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The shortage of daycare places for children aged 0 to 2 years in Porto Velho (2020-2025): an analysis

Legal and political aspects of the effectiveness of the right to early childhood education.

The deficit of places in daycare centers for children aged 0 to 2 years in Porto Velho (2020-2025): a legal-political analysis of the effectiveness of the right to early childhood education

The deficit of storage spaces for children aged 0 to 2 years in Porto Velho (2020-2025): an analysis legal-political of the effectiveness of the right to early childhood education

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SUMMARY

The aim of this study is to analyze these factors in order to identify the obstacles. which hinder the universalization of access to early childhood education in the municipality. Therefore, the topic This reveals much about the limitations of state action in realizing fundamental rights. especially given the gap between regulatory provisions and their practical implementation in the context. local. The research adopts a qualitative approach, based on bibliographic and legislative review, jurisprudential and documentary analysis, using deductive and dialectical methods to understand the relationship. between legal norms, public policies, and social reality. Throughout the study, it became evident that the Insufficient planning, inadequate allocation of public resources, and weak execution. educational policies and the limits imposed by the Fiscal Responsibility Law contribute directly contributes to maintaining the scenario of inequality in access to early childhood education. Furthermore, the lack of efficient coordination between the federative entities and the low prioritization of the first Early childhood education on the public agenda reinforces the obstacles to expanding services. Thus, the results demonstrate that the problem analyzed does not stem exclusively from scarcity. not only due to resources, but also due to a combination of structural, legal, and administrative flaws that They compromise the effectiveness of public policies. It was also found that this scenario intensifies Social inequalities impact maternity protection and drive litigation as

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a mechanism for guaranteeing rights. Therefore, it is concluded that overcoming these obstacles requires not not only greater state investment, but also the strengthening of public governance, with Strategic planning, efficient management, and political commitment to the realization of rights. fundamental, promoting greater social equity.

Keywords: public governance; state planning; social inequality; policies educational; judicialization.

ABSTRACT

The present study aims to analyze these factors and identify the obstacles that hinder the universalization of access to early childhood education in the municipality. In this sense, the theme reveals significant limitations in state action in implementing fundamental rights, especially given the gap between legal provisions and their practical effectiveness at the local level. The research adopts a qualitative approach, based on a bibliographic, legislative, jurisprudential, and documentary review, using deductive and dialectical methods to examine the relationship between legal norms, public policies, and social reality. Throughout the study, it was found that insufficient planning, inadequate allocation of public resources, weaknesses in the implementation of educational policies, and the constraints imposed by the Fiscal Responsibility Law directly contribute to maintaining inequality in access to early childhood education. In addition, the lack of efficient coordination across government levels and the low prioritization of early childhood on the public agenda further reinforce barriers to expanding access. Thus, the results demonstrate that the analyzed issue does not stem solely from a lack of resources but from a combination of structural, legal, and administrative shortcomings that undermine the effectiveness of public policies. It was also observed that this scenario intensifies social inequalities, impacts maternity protection, and encourages judicialization as a mechanism for guaranteeing rights. Therefore, it is concluded that overcoming these challenges requires not only increased public investment but also the strengthening of public governance, with strategic planning, efficient management, and political commitment to the enforcement of fundamental rights, promoting greater social equity.

Keywords: public governance; state planning; social inequality; educational policies; judicialization.

INTRODUCTION

The right to early childhood education, especially in daycare centers for children Children aged 0 to 2 years old represent one of the main challenges for contemporary Brazilian public policies.

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Although widely guaranteed in the legal system, most notably in the Federal Constitution.
from 1988, the Statute of Children and Adolescents and the Law of Guidelines and Bases of National Education,
Its implementation still faces significant obstacles in practice, especially in the context of...
municipal.

In this context, the present work analyzes the shortage of daycare places in the municipality of
Porto Velho, from 2020 to 2025, from a legal-political perspective.

As Ferreira (2020) points out, the universalization of early childhood education in Brazil is still...
far from being achieved, especially in the care of children up to three years old, which reveals a
The gap between regulatory provisions and social reality is evident in the current scenario.
a place where the demand for jobs significantly exceeds the available supply.

Preschool, as the first stage of basic education, plays an essential role in
holistic development of the child, influencing cognitive, social, and emotional aspects.

Along these lines, Coutinho (2017) highlights that access to early childhood education also has an impact
directly impacts family organization and gender equality, especially by enabling the inclusion of...
Women in the labor market. Thus, the insufficient number of job openings not only compromises the
It contributes to child development, but also widens social and economic inequalities.

From a structural point of view, the literature shows that the shortage of vacancies is associated with
factors such as the scarcity of units, inadequate territorial distribution, and the precariousness of
infrastructure and lack of qualified professionals. According to Ranieri (2018), these elements
They hinder universal access and highlight limitations in planning capacity and...
implementation of educational policies. This scenario is aggravated by budgetary constraints and challenges.
financing, even in the face of mechanisms such as the Maintenance and Development Fund.
Basic Education Fund (Fundeb).

In the legal and institutional sphere, instruments such as the National Education Plan
They establish goals and guidelines to expand the provision of early childhood education. In this sense, Cury (2018)
It emphasizes that such plans are binding, requiring alignment between the federative spheres.
However, the reality in Porto Velho demonstrates difficulties in implementing these guidelines, with
Limited implementation of the Municipal Education Plan and lack of investments proportional to...
Growing demand, as indicated by recent studies on local educational management.

Furthermore, the insufficient number of available places has fueled the judicialization of the right to education.
children. According to Silva (2024), the Judiciary has been frequently called upon to guarantee the
access to daycare centers, which highlights both the normative force of this right and its inefficiency.
administrative responsibility to ensure it. In this scenario, decisions such as Extraordinary Appeal No. 598.099,
rulings by the Supreme Federal Court consolidate the understanding that access to education

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Childhood education constitutes a subjective right, imposing on the State the duty of its realization regardless of... due to budgetary constraints.

Given this scenario, the central problem guiding this research is to understand What structural and legal factors contribute to the shortage of places in public daycare centers in Porto? Old age between 2020 and 2025. Therefore, the study has the general objective of analyzing these factors, with the The objective is to identify the obstacles that hinder the universalization of access to early childhood education in municipality.

More specifically, the aim is to examine the structural limitations related to supply. of vacancies, such as insufficient units, poor geographical distribution and a shortage of professionals; analyze the legal and administrative aspects involved, including municipal planning, the budgetary constraints and the implementation of public policies; and, finally, to assess the social impacts and legal issues arising from this deficit, especially with regard to inequality and social exclusion, to the protection of motherhood and the judicialization of the right to early childhood education.

Thus, by articulating normative, institutional, and empirical elements, this work seeks to... to contribute to a critical understanding of the problem and to the improvement of public policies. focused on early childhood, reaffirming early childhood education as a fundamental right and condition. indispensable for the promotion of social justice.

2. MATERIALS AND METHODS

This study adopted a qualitative approach, based on a literature review. legislative, jurisprudential and documentary, focusing on the analysis of the shortage of places in daycare centers for The research involved children aged 0 to 2 years in the municipality of Porto Velho, from 2020 to 2025. It focused on the critical interpretation of the normative framework and related academic productions. to the effectiveness of the right to early childhood education.

The qualitative approach allowed for prioritizing the interpretative analysis of the legal frameworks. applicable methods, linking them to the social reality discussed in the literature. To this end, the following method was used: deductive, starting from constitutional and infraconstitutional norms, such as the Federal Constitution of 1988, the Law of Guidelines and Bases of National Education, the Statute of the Child and Adolescent and the National Education Plan to examine the insufficient supply of places in daycare centers.

In parallel, the dialectical method was employed, with the aim of analyzing the tension between the guaranteeing fundamental rights and the budgetary limits of state action, especially in context of the Fiscal Responsibility Law. This approach made it possible to understand the conflicts between The legal provision of the right and its practical implementation.

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The research was also based on the analysis of secondary sources, such as specialized doctrine, scientific articles, legislation, and relevant judicial decisions that contributed to the understanding of the structural and legal factors related to the shortage of vacancies.

In this way, the methodology adopted enabled a critical analysis of the effectiveness of the law. to early childhood education at the municipal level, highlighting the main obstacles to its implementation and contributing to the deepening of the academic and legal debate on the subject.

3. RESULTS

The results indicate that the shortage of places in public daycare centers in Porto Velho, during the period The period from 2020 to 2025 is directly associated with structural factors, such as insufficient units, and Inadequate geographic distribution, precarious infrastructure, and a shortage of professionals. qualified, which compromises the universalization of access to early childhood education.

It was also found that this deficit stems from legal and administrative factors. especially the fragility of municipal planning, the budgetary limitations resulting from The Fiscal Responsibility Law, the low effectiveness of public expansion policies, and implementation. The Municipal Education Plan is insufficient, which highlights obstacles to realizing the right to early childhood education.

4. DISCUSSION

This research is crucial due to its social urgency, scientific relevance, and... Legal importance of the topic addressed: the *shortage* of places in public daycare centers for children aged 0 to 2. years in Porto Velho, from 2020 to 2025.

This problem not only compromises access to early childhood education, but also highlights structural flaws and limitations in the fulfillment of fundamental rights guaranteed by Federal Constitution. Access to early childhood education is a fundamental right of the child and a duty. of the State, as established in the Federal Constitution of 1988 and in international treaties of which Brazil is a signatory to.

However, in Porto Velho, the reality is alarming: only 18% of children aged 0 to 3 years old... They attend public daycare centers, which highlights a significant gap in educational services. (Porto Velho, 2025). This shortage of vacancies has profound impacts on the lives of families, especially women, who face difficulties in balancing work with caregiving.

Early childhood education. Lack of access to quality early childhood education perpetuates social inequalities and limits the

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opportunities for the holistic development of children, compromising their educational future and professional.

This research contributes to the understanding of the factors that influence access to education. childhood in specific urban contexts, such as Porto Velho. When analyzing the available data and the public policies implemented, the aim is to identify the structural and legal causes that generate the shortage of vacancies.

The scarcity of in-depth studies on local realities hinders policy formulation. Effective public policies and the implementation of appropriate solutions. Therefore, this study aims to fill that gap. gap, offering subsidies for the improvement of planning and management of early childhood education in The right to early childhood education is enshrined in the Federal Constitution and legislation. Sub-constitutional, such as the Law of Guidelines and Bases of National Education (Law No. 9,394/1996). A The lack of vacancies in public daycare centers constitutes a violation of this right, requiring action from the... public authorities to guarantee its effectiveness (Brazil, 1996)

Furthermore, the judicialization of the right to early childhood education has intensified, with actions Public civil actions and judicial decisions that pressure the State to fulfill its constitutional obligation. This study aims to analyze the role of the Judiciary in the realization of this right and to discuss its limits. State action in the face of allegations of budgetary constraints, contributing to the strengthening from the debate on the effectiveness of children's fundamental rights.

4.1 The fundamental right to early childhood education and its realization through public policies and educational financing

Early childhood education, the first stage of basic education, is a fundamental right. guaranteed by the Federal Constitution of 1988, which imposes on the State the duty to promote comprehensive child development (Brazil, 1988).

The realization of this right is linked to the implementation of consistent public policies. and to adequate funding for basic education, which is an essential element for the consolidation of a democratic and egalitarian society.

According to Sarlet (2001), fundamental rights represent the set of freedoms recognized and guaranteed by positive law, serving as the foundation of the Democratic State of Right. From this perspective, early childhood education is not limited to a programmatic policy, but It is configured as a subjective public right of immediate applicability, according to article 208, item IV, of the Federal Constitution.

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The author understands, therefore, that in a democratic state governed by the rule of law, protection The constitutional right to basic education allows for legal action to be taken to address any violation of this right. The effectiveness of the right to education depends not only on its normative provision, but also on... Implementation of public educational policies that make constitutional principles concrete.

Dourado (2017) highlights that the consolidation of the Law of Guidelines and Bases of Education The National Education Law (LDB) and the National Education Plan (PNE) establish strategies for all levels. and teaching methods, establishing guidelines for democratic management and financing. educational. The National Fund for the Development of Education (FNDE), in this sense, seeks To reduce regional inequalities through redistributive policies.

The right to early childhood education is also related to the principle of absolute priority in allocation of resources and policies aimed at children, as provided for in Article 4 of the Statute of the Child and Adolescent (ECA). Dromi (1997) argues that the constitutionalism of the future must be based in values such as solidarity, participation and universality, ensuring social involvement in public decisions.

In this sense, Chauí (2000) argues that education should be understood as The holistic development of the citizen, and not merely as a means of entering the job market. Saviani (2013) adds that education is a necessary condition for the exercise of all rights, being an instrument of emancipation and equal opportunities. However, the realization of this The law faces practical limitations, often justified by the principle of the reserve of the possible.

Barroso (2001) argues that this principle cannot be used as an absolute obstacle, the State must technically demonstrate the impossibility of compliance, always in Respect for the dignity of the human person as the highest principle of the Republic.

Thus, the link between legal recognition and the implementation of public policies financial resources are essential for universalizing early childhood education and building a A more just and supportive society, in accordance with the principles of the Brazilian Constitution.

4.2 Absolute Priority and Comprehensive Protection of the Child

The doctrine of integral protection represents a milestone in the consolidation of children's rights. in Brazil, by recognizing their unique condition as a person in development and as a recipient of Priority attention in public policies and state and social actions.

According to Veronese and Oliveira (2014), this conception breaks with the paternalistic view. The previous view, which saw the child as an object of welfare intervention, has shifted to conceiving of the child as... Subject to fundamental rights, the State, the family, and society must guarantee their protection.

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integral in all dimensions of life. The idea of absolute priority means that the rights of Children and adolescents should have precedence in administrative and judicial decisions, as well as in public policies.

Thus, it is possible to identify a structural change in the way childhood is understood. which ceases to be treated as an object of care and assumes a central position as the holder of rights. Legally, this implies the imposition of concrete duties on the State and society. moving away from purely welfare-based practices and demanding the effective implementation of fundamental guarantees of in a broad and continuous way.

According to Rizzini and Pilotti (2011), this priority translates into an ethical and legal commitment. which mandates the preferential allocation of resources and efforts to children, ensuring them opportunities for full and healthy development.

In this context, it is observed that absolute priority takes on a binding character, obligating the The government has the authority to prioritize investments and policies. It's not a matter of choice. administrative, but a legal duty that requires planning, execution, and control of actions aimed at to childhood, under penalty of violation of fundamental rights.

According to Abramovay and Castro (2006), the effectiveness of this priority requires not only forecasting. normative, but also the creation of institutional mechanisms and concrete policies that guarantee comprehensive protection. The authors emphasize that state or social negligence in observing this Prioritizing these goals results in the perpetuation of inequalities and the violation of fundamental rights.

In this way, it becomes evident that the norm, in isolation, is insufficient to guarantee rights. The implementation of effective public policies is indispensable. The omission of the State or of Society not only compromises comprehensive protection, but also reinforces inequalities. structural flaws, revealing a failure in the implementation of constitutional principles.

As Veronese and Oliveira (2014) state, guaranteeing these principles means recognizing in the child not only the future, but also the present of citizenship. In this way, comprehensive protection and Absolute priority constitutes a structuring assumption of a democratic society, because They ensure continued investment in the well-being and education of new generations.

Therefore, recognizing the child as a subject of rights in the present implies ensuring Real conditions for the exercise of citizenship from childhood. In practical terms, this requires action. An efficient state government, consistent public policies, and active social participation, consolidating protection. Integrality as an indispensable element in building a more just and egalitarian society.

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4.3 Judicialization of public policies and the role of the Judiciary and the "Reserve of the Possible" versus minimum subsistence level

Thus, it becomes clear that the Judiciary ceases to act solely as a control body.
to assume a more active role, directly influencing the realization of rights. Such
performance reveals an expansion of their practical skills, especially in the face of inefficiency or
due to the omission of the other branches of government.

According to Barreiro (2019), this judicial participation must be understood within the context of the cycle.
of public policies, considering the Judiciary as an actor that responds to individual demands,
but it also influences the public governance process.

In this sense, it is possible to understand that judicial decisions go beyond the specific case.
producing collective and structural effects. Thus, the Judiciary becomes an integral part of the process itself.
The formulation and execution of policies, even indirectly, impacts public management.
as a whole.

This action, however, generates institutional tensions between the branches of government, especially
when the Judiciary imposes obligations on the State in matters involving the use of public resources. It is
It is in this context that the debate emerges between the principles of the reserve of the possible and the minimum.
Existential, central concepts for the realization of social rights.

According to Sarlet (2007), the minimum subsistence level constitutes the core of fundamental rights.
being of immediate observance and independent of budgetary availability. Thus, the State does not
One can justify the omission in providing basic rights by claiming insufficient resources.

Legally, this means that there is a minimum level of rights that must be guaranteed.
unconditionally. Guaranteeing this essential core imposes clear limits on state action.
preventing financial arguments from being used to avoid basic obligations relating to
dignity of the human person.

On the other hand, Medeiros Filho (2012) warns that the indiscriminate application of the minimum
Existential thinking can lead to the disorganization of public policies, arguing that the reserve of the possible...
It should function as a reasonable limit to judicial intervention, provided that it does not prevent access to
minimum conditions of dignity. The interaction between these two principles becomes even more
It's complex when you analyze the role of the Judiciary.

Thus, it is clear that judicial action must consider not only the guarantee of rights,
but also the administrative and financial capacity of the State. The principle of the possible arises,
therefore, as a balancing mechanism, avoiding decisions that, although legally
justifiable reasons could compromise the overall management of public policies.

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As Souza (2013) points out, the reserve of the possible can only be invoked when the minimum
If existential rights are already guaranteed, otherwise it risks becoming an instrument for denying rights.
Thus, the Judiciary, when intervening in public policies, acts as a guarantor of social rights.
but it must also observe the budgetary and administrative limits of the State.

Thus, an interpretative hierarchy is established: first, the minimum must be guaranteed.
indispensable to human dignity, and only then should budgetary limitations be considered. This
It prevents the abusive use of the "reserve of the possible" as justification for state omissions.

From this perspective, Cayres (2023) and Diniz (2023) emphasize that the balance between
The judicialization of public affairs and the separation of powers must be guided by the principles of reasonableness and...
proportionality. Judicialization, when exercised responsibly, can serve as
an instrument for controlling and enforcing fundamental rights, especially in the face of inaction or
due to the State's failure to implement essential public policies.

Therefore, judicial intervention must occur in a judicious manner, avoiding excesses that
They should compromise the autonomy of the other branches of government, but without remaining silent in the face of human rights violations.
Applying the principles of reasonableness and proportionality allows for more balanced decisions.
and aligned with administrative reality.

Thus, the clash between the reserve of the possible and the existential minimum reflects the challenge of
reconciling the effectiveness of social rights with state governance, with the Judiciary having the role to play.
in a balanced way, guaranteeing the essential core of rights without destabilizing the equilibrium.
institutional relationship between the branches of government.

4.4 Equal opportunities from early childhood

Promoting equal opportunities from the earliest years of life is a key principle.
central to overcoming structural inequalities and to the effective realization of the right to
Early childhood education. Studies show that the gap between children in contexts of greater and lesser
Vulnerability manifests itself very early, even before entering formal education: according to
As stated, “inequality begins in the first years of life” (Velasco, 2016, p. 4).

In this sense, it is understood that inequalities do not arise only along the trajectory.
school-related issues are also rooted in early developmental conditions. Thus, the absence
Early interventions tend to widen these differences, making it more difficult to build pathways.
more equitable educational opportunities.

The early childhood phase represents a privileged window for intervention to neutralize
the adverse effects of unfavorable contexts, as argued by Simões and Lima (2021), when

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to emphasize that childhood constitutes a structural category necessary for understanding the dynamics social and of the developing individual.

In this way, it is possible to understand that childhood is not just a biological stage, but It is also a crucial period in the social development of the individual. Intervening at this time means to act directly on the root causes of inequality, influencing cognitive and emotional development. and the social development of children.

Building equal opportunities involves more than just expanding access to preschool. and to daycare, but also to guarantee the quality and suitability of the educational offer, respecting the socioeconomic, cultural, ethnic-racial, and gender diversities, as highlighted in National Commitment for Quality and Equity in Early Childhood Education (Brazil, 2025), which aims to offer equal opportunities from the start of school life, regardless of region or economic conditions of families.

In this context, it becomes clear that access, by itself, is not enough to promote equity. It becomes essential to ensure adequate structural and pedagogical conditions capable of meeting the needs of the students. adapting to the specificities of each social reality, ensuring inclusion and respect for diversity.

For example, pedagogical practices that promote racial equality from early childhood education. They contribute to strengthening identity, equity, and social justice (Oliveira et al., 2023).

Thus, the inclusion of inclusive pedagogical approaches demonstrates that early childhood education... It also plays a transformative social role, working to deconstruct prejudices and... fostering more conscious and critical individuals from an early age.

Therefore, ensuring equal opportunities in early childhood means recognizing early investment in care, stimulation, and a suitable educational environment yields returns. Significant experiences throughout life, breaking cycles of exclusion and expanding citizenship from an early age.

Therefore, promoting equity in early childhood education requires not only access policies, but also integrated strategies that articulate quality, inclusion and social justice, consolidating the Childhood as a crucial stage in building a less unequal society.

4.5 Municipal governance and state responsibility in the provision of childcare

The *shortage* of daycare spots for children aged zero to two in Porto Velho highlights... concrete limits to state action in ensuring the right to early childhood education, shifting the debate. from mere normative prediction to the field of public governance. It is, therefore, a matter of analyzing not not only the existence of policies, but also the capacity of public authorities to plan, execute and Coordinate actions that guarantee universal and equitable access.

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From this perspective, state planning takes on a structuring character. According to Bucci (2019), public policies are not limited to governmental intentions, but constitute arrangements Institutions guided by objectives, goals, and instruments capable of producing results. concrete examples. Thus, the insufficient number of places in daycare centers reveals weaknesses in the diagnosis of demand. in defining priorities and in the territorial organization of educational provision, which indicates shortcomings in Strategic management of municipal policy.

In budgetary terms, the limitation of resources is frequently invoked by public authorities. It must be analyzed in light of administrative choices. The Fiscal Responsibility Law imposes rules. fiscal balance is important, but it does not eliminate the duty to prioritize fundamental rights. In this sense, the Recent literature suggests that the problem does not lie exclusively in the scarcity of resources, but rather... in the way they are allocated.

As Facury Scaff (2022) points out, the public budget is an expression of political decisions. and should reflect constitutional commitments, especially with regard to guaranteeing rights. social. Thus, the persistence of the deficit may indicate low prioritization of early childhood education. on the local public agenda.

The analysis also requires considering the collaborative framework between the federative entities as foreseen. in the 1988 Federal Constitution. The decentralization of educational provision assigns to municipalities a It plays a central role in early childhood education, but this does not exclude the responsibility of the Union and the States in providing support. technical and financial.

According to Dourado (2020), federative cooperation is an indispensable condition for reduction. of regional inequalities, being fundamental to expanding the capacity to provide services in contexts of greater vulnerability. The absence of effective coordination between entities tends to worsen Structural shortcomings, such as those observed in access to daycare.

Within the scope of institutional control, the actions of bodies such as the Public Prosecutor's Office and the Courts of Auditors reinforce the enforceability of educational policies.

According to Justen Filho (2021), the control of public administration is not limited to Formal legality, but it also encompasses the efficiency and effectiveness of state actions. In this context, The failure to increase the number of available places may constitute a management failure and a violation of constitutional duty. legitimizing the intervention of control bodies and, in certain cases, of the Power itself. Judiciary.

Therefore, it is clear that the *shortage* of daycare places cannot be explained solely by financial constraints, but this should be understood as the result of a combination of factors. related to public governance: insufficient planning, low budgetary prioritization, and fragility. in federal coordination. Overcoming this situation requires state action guided by criteria.

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of efficiency, equity and responsibility, capable of transforming the legal prediction of the right to
Early childhood education with effective guaranteed access.

FINAL CONSIDERATIONS

An analysis of the shortage of daycare places for children aged 0 to 2 years in the municipality of Porto Velho, in the period from 2020 to 2025, showed that the realization of the right to early childhood education still... It faces significant obstacles, despite the robust legal framework that protects it. The research demonstrated that the existence of constitutional and sub-constitutional norms, in itself, is not sufficient to guarantee universal access, requiring efficient and planned state action.

The results indicated that the shortage of vacancies stems from a combination of factors.
structural, legal, and administrative problems. Among them, the most notable are the insufficient number of units and poor... geographical distribution, poor infrastructure, and a shortage of qualified professionals, coupled with the fragility of municipal planning, the inadequate allocation of public resources, and... limited effectiveness of expansion policies. These elements reveal that the problem is not It is not limited to financial scarcity, but also involves political choices and failures in public management.

It was also found that the limitations imposed by the Fiscal Responsibility Law did not They can be used as absolute justification for state inaction, especially given the nature of... fundamental to the right to early childhood education. In this scenario, the increasing judicialization emerges as institutional pressure mechanism to guarantee places, highlighting both the normative force this right in relation to the inadequacy of administrative responses.

Furthermore, it was found that the shortage of daycare places produces social impacts. relevant, especially in exacerbating inequalities and excluding children in vulnerable situations. vulnerability and limitations in women's inclusion in the labor market. Thus, the absence of Effective public policies not only compromise child development, but also... promoting social justice and equity.

Given this context, it can be concluded that overcoming the problem requires a reorientation of... state action, with emphasis on strengthening public governance, strategic planning and in the effective prioritization of early childhood education on government agendas. It becomes essential to expanding the availability of job openings, coupled with improving the quality of services provided, as well as... Coordination between federal entities to ensure greater efficiency in policy implementation. educational.

Finally, it is reaffirmed that early childhood education constitutes a fundamental right and condition. indispensable for human and social development, and should be treated as a priority.

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absolute. The effective guarantee of this right represents not only the fulfillment of a legal duty, but an ethical commitment to building a more just, equal and inclusive society.

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