



PROTECTION OF THE ENVIRONMENTAL HERITAGE OF THE STATE OF AMAZONAS IN A CONSTITUTIONAL ANALYSIS

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SUMMARY:

The state of Amazonas stands out for its immense biodiversity, originating from the Amazon Rainforest. Considering that it encompasses the largest tropical forest in the world and all its ecosystems, the question is: How is the constitutional protection of the environmental heritage of the State of Amazonas provided? This study aims to analyze environmental protection in light of the Federal Constitution of 1988 and the Constitution of the State of Amazonas. To this end, this research used bibliographic research, of a qualitative and quantitative nature, of a descriptive nature and a deductive approach method. It is justified from an academic and social perspective, envisioning the improvement of Amazonian society through scientific practice. Through the assumptions of the research, this study pursues the hypothesis that constitutional legislation is robust, but the practical implementation of the law in reality is lacking, in order to fully comply with it, obtaining as a result its confirmation.

KEYWORDS: Environmental protection; Constitutionalism; Environment; Amazonas.

ABSTRACT:

The state of Amazonas stands out for its immense biodiversity, from the Amazon rainforest. Given that it encompasses the world's world and all its ecosystems, the question arises: How is the environmental heritage in the state of Amazonas? This study aims to analyze environmental protection in the light of the Federal Constitution of 1988 Federal Constitution and the Constitution of the State of Amazonas. To this end, this research used bibliographical research, of a qualitative-quantitative nature, of a described nature and a deductive approach. It is justified from academic and social perspectives, with a view to improving society in the society through scientific practice. Through the research, this study pursues the hypothesis that constitutional legislation is but the practical implementation of the law in reality is lacking, in order to fully fulfill it, with the result that it was confirmed.

KEYWORDS: Environmental protection; Constitutionalism; Environment; Amazon.

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1. INTRODUCTION

Environmental issues have become one of the main topics of discussion at national and international political meetings. Climate change, water pollution, soil destruction, deforestation and the extinction of flora and fauna have become a reality that has a socio-environmental impact on the entire planet, to the point that environmental impacts go beyond territorial borders between countries.

The current reality shows that the world is under pressure, where climate change threatens all ways of life, so that the conflicts that emerge on all sides intensify inequalities, presenting crises that will continue to worsen unless human beings start to think about a central challenge of changing the paradigm and, above all, putting into practice the ideal of sustainable development for all. As a result, there is no place on Earth where the effects of these impacts are not felt.

Brazil stands out in this regard because it is home to the largest tropical forest in the world: the Amazon Rainforest. Most of which is located in the northern region of Brazil, the state of Amazonas is one of the states that has the largest part of this biome and that faces serious problems with historic droughts and floods, high rates of deforestation and illegal burning. Given its importance, it is necessary to ask: How is the environmental heritage of the state of Amazonas constitutionally protected?

This study aims to analyze environmental protection in light of the Federal Constitution of 1988 and the Constitution of the State of Amazonas. The specific objectives were: 1. To understand the constitutional legal protection of the Environment; 2. To understand the systematic evolution of environmental protection from an international perspective; 3. To verify the legal protection of the environment in the State Constitution and its peculiarities.

To this end, this research used bibliographic research, of a qualitative and quantitative nature, of a descriptive nature and a deductive approach method. The research included works in books and articles published between 2020 and 2024, removing from this list works considered classics in Environmental Law. The qualitative research is based on analyses that describe, classify and explain phenomena and their relationship to the constitutionalization of the Environment.

In turn, the quantitative research of this study will be responsible for capturing and collecting official data on the rates of illegal burning and environmental damage in the State of Amazonas to compare with the legal protection cited in the State Constitution, in order to glimpse the impacts and dysfunctions. Through the assumptions of

research, this study pursues the hypothesis that constitutional legislation is robust, but lacks practical implementation of the law in reality, in order to fully comply with it.

The research is justified from two perspectives: academic and social. The academic perspective is based on the opportunity to acquire scientific knowledge that can contribute to the academic training of future legal professionals. The social perspective, in turn, is based on the dissemination of information necessary to raise environmental awareness in Amazonian, Amazonian and Brazilian society.

2. LITERATURE REVIEW

The need for environmental protection, as well as the necessary evolutionary awareness that human beings need to change their view of environmental resources, emerged in the mid-20th century, starting in the 1960s, when global society realized that the negative effects on the environment would lead to the destruction of life on Earth. Norma Sueli Padilha (2010, p. 7-8) reveals that after Stockholm “the theme of the environment was definitively included in the international agenda of meetings, becoming part of the list of priorities of several national and regional agendas”.

Driven by the urgency to work on environmental issues, world leaders began to debate improving life on Earth through the perspective of defending the Environment, a concern that originated and resulted from the “popular mobilization in defense of the environment from the sixties of the 20th century onwards and which marked the beginning of human awareness about the importance of preserving the environment in modern times” (Silva, 2024, p. 41).

In this systematic international evolution, there were several legislative productions since 1972, of which the following are cited: United Nations Conference on Environment and Development (ECO92), held in 1992 in the city of Rio de Janeiro (Padilha, 2010, p. 10), then, in 1997, the Kyoto Protocol giving rise to the Convention on Climate Change (Silva, 2024, p. 44); The World Summit on Sustainable Development, which was held in Johannesburg in 2002 (Menezes, 2020, p. 23);

We must also mention the United Nations Conference on Sustainable Development held in 2012, in the city of Rio de Janeiro, known as Rio + 20 (Costa, 2022, p. 15); The United Nations Summit on Sustainable Development in 2015, where the Sustainable Development Goals were presented (Barbieri, 2020, p. 29) and

The 30th UN Climate Change Conference COP30 will take place in 2025 in Belém do Pará, Brazil (Federal Government, 2024).

Thus, in an international projection, the normative production from this period began to intensify with the formation of a legal awareness to promote environmental protection and Sustainable Development. In this projection, the Brazilian State was not left out, so that its legislative production also began to encompass the environmental aspect. The legislative framework that represents the beginning of the Socio-Environmental State of Law in Brazil is present in the presence of article 225 of the Federal Constitution of 1988, which asserts the Environment as a fundamental right that everyone must preserve.

With this, the “constitutionalization of the Environment in Brazil provided a true qualitative leap in relation to environmental protection standards” (Silva, 2024, p. 109). From art. 225, the Environment began to be considered as a “diffuse and third generation right, part of a right of all, therefore of collective ownership” (Machado, 2024, p. 156).

In this way, the Environment has become a constitutionally guaranteed right as fundamental, so that it does not simply have a mere declaration that gives legal existence to the recognized right, in fact, “it is the protection of the good and interest protected by the legal bench, configuring true legal heritage” (Bahia, 2020, p. 151). Thus, there was a greater offer to realize the “importance of safeguarding the existence of the human being in an environment with ecological balance and quality of life” (Leal, 2023, p. 29.). Therefore, the analysis of art. 225 of the Federal Constitution in force is made.

In a quick analysis of article 225 of the 1988 Federal Constitution, its caput ensures that “everyone has the right to an ecologically balanced environment, a common good for the people and essential to a healthy quality of life, imposing on the Public Authorities and the community the duty to defend and preserve it for present and future generations”. The dichotomy between generations shows that “the actions of the present generation can significantly impact future generations, even putting their existence at risk” (Oliveira; Melo, 2023, p. 8). Thus, there are clear conflicts of interest between generations, of which Hartmann (2021, p. 36) reports that:

The uncontrollable growth of the problem facing the planet has caused deep dissatisfaction with the use of conventional public policy instruments, which requires the implementation of certain economic instruments, such as tradable emission rights, pollutant emission taxes, environmental taxes, among others, as part of an environmental management policy. That is why it is appropriate to highlight the importance of using fiscal policy as an environmental management instrument that, together with other policies,

already existing for environmental protection, can achieve the desired sustainable development (Hartmann, 2021, p. 36).

In this way, in continuous analysis, starting from the first paragraph, item I. In these terms, we seek to ensure the effectiveness of the *caput*, imposing on the Public Power the preservation and restoration of essential ecological processes, through the promotion of the ecological management of species and ecosystems. Thus, there is an effective promotion of legal practice when it is ensured that the general lines of this article are seen in reality.

Subparagraph I of the aforementioned paragraph notes that the legislator also imposes the preservation of diversity and the integrity of genetic heritage. The “immense diversity of species, genetic resources and traditional knowledge associated with the wide variety of ecological benefits place Brazil as the country of opportunities in the sustainable use” (Coradin, Camillo; Vieira, 2022, p. 15) of its natural heritage, making it a full obligation to supervise entities dedicated to research and manipulation of genetic material, a topic that was created by Law No. 9,985/2000, Law No. 11,105/2005 and Law No. 13,123/2015.

Section III defines the territorial spaces and their components that must be protected, with alteration and suppression permitted only by law, and any use that destroys the integrity of the attributes that justify their protection being prohibited. This perception comes from Law 9,985, of July 18, 2000, which regulates the National System of Nature Conservation Units, a milestone in national protection of the Brazilian Environment. Drummond (2024, p. 68) states in this regard that:

Regardless of other policies and actions in favor of nature conservation, Brazil stands out positively in the global panorama of nature conservation specifically with regard to its “collection” of protected or managed areas, in which the CUs result from the oldest, most widespread and most important actions. Brazil's prominent position in this world ranking is due to numerous: The antiquity and persistence for almost 90 years in the creation and management of protected areas; the large number of protected and managed area units; the significant joint area placed under protection and management; the protection and stimulus that the conservation unit provides for the protection and for greater scientific knowledge about the rich biodiversity associated with Brazil's tropicality; Wide distribution of various categories of conservation unit across Brazilian biomes, ecosystems, states and regions; The adoption of scientific and social criteria for the creation and management of the conservation unit (Drummond, 2024, p. 68).

Thus, Conservation Units are a reality. In the same sense of protection imposed on the Public Power, section IV requires, in the form of law, for the installation of works or activities that are potentially capable of causing environmental degradation, a prior environmental impact study. This study must be carried out to support the environmental licensing procedure carried out in light of the “principle of information in environmental matters,

through its advertising, to provide interested parties with sufficient time to take the necessary measures in cases of irregularities” (Silva, 2024, p. 139).

Following the analysis of article 225, section V translates the control, production, commercialization and use of techniques that pose a risk to life, quality of life and the environment. Section VI clearly imposes on the Public Authorities the promotion of environmental education at all levels of education and public awareness for the preservation of the environment. Regarding this, Silva (2021, p. 22) states that:

In contemporary times, it is clear that society in general finds itself in a reality that requires urgent reflection and reorientation regarding the ways in which human beings interact with the environment. Therefore, it is necessary to increase individual and social awareness, especially a change in human beings' attitude towards the socio-environmental problems that arise (Silva, 2021, p. 22).

In this way, education from an environmental perspective can be presented as a transformative instrument, enabling and promoting a different view of environmental impacts. Thus, environmental education “improves awareness of rights, environmental conservation, the real needs of the protagonism of societies in changes in the world and contributes to planetary citizenship” (Oliveira; Ferreira, 2024, p. 13).

It is worth highlighting here that environmental education, as well as all other aspects that reveal an alignment between environmental issues and the need for human growth, finds protective movements in the Sustainable Development Goals. Oliveira and Ferreira (2024, p. 169) report that:

Although it is an arduous task, the Sustainable Development Goals are interconnected to create a more conscious society that uses natural resources correctly, understanding that the human species is not greater than nature, subjecting it to its dominion, but is part of nature as an integral part. Thus, the ego becomes an echo and, only then, there is the possibility of change, allowing human beings to be the protagonists of real transformations, which they themselves generated (Oliveira; Ferreira, 2024, p. 169).

In continuous analysis, section VII of article 225 of the Federal Constitution of 1988, presents the effectiveness of the right provided for *in caput* by obliging the Public Authorities to protect fauna and flora, prohibiting, in accordance with the law, practices that put their ecological function at risk and that cause the extinction of species or subject animals to cruelty. Here, once again, there is a connection with the Sustainable Development Goals (SDGs) such as SDGs 12, 13, 14 and 15. An example of judgments is Direct Action of Unconstitutionality 5995, which “validated provisions of the law of the State of Rio de Janeiro that prohibit the use of animals for the development, experiments and testing of cosmetic, personal hygiene, perfume and cleaning products” (STF, 2023).

The second paragraph deals with the recovery of the degraded environment, presenting the implementation of the polluter-pays principle, also called the principle of responsibility or principle of reparation, names that are given doctrinally to “the obligation of those who explore mineral resources to recover the environment that is degraded by their activity” (Silva, 2024, p. 145).

The third paragraph states that conduct/activities (omission or commission) that are harmful to the environment will be subject to criminal and administrative sanctions regardless of the obligation to repair the damage caused (civil sphere). Thus, it “provides for the possibility of holding the polluter liable for environmental damage in the criminal, administrative and civil spheres” (Silva. 2024, p. 145), considering triple liability.

The fourth paragraph extends environmental protection to biomes, through the constitutionalization of legal protection for the Brazilian Amazon Rainforest, the Atlantic Forest, the Serra do Mar, the Pantanal Mato-Grossense and the coastal zone. These are considered national heritage and their use will be made within the limits established by law and under conditions that ensure their preservation, including with regard to natural resources. Oliveira and Melo (2023, p. 150-151) state that:

When classified as a national heritage site, through the inclusion of paragraph 4 of article 225 of the Federal Constitution, the Amazon Rainforest is being elevated to a category of heritage of the people, configuring what is predicted by the principle of intergenerational equity, since it asserts the need for promotion and development of the present generation without affecting future ones. This means that through the maintenance of the Amazon Rainforest there is identity and otherness of the Brazilian people. Furthermore, the legal protection of forests against environmental crimes can be seen in normative instruments such as the Forest Code (Law No. 12,651/2012), which states that forests are assets of common interest to all inhabitants of the country, in the National Biodiversity Policy (Law 13,123/2015), which asserts that the Amazon Rainforest is a national heritage, and in Law 14,119/2021, which is one of the significant advances in the insertion of society in the environmental protection process, with the National Policy of Payments for Environmental Services.

The fifth and sixth paragraphs deal with issues related to unclaimed lands in the states, which must ensure the protection of the natural ecosystems present therein, and also that the plants that operate with nuclear reactors. Finally, the seventh paragraph states that sports activities that use animals are not considered cruel practices, as long as they are in acts of cultural manifestation. This subject became a debate in Brazil, until practices such as rodeos and vaquejadas were elevated to the status of national cultural manifestations through Law 13.367/2016, for the sake of pacification.

Thus, it is possible to state that with the entry into force of the 1988 Charter, it is no longer possible to think of an environmental protection that restricts the environment to a mere asset, with economic validity, but rather creates an obligation for new legislation to look at it through the aspect

environmental. For this reason, when talking about the State of Amazonas, one immediately finds an obstacle in complying with constitutional legislation since the State of Amazonas, the largest state in the northern region in terms of territorial extension, is made up of 62 municipalities.

Legal protection of the environment in this state is a real struggle, since the region is accessed in several ways, borders several other countries and, most importantly, is linked to all environmental aspects. However, in the search for the concretization of article 225 of the Federal Constitution of 1988, the Constitution of the State of Amazonas obtains an exclusive chapter on the Environment, which covers articles 229 to 241, whose reproduction of the ideas of the Brazilian constitutional legislator is reflected.

In the state of Amazonas, environmental preservation and sustainable development represent significant challenges for public management, requiring an integrated approach that takes into account local particularities. Sustainable development is conceptualized as the duty to find a “balance point for development, since the same good that is the raw material for development is also an essential part of the quality of life of human beings” (Rodrigues, 2021, p.33).

In the context of environmental protection, environmental agencies play a role fundamental in the implementation and monitoring of environmental public policies. Although it is a continental state, the State of Amazonas has institutions responsible for management and monitoring that aim to ensure the effectiveness of environmental protection actions. Ferreira Júnior and Nascimento (2024, p. 14297) state that:

In the context of environmental protection as a principle of public management, environmental agencies play a fundamental role in the implementation and monitoring of public policies aimed at preserving the environment. In the state of Amazonas, there are institutions responsible for environmental management and monitoring that aim to ensure the effectiveness of environmental protection actions in the Amazon region (Ferreira Júnior; Nascimento, 2024, p. 14297).

Thus, it can be seen that environmental preservation can be increasingly efficient, It is necessary to involve all sectors of society, revealing that the use of legal and administrative instruments contributes to the protection of one of the richest regions in the world, whether in terms of biodiversity or the strategic importance of regulating the global climate.

Therefore, research leads to the search for dysfunctionalities between legislation and practice, revealing from the results found in the following item how environmental protection is conducted in constitutional light.

3. RESULTS

Based on the analysis of the authors raised in the theoretical framework, this study began to verify the constitutionalization of legal protection for the Environment in a regionalized manner in the State of Amazonas. The Constitution of the State of Amazonas lists in its articles Chapter XI that deals exclusively with the Environment. As already mentioned, the state constitutional legislator reflected the ideals brought by art. 225 of the Federal Constitution of 1988 by ensuring, in the first article of the aforementioned chapter, that the Environment is a right of all.

However, the same legislator managed to impose the need to observe the nuances existing in the State of Amazonas, mainly because it is surrounded by the natural environment provided by the Amazon Rainforest. The first article (229) ensures that the Environment is a right of all, so that it must be preserved for present and future generations, reserving economic and social development for compatibility with the environmental aspect (§1º, art. 229).

In turn, this right extends to the Work Environment, revealing the multiplicity of components that encompass environmental characteristics (§2, art. 229). Art. 230 of the state constitutional text reveals a range of actions that the 62 (sixty-two) municipalities of the State of Amazonas must follow to comply with the provisions of article 229. These actions include promoting environmental education (item I), preventing and eliminating deforestation (item II), restoring essential ecological processes (item III), preserving the diversity of genetic heritage (item IV), defining social participation in this process (item V), protecting fauna and flora (item VIII), protecting domestic animals (item XIII), among other items provided for in art. 230 of the State Constitution.

Article 231 describes the State's permanent preservation areas, including river sources (item I), places where rare specimens of fauna and flora are found, as well as those that serve as landing or breeding grounds for migratory species (item II); notable landscapes (item III); protection strips for surface waters (item IV); slopes subject to erosion and landslides (item V); headwaters of rivers, spawning grounds for aquatic species (item VI); banks where turtles spawn (item VII) and others that may be declared to be of relevant public interest.

Furthermore, Article 232 of the Constitution in question states that the Amazon Rainforest constitutes a heritage to be protected by the Government, and the State must carry out an inventory and map the forest cover and adopt special measures for its protection (§1º). Government action in favor of reforestation will give priority to the restoration of the vegetation layer located on the banks of lakes, watercourses, river basins, used for multiple uses,

water supply or electricity generation, green areas, urban areas, with the owners of the lands where they occur, whether public or private, being responsible for planting and maintaining the species used for this purpose (§5), among others.

From Article 233 to 241, there is a range of conducts and strategies that aim at environmental protection, whether in private areas or areas intended for public use, or also in situations where there are activities that harm the Environment, providing for sanctions and duties that are imposed on all citizens of Amazonas. But they are not limited to the list of articles provided for in the Chapter that deals with the Environment; there are also socio-environmental aspects (Article 249 and following, Constitution of Amazonas). Also noteworthy are the articles: Art. 3, § 13; Art. 7, Art. 17, VI, VII and VIII; Art. 18, VI, VII; Art. 28, VIII; Art. 92; Art. 95, VI; Art. 154, III; Art. 171, II; Art. 174, I; Art. 182, caput; Art. 271, §10, II; art. 220, caput, 1st, art. 261-A, IV, VI, art. 262.

However, “although there is commendable constitutional legislation” (Viera, 2021, p. 26), the problem of environmental protection still exists in the State of Amazonas. Such conflicts are seen in the extreme climate effects that the state has faced, especially during periods of drought and flooding. Many municipalities are completely isolated in these episodes, as they depend exclusively on river transport, making it difficult to generate jobs and putting at risk the income and subsistence of these populations, who are completely deprived of the diversity that the Amazon climate and environment provide.

In the last 10 years, two major droughts have affected the Amazon, with the “State of Amazonas suffering from an extreme drought” (Borma; Nobre, 2013, p. 36). In 2010, the state of Amazonas experienced a historic drought that, in addition to limiting the “movement of the riverside population, also impacted the health of the population with smoke from illegal burning associated with the extremely dry climate” (Lopes, 2020, p. 10). Extreme drought hit the state again, with the worst drought in its entire history being recorded in 2023.

According to data from the Federal Government, through the Ministry of Science, Technology and Innovation (Federal Government, 2024), the historic drought of 2023 was influenced by climate change in the Amazon River basin, reducing the volume of the rivers to minimum levels in more than 120 years of measurement, completely drying out stretches and affecting thousands of people. In addition, data presented on September 27, 2024, made available on the TerraBrasilis Platform (2024) in collaboration with the National Institute for Space Research (INPE), revealed that the state of Amazonas ranks fourth in deforestation rates, totaling 34,994 km² (thirty-four thousand, nine hundred and ninety-four kilometers).

square meters) deforested, which represents 7.13% (seven, thirteen percent) of all rates in the Legal Amazon.

With this data, it can be seen that the state of Amazonas, although it has provided in its state Constitution for due protection of fauna and flora, as well as protection of riverbeds and all their aquifers, it can be seen that such protective normative instruments have not been effective or are not put into practice, since it is still possible to see the recurrence of situations such as historic droughts and floods harming the majority of the population living in the capital and also the riverside populations in the interior.

These circumstances reveal that the issue of environmental legal protection in the state of Amazonas is still highly relevant, since the Amazon has an important role in global ecological balance. It is not enough to simply have federal legislation or infra-constitutional legislation such as the National Environmental Policy (Law 6,938/81) or the Forest Code (Law 12,651/2012), or even the express constitutionalization of environmental protection for the State. It is not enough to simply produce legislation; the practical application of these normative instruments is necessary for effective environmental protection.

Therefore, the monitoring and supervision activities of agencies such as the Amazonas Environmental Protection Institute (IPHAAM), which is responsible for monitoring and supervising activities that may impact the environment, such as combating deforestation and even illegal exploitation of resources, must be a priority. In addition, legal actions and social movements that can promote comprehensive environmental protection in the Amazon must be added.

However, it is clear that environmental legal protection in Amazonas is an ongoing challenge, given the pressure from economic activities such as “agriculture, which affects several municipalities, expanding deforestation for cattle farming” (Gomide; Falcão, 2021), mineral exploration and urbanization. The articulation between public authorities, civil society and social movements is essential to ensure the effectiveness of the rules and the preservation of environmental heritage.

The contribution of education and environmental awareness also presents itself as a powerful instrument for changing this reality, especially with the promotion of environmental education programs that can become essential for raising awareness among the population about the importance of environmental conservation and their role as citizens of the world, from the perspective that the Amazon Rainforest must be protected, which is constitutionally, both at the federal and state levels, considered a national heritage (Oliveira; Melo, 2023, p. 152).

4. DISCUSSION OF RESULTS

Given the theoretical foundations presented in this study, it can be stated that the Socio-Environmental Rule of Law is now duly inserted into the national legal system, playing an extremely important role in constitutionally portraying the concern for the Environment, as a result of international normative developments. Through this constitutionalization and elevation of this as a fundamental right in light of the Federal Constitution of 1988, the entire normative chain needs to present the environmental aspect as an asset protected by Law. Thus, everyone - Public Authorities and the Community - must ensure compliance with this protection.

In view of this, given the constitutional rules present in the Socio-Environmental State of Law, it is also possible to affirm from the research that there was a derivation of what the constitutional legislator proposes for the country, as this decides when imprinting in the constitutions of the states, especially the analysis made to the Constitution of the state of Amazonas, the same ideals provided for in article 225 of the Federal Constitution of 1988. With this, by providing in chapter XI guidelines and principles, environmental legal protection to be fulfilled by the State of Amazonas has been duly stipulated.

In light of the Constitution of the State of Amazonas, it can be seen in the analysis of the articles that make up the exclusive chapter on the environment, as well as the articles outside it, that the state constitutional legislator envisions the nuances necessary for the legal protection of the Environment, mainly when characterizing the Amazon Forest as a heritage to be protected, which is why the problem of this research is answered.

However, it is important to highlight in the analysis of environmental protection in light of the Constitution of the State of Amazonas that not only the mere literalness of the law, even if it is part of a systematic evolution of environmental protection, whether from a national or international perspective, is sufficient to promote legal protection of the environment. It is necessary to have strict monitoring aimed at promoting sustainable practices and taking into account the population as the protagonist in the process of raising awareness for the protection of the Amazonian natural resources that are present in the state of Amazonas.

Regarding the stipulated objectives, all were fulfilled once the constitutional legal protection of the Environment was known, based on the analysis of article 225 of the Federal Constitution of 1988. The systematic evolution of environmental protection was understood from an international perspective, mainly when observing the regulatory frameworks on

the Environment, led by the United Nations. It was verified what constitutional legal protection is like in the State of Amazonas, demonstrating the peculiarities of the region and the existing environmental impacts.

Thus, when analyzing environmental protection in light of the Federal Constitution of 1988 and the Constitution of the State of Amazonas, it was noted that it was difficult to put into practice the legal reality with the existing situation in the state, since non-observance or non-monitoring of its compliance led to a lack of awareness among the population, which is directly affected. The need for a change in posture was revealed, even more rigorous, under penalty of continuing to put life on Earth at risk.

Therefore, through the research assumptions, this study pursued and confirmed the hypothesis that constitutional legislation is robust, but the practical implementation of the law into reality is lacking, in order to fully comply with it, resulting in the need for a practical emphasis aligned with environmental education so that there can truly be sustainable development.

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