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ATTACKS ON THE BRAZILIAN DEMOCRATIC AGRI-ENVIRONMENTAL RULE OF LAW BY TRAGIC CHOICES: FROM THE OUTLINED COUNTRY OF ALICE'S WONDERS TO THE REALITY OF DANTE'S INFERNO[1]

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RESUMO

This paper studies the building of Democratic agri-environmental rule of law in Brazil under the 1988 Federal Constitution with its land-environmental principles, values and institutions to be followed by society and public authorities. In opposition, the federal administration inaugurated in 2019 undermines said rule of law by making tragic choices. The objective is to demonstrate that the country's constituted powers, as well as the land-environmental population are structured and organized according to the Democratic State of Land-environmental Law, but the federal administration is against to the agri-environmental constitutional project. The research used theoretical and qualitative research based on bibliographical, doctrinal and access to media and websites, with a method of deductive reasoning. The result is the demonstration that decisions by the federal administration weaken the public policies planned by the Federal Constitution in designing of the Democratic agri-environmental rule of law. The conclusion is the Alice in Wonderland intended by the Federal Constitution for the land-environment sector has turned into Dante's inferno.

Keywords: democratic rule of law; environmental; land law; public policy; tragic choices.

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ATENTADOS AO ESTADO DEMOCRÁTICO DE DIREITO AGROAMBIENTAL BRASILEIRO POR ESCOLHAS TRÁGICAS: DO ESBOÇADO PAÍS DAS MARAVILHAS DE ALICE À REALIDADE DE INFERNO DE DANTE

RESUMO

Este artigo estuda a construção de um Estado Democrático de Direito Agroambiental brasileiro organizado e estruturado pela Constituição Federal de 1988, com princípios, valores e instituições específicas do meio agroambiental, a ser seguido pela sociedade e pelos poderes públicos. A política pública do Governo Federal, inaugurada em 2019, atenta contra esse Estado de Direito por meio de escolhas trágicas. O objetivo é demonstrar que os poderes constituídos do país, bem como a população do meio agroambiental, estão estruturados e organizados consoante o Estado Democrático de Direito Agroambiental, mas o Governo Federal atenta, com escolhas trágicas, contra o projeto constitucional agroambiental. A investigação utilizou pesquisa teórica e qualitativa a partir de levantamento bibliográfico, doutrinário e de acesso à mídia e sites, com método jurídico de raciocínio dedutivo. O resultado é a demonstração de que as decisões do Governo Federal enfraquecem as políticas públicas pretendidas pela Constituição Republicana no desenho do Estado Democrático de Direito Agroambiental. A conclusão é que o esboçado país das maravilhas de Alice intentado pela Constituição Federal para o setor agroambiental se transformou no Inferno de Dante.

Palavras-chave: *agrário; ambiental; escolhas trágicas; Estado Democrático de Direito; políticas públicas.*

INTRODUCTION

The current societies' structural normative agenda and the social renegotiation rehearsal reflect the new values of contemporaneity. In fact, Brazilian society, inserted in this global context, foster values and therefore norms that provide a response to the social reality marked by contradiction, inequality, and exclusion.

In this direction, consecrating new values, the legal priorities contained in the 1988 Federal Constitution intend a free, fair, and solidary Brazilian society; after all, Post-Modernity is based on human dignity and democracy, among other principles.

The design created by the Republican Constitution for the agri-environmentalism in the Democratic Rule of Law worships a legal-state order that translates a Democratic Agri-environmental Rule of Law in an explicit way, endowed with an agri-environmental mission for the constituted republican powers and propeller of a society organized around the agri-environmental sector, contemplating and respecting all agents in the rural environment, from the private sector to traditional populations, as well as the environment.

The country's new legal-political structure designed for the society could not have been different, since, in the 1988 Constitution text, the right of everyone – without distinction – to an ecologically balanced environment is central, as well as to a healthy quality of life for present and future generations.

Then, an ethic of preservation and ecological protection, based on a legally autonomous systemic (= organic or holistic) understanding of the environment (BENJAMIN, 2015) was established.

However, as of the Federal Executive Power's current management, which began on January 1, 2019, administrative and legislative actions that undermine that Rule of Law started to be taken. The Federal Government's decision-making for the agri-environmental sector denatured the constitutional purpose of the Democratic Agri-environmental Rule of Law, established in 1988, and embarked on a path of weakening constitutional values.

The purpose of this study is to demonstrate the design of this Rule of Law intended by the Constitution of the Republic to meet the countryside aspirations, in a mockery of Alice's wonderland, but which was transformed into a real Dante's inferno given Federal Government's tragic choices.

In this article, we worked on the hypothesis that the implementation of

an agri-environmental policy that does not respect the agri-environmentalism desired by the Republican Constitution results in a deep setback. The objective is to show that, on one hand, the country's constituted powers and the agri-environmental sector population are structured, equipped and organized according to the Democratic Agri-environmental Rule of Law built from the Federal Constitution and that, on the other hand, the agri-environmental constitutional project is violated by the Federal Government's tragic choices. In the research, qualitative theoretical elements of doctrinal resources were chosen, besides performance of search on websites and general media, using the deductive method.

1 BRAZILIAN DEMOCRATIC AGRI-ENVIRONMENTAL RULE OF LAW: PREMISSES AND PRICIPLES

1.1 Constitutional premises

The modern state model started to be developed from the Enlightenment logic, with the rupture of the *Ancien Régime* by the 1789 French Bourgeois Revolution. There was, therefore, the banishment of the Feudal State and the establishment of the Liberal State of Law, supported by the ideals of legal-economic freedom and State non-intervention in private relations. Thus, the Modern State emerges.

At the end of the nineteenth century, the liberal State model did not prove to be sufficient to guarantee the community's well-being and face the new reality of the emerging capitalist world, making it necessary to create a new state model: the Social State of Law, built based on State economic intervention, in order to eliminate economic and social inequalities.

In the second half of the twentieth century, the Social Rule of Law proved to be ineffective in responding to the social demands of the time. Reality gave rise to new patterns in society, and other legal-political paradigms were established, such as democracy and human rights, resulting in the Democratic Rule of Law, abounding with humanitarian axiology.

In Brazil, the 1988 Federal Constitution was responsible for bringing a new legal-political-social scenario: democracy as a stage for citizens to expose and discuss their interests and express their will, against the human rights backdrop.

The paradigms presented served as inspiration for the construction of neoliberal legal theories, according to which individual and collective

rights would be a democratic victory against the State, reason why, once constitutionally guaranteed, they configure fundamental rights. From this perspective, fundamental rights are understood as directive principles of the democratic legal-constitutional order.[3]

Under the prerogative of the Democratic Constitutional Rule of Law, based on the pillars of democracy and human rights, the principle of human dignity was established, fundamental for the construction of public policies. In this sense, the ethical-moral values unfolded, and it was legally imposed on society to start tolerating people previously excluded for being invisible – the minorities –, in a clear recognition of ethnic-social plurality.

Democracy transformed the Law, bringing to the fore the individuals who were previously excluded, causing them to be seen as an integral part of society. Thus, the emergence of a space that allowed the identification of a new area, a "new locus" of law, was possible: the agri-environment, with its set of norms that configure the presence of an "agri-environmental Constitution", which equips society with a view to promoting the sustainable development of the rural sector.

1.2 Principles

Integrative principles are included in the legal-political spectrum of the Brazilian Democratic Agri-environmental Rule of Law, such as the social function of property, consideration and respect for socio-environmentalism, stimulus and appreciation of the agrarian enterprise, and preservation of environmental assets, among others. In this article, only the most relevant are addressed.[4]

1.2.1 Principle of the social function of property

The principle of the social function of property has three aspects: economic, social and environmental. As for the economic aspect, the goods can be subdivided into: (a) consumables, as they are exhausted soon after use; (b) for use, whose substance is not depleted after being used, presenting a greater durability compared to consumable goods, including furniture, realty and machinery, and (c) production goods,

3 The concept of rights as trumps developed by Ronald Dworkin was adapted to fundamental rights as trumps against the majority by Lusitanian jurist J. R. Novais (2006).

4 For a complete study of the principles of the Brazilian Democratic Agri-environmental Rule of Law, refer to: Mattos Neto (2018, p. 38 *et seq.*).

destined to produce other goods (MENGER, 1904). Based on this classification, land is considered an economic production good, as its purpose is agrarian activity for the production of other goods, such as food. In the social aspect, agrarian property is the means of survival for those who own the land and for those who work on it. The owner should follow labor, social security and social norms in order to respect the workers' dignity, favoring their well-being.

Regarding the third aspect – environmental –, the owner has a constitutional duty to conserve and use natural resources in a sustainable way, ensuring the healthy quality of the environment for present and future generations.

The Constitution, in its art. 186, establishes that the social function of rural property is fulfilled when the owner meets the criteria of rational and adequate use of the land, namely, adequate use of natural resources and the environment preservation, as well as respect for the rules that regulate labor relations and owners' and workers' well-being.

The social function, from the point of view of the land social, economic and environmental factors, assigns to the owner, possessor or agrarian squatter the constitutional duty of continued care. Failure to comply with any of these factors present in the Constitution (productivity, social or environmental) should result in punitive sanctions for the owner, such as expropriation of land for social interest, for the purpose of agrarian reform.

Finally, it is important to emphasize that, if the owner, possessor or agrarian squatter has a fundamental duty to fulfill the social function of the property, the State also has a constitutional duty to provide the rural property owner with all the necessary infrastructure conditions so that the latter can carry out well the constitutional task.

1.2.2 Principle of consideration and respect for social environmentalism

In Brazil, the socio-environmental movement emerged in the second half of the 1980s, from political articulations between social and environmental movements. The idea of environmental sustainability was already axiologically embedded in society and in its legal diplomas. However, a poor and unequal society like that of Brazil demanded more: promotion of environmental sustainability integrated with a sociocultural diversity that interacted with this natural environment.[5]

5 The history of the construction of Brazilian socio-environmentalism is authentically portrayed by Santilli (2005, p. 25 *et seq*.).

Socio-environmentalism gained strength and was established with the United Nations Conference on Environment and Development, ECO-92, which took place in Rio de Janeiro in 1992, thanks to the insertion of socio-environmental concepts in legal norms and in documents issued at the Conference.

The principle of socio-environmentalism teaches that it is necessary to integrate local or traditional communities into agri-environmental public policies, including and involving them as subjects of Law in these policies, taking into account their knowledge and practices of environmental management. In this way, public agri-environmental policies should include local or traditional communities in their implementation, in order to guarantee social effectiveness and political sustainability, and enable a fair and equitable sharing of the benefits generated by agri-environmental exploitation.

1.2.3 The principle of minimum family size or minimum area of rural property

The Agri-environmental Law adhered to the principle of agricultural economy, according to which the rural property should have a minimum area of land for cultivation, taking into account the specifications of each region and the type of crop explored, in order to preserve a satisfactory economic income to guarantee the subsistence of farmers and their families.

The Land Statute, in its art. 4, II, created the rural module as the unit of measurement of land extension, identified as the area directed to family property (BRASIL, 1964). In turn, Law No. 5.868/1972, which deals with the National Rural Registry System (SNCR), in its art. 8, instituted the minimum subdivision fraction (FMP) applicable to each municipality, by determining that, for the purpose of transmission, in any capacity, the rural property cannot be dismembered or divided into an area smaller than the module calculated for the property or the minimum subdivision fraction (BRASIL, 1972).

The two units of land measurement – the rural module and the minimum subdivision fraction – are used by the legislator, according to the purpose intended by law.

For example, for the purpose of dismembering a rural property, the minimum subdivision fraction of the municipality where the property is located should be respected (BRASIL, 1972).

1.2.4 Principle of special rigor regarding the unproductive property

The rural property owner has a constitutional duty to grant land productivity, as a means of guaranteeing human dignity for themselves and their collaborators, with a view to greater interests of social, environmental and economic protection present in this relationship, that is, the principle values the complete fulfilment of the social function of property.

The property productivity is measured on the net area, thus considered the property total area subtracted from the areas not economically used (sterile areas), either by legal imposition, or by the infertile nature of the soil or because it is a place of construction and improvements.

In the area subject to exploitation, its productivity is verified through the degree of land use (GUT), which should be equal to or greater than 80% calculated by the percentage ratio between the area actually used and the total usable property area, and the degree of efficiency in exploration (GHG), which should be equal to or greater than 100% to be obtained in accordance with the system provided for by art. 6 of Law No. 8.629/1993. Once the rural property complies with these minimum standards of productivity, it remains exempt from expropriation for social interest for the purpose of agrarian reform, pursuant to art. 185 of the Constitution and the legislation in force. However, if these criteria – established by art. 6 of Law no. 8.629/1993 –, are not achieved, the property will be characterized as unproductive, subject to agrarian expropriation.

The rigor regarding the unproductive rural property is also conferred as an increase in the tax burden, as a means of forcing the owner to produce in the property, according to art. 153, § 4, I, of the Federal Constitution (BRASIL, 1988).

1.2.5 Principle of environmental resources conservation

In today's world, the environment preservation has become necessary due to climate change, uncontrolled production of solid waste, and other ills caused by human action. Thus, the Federal Constitution adopted the principle of environmental resources conservation, scaling it as a public policy and as a fundamental duty of the State and society (BRASIL, 1988).

In addition to being set forth in the Constitution (art. 170, VI; art. 186, II; art. 225), the principle guides several laws, such as Law No. 6.938/1981, which establishes the National Environmental Policy, the Brazilian Forest

Code, all the constitutions of the federated states, etc. All those laws have the same objective: to protect the fundamental right to an ecologically balanced environment for a healthy quality of life, with the Public Power and the community having the duty to defend and preserve the environment for present and future generations.

1.2.6 Principle of agri-environmental setback prohibition

Another basic principle is the agri-environmental setback prohibition, responsible for ensuring that the rights and advances achieved in the agri-environmental sector do not retroact and that, therefore, there's no harm.

The advancement and achievement of the guarantee of essential core of agro-environmental rights and duties already established and implemented by legislative measures cannot be annihilated by state measures, in order to guarantee a minimum of dignified existence essential to respect for human dignity. This is what is called agri-environmental setback prohibition. The right of legal protection to the fundamental nucleus of agri-environmentalism cannot be reduced or tarnished, unless there are changes brought about by a new constitutional order. This principle stems directly from the greater principle of social setback prohibition (BRASIL, 2018).

2 THE APPARATUS OF THE BRAZILIAN DEMOCRATIC AGRI-ENVIRONMENTAL RULE OF LAW

The Brazilian Constitution brings together basic norms supported by principles that guarantee a free, fair, and solidary society, mainly structuring the Rule of Law. These precepts, added to the idea of national sustainable development, serve as a pillar for the agri-environmental principles present in the Constitution, which aims to ensure the whole population's well-being.

Matters that deal with Agri-environmental Law and that are present in the Constitutional text – such as agrarian property, environment, agrarian reform, agrarian contracts, agricultural policy, among others (BRASIL, 1988) – have organic treatment, and above all, are in accordance with the premises of democracy and human rights – the axiological vectors of the Federal Constitution –, exposing, from the idea of structuring a systemic state apparatus, the configuration of a Democratic Agri-environmental Rule of Law in the country. The republican powers and institutions that consolidate the Democratic Agri-environmental Rule of Law are below.

2.1 Executive Power

2.1.1 Agri-environmental bodies of the Brazilian federation entities

At the federal level, there is the body responsible for land policy, the National Institute of Colonization and Agrarian Reform (INCRA), a federal agency linked to the Ministry of Agriculture, Livestock and Food Supply (MAPA), which was created in 1970 by Decree-Law No. 1.110. Its function is to promote access to land for the landless, carry out agrarian reform and the titling of quilombola territories, maintain the national registry of rural properties, manage the Union's public lands, and so on.

Linked to the Ministry of Tourism, there is the Palmares Cultural Foundation (FCP), which certifies the community as a quilombola remnant, an essential fact for the land titling process.

Also linked to MAPA, the Brazilian Forest Service (SFB) has among its attributions the coordination of the Rural Environmental Registry (CAR), which is the first step towards the environmental regularization of a property.

Regarding the environmental sector, there are two federal agencies that belong to the organizational structure of the Ministry of the Environment (MMA): the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) and the Chico Mendes Institute for Biodiversity Conservation (ICMBio).

IBAMA's role is to exercise the National Environmental Policy, highlighting, within its scope of action, the power of environmental police, which encompasses several attributions, such as environmental inspection and the application of administrative penalties. ICMBio is responsible for managing and inspecting the national Conservation Units, with the power of environmental police, in addition to other legal attributions, highlighting the implementation of policies related to the sustainable use of renewable natural resources and support for extractivism and traditional populations present in the Conservation Units.

With regard to the indigenous issue, the State relies on the National Indian Foundation (FUNAI), a federal agency responsible for indigenous policy, subordinated to the Ministry of Justice and Public Security, with the function of assuring the rights guaranteed in the Indian Statute (Law 6.001/1973), besides being responsible for the process of recognition and demarcation of indigenous lands.

In turn, the Executive Power of the federal states also has agri-

environmental bodies. All of them have their land and environmental bodies, secretariats for environmental sustainability, etc. This can be illustrated from the experience of two states: Pará and Maranhão.

In Pará, the land body is the Land Institute of Pará (ITERPA), whose purpose is to carry out the land regularization of the State and the titling of quilombola territories, among others. There are also: (a) the State Secretariat for the Environment and Sustainability (SEMAS), responsible for environmental policies; (b) institutions for monitoring and repressing environmental crimes, such as the Environmental Police Battalion (BPA/PA), and the Specialized Division for the Environment and Animal Protection (DEMAPA), which is responsible for covering some specialized police stations, such as the Police Station for Agrarian Conflicts (DECA), the Police Station for Repression of Crimes against Fauna and Flora, and the Police Station for Repression of Pollution Crimes and Other Environmental Crimes.

The State of Pará also has the Institute for Forestry Development and Biodiversity of the State of Pará (IDEFLOR-BIO), which is in accordance with Law No. 11.284/2006, on the Management of Public Forests. IDEFLOR-BIO is responsible for managing forest policies and the preservation, conservation and sustainable use of biodiversity, flora and fauna.

Maranhão has a similar organizational structure. The body in charge of agrarian policy, the Institute of Colonization and Lands of Maranhão (ITERMA), is linked to the State Secretariat for Family Agriculture (SAF). The State has the Secretary of State for the Environment and Natural Resources (SEMA) as responsible for the environmental portfolio, as well as the Environmental Police Battalion (BPA/MA) and the Environment Police Station (DEMA/MA) for the exercise of power of police in combating violations of environmental laws.

2.1.2. Official assistance and research bodies for the agricultural productive sector

In research, there is the Brazilian Agricultural Research Corporation (EMBRAPA), linked to MAPA, which aims to stimulate research for the production of knowledge and technologies that subsidize the country's agricultural development. Furthermore, it should support the Executive Power in the science and technology policies of the agricultural sector.

The assistance body is the Technical Assistance and Rural Extension Company (EMATER), present in the States of the Federation and the Federal

District. In Pará, it is subordinated to the State Secretariat for Agricultural and Fisheries Development (SEDAP) and helps it both in the elaboration of technical assistance and rural extension policies and in the management of these policies for the improvement of agricultural production and the consequent improvement in conditions of life in the state rural sector.

2.1.3 Agri-environmental public policies

Another issue to be debated within the scope of the Executive Power – federal, state or municipal – is public policies that are implemented as government programs and actions, in partnership or not with other public or private entities, for the fundamental rights to be respected.

At the national level, there are several public policies, such as the National Environmental Policy (PNMA), the National Environmental Education Policy (PNEA), the National Water Resources Policy (PNRH), the National Biodiversity Policy (PNB), the National Policy for Sustainable Development of Traditional Peoples and Communities (PNPCT), the National Policy on Climate Change (PNMC), the National Policy on Technical Assistance and Rural Extension (PNATER), and the National Policy on Agroecology and Organic Production (PNAPO), among other national programs and plans focused on the development and protection of the Brazilian agri-environmental sector.

2.2 Legislative Power

The Federal Constitution contains the Chapter on Agricultural and Land Policy and Agrarian Reform, due to the concern about providing the country with a legal-political organizational structure in the agri-environmental matter. It contains paradigmatic topics, such as the Union's competence for expropriation for social interest for the purpose of agrarian reform, criteria for compensation for the expropriated land owner, definition of the social function of rural property, instruments for implementing agricultural policy, and others.

In its art. 225 and paragraphs, the Republican Constitution guarantees present and future generations the right to an ecologically balanced environment. In turn, in its arts. 231 and 232, the Constitution recognizes the fundamental rights of indigenous populations, and art. 68 of the Transitional Constitutional Provisions Act (ADCT) recognizes the domain of the

lands occupied by the remnants of quilombola communities.

Infra-constitutionally, there is a legislative framework that reaffirms the construction of the apparatus of the Democratic Agri-environmental Rule of Law. It is possible to mention the following: Land Statute (Law No. 4.504/1964), which regulates rural properties for the purposes of agrarian reform and agricultural policy; Fauna Law (No. 5.197/1967); Indian Statute (Law No. 6.001/1973), which guides Brazilian indigenist policy; Law No. 8.171/1991, which deals with agricultural policy; Law No. 8.629/1993, which deals with agrarian reform; Environmental Crimes Law (No. 9.605/1998); Forest Code (Law No. 12,651/2012), and Law No. 9.985/2000, which establishes the National System of Nature Conservation Units (SNUC), among others.

2.3 Judicial Power

Creating a specialized justice for the agrarian demand is an old flag of jurists in Agri-environmental Law in Brazil. In the 1988 National Constituent Assembly, many proposals were debated; the one that was accepted resulted in art. 126 of the Constitution, which places agrarian justice as an appendix of the Judicial Power in the federal states, and not with specialized jurisdiction in agri-environmental matters, as Brazilian agrarian justice has always intended (MENDONÇA, 1982).

The aforementioned art. 126, head provision, establishes: "For the settlement of conflicts relating to land property, the Court of Justice shall propose the creation of specialized single-judge courts, with exclusive competence for agrarian matters" (MATTOS NETO, 2018, p. 393).[6]

In obedience to the constitutional mandate, all States of the Federation organized themselves and instituted their respective agrarian courts based on the systematization of each of their state Constitutions.

At the federal level, agrarian courts were created according to the pressing need of each region. Such courts have environmental and agrarian

6 Refer to. It deserves criticism: (a) the term "conflicts relating to land property" is inappropriate, as the correct term would be "conflicts relating to agrarian matters", since the word "land" denotes the physical space, while "agrarian" comprises all the economic, social and cultural issues involved with the land; (b) Agrarian Justice is structured in the state Judicial Power; in view of this, the presence of specific technicians, such as cartographers, would be necessary for the best solution of the agri-environmental deal; however, the Member States would not have the financial resources to have all this technical support; (c) the term "specialized single-judge courts" appears without an explanation, which is why it would be possible to deduce that this "specialized single-judge courts" would be the State Capital, due to the hierarchy, but clearly this is not the case, since the agrarian activities take place in the rural part of the state inland (MATTOS NETO, 2018, p. 393, et seq.).

competences, as, for example, in the states of Amazonas, Pará, Bahia, Minas Gerais, Paraná, Rio Grande do Sul, among others (FREIRE, 2013).

2.4 Agrarian Ombudsperson's Office

The Union created the State institution called National Agrarian Ombudsperson's Office, linked to INCRA, aimed at acting in the reception and mediation of collective agrarian disputes when the Union's presence is required.

In the structure of the Judicial Power of several States, the Agrarian Ombudsperson's Office was created, responsible for elaborating and coordinating the agrarian policy, as well as for preventing land conflicts and operating in rural environmental and social issues by means of projects that reduce violence in the countryside, always working in partnership with the Judicial Power and the Public Ministry in demands of a collective agrarian nature.

2.5 Essential functions to Justice: Public Ministry and Public Defender's Office

Other fundamental institutions to the Democratic Rule of Law are the Public Ministry and the Public Defender's Office. The Public Ministry participates in the defense of the environment and quilombola communities; in legal proceedings of: agrarian adverse possession, expropriation of lands for social interest for the purposes of agrarian reform, and protection to the rights and interests of indigenous populations, or even through Public Civil Action to protect any of those interests.

The Public Defender's Office is responsible for providing full and free legal, judicial and extrajudicial assistance to needy citizens. It operates within the scope of the Union and the Member States, and is one of the legitimate ones to propose Public Civil Action to defend a healthy environment. In a broad sense, damage to the environment is responsible for harming the community, and it is the financially vulnerable who are under the protection of the Defender's Office.

As an example, it is possible to mention, in the State of Pará, in the Superior Council of the Public Defender's Office Resolution (CSDP) No. 64/2010, the creation of the Nucleus of Public Agrarian Defenders (NDPA), and five Public Agrarian Defenders of the State, covering five

regions, with headquarters in the Municipalities of Castanhal, Santarém, Marabá, Altamira and Redenção, following the same logic as the Agrarian Courts and State Prosecutors of the state of Pará.

The NDPA, together with the Agrarian Public Defenders' Offices, has the purpose of assisting and supporting landless rural workers, small rural producers, indigenous peoples, remaining quilombola communities, people affected by dams, rubber tappers and riverside population, that is, social characters in vulnerable position that act socially, culturally and economically in the agri-environmental sector.

From the perspective above, on the presence of bodies, institutions and legislation in the agri-environmental sector, present in the three powers that constitute the Brazilian State, there is no doubt that a genuine Democratic Agro-environmental Rule of Law is configured.

3 TRAGIC CHOICES IN THE DEMOCRATIC AGRI-ENVIRONMENTAL RULE OF LAW

The State policy for Brazilian agri-environmentalism designed by the Constitution values explicitly the plurality of rural people, traditional populations, work and rural productive forces, the environment, the right to private land ownership – through agrarian reform and other means used to make access to land easier, preferably for those who need it to work and survive – and many other agri-environmental values that materialize the implementation of public policies to build a free, fair and solidary society, and which guarantee sustainable development, eradicate poverty and marginalization, reduce social and regional inequalities and promote the good of all in rural areas, without prejudice related to origin, race, sex, color, age, and any other forms of discrimination. Metaphorically, it can be said that the Republican Constitution waved an "Alice's wonderland" before the Brazilian rural sector.

However, the Brazilian government policy installed from the 2019-2022 presidential term despised those values of the constitutionally foreseen State policy and started to implement plans and actions that value exclusively the private initiative, abandoning the protagonism of traditional populations and family farming, the environment, public and administrative policies that guarantee the vulnerable individuals' sustainability in the agri-environmental sector, as well as the other constitutional objectives that establish the Democratic Agri-environmental Rule of Law, and that

wonderland intended by the legislator gradually became a true Dante's inferno, which is presented below.

3.1 Disregard for public policies favorable to traditional populations (indigenous and quilombola)

There are several ways and aspects that government policy uses to weaken public agri-environmental policies. With regard to the indigenous issue, Provisional Measure (MP) No. 886/2019 transferred the legal attribution of demarcation of indigenous lands from FUNAI to MAPA. This MP was the subject of four Direct Actions of Unconstitutionality (ADIs 6.062, 6.172, 6.173 and 6.174) in the Federal Supreme Court (STF), which suspended the normative effectiveness of this specific section that governs territorial demarcation (BRAZIL, 2019a).[7]

In turn, Resolution No. 4 of FUNAI Board of Directors (CIMI, 2021), which established more restrictive hetero-identification criteria and made it difficult to recognize and identify people as indigenous, became the target of the Argument of Noncompliance with a Fundamental Precept (ADPF) No. 709 and was also suspended by the STF (BRASIL, 2021b).[8]

7 Refer to. 1. The transfer of competence for the demarcation of indigenous lands was originally the subject of MP 870/2019, challenged through ADI n. 6062, Judge-Rapporteur Justice Luís Roberto Barroso. The provisional remedy was rejected, among other reasons, because the restructuring of the organs of the Presidency of the Republic fell within the discretion of the President of the Republic, as well as because the provisional measure was under the consideration of the National Congress. However, the Congress rejected the transfer of the competence in question to MAPA. 2. MP 886/2019 re-edits the rule rejected by the National Congress and does so in the same legislative session in which it was in force and in which it was rejected, which constitutes a violation of the literal content of art. § 10 of the Constitution, as well as of the principle of separation of powers. Precedents: ADIs 5.709, 5.716 and 5.717, Judge-Rapporteur Justice Rosa Weber. The same logic that recommended deference to the actions of the Congress, when considering the previous provisional remedy, imposes the granting of the provisional remedy in this action. Demonstrated plausibility of the right. 3. Danger configures in the delay, due to the lack of definition of competence to deal with the demarcation of indigenous lands, which has lasted for six (6) months, a circumstance that can give rise to the frustration of the constitutional commandment that guarantees indigenous peoples the right to the areas they occupy, endangering the preservation of their communities (art. 231, FC). 4. Provisional remedy granted, to suspend art. 1 of MP No. 886/2019, with regard to the expressions: (i) "indigenous lands", contained in art. 21, XIV; (ii) "and the lands traditionally occupied by indigenous peoples", contained in art. 21, § 2°; and (iii) "observing the provisions of item XIV, head provision, and § 2 of art. 21", contained in art. 37, XXI. 5. The rejection of MP no. 870/2019 by the National Congress and the provisional remedy now granted imply the maintenance of FUNAI's link to the Ministry of Justice, and it is responsible for protecting and promoting the indigenous peoples' rights and complying with the constitutional mandate of demarcating their lands. 6. Thesis: "Under the express terms of the Constitution, the reissue, in the same legislative session, of a provisional measure that has been rejected is forbidden". With this provisional remedy being granted, the previous normative treatment remains, with the link between FUNAI and the Ministry of Justice" (BRASIL, 2019a).

8 Refer to. […]. 2. I suspend FUNAI Resolution No. 4/2021, since, by imposing hetero-identification criteria on indigenous peoples, linked to the territory and to scientific and technical criteria not specified, it violates art. 231 of the Constitution, art. 1, 2, of ILO Convention 169 and the provisional

In this ADPF, in May 2021, an early interlocutory relief was requested because miners invading the Yanomami and Munduruku indigenous lands were attacking the life and safety of the tribes and destroying their natural resources, which was granted by the Judge-Rapporteur Justice Luís Roberto Barroso. He ordered the Federal Police to protect those indigenous areas, with the deployed personnel remaining on indigenous lands as long as there is a risk (BRASIL, 2021b).

Federal bodies that have an institutional duty to protect indigenous populations and the environment, such as FUNAI and IBAMA, have issued Normative Instructions that weaken people and the legal assets they should constitutionally protect. See Normative Instruction No. 1/2021, jointly issued by FUNAI and IBAMA, which allows the creation of partnerships, through associations between indigenous and non-indigenous people, in order to exploit economically lands traditionally occupied by indigenous people. However, such Normative Instruction was not previously submitted to the consultation of the interested indigenous populations, as stipulated in Convention No. 169 of the International Labor Organization (ILO).

FUNAI Normative Instruction (IN) No. 9/2020 is of the same nature, and governs the application, analysis and issuance of the Declaration of Recognition of Limits. This is intended to provide private owners or possessors with certification that the limits of their private property respect the limits of approved indigenous lands, indigenous reserves and fully regularized indigenous domain lands.

The fact is that said IN is silent on the issue of the Declaration of Limits in cases of indigenous lands that are still in the process of demarcation and, therefore, not homologated, which, inevitably, will generate overlapping of certification of private lands on traditional indigenous lands, because, according to this IN, the indigenous lands in the process of demarcation are no longer part of the Land Management System (SIGEF), linked to INCRA, and of the Rural Environmental Registry System (SICAR), linked to the SFB, whose control systems aim to avoid exactly such overlapping of lands between individuals and indigenous people (BRASIL, 2020b).[9]

remedy granted by this Court. […]. Recurrent: Articulation of the Indigenous Peoples of Brazil (Apib) and others (BRASIL, 2021b).

9 Refer to. […] FUNAI maintains and/or includes on SIGEF and SICAR, as well as considers, in the issuance of the Declaration of Recognition of Limits, in addition to homologated indigenous lands, fully regularized indigenous domain lands and indigenous reserves, indigenous lands under the area of jurisdiction of the Judicial Subsection of Redenção-PA in the process of demarcation in the following situations: area under study of identification and delimitation; delimited indigenous land (with limits approved by FUNAI); declared indigenous land (with the limits established by the declaratory ordinance of the Minister of Justice); indigenous land with use restriction ordinance for the location and

The current anti-indigenist policy is marked by the absence of demarcation of indigenous lands (CIMI, 2022) and by the low federal budget for 2021, which weakens the actions of respect for and protection to the indigenous peoples' rights and the improvement of FUNAI infrastructure (VETOS DO BOLSONARO…, 2021).

In fact, the federal government's actions disregard the values contemplated constitutionally in favor of indigenous peoples. Indigenous territorial rights are characterized in the Constitution so that they have permanent possession in order to support the development of their productive activities, the protection of the resources necessary for their well-being and, above all, their physical and cultural reproduction (art. 231, § 1) (BENJAMIN, 2015, p. 282). This original right is invisible to the federal government's eyes.

The same logic of contempt applies to quilombola communities, since no quilombola area was recognized by the current federal government and the respective federal budget was the lowest in 10 years (COMISSÃO DE DIREITOS HUMANOS…, 2020; LOPES, 2021; STÉDILE, 2020).

The large reduction in budget values for federal public policies in the agri-environmental sector in favor of the less favored impacted ongoing projects and those that were planned. This was the case with the Food Acquisition Program (PAA), which guarantees small farmers the purchase of their production by the government and encourages the production of healthy foods, among many others (GOVERNO CORTA…, 2019).

The contempt for public policies protecting indigenous people and quilombolas violates the legal principle of consideration and respect for Brazilian socio-environmentalism, constitutionally established, which characterizes a truly tragic choice for the Democratic Agri-environmental Rule of Law.

3.2 Abandonment of programs in favor of the less favored in the agri-environmental sector

One of the first public policies affected was the Technical Assistance and Rural Extension Program, as its 2020 budget was reduced by 57% compared to 2019, which affected both ongoing and planned projects. The PAA, responsible for guaranteeing small farmers the purchase of their production by the federal government and for stimulating the production of healthy food, also had a budget cut: the program already received R$ 1

protection of isolated indigenous people; […] (BRASIL, 2020b).

billion per year, but in 2019 the investment was of only R$ 92 million (STÉDILE, 2020).

The National Rural Housing Program (PNHR) and the *Minha Casa Minha Vida* Program (MCMV Entidades), which provided rural housing, were other victims of the federal Dante's inferno, as they were deactivated, thus increasing the rural housing deficit (DÉFICIT HABITACIONAL…, 2019).

With the intention not to carry out new expropriations for social interest for the purpose of agrarian reform, in 2020, the National Program of Education in Agrarian Reform (PRONERA), aimed at training students in rural settlements, was suspended due to the extinction of the General Coordination of Rural Education and Citizenship, which managed the program (CALDAS, 2020). With the end of this type of rural education, the natural consequence is that education as a fundamental right of Brazilian citizenship is violated in its integrity of constitutional purposes, revealing the ineffectiveness of fundamental rights.

As for the agrarian reform policy, from 2019 on INCRA had the worst performance in the last 20 years (BRAGON, 2020). With the inexistence of new agrarian reform processes, the suspension of the existing agrarian reform and the extinction or interruption of programs to encourage rural workers, public policies that honor the principle of minimum family size or minimum area of rural property are shaken, in addition to damaging the constitutional principle of non-setback of Brazilian citizenship.

3.3 Contempt for the environment

In 2019, Federal Decree No. 9.759 allowed the MMA to extinguish collective consultative bodies in which civil society had representation and which aimed, in their respective competences, to address issues of concern to the environment. The aforementioned Decree was the target of the Direct Action of Unconstitutionality (ADI) n. 6.121, by which the Federal Supreme Court decided on its partial suspension *in limine*.[10]

The Federal Decree No. 9.760/2019 instituted a greater

10 Refer to When the partial legal plausibility of the claim arises and the risk of maintaining the attacked normative framework with full effectiveness, it is necessary to grant a provisional remedy, suspending it. Normative competence – public administration – collective bodies – legal provision – extinction – parliamentary approval. Considering the principle of separation of powers, the extinction – by act unilaterally edited by the President of the Republic – of collective bodies that, with mention in law in a formal sense, enable popular participation in the conduct of public policies – even when absent, it expresses "indication of its competences or of the members that compose it" – conflicts with the Federal Constitution (BRASIL, 2019b).

bureaucratization in the application of environmental fines by creating another instance to judge infraction notices at IBAMA: the Environmental Conciliation Center. Under the new *iter*, the offender may opt for conciliation, suspending the fine collection process until the hearing is held. However, there is no deadline for carrying it out, which makes scheduling the conciliation unfeasible.

Likewise, the National Environment Council (CONAMA) underwent changes with Federal Decree No. 9.806/2019, which altered its composition and functioning, with a drastic reduction in the number of members and members from civil society. Institutions such as ICMBio and the National Water Agency (ANA) are no longer part of the advisory body. The result of the change is that civil society was unable to assert its interests.

Law No. 13.971, of 12/27/2019, which establishes the Union's Pluriannual Plan for the period 2020-2023, allocated R$ 140 billion to an environmental axis. However, when the budget was divided, R$ 133 billion, that is, 98.5% of the total was reserved for sustainable livestock under the command of MAPA, and the rest was destined for the MMA (POLÍTICA AMBIENTAL…, 2019).

In February 2020, by Federal Decree No. 10.239, the National Council for the Legal Amazon, body responsible for implementing public policies for the Amazon region, was transferred from the jurisdiction of the MMA to the Vice-Presidency of the Republic, occupied by an Army general. The new composition of the Council is emblematic, thanks to the presence of 19 military personnel and four delegates from the Federal Police, not counting representatives from IBAMA, ICMBio, FUNAI, state governments, and from civil society. The body has definitely become a militarized niche for national security (VALENTE, 2020).

The constitutional ideals of the primacy of the environment as a fundamental value of the Democratic Rule of Law and the resignification of Brazilian citizenship was disfigured and lacking in contemporary legal principles inspired by the democratic air at the dawn of the country's redemocratization. Consequently, the Brazilian Democratic Agri-environmental Rule of Law was weakened by the sequenced blows dealt by legal and administrative measures of discredit to the protection of the environment.

3.4 Dismantling of land and environmental bodies (INCRA, IBAMA, ICMBio)

In 2019, censorship rules were instituted for agri-environmental bodies, such as IBAMA Ordinance No. 2.534/2019 and Ordinance No. 560/2020, which prohibited the municipality from providing information to the press directly, and ICMBio Ordinance No. 151/2021, which submits the publication of scientific works produced by researchers of the body to the authorization of a higher authority (BRASIL, 2019c; 2020a; 2021a). The aforementioned ordinances are classified as the "Gag Law".

In April 2019, the Federal Executive Power disallowed an IBAMA operation in the Jamari National Forest (FLONA) in Rondônia, establishing that the new rule would be not to destroy or render useless instruments seized during the environmental inspection, which had been done until then, when the measure proved to be necessary. Its performance was supported by Decree No. 6.514/2008, then in force (CAMPOREZ, 2019).

The same police power in relation to a better destination of the machinery seized in illegal situations was conferred on ICMBio employees. However, in July 2019, a draft Circular Memorandum was published by the Institute's management, removing the autonomy of inspectors to burn the equipment, and the destruction have to be authorized by the Institute's Inspection Coordination, located in Brasília (ICMBIO TIRA…, 2019).

Due to the constant internal crises in the management, the experienced board of the body asked for resignation and, in its place, military police officers of the State of São Paulo, without technical experience in the management of conservation units, were appointed.

Contrary to the application of environmental fines, government policy, in 2021, issued Normative Instructions No. 1 and 2, in a joint action between MMA, IBAMA and ICMBio, in order to regulate the federal administrative process for the establishment and investigation of administrative infractions resulting from environmental violations.

Normative Instruction No. 2 changes IN no. 1 and, among so many changes, it further bureaucratized the *iter* of the administrative process for the application of the fine, including the submission of the factual finding and the legal framework to an authority superior to the inspector of the assessment, which, in practice, has paralyzed the application of environmental fines.

Regarding the budget issue, ICMBio and IBAMA also suffered a drastic reduction in funding, which had a great impact on the creation, implementation and management of Conservation Units, environmental inspection and prevention and combat of forest fires (RODRIGUES, 2019).

At INCRA, the budgetary reality is no different from that of other environmental bodies: a decrease in funds in 2020 and more scarcity in 2021 (VETOS DO BOLSONARO…, 2021).

The federal government practice of weakening the administrative and organizational structures of the competent environmental inspection bodies in addition to reducing the respective inspections constitutes a choice that tragically threatens environmental sustainability and a healthy quality of life, stipulated in the constitutional project, to contradict the principles of contemporary law.

3.5 Land regularization

In 2020, the Special Secretariat for Land Affairs (SEAF) and INCRA issued Joint Ordinance No. 1, regulated by INCRA Normative Instruction No. 105, which launched the *Titula Brasil* Program, attributing to the Municipalities the land regularization of Union's areas, under the justification of reducing costs and speeding up the regularization process. Such a choice threatens to unprotect the vulnerable part of the rural population, such as traditional populations, who have land as a means of living, survival and physical and cultural reproduction. Likewise, it makes environmental protection vulnerable, enabling, for example, the regularization in Conservation Units (OLIVEIRA, 2020; GIOVANAZ, 2021).

In the same sense of exclusion, the initiative of new agrarian reform projects in the country has been paralyzed completely, with a drastic reduction in the settlement of families in ongoing projects (INCRA, 2021), which ratifies the official speech of the current government that will not regulate the Constitutional Amendment that provides for the expropriation of land where there is work analogous to slavery or illegal planting of psychotropic plants (A RURALISTAS…, 2021).

The change in domestic legislation for the implementation of land regularization has brought absolute insecurity and danger to the traditional populations' lives. The practice has portrayed the struggle for land owner-

ship through the constant attacks that the squatters have perpetrated with arrangements of attempts at land regularization in areas protected by the National System of Nature Conservation Units and indigenous lands.

3.6 Burn and deforestation of the Amazon rainforest national heritage

The current government's view of the Amazon is symptomatic: a stock of land ready to be commercialized, with forest and mineral deposits ready to be explored! (BOLSONARO…, 2018).

Deforestation in the Amazon, according to data from the Project for Monitoring Deforestation in the Legal Amazon by Satellite (PRODES) of the Institute for Space Research (INPE) has increased alarmingly since 2019, surpassing the previous record of 2017 (BRASIL REGISTRA…, 2021; PRODES – AMAZÔNIA, 2021).

This increase is a reflection of the weakening of environmental governance, which ignores completely the Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm), created in 2004 by the Permanent Inter-ministerial Working Group, through the Presidential Decree of 7/3/2003, and currently revoked by Decree No. 10.142/2019, which establishes the Executive Committee for the Control of Illegal Deforestation and Recovery of Native Vegetation, a new MMA collective body responsible for implementing the Plan.

The revoked Plan (PPCDAm) was fundamental for reducing deforestation in the Amazon Forest, mainly due to the growth of areas destined for Conservation Units and indigenous lands, and also for the implementation of the satellite monitoring system (Deter System), together with inspection actions (PASSO A PASSO …, 2019).

In February 2020, IBAMA's president, Eduardo Bim, issued the interpretative order No. 7.036,900/2020-Gabin to Normative Instruction No. 15/2011, which no longer requires authorization to export wood, resulting in forest products being accompanied only by the Document of Forest Origin (DOF) (NEVES; FUHRMANN, 2020).

Nevertheless, what actually happened was the release of timber exports illegally extracted from the Amazon Forest (BORGES; CAMPOREZ, 2020). In view of this reality, at the Federal Police's request, through the Federal District Representation in Petition No. 8.975 with the STF, the order No. 7.036.900/2020 was suspended *in limine* by Justice Alexandre de

Moraes, also removing IBAMA's president from his position. With Justice Alexandre de Moraes' decision, Normative Instruction No. 15/2011, which requires the request for an export authorization to IBAMA upon presentation of seven documents, come to be in force again.[11]

The position of the Minister of the Environment Ricardo Salles of interfering directly in inspections to release illegally extracted wood from the Amazon Forest, led the Federal Police to report ministerial practices for alleged crimes, to the Attorney General's Office, which requested to the Federal Supreme Court, through Petition No.9.595, authorization to initiate a police investigation against the Minister, which to the hands of Justice Cármen Lúcia. Justice Cármem Lúcia ordered the opening of an investigation for the alleged practice of administrative law crimes, for obstructing or hindering environmental inspection and preventing or hindering the investigation of a criminal offense involving a criminal organization (MINISTRA CÁRMEN LÚCIA AUTORIZA…, 2021).

Motivated by tragic choices regarding environmental conservation, Norway and Germany blocked the Amazon Fund resources, a financial fund aimed at strengthening forest preservation, maintained mainly by donations from these countries (MOURÃO RECRIA…, 2020).

It is possible to realize, by observing the combination of sequential attacks on the purpose of the agri-environmental legal system, that the path traced "to pass the herd" was intentionally planned: deforestation and burn of the forest by land grabbing, followed by the non-application of fines and subsequent land regularization in favor of the land grabbers who deforested an area of the Amazon Forest National Heritage, prohibited from being destroyed. A tragic forest path!

With the government policy of neglecting environmental conservation, the burning wind currents of the Amazon Forest were channeled to the true Dante's inferno that became the regional reality.

3.7 Regulatory flexibility for using pesticides and transgenic products

As of 2019, the amount of pesticide products[12] released by MAPA

11 Justice Alexandre de Moraes' decision determines a series of search and seizure provisional remedies, breach of banking and tax secrecy, suspension of position, among others, related to various public agents and legal entities inspected in an operation that investigates alleged involvement in facilitating the smuggling of forest products (BRASIL, 2021c).

12 Law No. 7.802/1989 regulates research, experimentation, production, packaging and labeling, transportation, storage, commercialization, commercial advertising, use, imports, exports, final destination of waste and packaging, registration, classification, control, inspection and inspection of pesticides, their components and associated products, and other measures.

reached almost a thousand, representing about a third of all pesticides released in the country to date (BOLSONARO…, 2021).

The National Health Regulatory Agency (ANVISA), through Board of Directors Resolutions (RDC) No. 294, 295 and 296, changed the criteria for classifying the degrees of toxicity of pesticides. Some pesticides were reclassified to a lower degree of toxicity, as the new criterion considers only studies of acute intoxication in humans, disregarding other common symptoms that do not lead to death (APMTSP, 2020). With the new classification, the toxicity of pesticides was relativized and the number of pesticides classified as "extremely toxic" dropped from 800 to around 300 (NOVA CLASSIFICAÇÃO…, 2019).

Increased use of pesticides in Brazil, which is considered the world's largest consumer of pesticides, is associated with the growth of several socio-environmental risks, since the use of pesticides can result in environment contamination and generate violations of fundamental rights, such as ecosystem imbalance, serious danger to human physical-psychic safety and healthy quality of life.

CONCLUSION

The 1988 Federal Constitution structures Brazil to be aligned with contemporary post-war principles, based on the Universal Declaration of Human Rights.

In this opportunity, it outlines the framework of a Rule of Law that, by striving for democracy and human rights, builds the foundations of a Brazilian Democratic Agri-environmental Rule of Law with norms of the Constitution representing its principles and rules that identify it, once that the three constituted powers of the Republic have a structure, function, actions, decisions and legal policies aimed at the agri-environmental sector. On the other hand, society is legally organized according to the interests of each category or class in the rural environment.

The constitutional framework establishes rules to meet the aspirations of both the private sector, with the constitutional duty to print sustainable development, and the other agents, categories or classes in the countryside, such as small and medium rural producers, traditional populations (indigenous, quilombolas, riverside population, local communities, etc.) and others who need the government protection and assistance.

Based on human dignity, sustainability is constitutionally foreseen,

and it should be, in the post-modernity proposal, harmonized with the principle of development. The public manager has the constitutional duty to implement public policies that maintain the ecosystem balance.

In this sense, it is perfectly possible to use the metaphor that the country designed by the Constitution for the rural environment was Alice's wonderland.

However, the agrarian and environmental policies – in a word, agri-environmental – implemented by the current federal Executive Power, as of 2019, failed to honor many contemporary commitments intended by the Constitution of the Republic and that were being fulfilled by public policies previously adopted.

Many decisions of the federal public administration for the rural sector have been explicitly tragic for the vulnerable part and for the environment, especially the Amazon Forest – national heritage. Indigenous people, quilombolas, other rural populations, the micro, small and medium rural producer, the settler or small owner of rural land, such as the man of the Amazon (the Amazonian) who, for generations, is rooted in non-regularized possession, that is, the more or less vulnerable people in the agri-environmental sector have weakened or even non-existent guardianship, legal assistance and agri-environmental public policy, as they are no longer subjects of these public policies and have become officially invisible by the federal government.

Political-administrative decisions have chosen to (a) despise the environment conservation, especially the Amazon Forest; (b) make land regularization more flexible so that squatters can have access to the legalization of irregularly seized public lands, and (c) reclassify the degree of toxicity of pesticides to facilitate the use of products harmful to the environment and human health, among many other measures taken as an unfolding of tragic choices.

The Democratic Agri-environmental Rule of Law, established in the 1988 Federal Constitution, suffered constant attacks, frequent disrespect for its principles and its rules of environmental sustainability, protection and assistance to traditional populations and other vulnerable rural populations. This gave rise to perverse actions by private agents, even with criminal acts, which is not in accordance with the good sustainable practices of the Brazilian private sector, and the consequence has been the setback of the constitutional project of a free, fair, and solidary society.

In a more accurate view, in the context of agri-environmental policies implemented from 2019 onwards, it is inferred that, in addition to verifying the inability and unpreparedness of the federal government to respond to the challenge of maintaining the balance between economic policy and the reproduction of ecological problems, participatory democracy was reduced or became almost null, and there was a setback in advances already made towards solidarity, access to opportunities and the reduction of poverty and inequality, which shook the vulnerable rural environment, in frank disrespect for human dignity, transforming the state of affairs into a real Dante's inferno.

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