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Public policies in the democratic state: a tool for promoting citizenship

Public policies in the democratic state: a tool for the promotion of citizenship

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SUMMARY
This article's theme is public policies in the democratic state: a tool for promoting citizenship, limited to aspects related to guaranteeing the rights expressed in the 1988 Federal Constitution for citizens through State actions. The study seeks to answer the problem question: what is the role of public and social policies in realizing citizen rights? To this end, we started from the hypothesis that through public policies we seek to achieve social balance, in order to comply with the provisions of the Brazilian Constitution. In this context, the main justification for developing research on the proposed topic is that social inequalities are unquestionable in Brazil, and it is completely relevant to carry out studies and research aimed at better understanding the means available to achieve the minimization of this situation. The general objective of this study is to analyze how public policies can contribute to the promotion of citizens' rights, considering the State's responsibility in their implementation. To this end, a bibliographic methodology research was developed, based on Brazilian legislation, and authors such as Tavares (2020); Barroso (2013); Fernandes (2020); Secchi (2020), among others who discuss the subject. The research indicated that the rights promulgated by the Federal Constitution of 1988 are consolidated by the Democratic Rule of Law through public social policies, which represent important tools for building citizenship.

KEY WORDS: Citizenship. Rights. State. Public policy.

ABSTRACT
The present article has as its theme public policies in the democratic state: a tool for the promotion of citizenship, delimiting itself to aspects related to the guarantee of the rights expressed in the Federal Constitution of 1988 for citizens through State actions. The study seeks to answer the problem question: what is the role of public and social policies in the realization of citizens' rights? For that, it was based on the hypothesis that, through public policies, one seeks to obtain social balance, in order to comply with what is expressed by the Brazilian Constitution. In this context, the main justification for the development of research on the proposed theme is that social inequalities are unquestionable in Brazil, being fully relevant to carry out studies and research aimed at a better understanding of the means available to achieve the minimization of this situation . The general objective of this study is to analyze how public policies can contribute to the promotion of citizens' rights, considering the responsibility of the State in its implementation. For this purpose, a bibliographical methodology research was developed, based on national legislation, and authors such as Tavares (2020); Barroso (2013); Fernandes (2020); Secchi (2020), among others who discuss the subject. The research indicated that the rights enacted by the Federal Constitution of 1988 are consolidated by the Democratic State of Law through social public policies, which represent important tools for building citizenship.
KEYWORDS: Citizenship. Rights. State. Public policy.

1. INTRODUCTION

This article was developed on the topic of public policies in the democratic state: a tool for promoting citizenship, having as its delimitation the issues aimed at guaranteeing the rights of citizens, presented in the Federal Constitution of 1988, by the democratic State. The main objective is to analyze how public policies can contribute to the promotion of citizens' rights, identifying the State's responsibility in increasing these.

Social inequalities are a significant and worrying reality in Brazilian society. The difficulty in accessing basic rights, guaranteed by the Brazilian Constitution, has been a challenge for the rulers of the Brazilian nation.

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Given this, the question arises: what is the role of public and social policies in implementing citizen rights in a democratic State?

The 1988 Federal Constitution was a reference in the construction and consolidation of social rights, as it granted progress to the Brazilian population and sought to alleviate social inequalities originating from capitalism. In this context, this study is relevant, especially given that studies and research aimed at the means of promoting and guaranteeing what is expressed in the constitution is of interest to society in general.

Regarding the methodology used to carry out this research, the hypothetical-deductive approach method was adopted, with the use in its design of data collection in bibliographic sources available in physical media and on the computer network, presenting the results obtained through a descriptive text.

2 PUBLIC POLICIES IN THE DEMOCRATIC STATE: A TOOL FOR PROMOTING CITIZENSHIP

2.1 Citizenship and constitutional rights

Initially, it is important to define and contextualize what citizenship is, and then go into the rights provided for in the Constitution. For this approach, in addition to the Brazilian Constitution itself, authors such as Tavares (2020), Souza (2004), Jacobi (1998), Barroso (2013), among others, were also used.

According to Hanna Arendt (*apud*TAVARES, 2020, p. 987) "citizenship is the right to have rights, it is, therefore, the representation of an individual's belonging to a certain qualified legal order (in the sense of humanized) that guarantees him the position of subject of rights."

For Souza (2004, p. 50), being a citizen means having the ability to think and reflect on one's life, in all its aspects. – political, economic, cultural, social, ecological – at local and global levels and have a respectful, supportive and fair attitude in relationships with others. This orientation is based on a process of building citizen awareness through awareness and the ability to perceive and feel what happens around us and understand that being a citizen means being aware of rights, demanding the right to have rights and taking responsibility for duties.

For Jacobi (1998, p. 02), the strengthening of citizenship in the population "[...] is achieved through the possibility of each person being the bearer of rights and duties and, as a result, becoming a co-responsible actor in defense of quality of life". And Baena-Segura (2001, p. 45), adds that citizenship presupposes the formation of active subjects, capable of judging, choosing and making decisions. To this end, citizenship formation takes place through the construction of a subject capable of respecting the laws, the public good, and human rights; the sense of responsibility, the recognition of the equality of all, the acceptance of the will of the majority and the rights of minorities; and respect for all forms of life. In this sense, Barroso (2013, p.445) highlights that:

> To be free, equal and capable of exercising responsible citizenship, individuals need to go beyond minimum thresholds of well-being, otherwise autonomy becomes a mere fiction. This requires access to some essential services – such as basic education and health services –, as well as the satisfaction of some basic needs, such as food, water, clothing and shelter.

The Brazilian Constitution of 1988 is also known as the Citizen Constitution, as it strongly emphasizes citizenship, through the expansion of the set of rights and guarantees, in order to include in the list of fundamental rights, both civil rights and political and social rights, in addition to enshrining collective and diffuse rights and interests (TAVARES, 2020).

The promotion of citizenship is constitutionally guaranteed, being provided for as one of the pillars of the democratic State, in art. 1st, II (BRAZIL, 1988). In this sense, Piovesan (2003, p. 26) states that: "Among the foundations that support the Democratic State of Law, citizenship and dignity of the human person stand out", according to art. 1st, I and II of the 1988 Constitution. According to Fernandes (2020, p. 463):

> The 1988 Constitution lists a list of fundamental rights, notably in its 5th article, without, however, [...] creating impediments to the existence of other fundamental rights beyond this normative provision. [...] it is not possible to assert prior hierarchy,*in abstract*, among fundamental rights, as their application can only be verified on a case-by-case basis.

The idea of citizenship embraced by the 1988 Constitution corresponds with the concept introduced by the 1948 Universal Declaration of Human Rights, thus linking it to the effective internalization of human rights.

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Levy (2016, p. 55) highlights that among the important changes promoted by the 1988 Constitution, aimed at Brazilian public management, "the participation of citizens in the formulation and control of public policies is evident [...]" It is clear that before the 1988 Constitution, social public policies were implemented as an isolated, limited and independent phenomenon, only of a welfare and charitable nature, whereas, after its promulgation, they were linked to more articulated and planned actions, financed continuously, providing the extension of social rights to the entire Brazilian nation (QUINSANI, 2009).

2.2 The responsibility of the democratic State towards Public and Social Policies

The State is understood as the sovereign power to create rules for regulating social relations for a given population in a given territory. Mello (2010) explains that sovereign power, a population and a territory are fundamental to the existence of every State. The Brazilian State, or the Federative Republic of Brazil, is a Constitutional Republic. Republic, because citizens can elect a representative to the position of Head of State, in this case, the president, and Constitutional because the powers of the State and consequently the powers of the Head of State, are limited by a Constitution.

To understand the idea of a Constitution, one must think of a Major Law. It provides for the basic rights of all Brazilians, including foreigners, the division and exercise of state power, its limits, etc. (DI PIETRO, 2009). State is an institution organized politically, socially and legally, occupying a defined territory, where the maximum law is the Constitution, directed by a Government that has sovereignty recognized both inside and outside the country. The State is responsible for organization and social control. Thus, Di Pietro (2009) explains that the State must guarantee internal order, ensure sovereignty in the international order, develop rules of conduct and distribute justice. The fundamental objectives of the Federative Republic of Brazil, which is a Democratic State of Law, are explicit in article 3 of the Federal Constitution:

> a) build a free, fair and supportive society;
> b) guarantee national development;
> c) eradicate poverty and marginalization and reduce social and regional inequalities;
> d) promote the good of all, without prejudice based on origin, race, sex, color, age and any other forms of discrimination. (BRAZIL, 1988).

Secchi (2020, p. 44) explains that public policies serve to address public problems, and defines public problems based on Dunn (1981, p. 98), "are unrealized values, needs or opportunities that, once identified, can be achieved through public action."

Pink; Lima and Aguiar (2021) use Peters (2015) to define public policies, which understands that these are the set of activities that governments undertake with the purpose of changing their economy and society. The authors also cite Saravia (2006) who emphasizes that a public policy involves a flow of public decisions aimed at maintaining social balance or introducing imbalances designed to modify reality. For him, public policies can be considered strategies that point to different ends, all of which, in some way, are desired by the different groups that participate in the decision-making process.

"The identification of public policies with social rights arises from the fact that these rights have equity and social justice as their perspective, and allow society to demand positive, active attitudes from the State to transform these values into reality" (PEREIRA, 2009, p 102).

Public policies must be designed to emancipate users and contribute to the generation of autonomy. The development of autonomy is a process of denial of guardianship and subalternity through the mediation of affirmation of the word itself and the constitution of decisions about its own destiny (BOURDIEU, 1992).

According to Pereira (2009, p. 94), public policy is defined as "public action, in which, in addition to the State, society is present, gaining representation, decision-making power and conditions to exercise control over the its own reproduction and on government acts and decisions."

Therefore, the conception of public policy implies the idea of social rights, because, if policy is to meet the needs of citizens, it is necessary to have knowledge of what these needs are and transcribe them into law. In this way, the State has the role of implementing public policies and citizens play the role of indicating and monitoring them in their creation and execution.

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The Citizen Constitution, as Lotta (2016) points out, recommends the universalization of a significant set of social policies, giving them the status, from then on, of social rights, thereby conditioning the obligation on States to promote them and guarantee them.

> If until then the Brazilian State was responsible for the specific and determined provision of some services to some social segments, from 1988 onwards it became responsible for the universal provision of public services to all Brazilians in an indiscriminate manner and still respecting their diversities. (LOTTA, 2016, p. 20).

It turns out that, given the excessive regulation provided by the State's legislative apparatus and, consequently, the lack of effectiveness in the implementation of these rights, it is seen that the current state model is in crisis, as it does not have the capacity to meet the dictates that it even produced. In the same sense, Antônio Baptista Gonçalves writes:

> The State appears to be lost, it is not facing the social chaos that it itself created. Thus, the Democratic Rule of Law does not fulfill its role; on the contrary, it fails and suffers when trying to combat other elements resulting from its own ineffectiveness (GONÇALVES, 2018, p. 90).

Among the primary objectives of the Brazilian democratic State are social rights, founded on the primacy of human dignity; The State does this through public policies. Ana Julia Bonzanini Bernardi and Jennifer Azambuja de Morais (2020, p. 48) exemplify actions, reporting that:

> Since the election of Luís Inácio Lula da Silva (2002) and throughout the 13 years of the Workers' Party (PT) government, an increase in social policies was identified, mainly in education, which aimed to incorporate segments excluded from society. society, valuing the diversity of the Brazilian population through affirmative actions for ethnic-racial groups and the indigenous population. With this objective, the PT governments projected the end of poverty as their main goal, expanding services to marginalized segments of the population in society, combined with a strategy of universalizing education.

Until the mid-1990s, the state-centric approach predominated, according to which public policies, considered analytically, were the monopoly of state actors. According to this conception, "[...] what determines whether or not a policy is 'public' is the legal personality of the protagonist actor" (SECCHI, 2015, p. 2*apud*PINK; LIME; AGUIAR, 2021, p. 15).

However, from the 1990s onwards, especially in Latin America, the concept of social capital emerged and grew, which focuses on the proposal to include other sectors in addition to the State, in the fight for social improvements, thereby relieving the duty only in the State (BERNARDI; MORAIS, 2020).

Regarding this aspect, Lotta (2016, p. 19-20) reports that "The construction and adoption of participatory institutions have been notable characteristics in the State's actions and in the production of public policies in recent years." And the author continues to highlight that:

> Over the last few years, the need for States to move forward in building coordinated actions to increase the efficiency and effectiveness of public policies has become clear. There have been several national and international experiments around these new institutional arrangements, whose central axis is the dimension of coordination. (LOTTA, 2016, p. 33).

However, even assuming the condition that the State can act in conjunction with other mechanisms, it is up to it to stimulate, through public policies, civic engagement, trust and cooperation. In other words, the construction and promotion of social capital can occur through State development policies, mainly income transfer policies, as these are necessary for there to be a true

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emancipation of the underserved population, with the aim of truly including them in the democratic process as citizens, increasing their capabilities and ensuring inclusion, including in the context of consumption (BERNARDI; MORAIS, 2020).

The maintenance and promotion of the rights guaranteed in the Federal Constitution are the responsibilities of the State. Therefore, seeking to offer society the fundamental rights that support the principle of human dignity, it is up to the State to guarantee the necessary subsidies to implement its public policies, including with regard to financial resources. It is interesting to mention Nabais' understanding that all rights have community costs, that is, public financial costs (NABAIS, 2015).

CONCLUSIONS

Currently, a significant portion of the Brazilian population faces difficulties due to the poor quality of education, public health, lack of infrastructure in several areas, hunger and poverty resulting from insufficient job opportunities and professional qualifications.

The research showed that the 1988 Constitution was called the “Citizen Constitution”, because it recognized and expanded social rights, bringing innovations that were significant, by establishing spaces for popular participation in the formulation, management and control of public social policies. Social control, which is one of the main innovations related to the participation of civil society in political decisions, and that exercised by the population. Thus, after the promulgation of the Federal Constitution of 1988, consolidated by the Democratic Rule of Law and based on the dignity of the human person, social rights were constitutionalized, for the first time in Brazilian history. These rights become the responsibility of the State to guarantee, which has public social policies as the tool to achieve them.

It can be concluded that, currently, programs and projects for the development of public and social policies are the responsibilities of the State, however, different from what was understood in the past, the possibility is now recognized that society, through organizations, contribute to the success of these actions in conjunction with the promoting bodies.

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