaborated by the author based on data from the Institute for Sustainable Cities (ICS, 2023)

The municipality of Imperatriz/MA showed a very low level of sustainable development in SDGs 5, 9, 12, 14, 15, 16, and 17; a low level in SDGs 2 and 4; a medium level in SDGs 1, 8, 10, and 13; and a high level in SDGs 3, 6, 7, and 11. It did not score very high in any of the SDGs, as shown in the table above. In the General Sustainable Development Index, the municipality scored 43.16 and ranked 4,017 among Brazilian municipalities (ISC, 2023).

It should be noted that in relation to SDG 16, the focus of this study, the municipality of Imperatriz presented a very low level of sustainable development in the year 2023. The indicators used by ISC for this SDG are related to the practice of criminal acts (homicide, violence), the structuring of participation policies and the promotion of human rights, as well as the structuring of transparency policies (ICS, 2023).

It is possible to reflect on the potential contribution of the CEJUSC of Imperatriz to the improvement of the indicator related to the criminal sphere. Despite having civil and family competence, as will be seen later, the Center seeks to preventing and solving conflicts within its competence, thus avoiding them from escalating into more serious situations.

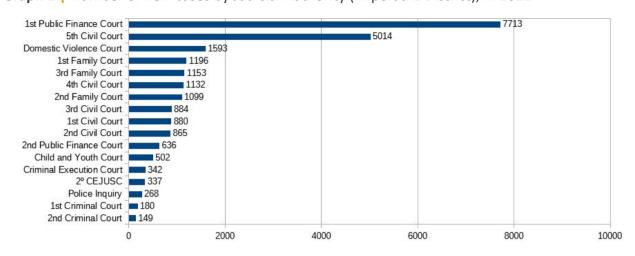
Vasconcelos (2008) emphasizes that conflicts are inherent to the human condition; when processed with an adversarial approach, they can be turned into confrontation or violence. Based on this conception, it is understood that the CEJUSC, through conciliations and mediations, exercises a preventive function, as it aims to promote a culture of peace and raise awareness among the population about the importance of dialogue and self-composed solutions.

Regarding the indicator "structuring of participation policies", the CEJUSC can contribute to its improvement by allowing citizens to actively participate in decisions and the construction of solutions, as Vasconcelos (2008) states that through self-composed methods, society acts as a protagonist in conflict resolution.

Based on Cappelletti and Garth (2002), who affirm that access to justice is the most basic of human rights in a system that aims to guarantee the rights of citizens, it is possible to visualize the contribution of the Conciliation Center to the improvement of the indicator "promotion of human rights", which is achieved by providing access to justice to citizens through conciliation and mediation.

In this context, it is also important to present the scenario of conflict in the municipality, which can be visualized by examining the number of filed cases (new cases) in the district court, in the first instance. At this point, the term "comarca de Imperatriz" will be used, as it refers to the judicial division in the states, and includes the group of municipalities: Imperatriz (headquarters of the district court), Governador Edson Lobão, and Davinópolis (judicial terms belonging to the district court of Imperatriz).

According to the DATAJUD system of the National Council of Justice, in the year 2022, 23,943 new cases were filed in the State Common Justice (first instance) in the district court of Imperatriz (excluding small claims courts and appellate courts). This data, when compared to the population of the district, which is 305,925 inhabitants (IBGE, 2022), indicates the filing of 1 (one) case for every 12.77 inhabitants. It should be noted that there are conflicts that were not filed as judicial cases and therefore could not be used for calculation.



Graph 1 | Number of new cases by Judicial Authority (Imperatriz District), in 2022

Source: Prepared by the author based on the National Database of the Judiciary DATAJUD, extracted on 08/29/2023

The distributed new cases have the following competences: Civil Court 8,775, Public Finance Court 8,349, Family Court 3,448, Special Domestic Violence Court 1,593, Juvenile Court 502, Criminal Execution Court 342, 2nd CEJUSC 337, Criminal Court 329, and Central of Investigations 268.

Thus, it is observed that the areas that demand the most actions to prevent new conflicts, as well as the resolution of existing conflicts, are Civil, Public Finance, and Family actions, occupying the top three positions.

THE 2ND JUDICIAL CENTER FOR CONFLICT RESOLUTION AND CITIZENSHIP OF IMPERATRIZ/MA.

Resolution No. 125/2010 of the National Council of Justice (NCJ) regulates the creation of the CEJUSC(s) by the courts. According to the resolution, the CEJUSC(s) should be organized into three sectors: pre-processual conflict resolution sector, processual conflict resolution sector, and citizenship sector (Brazil, 2010). The pre-processual sector handles conflicts that have not yet been filed as a lawsuit with the Judiciary. The processual sector handles conflicts in judicial actions, and the citizenship sector provides citizen orientation services.

In the pre-processual conflict sector of the 2nd CEJUSC of Imperatriz/MA, general civil cases are received, such as compensation claims, traffic accident cases, debt collection cases, as well as family cases, such as divorce, child support, and child custody. This sector is characterized by the absence of the need for legal representation and the free procedure.

In the processual conflict sector of the 2nd CEJUSC, conflicts that are already part of a judicial process from the Civil and Family Courts of Imperatriz are received. The citizenship sector provides information and legal orientation services to citizens; when necessary, it refers citizens to the legal practice center of CEUMA University for filing a lawsuit, or to the psychology department of the university for specialized assistance. It also has a partnership agreement with the Public Defender's Office of the State of Maranhão, with the aim of promoting and achieving extrajudicial settlements.

The staff of the 2nd CEJUSC of Imperatriz consists of 1 coordinating judge, who also serves as a first-degree State Justice magistrate; 1 full-time employee from the staff of the Court of Justice of Maranhão, who serves as a supervisor, attends to the citizenship sector, and also acts as a conciliator/mediator; 2 conciliators/mediators who serve on a voluntary basis and have been duly trained through a specific course offered by the Court of Justice of Maranhão; and one paid intern, selected through a competition promoted by the Court of Justice of Maranhão.

Based on the analysis of the data on the structure and functioning of the 2nd CEJUSC, the following negative points were identified: 1) the small number of conciliators/mediators, considering the population of the district of Imperatriz, which is 305,925 inhabitants (IBGE, 2022), and the high level of conflict, as presented above, which is 1 case per 12.77 inhabitants; 2) the absence of remuneration for these personnel, as the existing conciliators are volunteers.

Considering the current situation of the Brazilian judiciary, which is overloaded, and the high level of conflict in the district of Imperatriz/MA, as evidenced by the results of this research, it is possible to perceive the importance of extrajudicial means of conflict resolution, such as conciliation and mediation, which, according to Watanabe (2011), are forms of achieving social peace and access to justice.

Miranda (2018) supports the importance of the conciliator/mediator by stating that in some conflicts, the participation of a third party is necessary to assist in the resolution, acting impartially and using appropriate techniques. Similarly, Pavon (2018) states that a trained mediator is an agent of local development. Therefore, it can be said that the deficient number of conciliators/mediators hinders the functioning of the CEJUSC, preventing it from achieving its objectives.

As positive points, it was identified that the installation of the CEJUSC has the potential to contribute to the promotion of sustainable development in the municipality by providing citizens with the

opportunity to exercise their rights and duties and actively participate in the process of finding solutions, as well as expanding existing spaces for citizenship. It is worth mentioning Pamplona and Pereira (2019), who state that the National Judicial Policy for the Adequate Treatment of Conflicts of Interests, regulated by Resolution No. 125/2010 of the NCJ, reveals a concern of the Judiciary in minimizing the problems arising from the judicialization of conflicts.

REGARDING THE CONCILIATION AND MEDIATION HEARINGS HELD BY THE CEJUSC:

Based on the analysis of the productivity reports of the 2nd CEJUSC, the number of scheduled and conducted hearings, the number of agreements reached, as well as the distinction between preprocessual or processual, virtual or in-person hearings, were verified, as shown in tables 4 and 5 below.

Table 4 Data on the hearings of the 2nd CEJUSC of Imperatriz/MA

	2016	2017	2018	2019	2020	2021	2022
Scheduled Hearings	1.445	3.593	2.885	3.337	1.063	210	1.187
Hearings conducted with agreement	243	504	565	495	48	100	436
Hearings conducted without agreement	859	1,871	1,436	1,907	453	110	751
Hearings not conducted/ canceled	343	1,218	884	935	562	Х	X

Source: Developed by the authors based on data obtained from the 2nd CEJUSC of Imperatriz/MA

It was observed that the number of scheduled hearings in the years 2017, 2018, and 2019 was relatively high compared to the other years investigated. However, in the years 2020, 2021, and 2022, the number of scheduled hearings was significantly lower than in previous years, possibly due to the COVID-19 pandemic declared by the World Health Organization in 2020, which may have hindered the conduct of in-person proceedings.

The data related to the number of scheduled hearings reveal the portion of the population that had the opportunity to attempt conciliation or mediation at the 2nd CEJUSC of Imperatriz/MA, with the assistance of conciliators and mediators. As stated by Pamplona and Pereira (2019), the existence of consensual practices for conflict resolution represents an expansion of access to justice and the

exercise of citizenship by individuals. In this sense, the number of scheduled hearings also indicates the portion of the population that had access to justice through the CEJUSC.

Table 5 below presents data related to pre-processual, processual, virtual, and in-person hearings.

Table 5 | Number of processual, pre-processual, virtual, and in-person hearings of the 2nd CEJUSC of Imperatriz/MA

Type of Hearing	2020	2021	2022
Processual Hearing	X	46	669
Pre-processual Hearing	X	164	518
Virtual Hearing	6	46	669
In-person Hearing	495	164	518

Source: Developed by the authors based on data obtained from the 2nd CEJUSC of Imperatriz/MA

Based on the reports from 2016 to 2019, it was not possible to distinguish, among the hearings held during that period, the number of pre-processual and processual hearings, whether in-person or virtual.

In the 2020 report, out of a total of 501 hearings, 6 were virtual hearings and 495 were in-person hearings, while the remaining 562 were canceled due to the COVID-19 epidemic. It was not possible to distinguish the number of pre-processual hearings. In 2021, there were 164 pre-processual hearings and 46 processual hearings, with 46 being conducted virtually and 164 in-person. In 2022, there were 518 pre-processual hearings and 669 processual hearings, with 669 being conducted virtually and 518 in-person.

The data related to pre-processual hearings indicate the portion of the population that had the opportunity to solve a conflict for free, as in the pre-processual sector, the parties do not incur expenses and do not need to be represented by a lawyer. The pre-processual sector, as stated by Rodrigues (2016), is characterized by speed, informality, simplicity, and ease of access.

As for the data related to processual hearings, they indicate, like the pre-processual ones, the portion of the population that had the opportunity to resolve a conflict through dialogue, self-composition, and decision-making by the parties themselves. According to Lima and Da Silva (2021), when the Judiciary detaches the state jurisdictional activity as the only means to resolve disputes and establishes the CEJUSC(s), it promotes access to justice, as outlined in SDG 16.

The data related to virtual hearings demonstrate the change in the population's habits, as they had to adapt to technologies and participate in hearings through video conferencing, reflecting mainly the COVID-19 epidemic.

THE 2ND CEJUSC, BASED ON THE PERCEPTION OF THE PARTIES, LAWYERS, AND CONCILIATORS/MEDIATORS.

Through interviews, we sought to understand the perceptions of the researched groups (conflicting parties, lawyers, and conciliators/mediators) regarding the contribution of the 2nd CEJUSC to access to justice, social pacification, and the development of the municipality of Imperatriz/MA. Afterwards, we sought to identify common and divergent points among the groups.

The contributions of CEJUSC to access to justice, according to the interviewees, are: 1) parties do not need to incur costs to hire a lawyer; 2) reduction in the number of judicial proceedings; 3) possibility of Friendly and quick resolution of conflicts; and 4) reduction of judicial delays. No substantial differences were found between the perceptions of the three groups, as all revealed that CEJUSC contributes to access to justice.

At this point, the study was based on the teachings of Cappelletti and Garth (2002), who consider access to justice the most basic of human rights, in a legal system that seeks to guarantee the rights of all. By analyzing the responses, it can be affirmed that the 2nd CEJUSC, through conciliations and mediations, promotes access to justice by facilitating citizens' ability to obtain conflict resolutions quickly, friendly, and at no cost, while also contributing to the alleviation of the judiciary's workload.

The contributions of CEJUSC to social pacification, according to the interviewees, are: 1) conciliation prevents litigation from taking an undesirable direction; 2) conciliation calms tensions, reduces conflicts, and allows for dialogue; 3) hearings promote pacification because the parties are heard and leave satisfied when they reach an agreement. No substantial differences were found between the perceptions of the three groups, as all revealed that CEJUSC, through conciliation and mediation, contributes to social pacification.

Vasconcelos (2008) understands that peace is achieved when individuals or societies learn to deal with conflicts. Similarly, Chrispino and Dusi (2008) define a culture of peace as a set of values based on full respect for life and the promotion of human rights. By analyzing the responses, it is evident that the creation of spaces for dialogue, where people are heard, is a factor that contributes to the diffusion of a culture of peace.

The contributions of CEJUSC to the development of the municipality of Imperatriz, according to the interviewees, are: 1) easing the workload of the judiciary and providing free services to the population (parties); 2) generating recognition for the municipality of Imperatriz and the region, attracting more people and enabling students (lawyers) to acquire knowledge; and 3) facilitating the circulation of money because many agreements involve economic issues, providing free services in the pre-litigation sector, reducing the number of disputes, and promoting pacification (conciliators/mediators).

At this point, it is relevant to relate the contributions identified by the interviewees to the dimensions of sustainable development, as explained by Barbiere (2020). It was identified that CEJUSC contributes to the development of the municipality, seen from the social dimension, as interviewees affirm the provision of free services to the population, the alleviation of the judiciary's workload, as well as the economic dimension, as interviewees affirm the circulation of money when parties reach agreements.

FINAL CONSIDERATIONS

The study allowed us to identify the position of the municipality of Imperatriz/MA in the context of the UN's Agenda 2030, and thus, to assess the challenges in achieving the Sustainable Development Goals at the local level. To achieve these goals, efforts from society as a whole, as well as from the public and private sectors, are necessary, aimed at the common good and the promotion of people, the planet, peace, prosperity, and partnerships - all fundamental elements of Sustainable Development.

Through a reflection on SDG 16, which addresses peace and access to justice, it was possible to identify the relationship between Conciliation and Mediation, instruments used to facilitate access to justice and seek peace among individuals with conflicting interests, and Sustainable Development.

Thus, the study focused on the 2nd CEJUSC of Imperatriz/MA, a unit of the Judiciary with the task of conducting conciliation and mediation hearings. It was possible to understand its structure and

functioning, demonstrating that its establishment in the municipality has the potential to contribute to Sustainable Development in the political dimension, as it allows for the exercise of citizenship and active participation of citizens in finding joint solutions; in the institutional dimension, as institutions are important for the existence of these spaces of citizenship; in the social dimension, as it serves a social function by providing free services to the population; and in the economic dimension, as it enables the conclusion of economic agreements, facilitating the circulation of money.

The study also allowed for an understanding of the functioning of the Center through the identification of the number of conciliation/mediation hearings conducted, both pre-litigation and litigation, virtual and in-person, as well as the number of agreements reached. This way, it was possible to identify the portion of the population that had the opportunity to attempt conciliation with the assistance of conciliators and mediators, promoting a culture of peace.

Identifying the perception of the parties, lawyers, and conciliators/mediators regarding the contribution of the 2nd CEJUSC to the development of the municipality was crucial to identifying positive aspects, as well as areas that need improvement. The researched groups understand that the Center contributes to access to justice, mainly by allowing for the quick and amicable resolution of conflicts and by providing free services in the pre-litigation sector. It also contributes to social pacification, as the alternative dispute resolution methods allow for dialogue, calm tensions, and value the human being.

Based on all of the above, it can be affirmed that the 2nd CEJUSC contributes and has the potential to contribute even more to the improvement of SDG 16 in the municipality, thus promoting sustainable development. However, more investments are needed in conciliators and mediators to work in the unit, as well as in raising awareness among society about the existence of CEJUSC and the importance of conciliation and mediation.

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