



Diagnosis of the performance of the Public Prosecutor's Office of the State of São Paulo in São José do Rio Pardo based on institutionalised environmental conflicts¹

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Diagnóstico da atuação do Ministério Público do Estado de São Paulo em São José do Rio Pardo a partir de conflitos ambientais institucionalizados

RESUMO

Objetivo – Neste estudo são analisados os dados dos procedimentos ambientais instaurados e conduzidos pela Promotoria de Justiça de São José do Rio Pardo, vinculada ao Ministério Público do Estado de São Paulo (MPSP), no período de 2016 a 2023. O objetivo é contribuir para um diagnóstico da atuação do MPSP no município, a partir da análise dos conflitos ambientais institucionalizados, destacando as principais questões ambientais enfrentadas.

Metodologia – Trata-se de uma pesquisa exploratória e descritiva, embasada em uma revisão bibliográfica e na análise de documentos fornecidos pela Promotoria de São José do Rio Pardo.

Originalidade/relevância – A importância deste estudo é evidenciada pelo fato de que, em 2021, o MPSP em São José do Rio Pardo foi identificado como um dos agentes propensos a facilitar a promoção de instrumentos de democracia participativa em procedimentos ambientais da instituição.

Resultados – Durante o período, o MPSP instaurou 127 procedimentos, dos quais 55 foram Inquéritos Cíveis (ICs), Ações Cíveis Públicas (ACPs) ou Procedimentos Administrativos de Acompanhamento (PAAs). A maior parte desses procedimentos relaciona-se à área de Habitação e Urbanismo, com destaque para a categoria “Ordenamento Urbano e Patrimônio Cultural”.

Contribuições teóricas/metodológicas – A necessidade de analisar a distribuição das perturbações no ambiente é fundamental para o planejamento de políticas públicas ambientais. Essa análise permite a elaboração de diagnósticos baseados em dados empíricos, contribuindo assim para a formulação de estratégias mais eficientes e eficazes.

Contribuições sociais e ambientais – Esses resultados oferecem uma visão abrangente da atuação do MPSP em São José do Rio Pardo, podendo contribuir para o envolvimento do poder público e da sociedade nas discussões voltadas à elaboração e/ou aprimoramento de políticas públicas.

PALAVRAS-CHAVE: Ministério Público. Proteção ambiental. Políticas públicas.

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Diagnosis of the Performance of the Public Prosecutor's Office of the State of São Paulo in São José do Rio Pardo based on Institutionalised Environmental Conflicts

ABSTRACT

Objective – This study analyses data from environmental proceedings initiated and conducted by the Public Prosecutor's Office of São José do Rio Pardo, part of the Public Prosecutor's Office of the State of São Paulo (MPSP), between 2016 and 2023. The aim is to contribute to a diagnosis of the MPSP's performance in the municipality, based on the analysis of institutionalised environmental conflicts, highlighting the main environmental issues addressed.

Methodology – This is an exploratory and descriptive study, using literature review and the analysis of documents provided by the Prosecutor's Office of São José do Rio Pardo.

Originality/relevance – The significance of this study is underscored by the fact that, in 2021, the MPSP in São José do Rio Pardo was identified as one of the agents likely to facilitate the promotion of participatory democracy instruments within the institution's environmental proceedings.

Results – During the reviewed period, the MPSP initiated 127 proceedings, of which 55 were Civil Inquiries (ICs), Public Civil Actions (ACPs) or Administrative Monitoring Procedures (PAAs). Most of these proceedings were related to the field of Housing and Urbanism, with particular emphasis on the category “Urban Planning and Cultural Heritage”.

Theoretical/methodological contributions – Analysing the distribution of environmental disturbances is crucial for the planning of environmental public policies. Such analysis enables the preparation of diagnoses based on empirical data, thereby contributing to the formulation of more efficient and effective strategies.

Social and environmental contributions – The findings provide a comprehensive overview of the MPSP's activities in São José do Rio Pardo, which may foster greater engagement from both the public authorities and civil society in discussions aimed at drafting and/or improving public policies.

KEYWORDS: Public Prosecutor's Office; Environmental protection; Public policies.

Diagnóstico de la actuación del Ministerio Público del Estado de São Paulo en São José do Rio Pardo a partir de conflictos ambientales institucionalizados

RESUMEN

Objetivo – En este estudio se analizan los datos de los procedimientos ambientales instaurados y conducidos por la Promotoría de Justicia de São José do Rio Pardo, vinculada al Ministerio Público del Estado de São Paulo (MPSP), en el período de 2016 a 2023. El objetivo es contribuir a un diagnóstico de la actuación del MPSP en el municipio, a partir del análisis de los conflictos ambientales institucionalizados, destacando las principales cuestiones ambientales enfrentadas.

Metodología – Se trata de una investigación exploratoria y descriptiva, basada en una revisión bibliográfica y en el análisis de documentos proporcionados por la Promotoría de São José do Rio Pardo.

Originalidad/Relevancia – La importancia de este estudio se evidencia por el hecho de que, en 2021, el MPSP en São José do Rio Pardo fue identificado como uno de los agentes propensos a facilitar la promoción de instrumentos de democracia participativa en procedimientos ambientales de la institución.

Resultados – Durante el período, el MPSP instauró 127 procedimientos, de los cuales 55 fueron Inquisitorios Civiles (ICs), Acciones Civiles Públicas (ACPs) o Procedimientos Administrativos de Acompañamiento (PAAs). La mayor parte de estos procedimientos se relaciona con el área de Vivienda y Urbanismo, destacando la categoría “Ordenamiento Urbano y Patrimonio Cultural”.

Contribuciones Teóricas/Metodológicas – La necesidad de analizar la distribución de las perturbaciones en el ambiente es fundamental para la planificación de políticas públicas ambientales. Este análisis permite la elaboración de diagnósticos basados en datos empíricos, contribuyendo así a la formulación de estrategias más eficientes y efectivas.

Contribuciones Sociales y Ambientales – Estos resultados ofrecen una visión integral de la actuación del MPSP en São José do Rio Pardo, pudiendo contribuir al involucramiento del poder público y de la sociedad en las discusiones orientadas a la elaboración y/o mejora de políticas públicas.

PALABRAS CLAVE: Ministerio Público. Protección ambiental. Políticas públicas.

1 INTRODUCTION

In Brazil, the Public Prosecutor's Office (Ministério Público – MP) is the guardian of public and social assets, the environment, and other diffuse and collective interests. Due to Article 129 of the 1988 Federal Constitution, it is entrusted with the task of defending the legal order, the democratic regime, and inalienable social and individual interests (Brasil, 1988). Regarding the normative framework of the MP and its broad attributions, the institution may extend beyond its role as the people's defender, even assuming the function of an "instrument for the realisation of social demands, including by reinforcing the judicialisation of politics" (Loureiro, 2010, p. 3).

Vianna et al. (2014, p. 84) emphasise that the MP "has been among the most active in resorting to Direct Actions of Unconstitutionality (Adins)" within the new institutional framework established by the Constitution, conceived as an actor whose institutional activism is devoted to defending the law and society, particularly with regard to social and unavailable individual interests. Such action imparts an ethical-pedagogical dimension to its role and, due to the leadership conferred by its mandate, encourages greater societal engagement with public affairs (Vianna et al., 2014). As an authentic public defender (Arantes, 2002), the MP plays a fundamental role in view of the characterisation of Brazilian society as socially vulnerable, unable to defend itself adequately. This condition of social vulnerability is one of the principal drivers of its political voluntarism.

Regarding the defence of the constitutional right to an ecologically balanced environment (Santiago & Ortega, 2024), the MP has also proved to be an important actor in ensuring environmental protection for present and future generations, tasked with delivering swift and appropriate responses to environmental breaches (Oliveira et al., 2023). Several Latin American countries, such as Argentina, Chile, and Nicaragua, have robust environmental legislation but still face significant challenges in its implementation. In this context, the Brazilian MP stands out for its comparatively more effective environmental action (McAllister, 2005), which is considered crucial for ensuring that environmental laws in Brazil become more effective in promoting meaningful behavioural change (McAllister, 2008).

This study analyses data from environmental proceedings initiated and conducted by the Public Prosecutor's Office of São José do Rio Pardo, under the authority of the Public Prosecutor's Office of the State of São Paulo (MPSP), between 2016 and 2023. The aim is to contribute to a diagnosis of the MPSP's activities in the municipality, based on the analysis of institutionalised environmental conflicts, with particular attention to the main environmental issues addressed.

The significance of this study is highlighted by the fact that, in 2021, the MPSP in São José do Rio Pardo was identified in the Farias et al. (2022) study as one of the actors inclined to facilitate the promotion of participatory democracy instruments within the institution's environmental proceedings. Moreover, the need to analyse the distribution of environmental disturbances is crucial for planning environmental public policies. Such analysis enables the development of diagnoses grounded in empirical data, thereby contributing to the formulation of more efficient and effective strategies (Sousa & Oliveira, 2021).

The text is organised into three further sections, in addition to this introduction. The second section addresses the classification of the research, the characterisation of the study area, and the procedures for data collection, processing, and analysis. The third section presents an in-depth examination of the main research findings. Finally, the last section sets out the study's conclusions, with emphasis on its practical implications and suggestions for future research.

2 MATERIALS AND METHODS

Among the various ways of classifying research (Gil, 2002; Silva & Menezes, 2005), the present study is an applied investigation, grounded in the principles of both quantitative and qualitative methods. Regarding its objectives, it is an exploratory and descriptive study, based on a literature review and the analysis of documents provided by the Public Prosecutor's Office of São José do Rio Pardo.

2.1 Study area

Located in the state of São Paulo, São José do Rio Pardo is a small Brazilian municipality within the Atlantic Forest biome (IBGE, 2024) and situated in the Pardo Water Resources Management Unit² (UGRHI) (SIGRH, 2024). With an estimated population of 53,416 inhabitants and a territorial area of 419.684 km², the municipality comprises approximately 15.71 km² of urbanised area (IBGE, 2024). In addition, it has a Municipal Human Development Index (MHDl) of 0.774, classified as high (Atlas Brasil, 2024).

The development of São José do Rio Pardo was shaped by the coffee economy. Settlement of the town occurred only in the mid-nineteenth century, when settlers from Minas Gerais arrived in search of fertile land for the cultivation of sugarcane, coffee, and cattle rearing. In the 1870s, coffee production became established as an expanding agricultural activity and an important source of local wealth. The arrival of the railway in 1887, combined with the growth of coffee production, created favourable conditions for urban development, transforming the town's structure³ (Rezende, 2019).

The municipality hosts the Judicial District (Comarca) of São José do Rio Pardo, which is under the jurisdiction of the Public Prosecutor's Office of São José do Rio Pardo. Its competences are distributed in accordance with Resolution No. 1.885/2024-PGJ (MPSP, 2024), which assigns to the 2nd Prosecutor's Office matters concerning the Environment, Housing and

² UGRHI04 (Pardo) is located in the northeastern portion of the state of São Paulo, covering the headquarters of 23 municipalities. It aggregates the tributaries of the right and left banks of the Pardo River (headwaters), draining an area of approximately 8,993 km². The main rivers in this UGRHI are the Pardo, Canoas, Fartura, Verde, and Tambaú (VM ENGENHARIA DE RECURSOS HÍDRICOS, 2017, p. 30).

³ São José do Rio Pardo became famous for the presence of journalist and writer Euclides da Cunha, who lived in the city between 1898 and 1901. During this period, the author produced his most celebrated work, 'Os Sertões' (DOLZAN, 2016). Released in 1902, the book is considered a classic of Brazilian literature and addresses one of the most emblematic armed conflicts in national history, the War of Canudos, which took place in the interior of Bahia between 1896 and 1897 (ENTINI, 2016).

Urban Development, including the Public Civil Actions filed and the corresponding criminal cases.

2.2 Data collection and processing

The data used in this research were provided by the Public Prosecutor's Office of São José do Rio Pardo. These records, tabulated in electronic spreadsheets, refer to proceedings initiated between 2016 and 2023 by the 2nd Prosecutor's Office of São José do Rio Pardo. The tabulated information made available includes the columns shown in Table 1.

Table 1 – Header (column titles) and possible values from tables provided by the São José do Rio Pardo Public Prosecutor's Office

Header	Area of expertise	Type	Number	Year	Topic	Public Civil Action
Possible values	Environment Housing and Urbanism	News / Representation	Public Prosecutor's Office Case Number	2016 to 2023	Procedural matters, separated by slashes. Example: <i>fauna / flora / environmental licensing / cultural heritage / listed or unlisted property</i>	Public Civil Action Number
		Civil Inquiry				
		News				
		Public Civil Action				
		Service Form				
		Administrative Follow-up Procedure				

Source: Own authorship (2024).

Although there are five types of procedures listed by the MPSP, this study focused on Civil Inquiries, Public Civil Actions, and Administrative Follow-up Procedures. These procedures are used for investigation by the ministry.

To account for the subjects of the procedures, a categorisation was made (Table 2) based on the method developed by Oliveira et al. (2019), authors who selected two legal reference standards for environmental conflicts: Decree No. 6,514/08 (BRAZIL, 2008) and Law No. 9,605/98 (BRAZIL, 1998). Both standards establish typologies and sanctions in case of non-compliance (Oliveira et al., 2019).

Table 2 – Categorisation of procedural matters in accordance with Decree No. 6,514/2008 and Law No. 9,605/1998

Topic	Answer Key
Land subdivision	Urban planning and cultural heritage
Master plan (Plano Diretor)	
Zoning	
Buildings	
Urban Infrastructure	
Risk area	
Cultural	
Historical heritage	
Listed or unlisted	
Listed or unlisted cultural heritage	
Pollution	Pollution
Sound pollution	
Residues	
Fauna	Fauna
Flora	Flora
Monitoring of Conduct Adjustment Agreements	Against environmental administration
Environmental licensing	Committed exclusively in Conservation Units
Conservation Units - Law 9985	
Water and/or sewage	Others
Sanitation	
Effluents	
Irregular services(s)	
Public power	
Security	
Municipal regulations	
Infrastructure	
Public area	
Construction work	
Services	
Environmental management	

Source: Own authorship (2024).

Exploratory data analysis was performed using descriptive statistical techniques, such as frequency distribution⁴ and measures of central tendency⁵ (Santos et al., 2013). In addition, to facilitate the interpretation of the information, graphical representations and tables were prepared to summarise the activities of the MPSP in São José do Rio Pardo during the period under review.

3 RESULTS AND DISCUSSION

Between 2016 and 2023, 127 proceedings were initiated in São José do Rio Pardo (Table 1). Of these, 55 (43.3%) were Civil Inquiries (ICs), Public Civil Actions (ACPs), or Administrative Follow-up Proceedings (PAAs). When analysing specifically the ICs, ACPs, and

⁴ A frequency distribution is a graphical or tabular representation that illustrates the frequency with which each value or range of values appears in a data set. There are two main types of frequency distributions: simple frequency distribution, which presents absolute values, and relative frequency distribution, which expresses values in percentage terms (Gaspar et al., 2023).

⁵ Measures of central tendency summarise the central location of data in a set of observations, providing a clear view of the position of the values. They describe the centre of the distribution, facilitating intuitive understanding of the overall behaviour of the set (Molin, 2021; Gaspar et al., 2023).

PAAAs, it was found that Civil Inquiries constituted the majority, followed by Public Civil Actions and Administrative Monitoring Proceedings (Table 2).

Table 3 – Quantity and percentage of procedures

Type	Absolute frequency	Relative frequency (%)
News / Representation	40	31,50
Civil Inquiry	37	29,13
News	26	20,47
Public Civil Action	16	12,60
Service form	06	04,72
Administrative Follow-up Proceedings	02	01,57
Total	127	100

Source: Own authorship (2024).

Table 4 – Quantity and percentage of ICs, ACPs and PAAAs

Type	Absolute frequency	Relative frequency (%)
Civil Inquiry	37	67,27
Public Civil Action	16	29,09
Administrative Follow-up Proceedings	02	03,64
Total	55	100

Source: Own authorship (2024).

When filed by the Public Prosecutor's Office, public civil actions are proposed to the Judiciary based on the results of investigations in preliminary investigations. Thus, information from public civil actions and preliminary investigations was cross-referenced using the numbers of the proceedings and cases provided by the Public Prosecutor's Office, and it was found that seven public civil actions (43.75%) were filed based on preliminary investigations. However, with the data available, it is not possible to determine whether other ICs served as the basis for other ACPs, or whether the actions listed by the Public Prosecutor's Office originated from ICs that are not listed.

In terms of areas of activity, there was a predominance of proceedings related to Housing and Urbanism, representing 65.35% of the proceedings (Table 3). Among the ICs, ACPs, and PAAAs, the prevalence remained similar, despite a smaller imbalance between the areas (Table 4).

Table 5 – Quantity and percentage of the proceedings area of expertise

Type	Absolute frequency	Relative frequency (%)
Housing and Urbanism	83	65,35
Environment	44	34,65
Total	127	100

Source: Own authorship (2024).

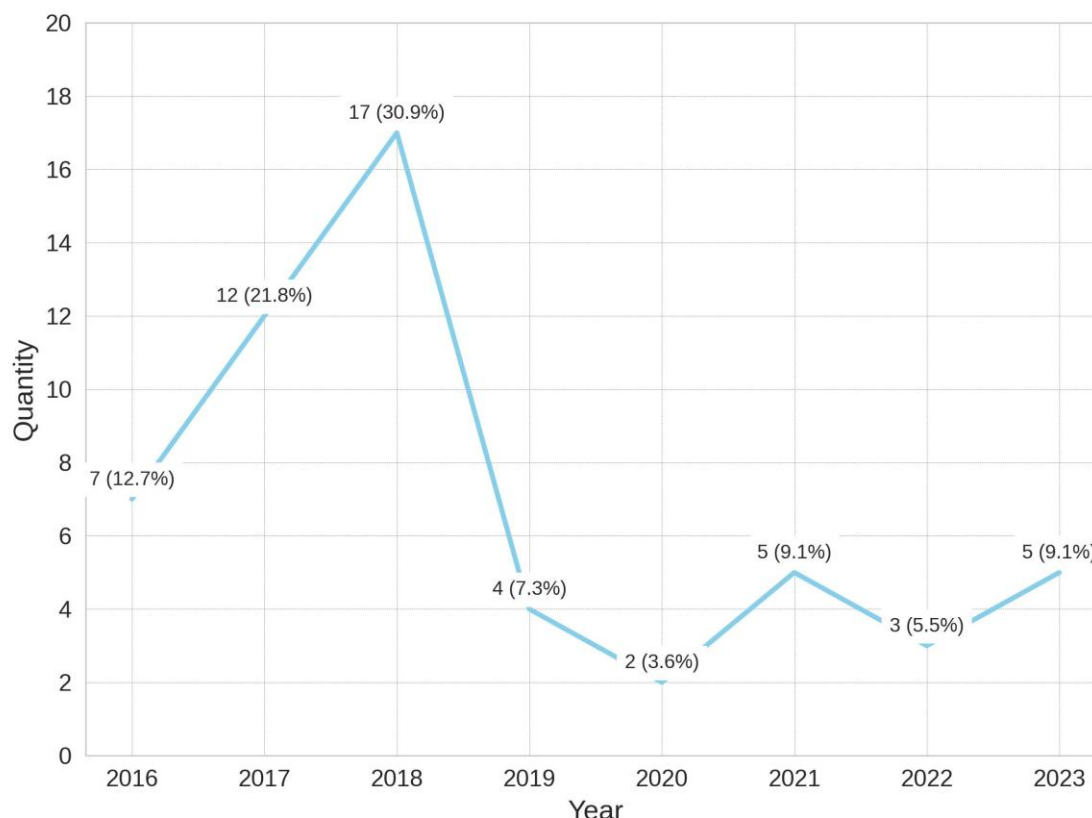
Table 6 – Quantity and percentage of the ICs, ACPs and PAAAs area of expertise

Type	Absolute frequency	Relative frequency (%)
Housing and Urbanism	31	56,36
Environment	24	43,64
Total	55	100

Source: Own authorship (2024).

The temporal distribution of ICs, ACPs, and PAAs between 2016 and 2023 reveals a significant variation in the number of proceedings initiated over the years (Figure 1). A gradual increase can be seen from 2016 to 2018, the year with the highest concentration of occurrences, followed by a considerable reduction in the following years, stabilising at lower levels from 2019 onwards.

Figure 1 – Quantity and percentage of ICs, ACPs and PAAs between 2016 and 2023



Source: Own authorship (2024).

The annual percentage of ICs, ACPs, and PAAs between 2016 and 2023, considering the distribution by area of expertise, reveals distinct patterns over the years (Figure 2). Notably, in 2020 and 2022, no ICs, ACPs, or PAAs were recorded in the Environment area. In 2021, on the other hand, there were no ICs, ACPs, or PAAs in the Housing and Urbanism area. In addition, in 2019, the Housing and Urbanism area had three times more ICs, ACPs, and PAAs than the Environment area.

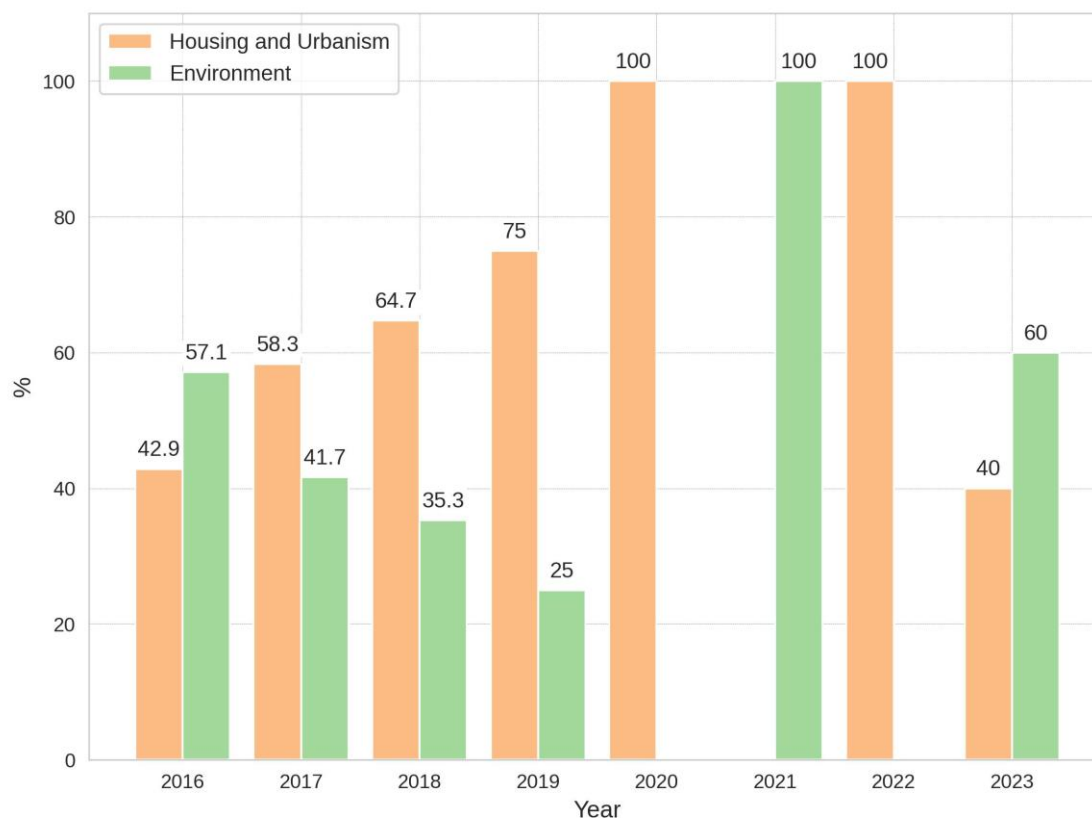
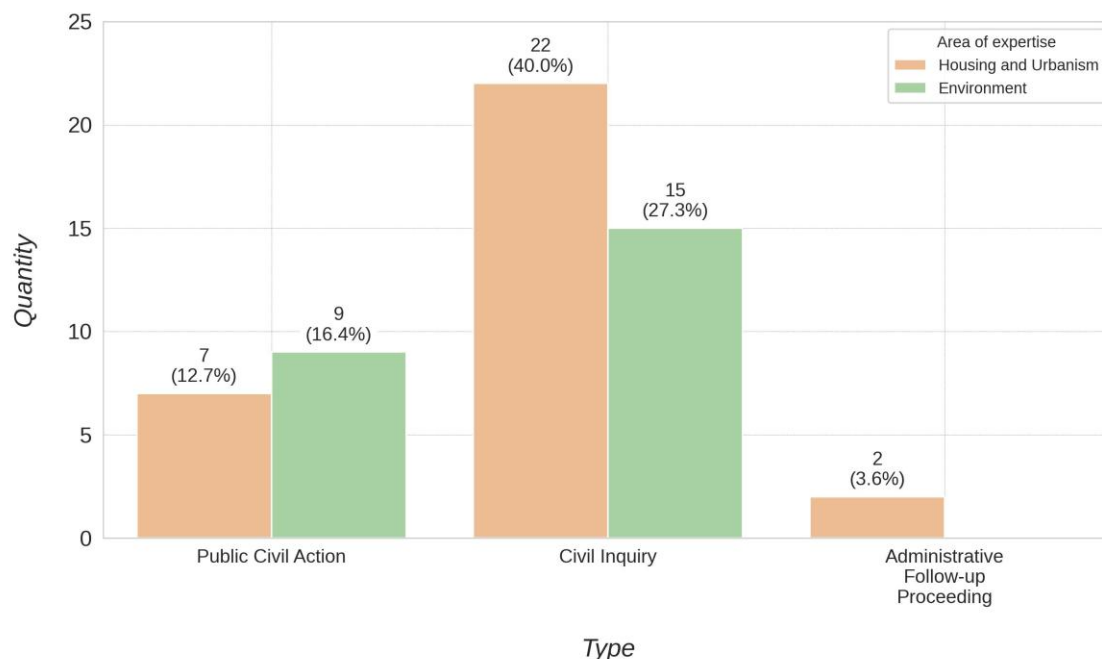


Figure 2 – Annual percentage of ICs, ACPs and PAAs by area of expertise

Source: Own authorship (2024).

No PAAs were recorded in the Environment area; most ICs belong to the Housing and Urbanism area, while most ACPs are related to the Environment (Figure 3).

Figure 3 – Quantity and percentage of ICs, ACPs and PAAs by area of expertise

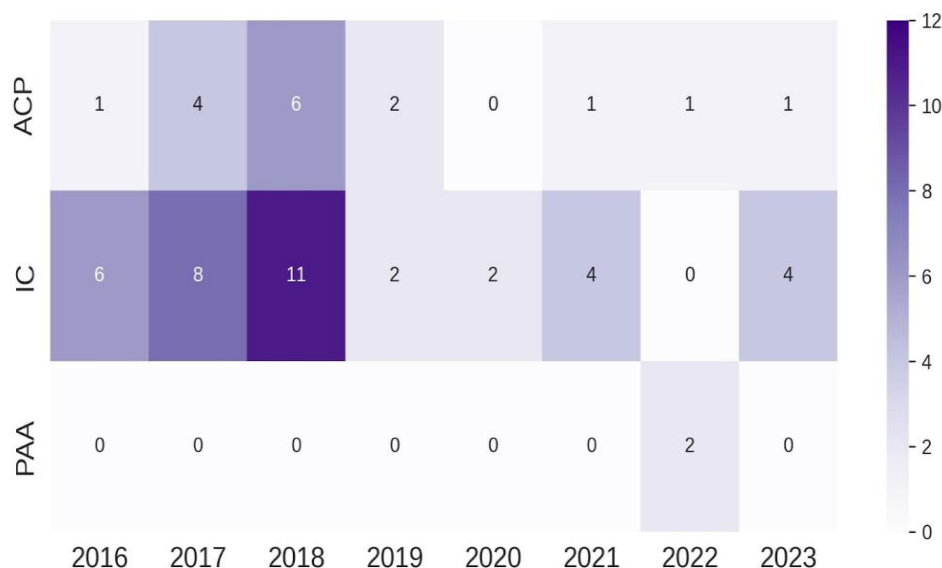


Source: Own authorship (2024).

As for the annual distribution by type of procedure, it can be seen that the only two PAAs identified in the period are from 2022, the same year with no ICs recorded; on the other hand, 2018 recorded the highest number of both ICs and ACPs (Figure 4).

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Figure 4 – Annual quantity of ICs, ACPs and PAAs



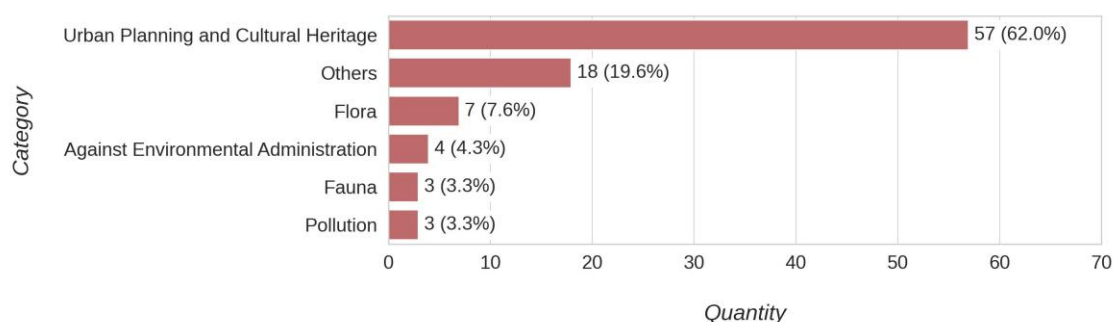
Source: Own authorship (2024).

Regarding the categorisation of topics, it is observed that more than half of the ICs, ACPs, and PAAs (62%) were classified as “Urban Planning and Cultural Heritage” (Figure 5). This

category stood out for having the highest number of ICs, ACPs, and PAAs both in the area of Housing and Urbanism in 2018 (Figure 6) and in the area of Environment in 2017 (Figure 7).

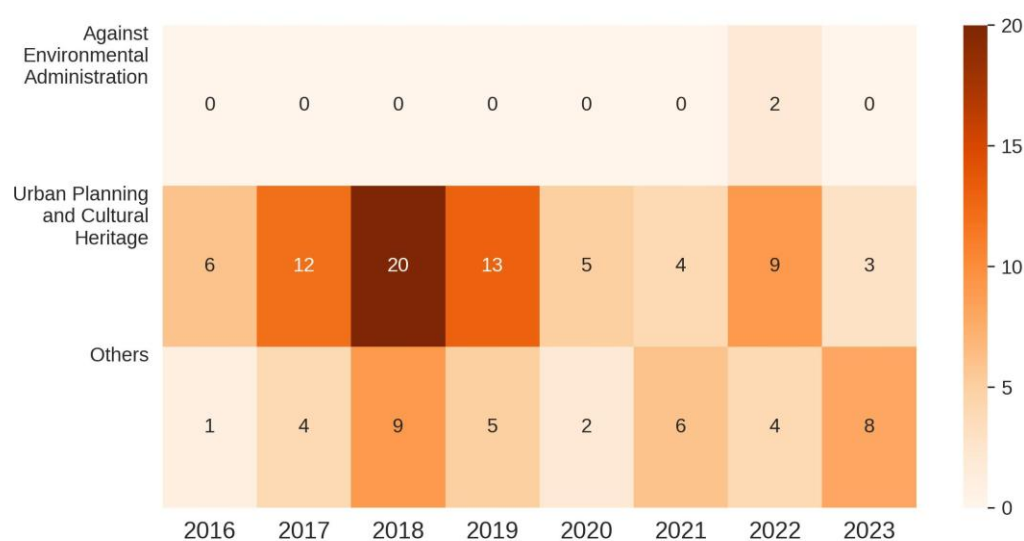
It should be clarified that the presence of the category “Urban Planning and Cultural Heritage” in the Environment area is justified by the diversity of topics addressed in each procedure, as exemplified in Table 2. Although this multiplicity of subjects did not manifest itself in all procedures, in cases where it did occur, it may be indicative of the complexity of the subject matter of the procedure in question.

Figure 5 – Quantity and percentage of ICs, ACPs and PAAs⁶ topics, categorised according to Decree n. 6.514/2008 and Law n. 9.605/1998



Source: Own authorship (2024).

Figure 6 – Annual quantity of ICs, ACPs and PAAs topics in the Housing and Urbanism area⁷



Source: Own authorship (2024).

⁶ The quantity of topics (92) surpasses that of ICs, ACPs and PAAs (55), because, in many cases, the ICs, ACPs and PAAs possessed more than one topic.

⁷ The quantity of topics (113) surpasses that of ICs, ACPs and PAAs of Housing and Urbanism (31), because, in many cases, the ICs, ACPs and PAAs possessed more than one topic.

Figure 7 – Annual quantity of ICs, ACPs and PAAs topics in the Environment area⁸



Source: Own authorship (2024).

According to Oliveira et al. (2019), classifying cases by subject enables the identification of situations with the highest incidence in the municipality, serving as a diagnosis for the formulation of public policies based on real data. Thus, a diagnosis based on institutionalised, concrete, and consolidated cases can guide the development of more effective environmental public policies, aiming to mitigate the impacts of the most recurrent environmental and urban issues, in addition to meeting the sociocultural functions of the city (Silva; Godoy, 2025), in accordance with the legal precepts established by the Federal Constitution (BRAZIL, 1988, art. 182) and the City Statute (BRAZIL, 2001).

One limitation in the data is the difficulty in clearly distinguishing between those that resulted in legal action, even though it was possible to identify some relationships between ICs and ACPs, and those that did not advance beyond the initial stages, either due to the non-prosecution of the News or the dismissal of the cases. To mitigate this redundancy, it is essential that detailed data be provided on the procedural status of each proceeding, including an indication of dismissal or other forms of closure. The inclusion of this information would allow for a more accurate and efficient analysis, providing a clearer view of the flow and results of investigations.

4 CONCLUSION

The analysis of the proceedings initiated in the municipality of São José do Rio Pardo, in the state of São Paulo, between 2016 and 2023 reveals an active profile of the Public Prosecutor's Office of the State of São Paulo (MPSP) in the environmental sphere. This is evidenced by the wide variety of ministerial proceedings conducted by the body, including the

⁸ The quantity of topic (42) surpasses that of ICs, ACPs and PAAs of Environment (24), because, in many cases, the ICs, ACPs and PAAs possessed more than one topic.

filing of Public Civil Actions (ACPs). During this period, the MPSP initiated 127 proceedings, of which 55 were Civil Inquiries (ICs), Public Civil Actions (ACPs), or Administrative Monitoring Procedures (PAAs). Most of these proceedings were related to the field of Housing and Urban Development, with particular emphasis on the category “Urban Planning and Cultural Heritage”.

The temporal analysis of the proceedings shows significant variation over the years, with a gradual increase up to 2018, followed by a considerable decline in subsequent years. Future studies could focus on investigating the underlying causes of this temporal variation, particularly the drop observed after 2018. It is essential to understand the factors that influenced this dynamic, such as changes in public policies, municipal management, or the mobilisation of civil society. Furthermore, research is recommended to assess the effectiveness of ACPs and other instruments employed by the MPSP for environmental protection and remediation.

These findings provide a comprehensive overview of the MPSP’s activities in São José do Rio Pardo and may foster the engagement of public authorities and civil society in discussions aimed at the formulation and/or improvement of public policies. Such policies should seek to protect the environment and enhance the quality of life of the population, highlighting the importance of proactive and collaborative strategies in resolving conflicts and repairing environmental damage.

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DECLARATIONS

AUTHORS' CONTRIBUTION

- **Conception and Study Design:** Isabel Cristina Nunes de Sousa, Maria Carolina Chaves de Sousa and Celso Maran de Oliveira.
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- **Writing – Original Draft:** Isabel Cristina Nunes de Sousa and Maria Carolina Chaves de Sousa.
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- **Supervision:** Celso Maran de Oliveira.

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DECLARATION OF CONFLICTS OF INTEREST

We, **Isabel Cristina Nunes de Sousa, Maria Carolina Chaves de Sousa e Celso Maran de Oliveira**, declare that the manuscript entitled **“Diagnosis of the performance of the Public Prosecutor’s Office of the State of São Paulo in São José do Rio Pardo based on institutionalised environmental conflicts”**:

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