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Full reform of the Brazilian justice system oriented to the effectiveness of rights

Reforma integral do sistema de justiça brasileiro orientada à efetividade dos direitos

Reforma integral del sistema de justicia brasileño orientada a la efectividad de los derechos

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Abstract: This article develops a proposal to reform Brazil's justice system through legal and documentary research, a critical narrative review and functional comparison. It examines how institutional power can be redistributed while protecting independence, defence rights, accountability and access. Three architectures are compared: the existing arrangement, reformed national councils, and their abolition with functional replacement. The third is recommended conditionally upon competent successors, funded capacity, independent challenge and service continuity. The model includes a fifteen-member Supreme Federal Court with narrowly defined constitutional jurisdiction, binding public selection, subject-matter redistribution of jurisdiction, restructuring of the prosecution service and judicial remedies against obstructed disciplinary proceedings. Evaluation encompasses compliance with judgments, excluded users and prevention of recurring violations. The contribution integrates institutional replacement, verifiable dispersion of power and responsibility for continuity across institutions. It establishes neither the causal superiority of abolishing councils nor net savings or an optimal court size. The preference is normative and depends on safeguards whose absence makes reformed councils a more defensible alternative. Implementation requires constitutional amendment, organic and procedural legislation, funding and phased evaluation. Explicit conditions for rejecting the proposed mechanisms make the design open to criticism and revision.

Keywords: justice reform; prosecution service; constitutional jurisdiction; accountability; effective rights.

Resumo: Este artigo desenvolve uma proposta de reforma do sistema de justiça brasileiro mediante pesquisa jurídico-documental, revisão narrativa crítica e comparação funcional. O problema é como redistribuir poder institucional sem reduzir independência, defesa, responsabilização e acesso. Comparam-se o arranjo vigente, a manutenção reformada dos conselhos nacionais e sua extinção com substituição de funções. Propõe-se a terceira arquitetura, condicionada à identificação de sucessores competentes, capacidade financiada, contestação independente e continuidade. O modelo compreende Supremo Tribunal Federal com quinze integrantes e competência constitucional delimitada, seleção pública vinculante, redistribuição material da jurisdição, reorganização do Ministério Público e controle da obstrução disciplinar por procedimentos judiciais. A avaliação incorpora cumprimento de decisões, proteção de usuários excluídos e prevenção de violações repetidas. A contribuição consiste na integração entre substituição institucional, dispersão de poderes passível de verificação e responsabilidade pela continuidade da resposta estatal. Não se demonstra superioridade causal da extinção dos conselhos, economia líquida ou número ótimo de julgadores. A preferência é normativa e depende de salvaguardas cuja ausência torna a manutenção reformada uma alternativa mais defensável. A implantação exige emenda constitucional, legislação orgânica e processual, financiamento e avaliação gradual. Expõem-se condições de rejeição dos mecanismos para tornar a proposta criticável e passível de revisão.

Palavras-chave: reforma da justiça; Ministério Público; jurisdição constitucional; responsabilização; efetividade dos direitos.

Resumen: Este artículo desarrolla una propuesta de reforma del sistema de justicia brasileño mediante investigación legal-documental, revisión narrativa crítica y comparación funcional. El problema es cómo redistribuir poder institucional sin reducir independencia, defensa, rendición de cuentas y acceso. Se comparan el arreglo vigente, el mantenimiento reformado de los consejos nacionales y su extinción con sustitución de funciones. Se propone la tercera arquitectura, condicionada a la identificación de sucesores competentes, capacidad financiada, contestación independiente y continuidad. El modelo comprende Supremo Tribunal Federal con quince integrantes y competencia constitucional delimitada, selección pública vinculante, redistribución material de la jurisdicción, reorganización del Ministerio Público y control de la obstrucción disciplinar por procedimientos judiciales. La evaluación incorpora cumplimiento de decisiones, protección de usuarios excluidos y prevención de violaciones repetidas. La contribución consiste en la integración entre sustitución institucional, dispersión de poderes susceptibles de verificación y responsabilidad por la continuidad de la respuesta estatal. No se demuestra superioridad causal de la extinción de los consejos, economía neta o número óptimo de juzgadores. La preferencia es normativa y depende de salvaguardas cuya ausencia hace que el mantenimiento reformada sea una alternativa más defensable. La implantación exige una enmienda constitucional, legislación orgánica y procesal, financiación y evaluación gradual. Se imponen condiciones de rechazo de los mecanismos para hacer que la propuesta sea crítica y pueda revisarse.

Palabras clave: reforma de la justicia; Ministerio Público; jurisdicción constitucional; responsabilidad; efectividad de los derechos.

1 The institutional problem and the evaluation unit

A reform of justice should explain what will happen to the person seeking protection, to the agent who needs to decide independently and to the decision that remains unfulfilled. Changing the composition of a court or extinguishing an administrative body is insufficient when the delay, omission and concentration of power reappear at the recipient of the powers. The object of this study is the justice system: Judiciary, Public Prosecutor, defense, investigation and institutions that participate in the prevention and resolution of conflicts, respected their different constitutional positions.

The question is how to replace national administrative command structures and specialize in constitutional jurisdiction without producing local unprotection or concentration. The thesis argues that redistribution is only defensible when each function has a competent holder, funded capacity, independent challenge and continuity. These four requirements constitute an institutional substitution burden. The joint assessment of those who come to control selection, budget, assignment, review and discipline is added. A formally complete succession may continue to concentrate if the holders depend on the same headship.

The Constitution combines autonomy of courts and prosecutors with national control mechanisms, extensive originating skills and guarantees of access and defense. Articles 92 to 135 cannot be examined separately from articles 2, 5, 37 and 60, § 4o. The existence of a

constitutional amendment as an instrument does not render any amendment admissible. The extinction of organs created by EC no 45/2004 and the replacement of the political choice for the summit require material analysis of the separation of powers, federation and individual rights, in addition to formal regularity (Brazil, 1988; 2004).

The study adopts as purposeful guidelines the extinction of CNJ and CNMP, a constitutionally specialized and expanded STF, binding selection and equivalent reform in depth of the Public Ministry. The guidelines organize the main model; they are not research results. The preference for decentralization needs to face the possibility that a reformed council better controls local capture. The article therefore does not confuse the ambition of the proposal with proof that it surpasses all alternatives.

The evaluation unit will be the path of the problem: care, screening, investigation or consensual solution, decision, review, compliance and prevention of repetition. Closed cases remain relevant, but may represent withdrawal, exclusion, transfer or effective satisfaction. A reform that reduces acquis because it made defense inaccessible fails, even if its aggregate indicators improve. The cost also includes displacements, loss of income, the need to repeat documents and time of employees and professionals, as well as budget expenditure.

2 Method and evidence base

Documentary research and critical narrative review were conducted, with searches in official Brazilian sources, academic repositories, journals and comparative institutional documents, closed on September 29, 2026. The selection favored works published in the last two decades, preserving necessary antecedents. Studies favorable and contrary to the councils, investigations on recruitment and ministerial autonomy and mechanisms of access and effectiveness were sought. There was no protocol for systematic review, representative sampling of decisions or own causal estimation. The technical notebook records searches, accesses, limits and matrix of evidence.

Five plans are kept separate. The Constitution and laws describe the current law; studies and reports inform observations; interpretation connects standards and problems; the proposal changes architecture; its effects remain hypotheses. The choices of composition, time, score and sequence are normative parameters, unless expressly indicated for calculation. The examination of the ten difficult cases is a test of consistency of the design, not an experience of implementation or empirical validation.

Brazilian studies do not authorize a simple conclusion on the advice. Kerche, Oliveira and Couto (2020) analyze their design and disciplinary action and identify limits of

accountability; the number of punishments, however, does not prove alone ineffective. Viegas, Loureiro and Abrucio (2022) examine resolutions from 2005 to 2019 and find corporate approximation. Viegas et al. (2024) investigate profiles and recruitment networks of counselors, without causally identifying each decision. None of these results show that extinction would produce better results.

There are reasons to preserve national control functions. Tomio and Robl Filho (2013) show that institutional accountability can live with decision-making independence and limit powers of the courts' leadership. The alternative of pluralized and protected advice from both party and corporate capture is developed by Kosař, Šipulová and Kadlec (2024). Garadea and Ginsburg (2009) distance automatic relationships between an organizational form and judicial quality.

The implication used here is delimited: the choice should focus on concrete powers and controls, not on the organ name.

A recent counterpoint reinforces this caution. Vallbé (2026), in a panel of 47 European and neighboring countries between 1945 and 2025, reports an association between government compliance and councils endowed with power, mostly judicial and transparent environment. Access was to the abstract and metadata; no tables were inspected or analyses were reproduced. The conditioned association does not validate the CNMP nor does it make it dispensable to examine the context, but it prevents sustaining that external predominance or extinction would necessarily produce greater independence.

The same care goes for the prosecutor. Oliveira, Lotta and Vasconcelos (2020) discuss the discretion of acting and selecting priorities, indicating that external autonomy does not solve accountability. The research does not authorize replacing functional independence with personal command. Abeb (2025) argues, in a comparative analysis of constitutional design, that appointment, mandate, removal and internal organization need to be examined together. The transplant of a contest alone does not protect those who control resources and assignments after possession.

In the selection, Spáč (2022) examines 126 Slovak procedures and identifies professional reproduction despite merit rhetoric; the institutional summary supports caution with networks, without allowing direct extrapolation to the Brazilian dome. In the access, the experiment by Greiner, Pattanayak and Hennessy (2013) finds advantages of offering full representation to certain defendants in evictions, accompanied by longer duration. Protecting rights may require additional time. These studies justify testing banks and financing defense, not announcing proven effectiveness of the solutions of this article.

Access also has heterogeneous effects. Lichand and Soares (2014) study the expansion of civil courts in São Paulo in the 1990s and, through strategy of instrumental variables, find effects on entrepreneurship among people with higher education. The result, found in the summary published and metadata, does not measure this reform or all rights. It serves as a warning against treating formal enlargement of access as a uniform benefit. The proposed evaluation should observe who can use each mechanism and who remains outside it.

The Justice Report in Numbers 2026 records, for 2025, 75.5 million pending cases and 40.9 million tickets; the last total includes resources and phases and does not represent single inaugural persons or actions. In the STF series compiled by the report, there are 85,658 new cases and 21,062 pending. The scale requires differentiation of universes and does not support a success rate of reform. The notebook records internal inconsistencies of the publication and avoids using the affected subtotals (CNJ, 2026).

Administrative figures place the scale without proving causes. The STJ Management Report 2025 records 508,523 cases received and 781,788 judgments when included internal resources; main processes judged constitute another universe. One count is not divided by the other to assert productivity per solved case (STJ, 2026). The transfer of STF collection requires material classification and work estimate, not arithmetic rule that converts processes into new ministers.

3 Choose from three architectures

The current arrangement offers national administrative supervision, standardization capacity and common services, but combines extensive control powers with recruitment subject to political and professional disputes. Retired maintenance would preserve the councils, restrict unocratic decisions, separate instruction and judgment, increase transparency of recruitment and guarantee defense and review. This alternative preserves the possibility of national intervention in the face of local omission and tends to present a lower risk of discontinuity, although it does not eliminate concentration in the dome.

The third model extinguishes the two councils, distributes functions between existing institutions, maintains common services in technical custody and establishes judicial remedies against obstruction. It is the architecture recommended in this study because it gives normative priority to the reduction of national administrative powers over autonomous institutions and the separation of decision centers. This priority is not a statistical conclusion. The recommendation loses its reason if successors reproduce the same powers or if protection against local capture becomes less accessible.

Table 1 Comparison of models

Functional replacement Dimension Current arrangement Retired Councils proposed

Default control National control Preserved with Judicial and competing local separation of functions episodic replacement

National Summit and Networks Local bosses, banks, concentration risk STJ local recruitment councils and heads and data access

Functional replacement Dimension Current arrangement Retired Councils proposed

Continuity of minor change Onerous migration and

Existing structures organizational services compulsory reserve

Liability Known Skills, Full Improvement, Resources and Verifiable Overlays by Function

Preferable under Priority

Preferable if succession Decisive condition It does not presuppose dispersal reform and does not sustain effective safeguards

Source: author's preparation. Standard comparison, no quantitative score or causal estimate.

The model of retired councils may incorporate the same compatible safeguards of selection, defense, transparency, external examination and separation of functions. The extinction is distinguished by withdrawing the general national administrative command, assuming additional costs of transition and protection against local capture. Formal dispersion does not ensure independence when budgeting, personnel and data remain under the same network.

The sensitivity of choice is explicit. When immediate continuity, low change cost and national inspection capacity prevail, reformed maintenance may be preferable. When greater weight is attributed to the dispersion of administrative command and there is capacity for accessible remedies against omission, substitution is favored. Rights of defence, impartiality and continuity are conditions of admissibility; they do not receive weights to compensate for their suppression quickly.

Transformation does not require merging all branches of justice. Federal, state, labor, electoral and military specializations remain as long as their reorganization does not demonstrate access gain and capacity. Reforming widely means reaching your decision points and interfaces. Undifferentiated administrative mergers can destroy expertise and shift costs to the population. The model integrates legal standards of guarantees and cooperation without creating new permanent authority that manages all institutions nationally.

4 Extinction of advice and control of obstruction

The extinction of CNJ and CNMP requires more than repealing the articles. 103B and 130A. They must receive discipline, administrative legality, statistics, digital services, records, access policies, ombudsmen, contracts, personnel and assignment conflicts. The constitutional validity of the CNJ, recognized in the ADI 3.367, and the competing disciplinary competence maintained in the final judgment of the ADI 4.638 in 2023 make up the current law; they do not demonstrate that the design is immutable or that its withdrawal is indifferent to the protection of citizens (STF, 2005; 2023).

In the proposal, news is received by ombudsman and accessible protocol of the institution; the instruction is the unit itself without participation of the investigated; the administrative judgment, the distinct and previously composed collegiate. The decision must face facts and evidence, including to file. Anonymized data of receipt, delay, foundation and result are disclosed, without goals of punishment. Financial control remains in the courts of accounts within their competence, without turning them into judges' or prosecutors' IABs.

Internal separation is necessary, but it remains internal control. When there is obstruction, unjustified refusal of investigation, destruction of evidence or only apparent investigation, the affected person, the Public Prosecutor, the Defender and legitimate associations may propose action to guarantee procedural integrity. The competent state or federal court controls legality, determines response and preservation of evidence and invalidates acts of addiction. Discipline is prohibited in this action, which does not replace an appeal against a judicial decision.

If the local structure compromises its own investigation or judicial review, an incident is opened in the STJ, due to new constitutional competence. Displacement requires concrete and contradictory proof, with cautionary protection of the proof or of the person. The STJ identifies the compromised function and triggers previously ordered equivalent unit; it does not choose researchers by personal trust. The rule should reach instructor, disciplinary collegiate, ministerial body and judicial chain when commitment reaches more than one of these functions. The replacement shall be limited to the case and to the period necessary.

The distribution between equivalent units will follow a previous rotation, exclusion of conflicts and closing reciprocity in the same cycle. For state justice, the unit of another state is used; for federal branches, another region or apt composition; material specialization is preserved. The replacement body shall apply the material arrangements of the institution of origin. Exceptional competence and interfederative cooperation must be included in the

amendment, not in an agreement extending jurisdiction. Internal resource in the STJ will be examined by distinct composition, without decision of displacement by compromised agents.

The detection includes half-yearly examination of queue samples and archiving by temporary team outside the examined chain, selected by previous rule. With legal access and secrecy, she verifies fundamentals and compliance, publishes a report and forwards evidence to the independent legitimated body. It does not impose sanctions, direct cases or prosecute. This may reveal simulated verification without complaint, but does not offer the same scope as a permanent national inspection.

The initiative cannot depend solely on the victim. Unanswered receipts and unfulfilled orders produce automatic communication to the previously competent executive body of the MP and to the Defense within the scope of their duties. The ombudsman directs the records without deciding guilt. Persons without resources receive assistance and can file in person, by telephone documented or electronically. Lack of infrastructure requires a solution of capacity; interpretive divergence or acquittal does not equal infraction. Injunction requires need, deadline and review, without early punishment.

Discipline proceedings, loss of office, criminal prosecution and crimes of responsibility remain separate. The loss of office for life observes judicial decision and own guarantees. Supreme Court ministers do not integrate an ordinary DBP; the specific constitutional responsibility regime, as well as that of the RMP, is preserved. The incident does not give the STJ general inspection, spontaneous recall power, national administrative planning or sanction initiative. If these functions reappear by interpretation, there will be material recreation of the rejected model.

Loss of competing national control is a real institutional cost. The lawsuit may be slower, more formal and more costly for those who complain. Therefore, the gratuity, assistance, institutional initiative and substitution of the compromised chain are part of the core of the proposal, not an optional complement. If the population does not obtain accessible correction of omission, the model fails the test and should be reviewed legislatively. The simple existence of resources on paper does not meet the requirement.

5 Delimited constitutional jurisdiction

5.1 Powers and access

A four-door STF is proposed: abstract control of constitutionality; federal constitutional conflicts; constitutional controversies between Powers; qualified constitutional issues originated in concrete cases. Abstract control preserves instruments and legitimized, with

admissibility linked to legal requirements. The conflict between Powers requires real controversy over constitutional competence, not the presence of authority between the parties. Land disputes and ordinary legality follow the competent judgment.

The American comparison provides the idea of selecting questions and forming collegiate decisions, not an identical model. The Supreme Court of the United States also knows issues of federal law and has original competence; Rule 10, in force in the 2026 edition, disciplines the revision by certiorari, while other ways appear in the same regulation. Therefore, that court is not described as exclusively constitutional nor is the presidential nomination or vitality copied (Supreme Court of the United States, 2026).

In the concrete way, the proposal requires a direct, decisive and qualified constitutional question for relevant divergence, institutional repercussions or serious injury to fundamental right without adequate judicial response. The last foundation protects small groups and isolated people; it does not require high economic impact. The admissibility by one third of the legal composition gives the minority access to the agenda. Inadmissions shall identify the missing requirement and allow correction of classification error. There will be no annual limit to turning the court budget into a quota of rights.

The application is made at the origin, with contradictory and summary of the question. Denied the referral, it is necessary to direct review of the filter to the STF, preventing the origin from having definitive veto. Technical screening shall not decide admissibility. A class of five ministers may correct formal defects and submit the question to all members; the material negative requires opposing votes that render the admission quorum unreachable. Silence is not worth rejection and triggers automatic agenda. The person concerned can remedy correctable vices before rejection.

The Supreme Court shall maintain an internal review of the judicial acts themselves, without a new filter of relevance and by clear composition. This incidental competence is not transferred to the STJ or the first degree. The Court establishes the constitutional interpretation and returns application, proof and execution to the competent body. The complaint preserves the competence and authority of decisions within these four doors; it is not the fifth way in general for any precedent. The ordinary correction of the application is first for the competent court. New constitutional issue and indispensable in rescissory action of old trial can reach the Court by delimited way, without reopening the case only because the part disagrees with the previous interpretation.

5.2 Composition and deliberation

The current composition of eleven members is reference; fifteen and twenty-one are proposed alternatives. Fifteen allows three classes of five for procedural tasks and a common constitutional plenary. Twenty-one extends the potential diversity and distribution of work, but requires greater coordination or chambers with risk of fragmentation. The choice for fifteen favors a shared plenary with moderate expansion. It is not derived from empirical optimization: isolated expansion can increase the cost and duration of deliberation.

Classes do not fix definitive constitutional theses. The plenary takes place with two thirds of the legal composition; the declaration of unconstitutionality requires an absolute majority, and special effects retain qualified demands expressed. The judgment must identify grounds supported by the relevant majority. The sum of votes with incompatible reasons does not authorize to announce comprehensive thesis. Previous changes face legitimate expectations, participation and temporal effects, without turning modulation into discretionary correction of any politically difficult outcome.

Individual urgency is subject to collegiate review in up to seven days, by face-to-face or electronic session accessible to the parties. Failure to comply with the deadline requires automatic inclusion and public justification; do not extinguish indispensable protection for delay of the court itself. Tie in restriction of freedom favors its preservation. In the other injunctioners, the situation prior to the contested measure shall be maintained provisionally, unless irreversible danger is based on a minimum protection decision, until prioritisation. Tie does not authorize to summon new judge to change known result.

Impeditions that make the quorum impossible trigger alternates previously classified in specific public selection, with the same technical requirements and guarantees of impartiality, as well as a specific external reserve when there is general personal interest of the magistrate. This reserve shall provide, separately, decision and review at all levels affected, without reducing quorums. The summoning order precedes the case; the alternate acts only in the impediment that justified it. The hypotheses and review are constitutional and legal, not the president's choice. Public tariff considers seniority and urgency; view lasts thirty days, extended once by motivated decision, without preventing others from access to the records.

New seats will have fixed cycles of fifteen years, without renewal, and early vacancy will be filled only for the remaining period. The current ministers and their retirement are preserved. The four additional vacancies appear in the two, four, six and eight years. Since the permanence of current members cannot be simultaneously preserved and adjusted to immediate annual outputs, convergence will be gradual. The ADCT will number the seats and their

milestones; after the transition, fifteen-year cycles follow. The notice sets the cycle to be provided; the delay of possession does not extend or transfer the approved to the next cycle.

5.3 Destinations and guarantees of redistribution

Common criminal proceedings originating from the STF have been withdrawn. The trial begins in the first degree competent for the matter, with ordinary review by court. The reform deliberately differs from the current orientation of HC 232.627 on forum for crimes committed in office and because of it after removal, clarified in the embargoes of 2026 on lifetime positions, succession of positions and immediate application; it does not present its amendment as simple administrative interpretation (STF, 2025; 2026). Crimes of responsibility receive separate treatment, with preservation of the Senate in constitutional hypotheses and express succession of other competences.

Habeas corpus against the other higher courts, excluding the Supreme Court, extraditions and conflicts of competence of the dome pass to the STJ in previously defined organs. That doesn't move all the lawsuits to that courthouse. Sent against federal administrative acts, including the summits themselves, follow the first federal degree, with appeal to the TRF; property disputes follow parts and matter; causes of widespread impediment receive equivalent substitution. Extraordinary resources not admitted do not automatically become special resources. Tributary conflicts of art. 105, I, j, remain distinct from the federal constitutional controversy.

The first conviction given in appeal will also have an ordinary full review, by collegiate reviewer of the court itself, with five judges or seven in the higher courts, without participants in the conviction and with previous reservation. The exam covers fact, proof and right. This guarantee reaches all criminal branches and does not depend on the constitutional filter, according to the inter-American orientation in Mohamed v. Argentina (Corte IDH, 2012).

The STJ will not review acts for the same composition that practiced or confirmed them. The challenge of class act will be decided by collegiate predefined reviewer with non-participants. If they lack judges, they are convened by previous legal order, from judges of regional or state courts with relevant material competence. Prison custody keeps the channel on call. The habeas corpus action or review of a restraining officer does not replace the right to appeal to a higher court or judge, protected by article 8.2.h of the American Convention (Brazil, 1992).

The original convictions still appealable will receive full ordinary transitional recourse, within the limits necessary for effective review, by functionally distinct superior composition.

Sentences carried over for trial will retain the possibility of criminal review; there will be no general reopening of time. Rescissories of past judgments will be of the STJ or the specialized superior, as matter and chapters effectively replaced by the STF. Constitutional autonomous chapters of Supreme Court judges retain disconstitution in the Supreme Court itself when legally applicable, due to incidental competence at four doors, including for vices such as impediment or corruption; abstract control remains with its own regime. The notebook discriminates between each current point, including execution, revision and residual competence of the transition.

6 Prosecutor with material independence and responsibility

6.1 Four functions and federative autonomy

The reform of the Public Prosecutor is an autonomous axis. The UPM, its branches and state MPs do not form a national hierarchy directed by the RMP. The proposal preserves its autonomy and distinguishes administration, finalistic performance, functional review and discipline. Law no. 8,625/1993 already distributes powers between head, college, board and IA, while LC no. 75/1993 disciplines chambers of coordination and review. The design improves these experiences and modifies specific concentrations, without assigning to one authority everything that exists today (Brazil, 1993a; 1993b).

Administration formulates and executes budget and organization; permanent offices conduct cases; previously composed chambers exercise legal review; separate instructor and collegiate unit assess and judge infringements. The boss cannot accumulate the choice of the person responsible for the sensitive case, the withdrawal of his resources and the trial of the review. Legal issues follow the proper procedure. Discipline does not function as a hierarchical resource against reasoned positions.

Internal conflicts remain in the bodies of the respective institution. Conflicts between different MPs, today attributed to CNMP by the orientation established in ACO 843, pass to the STJ for new constitutional competence. The decision shall fix attribution and preserve urgent acts; it shall not order to denounce or file. The electoral function respects the MP's regime of action before the Electoral Justice and is not treated as a new autonomous branch. The criterion avoids turning RMP into a superior of state prosecutors (STF, 2020).

Portuguese status combines institutional autonomy and functional hierarchy and provides limits and refusal of orders. This experience demonstrates that external autonomy and independence of each member are distinct variables. For Brazil, we take advantage of the formalization of the guidelines and the responsibility of those who issue them; we reject

transplanting the ordinary command on cases in contradiction with constitutional functional independence (Portugal, 2019).

6.2 Heads and representative governance

RMP, PGJs and branch heads will be selected by binding public procedure between members of the relevant institutional universe. The RMP shall remain head of the UPM and the FMP, without a second competing head; PGJs will be selected in each State MP; branch heads will respect their own expertise and structure. Mandates will be four years, without renewal, with calendar that does not accompany the possession of the Executive. Vacance does not restart the cycle. The substitute assumes the remnant, and interinity cannot be renewed indefinitely.

The selection examines management, budget, rights, integrity and distribution of resources, without punctuating the desired orientation for investigations. The programme submitted by the applicant is capacity exercise. The subsequent institutional plan depends on representative collegiate, public consultation and response to contributions. Provisions of accounts to the collegiate and the Legislative address coverage, resources and fulfillment of duties, preserved secrecy and forbidden the requirement to guide individual cases.

The administrative collegiate will have elected representation of the first and second grade offices, with an equal vote and mandates not coincident with the head. Servers will participate and vote on the matters of work organization, infrastructure and services that affect them, without reviewing finalistic acts or discipline of members. The chief executes the approved policy and does not preside with a vote to tie his own inspection. The budget preprojects of the branches of the UPM will be public, with motivation for adjustments in consolidation. The PM of accounts retains its own regime, without automatic assimilation to the MPs of art. 128. Impasses on indispensable expenditure follow provisional execution of the authorized budget and judicial control of omission, without authorization to create expenses outside the law.

The removal of the team, replacement of attribution or territorial change requires general foundation, motivation and revision by body without participation of the leader concerned. The distribution of capacity considers load, complexity, distance and vulnerability, with advertising of exceptions. Special designations have legal cause, object, duration, objective selection and contestation. They don't replace the natural prosecutor for convenience. Accessibility and remote work measures will be compatible with effective care, without undue exposure of health data.

Cases involving headship will be distributed to permanent offices by previous criterion. The review will not have its own head or person chosen for that case. If there is institutional commitment, the replacement incident is used. The loss of the leadership function, distinct from the loss of the lifetime position, will depend on a typified serious cause and action of the pre-determined ministerial body or clear collegiate. The first federal degree judges heads of the MPU, and the state, state heads, with full appeal to the TRF or TJ. The constitutional regime of crimes of responsibility is preserved. Political divergence, illegal refusal of order and defeat in court are not autonomous causes.

6.3 Career and continuity between degrees

A unique functional career is chosen in each institution, implemented prospectively and without unifying state MPs with the MPU. First and second degrees will be scopes of action, not personal superiority of the member. Remuneration, stocking, specialization and management will be legally separate. The remuneration progression will depend on general legal criteria, relevant time and training; access to specialized functions will have binding selection; headship will be temporary. The proposal requires a review of the constitutional career regime and organic laws, without automatic transposition between competitions from different institutions.

The rights of current occupants will be preserved, without nominal reduction, compulsory removal or immediate remuneration assimilation to the top. The conversion of positions will be gradual, according to vacancy and transitional legislation. The alternative of maintaining positions with reformed promotion may require lower initial cost of conversion, a hypothesis not yet estimated, and should prevail in the entity that cannot finance the conversion without reducing care. The single career is a structural recommendation; the instantaneous matching of grants does not integrate the proposal.

The incentive to remain in the finalistic activity should be real: training, functional recognition and progression will not depend on abandoning care or first degree. Compulsory castor will not be used as a generic solution. Voluntary removal, coverage of absences and specialization need notices with previous criteria. Complex work cannot be penalized because it produces fewer countable acts.

The continuity between degrees will occur by recording the problem, evidence, risks and pending actions, with access to the defense within the legal limits. The member acting in the court maintains legal independence and does not automatically ratify the origin position. Manifestations without their own function will be eliminated by a specific procedural change;

when acting as a fiscal of the legal order, the MP will have this position identified and will respect contradictory and parity. You don't create two informal charges against the defense.

6.4 Act and do not act with controllable reasons

Attendance and news in fact should end in an understandable decision on investigation, appropriate solution, forwarding or closing. The existence of protocol is not enough. The person shall be informed of the addressee and of the appropriate review. Institutional priorities guide resources, but do not authorize ignoring urgency, discrimination or individual risk because the theme does not produce a favorable indicator.

In criminal matters, there is a separation between investigating, accusing and judging, the rights of the victim and the investigated and filing regimes and agreements. The archiving review follows the legal hypotheses and applicable constitutional interpretation; the model does not change by notice article 28 of the CPP. The review chamber should be distinct from who acted and predict impersonal replacement when the law requires continuation. Disagreement does not force the original member to sign an accusation contrary to his conviction; the legally competent body assumes responsibility for the position adopted.

In collective and extrajudicial action, the work plan records object, risk, useful diligence, review period and reason for any extension. There will be no fatal deadline for filing complex problems to improve statistics. Agreements will have appropriate participation of those affected, verifiable, responsible and reaction to default. Recommendations are not valid as universal orders; absence of response may require legal provision, not presumption of guilt.

Convictions, denunciations, sanctions and agreements values will not be individual goals of success. Reasons, timely response to risk, probationary regularity, compliance with commitments and protection of the contradictory are evaluated. The review of samples for learning should distinguish justified error, deliberate omission and lack of means, with data protected and without turning legal divergence into infringement.

7 Binding public selection without banking governance

The binding selection replaces discretionary choice by the first valid class, but requires distinguishing entry, promotion, headship and temporary function. For the STF, it is proposed access to different legal trajectories with fifteen years of experience, observed constitutional requirements of age and nationality that the amendment maintains. For ministerial leaders and internal promotions, the universe is the respective institution. The professional reserves of the courts are preserved until the amendment expressly amends them; political lists are replaced by

the amendment itself by selection within the relevant category. Presidencies and IABs will have binding internal selection, two-year term and close to immediate renewal, without directing cases or reviewing their own acts.

There will be preliminary qualification and objective, discursive, oral, practical and title tests. The qualification verifies requirements and integrity through facts and defense, without equating the blame or excluding defensible legal opinion. The main weight lies in writing and solving problems pertaining to the position. Titles have limited weight, without rewarding prestige or multiplying certificates. The oral test is recorded and evaluates argumentation, not ideological affinity, standardized social resourcefulness or absence of disability. Reasonable adaptations integrate validity and comparability of the event (Brazil, 2015b).

The open register of examiners will be maintained by the recipient administrative secretariat, with linked documentary qualification and public list. The provisional documentary record allows the first draw; no one judges their qualification or bond. A selected temporary committee decides objections and a second group judges appeals under judicial control. Nine examiners will be drawn by categories, without most of a career, at most a dominant institutional bond by banking and presence of defense professionals. Links of subordination, society, recent academic orientation and paid preparation should be declared and generate impediment when they compromise impartiality.

Each written test will be anonymized and independently corrected by two evaluators. Previous headings discriminate area of sources, coherence, solution, objections and viability. Divergence of banknotes above the published limit triggers third evaluator without access to previous notes. Legally defensible responses will not be disapproved for opposing the examiner. The bank does not choose its successors, has powers after the contest and cannot act consecutively in the same institution. Resources are assessed by different evaluators.

The formal act of appointment shall be bound, practiced by the president of the receiving court or body of possession provided for in the amendment, without discretionary participation of the Executive or Senate. Once the legal deadline has expired, the definitive certification allows investiture before the appropriate substitute body, under judicial control. There is no appointment if valid requirements fail or fictitious approval by silence. Absence of qualified candidate requires new event and limited suplence, no return to free choice.

The withdrawal of political participation from the summit is the strongest constitutional objection. Competition and transparency do not automatically replace democratic legitimacy. The defense of the model rests on general rules democratically approved, plural access, controllable reasons and independence after possession. Still, it is controversial if the joint

modification of the functions of the Executive and Senate preserves the core of the separation of the Powers. If the material test of article 60, § 4, fails, the variant will be to maintain political confirmation linked to legal impediments, without choice between candidates, subject to control. The alternative is not presented as an already validated constitutional solution.

8 Compliance and prevention-oriented justice

8.1 Continuity of responsibility

The first additional mechanism is the responsibility for the completed referral. The unit that receives a demand identifies urgency, records the reason for the shipment and confirms receipt by the recipient. As long as there is a refusal or conflict, it retains the duty of carrying out urgent acts of its competence and triggering the attribution solution; it does not retain material powers that the law does not assign to it. You don't have to reset your story to every counter. The protocol and documentation accompany the problem, with data minimization.

The second mechanism is to link decision to a verifiable step of compliance. In the sentence or agreement, the person responsible records obligation, recipient, deadline, adequate proof and reaction to noncompliance. Compliance shall be accompanied by the competent court or body and not by a new national administrative manager. Long-term obligations receive proportional milestones; fulfilled obligations close follow-up. Supervision cannot become permanent administration of the public service by the judge.

The third mechanism treats repetition as institutional information. Similar demands may reveal systematic administrative refusal, inaccessible form or economic incentive for noncompliance. Public advocacy examines administrative recognition of rights and adequacy of conduct within its competence; agencies and managers receive reasons and opportunity for correction; MP and Defense act as assignment. The aim is to reduce the cause of litigation, without preventing individual action or converting volume of complaints into automatic proof of illegality.

8.2 Structural cases and guarantees

Representative trials and structural processes have a history. The CPC disciplines cooperation, precedents and repetitive demands; Resolution CNJ no 350/2020 institutionalizes judicial cooperation. The European Court’s pilot trial procedure identifies underlying dysfunctions and may guide general measures. Sabel and Simon (2004) discuss reviewable intervention and participation in public litigation. The contribution here is to integrate these

mechanisms to the responsibility for the result, not to claim their invention (Brazil, 2015a; CNJ, 2020; European Court of Human Rights, 2023).

The representative case requires effective representativeness, diversity of situations affected, adequate defense and the possibility of distinguishing individual situations. Suspensions must have controlled object and duration, preserved emergencies. Correction plans distinguish mandatory results from negotiable administrative means. The parties may contest metrics and implementation difficulties. A precedent that standardizes rejections without hearing differences reduces apparent work at the expense of rights.

The evaluation of the execution observes material compliance, stability and return of the problem. Taxing exclusively fine or number of orders encourages activity without result. In collective conflict, it also matters if the solution transferred damage to the unrepresented group. The verification combines records, sample of obligations and accessible listening of the affected. Satisfaction research will be complementary: legally correct result may displease a part, and non-convalued violation satisfaction.

8.3 Defence, proof and simplification

Defense capabilities integrate each transfer. New criminal or civil assignments require provision of Defense, legal assistance where applicable, access to the records, proof, translation and contact with assists. It is not presumed equal budget between accusation and defence, but functional sufficiency for contradictory. Forensics should explain uncertainty, chain of custody and possibility of technical examination by the defense. Expert autonomy without personnel, equipment and maintenance would only be nominal.

The investigation retains its own authorities and powers: police conduct their efforts; MP exercises external prosecution and control within constitutional limits; judge appreciates reserved measures and guarantees. External control does not turn the prosecutor into a police administrator or make the police authority subject personally to the accuser. Complex investigations will have a reviewable plan of diligence, registration of alternatives and justification of extension, subject to legally assured defensive access. Shared expertise adopts queue for risk and urgency, without priority determined by the procedural position of those requesting. Advertising of times and unavailability helps to identify material insufficiency; it does not authorize to reject defensive evidence necessary to meet closing goal.

Judiciaries and consensual solutions will be evaluated by access and compliance, without forcing vulnerable to accept agreement to release agenda. Costs, deposits, transportation and digital requirements make up the analysis. Offices and records can facilitate

acts, but prices and review need to be transparent. Arbitration remains subject to valid consent and legal limits. In criminal justice, specialization does not authorize mixing investigative, prosecution and trial functions.

Simplification eliminates repetition of available data, remittances without information, non-function demonstrations and duplicate conferences. Before suppressing an act, its legal protection or informational utility is identified. The time saved must also be measured for the user and the defense. The reform preserves accessible and remote face-to-face channels. The autonomy of work of professionals with disabilities does not depend on removing from the population an effective way of care.

Technology is support. Existing systems can register recipient, deadline and compliance; no new application is required. AI can assist research and organization under human review, with data protection, traceability and contestation. You will not have the power to deny access, decide guilt or impose sanction by opaque criterion. The proposal should work with documented procedures even during technological unavailability, through contingency protocol and subsequent reconciliation of records.

9 Financing and transition

No net economy is estimated from the mere extinction of councils. Personnel, services, contracts and databases don't disappear with the body. Add migration, replacement, defense, selection, review and training expenses. The necessary calculation compares the total cost of each architecture in common horizon, with load, time and maintenance scenarios. Budget values, expenses incurred and accounting costs will be treated separately. Without sufficient microdata, the study provides an estimation method, not an invented cipher.

The dimensioning starts with activities and complexity: entrances by class, inventory by age, hours of instruction and judgment, available capacity and work necessary for defense and execution. The reserve cannot be financed only by an uncertain surplus of the most structured units. The Union shall bear national services transferred and compensation legally provided for; States shall finance their own functions, with cooperation and authorised transfers. Each budget will have responsible holder, appropriate constitutional initiative and observed tax limits.

The proposed expiry period shall be thirty-six months after the promulgation. In the first six months, functions and resources would be invented and central standards approved; up to eighteen months, successors, reserves and procedures would be organized; up to thirty months, prepared blocks would be transferred; in the final six months, pending and continuity would be observed. The amendment defines from the outset ordinary and reserve recipients. Transitional

Commission may reconcile inventory, but it does not receive normative, disciplinary or extension power of the councils.

At the end, data and services have automatic technical reserve; property obligations remain with the Union and the successor unit. Lack of staff triggers support for natural authority. The transfer of jurisdiction, ministerial attribution or discipline depends on the constitutional hypothesis and judicial decision, including the proven full impossibility of functioning. The reserve does not create competence to guide institutions. Guardianships, valid acts, deadlines, defenses and obligations remain effective within the legal limits. Migration does not grant amnesty, does not restart prescription and does not create rescissory cause.

Until the month thirty, independent evaluation of execution will verify successor and reservation, with tests of operation, defense and service. The double inviability requires preventive proposal of budgetary and constitutional correction to the Legislative, without administrative power to extend the deadline. The legal allocation of responsibility does not prove capacity; a simultaneous failure remains a serious residual risk.

The feasibility of this timetable depends on the joint approval of funding and the essential standards. Before approval, the absence of an independent and financial successor is a reason to reject the block or adopt reformed maintenance. After promulgation, the contingency protects continuity, and any change in the deadline requires further constitutional deliberation. There will be no silent administrative extension or promise that the publication of the amendment creates instantaneous material capacity.

10 Assessment and conditions of rejection

The evaluation will take place at twelve, thirty-six and sixty months. The baseline meets, when comparable, twenty-four months earlier. The first cycle checks continuity, access and damage; the third one allows to examine compliance and repetition. National reform does not automatically offer a control group. Routine pilots may admit comparison between units, provided that previous trends, composition differences and interferences are examined. The literature of differences in differences with staggered adoption requires considering heterogeneous effects and identification conditions, not only comparing means (Callaway; Sant'Anna, 2021). Without these assumptions, descriptive changes are presented, not causal effect.

Indicators include delay until first useful response, material compliance, accepted referrals, unresponsive emergencies, access to defense, regularity of investigations and recurrence of violations. Median and percentiles reveal tails that mediums hide. Denominators

distinguish people, problems, processes and acts. All entries integrate the analysis, including pending; expired obligations appear as satisfied, not satisfied or without sufficient information. Data will be broken down by territory, vulnerability and disability when legitimate and safe. Repressed search and abandonment before protocol will be investigated by territorial samples that include non-users, in addition to assisted channels, documenting coverage and losses.

There are conditions of rejection: function without holder, transfer without resources, decisive control of the investigation, inaccessible review, continuous dependence on the reserve or reduction of the collection by exclusion. Faced with a serious risk, new transfers are suspended within the calendar, reservation is activated and normative correction is required when necessary. The evaluation does not give a data operator the power to command courts. The duty to correct belongs to the competent institution, with proper judicial and budgetary control.

Resistance tests reveal what needs to work in extreme cases: conniving headship; arrest with prevented reviewers; serious injury of a person; conflict between MPs; unit without team; loss of data in extinction; captured bank; strategic vacation; collective noncompliance; and user without internet. The notebook goes through competence, defense, review and contingency in each case. Solving your coherence reduces design gaps, but does not prove that the real institution will comply with the rules.

11 Conclusion

The recommended reform articulates extinction of CNJ and CNMP, STF with fifteen members and limited constitutional competence, binding selection, jurisdiction redistributed by matter and prosecutors reorganized by functions. Its foundation is not that all centralization is harmful or that competitions eliminate capture. The proposal prioritizes dispersion of command and identifiable responsibility, subordinated to independence, defense, access and continuity.

The contribution is to submit the change to a replacement burden and follow the problem until compliance and prevention of repetition. The confirmed referral mechanisms, review of omission, material independence and institutional learning make this orientation operational. The breadth lies in the integration of the chain of justice; not in the accumulation of new bodies or in the promise to eliminate all conflict.

Relevant limits remain: constitutional controversy in the selection of the summit; risk of local capture and banking; cost not yet estimated with microdata; difficulty in causally evaluating a national reform; and incomplete knowledge of its execution. The reformed maintenance of councils remains a substantive alternative when replacement safeguards are not

feasible. The proposal is a grounded and questionable normative architecture, accompanied by instruments for its elaboration and evaluation, not a scientific superiority demonstrated.

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