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Judicialization and the paper citizen: paths to the effectiveness of rights and overcoming delays in the Brazilian justice system.

Judicialization and the paper citizen: paths to the effectiveness of rights and overcoming the slowness in the Brazilian justice system

Judicialization and citizenship on paper: ways to achieve the effectiveness of rights and to overcome the slowness of the Brazilian judicial system

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SUMMARY

The 1988 Federal Constitution significantly expanded the list of fundamental rights in Brazil; however, many of them remain without effective implementation, highlighting the persistence of the phenomenon, termed by Gilberto Dimenstein, of "paper citizen." In this context, the present study seeks to answer the following research question: how does the slowness of the Judiciary impact the realization of fundamental social rights? The general objective is to analyze the relationship between judicialization and the concept of the paper citizen in the Brazilian context, identifying paths to the effectiveness of fundamental rights and to overcoming judicial delays. Specific objectives include understanding the relationship between judicial delays and the realization of social rights; analyzing the concept of the paper citizen and its connection to the Brazilian justice system; examining the impacts of procedural delays using data from the National Council of Justice and the Ximenes Lopes vs. Brazil case; and identifying mechanisms capable of promoting greater effectiveness of fundamental rights. This research adopts a qualitative methodology, of a bibliographic and documentary nature, based on the contributions of Gilberto Dimenstein, Mauro Cappelletti, Bryant Garth, and Boaventura de Sousa Santos, as well as on the analysis of data from the Justice in Numbers 2025 report and the judgment of the Inter-American Court of Human Rights.

The results demonstrate that high levels of litigation, high congestion rates, and procedural delays compromise the effectiveness of judicial services, producing a double denial of citizenship. It is concluded that overcoming this scenario requires measures aimed at the extrajudicial resolution of conflicts, expanding access to justice, and digitizing the process.
and to the improvement of public management.
Keywords: Judicialization; Judicial delays; Paper citizen; Access to justice; Fundamental rights.

ABSTRACT

The 1988 Brazilian Federal Constitution significantly expanded the scope of fundamental rights; however, many of these rights remain ineffective in practice, reflecting the persistence of what Gilberto Dimenstein defines as the "papercitizen." In this context, this study addresses the following research question: How does judicial delay affect the effectiveness of
fundamental social rights? The general objective is to analyze the relationship between the judicialization of rights and the concept of the paper citizen in Brazil, identifying pathways to enhance the effectiveness of fundamental rights and overcome judicial delay. The specific objectives are to examine the relationship between judicial delay and the enforcement of social

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rights; analyze the concept of the paper citizen and its connection to the Brazilian justice system; assess the impacts of procedural delay through data from the National Council of Justice and the case of Ximenes Lopes v. Brazil; and identify mechanisms capable of promoting greater effectiveness of fundamental rights. The research adopts a qualitative bibliographic and documentary approach, based on the works of Gilberto Dimenstein, Mauro Cappelletti, Bryant Garth, and Boaventura de Sousa Santos, as well as data from the Justice in Numbers 2025 report and the judgment of the Inter-American Court of Human Rights. The findings indicate that high litigation rates, judicial congestion, and procedural delays undermine effective judicial protection, resulting in a twofold denial of citizenship. It is concluded that overcoming this scenario requires extrajudicial conflict resolution, broader access to justice, procedural digitalization, and improvements in public administration.

Keywords: Judicialization; Judicial Delay; PaperCitizen; Access to Justice; Fundamental Rights.

1 INTRODUCTION

From the dawn of civilization, the need to establish rules for coexistence...
and conflict resolution mechanisms accompany human evolution. In the Judeo-Jewish tradition-
In Christianity, one of the earliest examples of the organization of justice is found in the Holy Bible, in the
book of Exodus, chapter 18:13-27, when Moses, faced with great demand and overload,
Due to the concentration of decision-making power, Jethro advised him to delegate functions.
jurisdictional powers to other capable men, in order to guarantee greater efficiency and access to justice.
The people. This episode demonstrates the concern with the slowness and effectiveness of decisions.
The organization of the justice system is not a contemporary problem, but rather...
an issue inherent to the very formation of societies.

The creation of rules and laws has always been linked to the need to preserve order.
social rights and the dignity of the human person; the existence of mechanisms designed to... is observed.
Regulation of collective coexistence. The Code of Hammurabi, developed in Mesopotamia.
dating back to around 1772 BC, it is considered one of the first sets of written laws in history.
establishing rules of conduct and punishments to ensure social stability. Even before
Even before the formalization of norms, pre-literate peoples already possessed their own forms of dispute resolution.
conflicts, based on customs, traditions and the authority of tribal leaders.

In Brazil, although the 1988 Federal Constitution significantly expanded the
social and fundamental rights, many of which remain only formally recognized.
planned, but not fully realized in the daily lives of the population.

This problem is directly related to the concept of the "paper citizen," popularized...
in 1993, in a book written by journalist and sociologist Gilberto Dimenstein (1999). It is the citizen
that "only exists on paper." He has a CPF (Brazilian taxpayer ID), RG (Brazilian national ID), voter registration card, and birth certificate. No
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On paper, he is a full citizen. In real life, he is excluded from access to healthcare, education, and justice. to sanitation and security. Throughout his work, Dimenstein (1999) demonstrates that several Citizens possess legally recognized rights, but these are not effectively guaranteed by the government. State.

Even today, 33 years after the concept was proposed, the figure of the "paper citizen" It remains relevant today, representing that individual who, although formally holding rights... as provided for in the Constitution and laws, it encounters difficulties in effectively exercising them in In practice, the increasing judicialization highlights both the pursuit of realizing these goals. rights regarding the inadequacy of public policies and the state structure to guarantee their Effectiveness in an administrative and swift manner.

Given this scenario, this article is limited to analyzing the judicialization of... social rights in Brazil, relating it to the slowness of the Judiciary and the obstacles to... The realization of human dignity. The condition of being a "paper citizen" worsens. drastically affected by the slowness of the Judiciary.

The obstacle of time, as a barrier to access to justice, was classified by Mauro Cappelletti and Bryant Garth are among the main obstacles to the realization of rights. According to the authors, "the obstacles created by our legal systems are more pronounced for the small claims and for individual authors, especially the poor" (Cappelletti; Garth, 1988, p. 15). When specifically addressing the time factor, the authors are categorical: "In many In some countries, parties seeking a judicial solution have to wait two or three years, or more. "by an enforceable decision" (Cappelletti; Garth, 1988, p. 20). This delay transforms the law Formal rights are rendered meaningless, since citizens who possess the right on paper lack the means to enforce it. to await state protection without perishing.

This analysis is corroborated by Boaventura de Sousa Santos, who states that "the slowness The costs of these processes can easily be converted into an additional economic cost, and this is proportionally more burdensome for citizens with fewer resources" (Santos, 2007, p. 147). Thus, judicial delays are not neutral: they penalize precisely the "paper citizen," who They depend on the state for healthcare, education, and dignity, but cannot afford the cost of... Time to see your right guaranteed.

Thus, the research problem guiding this work is: how does the slowness of Power Does the judiciary impact the realization of fundamental social rights?

The overall objective of this work is to analyze the relationship between judicialization and the concept of "paper citizen" in the Brazilian context, in order to identify ways to achieve the effectiveness of

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fundamental rights and to overcome delays in the Brazilian justice system.

As specific objectives, the aim is to: a) understand the relationship between slowness judicial review and the enforcement of fundamental social rights; b) to analyze the concept of "citizen of role" and its connection to the reality of the Brazilian justice system; c) examine the impacts of procedural delays through the analysis of official data from the National Council of Justice and the Ximenes Lopes vs. Brazil case; ed) identify mechanisms capable of promoting greater effectiveness of fundamental rights, with emphasis on extrajudicial resolution, the expansion of Access to justice and the improvement of public administration.

This research is justified by the social and legal relevance of the topic, especially Given the high number of lawsuits and the need to strengthen the means alternative dispute resolution methods and the most efficient public policies.

2. MATERIALS AND METHODS

For the development of the study, a qualitative methodology of a [missing word] nature is used. Bibliographical and documentary. The bibliographical basis is founded on authors such as Boaventura de Sousa Santos, Mauro Cappelletti, Bryant Garth, and Gilberto Dimenstein for the theoretical analysis. of the slowness and access to justice. The documentary aspect is based on data analysis. officials from the National Council of Justice and the Inter-American Court of Human Rights ruling Humans in the Ximenes Lopes vs. Brazil Case.

The article is initially structured around the historical and conceptual contextualization of access. to justice, subsequently in the analysis of judicial delays based on data and a study of In this case, and finally, in the discussion of alternatives aimed at promoting the effectiveness of rights. fundamentals and efficiency of the Brazilian justice system.

During the preparation of this work, the author used the ChatGPT tool from OpenAI. GPT version 5.5, with the aim of assisting in the structural organization of the research, in the review. textual, in methodological development, in the systematization of bibliographic references and in improving academic writing. After using the tool, the content was revised, Analyzed and edited by the author, who assumes full responsibility for the information. arguments and conclusions presented in this study.

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3. DISCUSSION AND RESULTS

Data from the National Council of Justice, in the report "Justice in Numbers 2025",
These figures highlight the crisis of delays in the Brazilian judicial system. By the end of 2024, there were 80.6 million cases.
of pending cases, of which 62.9 million were actively being processed. Of this total,
17.4 million cases were suspended or stayed, leaving 62.9 million cases pending.
Effectively underway. Although 2024 saw the largest reduction in the series' collection.
In a historic low, with 3.5 million fewer cases, the backlog only decreased to previous levels.
8 years ago (CNJ, 2025, p. 246).

The segmented analysis by procedural phase highlights the structural bottleneck of the system.
The average processing time in the discovery phase is 1 year and 5 months until the pronouncement of the decision.
sentence. In contrast, the enforcement phase, responsible for making the right effective, has
average duration of 5 years. This discrepancy is corroborated by congestion rates:
72% in the execution phase and 60% in the knowledge phase, which reveals that obtaining the
Judicial provision does not guarantee access to justice in a timely manner (CNJ, 2025, p. 275).

The State Courts, responsible for 79% of the national caseload (CNJ, 2025, p. 351),
It shows congestion rates exceeding 70% in several units. Even the Small Claims Courts
Special procedures, created by Law No. 9,099/95 under the promise of speed, present success rates.
close to 50%, which highlights the structural collapse of access to justice in a timely manner (CNJ,
2025).

Figura 222 - Série histórica do tempo médio de duração dos processos no Poder Judiciário

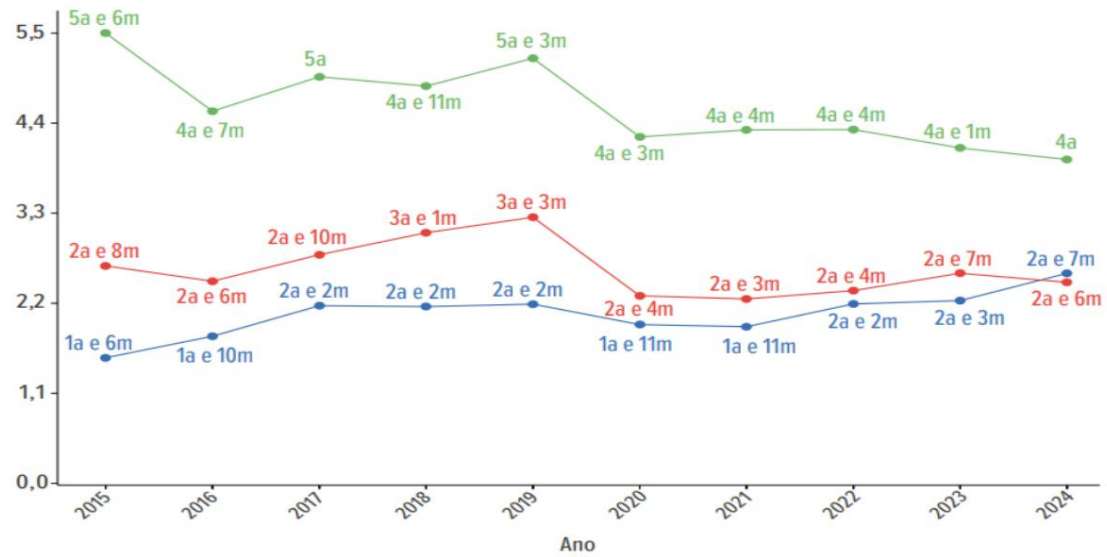

Figure 1. Source: CNJ. Justice in Numbers 2025. Brasília: CNJ, 2025, p. 275.

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If a right only exists when it can be enforced, then Brazil produces 80.6 million "Paper citizens." That's the number of cases actually being processed. Despite the effort. Institutionally, the slowness remains a structural feature of the system. In December 2024, There was a reduction of 3.5 million cases, equivalent to 5.3%, the largest in the historical series; however, Segmented analysis reveals that the bottleneck persists in the State Courts, which account for 62.2% of cases. millions of pending cases, even with a 5.4% reduction (CNJ, 2025, p. 20).

This volume, added to the 5-year time frame in the execution phase (CNJ, 2025, p. 275), This demonstrates that the quantitative reduction of the collection does not translate into qualitative effectiveness of the... access to justice (CNJ, 2025, p.20), revealing a system that guarantees rights in the Constitution, but negates them in practice due to the slowness of the system. The congestion rate in the courts is 70%. State and the 12 years required to conclude a tax enforcement proceeding in the Federal Court (CNJ, 2025) make litigation a dead end.

Cases like that of Ximenes Lopes, which we will discuss later, prove that This is not merely a statistical abstraction. In this story, we follow the case of the family of Damião Ximenes, who spent 7 years wandering through the Brazilian judicial system without a response, being It was necessary to involve the Inter-American Court so that the State could be held accountable (IACHR). 2006).

3.1 Judicialization and the Paper Citizen

The phenomenon of mass judicialization directly relates to the thesis of the "citizen of "paper," coined by Gilberto Dimenstein. For the author, the Brazilian citizen possesses rights. Formally guaranteed in the Constitution, but not exercised in practice due to barriers. institutional, becoming a citizen only on paper (Dimenstein, 1996).

This argument is reflected in the slowness of the judicial system. When a citizen resorts to... The system for accessing basic rights, such as health and education, finds a time of procedural steps that undermine the effectiveness of legal protection. In the State Courts, responsible for 62.2% of... national collection (CNJ, 2025, p. 351), the average processing time is 4 years (CNJ, 2025, p. 222). The bottleneck worsens in the execution phase, which takes 5 years, while the phase of Knowledge takes 1 year and 5 months (CNJ, 2025, p. 275). Thus, even if the sentence is Declared within a reasonable time, the right becomes formal, because the constitutional promise is hindered. in the slow delivery of the good things in life.

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For Boaventura de Sousa Santos, the excessive judicialization reveals the collapse of traditional political instances. When the Judiciary becomes the only way to achieve the realization of rights, but if it becomes overburdened, time-consuming and costly, a double violation occurs. Citizenship: The Executive Branch fails by not implementing public policies, and the Judicial Branch... failure to provide judicial services within a reasonable time (Santos, 1995, p. 42).

For Cappelletti and Garth, procedural delays are not a problem. Secondary, since the delivery of judicial services outside the timeframe is equivalent to a denial of justice. of justice. According to the authors, the purpose of the process is to ensure that the holder of the right, in To the extent possible, precisely the good life to which one is entitled, and the effectiveness of access to justice. requires the removal of obstacles that impede access (Cappelletti; Garth, 1988, p. 15).

This judicialization, however, does not stem solely from an increase in litigation. As Barroso points out that when the Executive and Legislative branches fail to implement In the context of public policies, the Judiciary is called upon to act, but its structure cannot accommodate this. demand, which generates collapse and denial of rights due to delay (Barroso, 2012). The "citizen "On paper" arises from this dysfunction: the right is recognized in law, but not realized in life.

"In Brazil, there is a huge gap between the legal state of the country and the real state. We are all citizens."
It's all on paper. We have rights enshrined in the Constitution, but they don't materialize. The law guarantees them, but...
Reality contradicts this. The state promises, but does not deliver. And the result is a citizenry that only...
"It exists in documents, not in people's lives." (Dimenstein, 1999, p. 21)

3.2. Ximenes Lopes Case: Judicial Delay

The Ximenes Lopes v. Brazil case (2006) is the cruelest portrait of the "paper citizen" and It materializes, in human numbers, the statistics on the slowness of the Justice system in Numbers 2025. Damião Ximenes Lopes, a person with a mental disability, was admitted to the hospital on October 1, 1999. at the Guararapes Nursing Home in Sobral/CE. Three days later, on October 4th, he was killed. under torture by clinic staff, exhibiting injuries all over his body (Inter-American Court of Human Rights, 2006, § 112.1).

The Brazilian state's response, however, perpetuated the violation. The Ximenes family Lopes filed a lawsuit seeking compensation for moral and material damages in 2000. For 7 years, the The case proceeded through the national judiciary without a final judgment on the merits (Inter-American Court of Human Rights, 2006). § 139). The delay led the family to resort to the Inter-American system. Only on the 4th of In July 2006, the Inter-American Court of Human Rights condemned Brazil for violating

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of the rights to life, personal integrity, judicial guarantees and judicial protection, precisely due to the "unjustified delay" in the internal process (Inter-American Court of Human Rights, 2006, § 199).

This case is not an exception, but a paradigm. The 7 years that the family waited for a response exceeds by 40% the average time of 5 years that the execution phase takes to to be processed in the State Courts (CNJ, 2025, p. 275). This demonstrates that the delay is not A mere bureaucratic delay: this is the second violation of rights. Damião's first death was... The first was physical, caused by torture. The second was legal, caused by the State's slowness in delivering justice. justice. The case proves that when internal delays perpetuate injustice, the citizen only... It ceases to be "on paper" due to international pressure, confirming the thesis that the provision Judicial action outside the time limit is equivalent to the very denial of justice (Cappelletti; Garth, 1988).

The delays depicted in the Ximenes Lopes case are not an isolated incident, but rather a... individual expression of a systemic pattern measurable in the data from the National Council of Justice. Damião Ximenes' family waited seven years without a final verdict in Brazil. (Inter-American Court of Human Rights, 2006, § 139), a period that exceeds the already critical average time of 5 years consumed. only in the execution phase in the State Courts (CNJ, 2025, p. 275). This time lapse This demonstrates that the right to life was only recognized after international condemnation, because the The national judiciary failed to provide the service in a timely manner.

This case proves that when internal delays perpetuate injustice, the citizen only... It ceases to be "just on paper" under international pressure. As Boaventura de Sousa Santos points out, when the Judiciary becomes the only avenue for the enforcement of rights, but finds itself Overburdened and slow, a double violation of citizenship occurs: the Executive Branch fails by The failure to implement public policies, and the failure of the Judiciary to deliver the service in reasonable time (Santos, 1995, p. 146).

3.3 Pathways to the effectiveness of rights and overcoming delays in the system of Brazilian justice

The diagnosis of slowness, evidenced by the average time of 5 years in the phase of execution (CNJ, 2025, p. 275) and by the congestion rate of 62.2% in the State Courts (CNJ, 2025, p. 296), imposes the transition from problem to solution. The transformation of Transforming a "paper citizen" into a citizen who is effectively entitled to rights requires not only the Strengthening the structure of the Judiciary, but also implementing changes. structural measures aimed at expanding and improving the effectiveness of access to justice. To that end, doctrine and

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Public management converges on three central axes: extrajudicialization, democratization of access and administrative efficiency.

The first axis, that of extrajudicial resolution, aims to reduce the burden on the Judiciary through... Mediation, conciliation, and arbitration, which reduce the time to resolve disputes from years to months. In this sense, Luiz Flávio Gomes had already argued that:

> "Dejudicialization is the shortest path to democratizing access to justice. Not every injury or threat to a right needs to end up in the Judiciary."
> Many conflicts can and should be resolved through alternative means, which are faster, less costly, and more appropriate to the nature of the controversy." (Gomes, 2016, p. 88).

In practical terms, the policy of appropriate conflict resolution represents this. Paradigm shift. As Watanabe argues, it is necessary to replace the "culture of judgment". through the "culture of peacemaking," since a well-conducted agreement restores social relations, while The sentence merely concludes the process (Watanabe, 2011).

The second axis addresses inequality in access. Data shows that the Public Defender's Office Public courts are present in only 42% of Brazilian judicial districts (Anadep, 2021), which excludes Millions of underprivileged people. To combat this, the Mobile Court is consolidating itself as... Public policy of effectiveness. By bringing judges, prosecutors, and public defenders to isolated communities, it This initiative materializes access to justice beyond just paperwork. It fulfills what Grinover (2019) He calls this the "third wave" of access to justice: it's not enough to open the doors of the judiciary; it's necessary... To create mechanisms that make rights effective for everyone, especially for the vulnerable.

The third axis is public administration. Much of the litigation originates within the administration itself. The state, whether through negligence in health and education, or through repetitive tax collection. Ferraz (2018, p. 112) warns that inefficient Public Administration is the biggest client of the Judiciary, because a state that systematically fails to fulfill its constitutional duties transforms the A citizen in compulsory litigation. Administrative efficiency is not merely a managerial option; it is... an imperative of justice.

How to overcome the slowness of the Judiciary and achieve effectiveness Among fundamental rights, the expansion of procedural digitization stands out initially. through the full implementation of the Electronic Judicial Process (PJe) in all units jurisdictional. The replacement of physical files with electronic systems and the automation of Procedural acts contribute to reducing the so-called "dead time" of the process. promoting greater speed and efficiency in the delivery of justice, in accordance with the computerization goals established by the National Council of Justice (CNJ, 2024).

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Another relevant path consists of strengthening the appropriate means of solving conflicts, especially through mediation and conciliation carried out by the Centers Judicial Centers for Conflict Resolution and Citizenship (Cejuscs) and private chambers specialized. These methods allow for the resolution of disputes within a specific timeframe. significantly lower than that of traditional judicial proceedings, contributing to the reduction of litigiousness and for the construction of a culture of social pacification (Gomes, 2016; Watanabe, 2011).

Also noteworthy is the expansion of mobile courts as an instrument of Democratizing access to justice. Through mobile units, boats, and joint efforts, This public policy brings the provision of justice closer to populations residing in regions of difficult access, overcoming geographical, economic and social barriers. Furthermore, it fulfills the The right to full and free legal assistance is guaranteed by Article 134 of the Constitution. Federal, especially for the benefit of people in vulnerable situations (Brazil, 1988; Grinover, 2019).

Finally, adopting practices aimed at administrative efficiency constitutes a measure. Essential for reducing litigation. Continuous training of public officials, the improving state management and strengthening mechanisms for controlling legality. Administrative actions contribute to preventing conflicts and avoiding repetitive lawsuits. In this way, the burden on the Judiciary is reduced and greater effectiveness is promoted in realization of fundamental rights (Ferraz, 2018).

Thus, we realize that the realization of fundamental rights and the overcoming of Judicial delays depend on the adoption of measures capable of making the justice system more efficient. More accessible, efficient, and suited to society's needs. The expansion of digitalization. procedural, the strengthening of consensual methods of conflict resolution, the expansion of Mobile courts and improvements to public management are essential tools for... to reduce the overburdened judicial system and ensure a more expeditious delivery of justice and effective. Only through the coordination of these initiatives will it be possible to transform rights. formally guaranteed rights that are concretely exercised, allowing the citizen Brazilians should stop being merely "paper citizens" and begin to fully enjoy citizenship. as provided for in the Constitution.

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FINAL CONSIDERATIONS

The present research aimed to analyze the relationship between the judicialization of social rights and the concept of "paper citizen," seeking to understand how the slowness The role of the Judiciary in the realization of fundamental rights and identifying pathways to achieve this is crucial. overcoming this problem. The analysis carried out demonstrated that, although the Constitution The Federal Constitution of 1988 has significantly expanded the catalog of rights guaranteed to citizens, the realization of these rights still faces structural obstacles that They compromise its effectiveness.

Data from the National Council of Justice and the study of the Ximenes Lopes Case They demonstrated that judicialization, while necessary for the protection of rights, is not sufficient. to guarantee substantive citizenship when the justice system operates at a pace incompatible with social needs. In this context, the hypothesis that judicial delays were a cause for concern was confirmed. This transforms the delay in the administration of justice into a veritable denial of rights, affecting primarily the most vulnerable groups and reinforcing the condition of the "paper citizen," which has formally recognized rights, but faces difficulties in exercising them.

Specifically.

One of the main findings of the research was the observation that the crisis of access to Justice does not stem exclusively from the high number of cases in progress, but also due to the inadequacy of public policies capable of preventing conflicts and enforcing rights. before judicial intervention. Thus, a double denial of citizenship occurred: initially, when the State fails to adequately implement public policies and, later, when a citizen needs to resort to the Judiciary and does not receive a response within the prescribed time. reasonable. This finding reveals that the problem of the effectiveness of fundamental rights It goes beyond the limits of the Judiciary and requires coordinated action from all institutions.

state-owned companies.

Furthermore, the research demonstrated that overcoming judicial delays depends on... adoption of structural and integrated measures. In this sense, the expansion of mediation and conciliation mechanisms, strengthening the Public Defender's Office, expanding the Mobile courts, investment in case management technologies, and the improvement of... public administration as instruments capable of reducing litigation and promoting greater Efficiency in the delivery of justice. More than just speeding up processes, these initiatives They contribute to bringing the justice system closer to the population and strengthening its effectiveness.

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fundamental rights.

As a final reflection, the research reveals an apparent contradiction: Brazil has a one of the most advanced normative structures for the protection of rights in the world, but it still coexists with millions of citizens who experience these rights only on a formal level. The challenge Contemporary reform consists not only of recognizing new rights, but also of ensuring that existing rights are upheld. so that the planned benefits are effectively enjoyed by the population. In this sense, the transformation of The transition from "paper citizen" to full citizen requires that effectiveness take center stage in... public policies and strategies for managing justice.

Finally, it is suggested that future research further analyze the impacts of digital transformation of the Judiciary, artificial intelligence applied to procedural management and of extrajudicial conflict resolution mechanisms as tools for building a A more accessible, efficient justice system committed to realizing citizenship. Only when rights cease to exist solely in legal texts and begin to produce results. Concrete results in people's lives will make it possible to affirm that the constitutional promise... Justice was truly served.

REFERENCES

National Association of Public Defenders (ANADEP). **Mapping the Public Defender's Office in Brazil.** Brasília: ANADEP, 2021.
Available at: https://www.anadep.org.br/wtksite/grm/envio/2927/index.html. Accessed on: May 29, 2026.

BARROSO, Luís Roberto. **Judicialization, judicial activism and democratic legitimacy.** [S. l.: 2012. s. n.], Available at in: https://www.oab.org.br/editora/revista/users/revista/1235066670174218181901.pdf. Accessed on: May 18, 2026.

CAPPELLETTI, Mauro; GARTH, Bryant. **Access to Justice.** Translated by Ellen Gracie Northfleet. Porto Alegre: Fabris, 1988.

NATIONAL COUNCIL OF JUSTICE. **Justice in Numbers 2025: base year 2024.** Brasília: CNJ, 2025. Available at: https://www.cnj.jus.br/wp-content/uploads/2025/11/justica-em-numeros-2025.pdf. Accessed May 18, 2026.

INTER-AMERICAN COURT OF HUMAN RIGHTS. **Case of Ximenes Lopes v. Brazil.** Judgment of July 4, 2006. Series C, no. 149.

DIMENSTEIN, Gilberto. **The Paper Citizen: Childhood, Adolescence, and Human Rights in Brazil.** 20th ed. São Paulo: Ática, 1999.

FERRAZ, Sérgio. **Course on Administrative Law.** 4th ed. São Paulo: Malheiros, 2018.

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GOMES, Luiz Flávio. **Access to Justice and Alternative Dispute Resolution Methods.** 3rd ed. São Paulo: Revista dos Tribunais, 2016.

GRINOVER, Ada Pellegrini. The **New Trends in Procedural Law.** 5th ed. Rio de Janeiro: Forense, 2019.

SADEK, Maria Tereza Aina. **The Crisis of the Judiciary as Seen by Judges: results of a quantitative survey.** São Paulo: IDESP, 2014.

SANTOS, Boaventura de Sousa. **By the Hand of Alice: The Social and the Political in Postmodernity.** 7th ed. São Paulo: Cortez, 1999.

WATANABE, Kazuo. **Public Policy of the National Judiciary for the adequate treatment of conflicts of interest.** In: PELUSO, Cesar; RICHA, Morgana de Almeida (orgs.). Conciliation and Mediation: Structuring the National Judicial Policy. Rio de Janeiro: Forense, 2011. p. 3–9.

SALLES, Carlos Alberto de (coord.). Conciliation and Mediation: Structuring the National Judicial Policy. Rio de Janeiro: Forense, 2011. p. 3-8.

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