Reflective Groups: Viable and Necessary Environmental Penal Alternative

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Abstract — This article aims to present the evolution of environmental criminal law in the Brazilian legal system, consequently of the Criminal Alternatives, in face of the connection of Human Rights with Environmental Law and the new world perspectives of protection of the environment, through a thorough literature review. According to a philosophical context about environmental problems and the evolution of norms that protect nature, due to the ineffectiveness of environmental penal alternatives, it is possible to understand that a punitive measure of an educational and socially useful character is necessary, since everything that involves man and the environment must be seen according to a metaphysical-ontological construction, since they cannot be separated, due to the fact that it composes nature itself. Thus, it concludes that it is possible to include the Reflective Groups as a more viable criminal alternative to the educational context when committing environmental crimes, whether by individuals or legal entities. Although not included in specific legislation, it is certain that this is the most viable alternative because it provides the person in prison with the opportunity to promote environmental awareness and education.

1. INTRODUCCION

Environmental crimes have taken on alarming proportions, which make it necessary for the Judiciary to act effectively in the application of environmental protection rules - in particular the Environmental Crimes Law No. 9,605, of 02/12/1998 - according to the precepts of the Constitution of 1988, it is still not widespread in the legal environment, according to Antunes (2014).

To the violator of the ambient laws must be applied a punitive measure of an educational and socially useful nature, so as not to depart from society and especially from the family the perpetrator of the offense when the penalty imposed is served. The sanctions imposed on the individual who committed such crimes should be alternative measures that make the environmental offending aware that the environment is a universal and indispensable good to human beings, as authorized by the Environmental Crimes Act and Law No. 9,795 of 27/04/1999 - which establishes the National Environmental Education Policy - and defends Takada and Ruschel (2012).
The present study aims to present the evolution of Environmental Criminal Law in the Brazilian legal system, specifically of Environmental Criminal Alternatives through the possibility of including Reflective Groups as a more viable criminal alternative to the educational context when the practice of environmental crimes, by individuals or legal. This claim stems from the fact that, not infrequently, the measures adopted in these cases do not achieve the objective of educating and preventing in line with the new global perspectives for protecting the environment, which connect Human Rights and Environmental Law.

II. METHOD
The adopted approach was the quantitative method, with a "thorough review of the literature", which refers to environmental sciences and, more specifically, measures and criminal alternatives applied to crimes against the environment, in order to seek updated and diversified information, to know the universe that surrounds the problem researched, as directed by Almeida, Francesconi and Fernandes (2019, p. 56).

The bibliographic study aims to prove that, in the case of environmental crimes, the insertion of the person in compliance with an environmental criminal measure or alternative in Reflective Groups with environmental themes is the best way, regarding the educational character of the imposed penalty / alternative criminal to the offender.

The research was based on the practice of insertion in reflective groups of offenders of other criminal types, such as crimes related to Maria da Penha Law No. 11,340/2006, as regulated by the National Council of Justice, through Resolution No. 288/2019.

III. RESULT AND DISCUSSION
3.1 Constitutional Protection of the Environment
The environment has reached an important space in the Brazilian legal system. It is in the 1988 Constitution, in its art. 255, which in an unprecedented way the right to it is guaranteed in the following terms: “Everyone has the right to an ecologically balanced environment, a good for the common use of the people and essential to the healthy quality of life, imposing itself on public power and the community duty to defend it” (Brasil, Constituição da República Federativa, 1988).

It is worth emphasizing the principle brought by the Magna Carta, in its Art. 170, Item VI, when it provides for the Brazilian economic order by clarifying that its development must respect the environment: "The economic order, founded on the valorization of human work and free initiative, aims to assure everyone a dignified existence, according to the dictates of social justice, observed the following principles: VI - defense of the environment" (BRASIL, 1988).

According to Takada and Ruschel (2012), the 1988 Constitution guarantees the defense of the environment and, for this reason, all environmental crimes must be tried and penalties must be carried out in order to preserve and restore this property, when damaged by human action. Therefore, it is imperative to point out that only conviction for criminal practice does not solve the real problem that is hidden in the offending conduct of environmental crimes. As provided in the Brazilian Constitutional Charter, in its Article 225, § 1 VI, it is necessary “to promote environmental education at all levels of education and public awareness for the preservation of the environment”.

Supported by the Federal Constitution of 1988, the public authorities - when applying and monitoring the criminal measure or alternative - have a duty to ensure environmental education in cases of crimes against the environment and provide a reflection on the person whose conduct was harmful, so that it brings to its social environment the awareness that environmental balance is fundamental to the life of this and “future generations”.

In this sense, Diniz (2017, p. 157) states that environmental education “must be emancipatory, must give critical awareness to the individual, must be able to transform common sense in the sense of seeking to effect environmental preservation and maintain life on Earth”.

Thus, it can be concluded that providing the individual in compliance with a criminal alternative means to an environmental education is a way to free him from the thought of debiting environmental protection for an uncertain future, since he is given the opportunity to an environmental ethics based on preservationist values, which can be multiplied in the society where they live.

3.2 Environment and Human Rights
The environment has been seen as an essential part for achieving human rights, according to the lessons of Antunes (2014), since the right to life is closely linked to an ecologically balanced environment. Both are necessary to achieve a dignified life with a quality common to all.

According to this perspective, Fernandes (2014, p. 112) highlights the relationship between environment and human rights, stressing that “the position that defends that the degradation of the environment affects the quality of human life and the exercise of its potential”.

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Based on these propositions, it is correct to say that when the Universal Declaration of Human Rights states that “every human being has the right to life”, it is referring to quality life, which presupposes the right to an ecologically balanced environment. Since it is impossible for human beings to live outside nature, protecting it is the basis of Human Rights. The studies carried out by Takada and Ruschel (2012) are in line with this understanding when they affirm that Human Rights protect man and nature, so that both cannot be separated. Thus, when the State-Judge obliges man to protect nature, he does so for the benefit of man himself, which is why this protection must have an eminently educational character.

However, it is important to emphasize - based on Fernandes (2014, p. 112) - that only the Stockholm Declaration of 1972 expressly predicted in its first principle the “relationship between human rights and the environment”. The author even defends that the protection of other human rights is only possible if there is protection of the environment, according to the Stockholm Declaration.

Man has the fundamental right to freedom, equality and to enjoy adequate living conditions, in an environment of such quality that allows him to lead a dignified life, enjoy well-being and is a solemn bearer of the obligation to protect and improve the environment, for present and future generations (Fernandes, 2014, p. 113).

Fernandes (2014, p. 113) also presents the content of Principle 1 of the 1992 Rio Declaration: “Human beings are at the center of concerns about sustainable development. They have the right to a healthy and productive life, in harmony with nature”.

Although this principle appears in both the Stockholm Declaration (1972) and the Rio Declaration (1992), the author (FERNANDES, p. 114-116) states that none “defines a clear duty to protect the environment, as a right autonomous human “, that is, within the scope of the International Court the “protection of the environment, the construction of the right to a healthy environment, as a human right, is eminently jurisprudential”; therefore, there is a clear relationship “between the environment and different human rights”.

Although this imbroglio of environmental protection is not an autonomous human right - still according to Fernandes (2014, p. 120) - all international courts have already admitted that “environmental degradation can mean violation of human rights, especially when the right to life, health, property, privacy and family life and self-determination are disrespected”. For this reason, human rights cannot be dissociated from environmental protection, since life is closely linked to the environment and it is impossible to separate from it.

Despite the international advances inherent in global environmental protection, national protection policies have been lacking. Many internal actions taken by the States and considered lawful are absurdly harmful to the environment, even with global consequences. Fernandes (2014, p. 120) highlights that “the very format of international environmental law is insufficient to meet the challenges presented by environmental degradation”. Thus, environmental damage that is not “cross-border” is addressed only by the actions of the Human Rights Courts that work in specific cases of degradation of nature, when it has a direct relationship with disrespect for other human rights.

When, at the international level, there is no effective collection and inspection, States leave something to be desired. Although many indoctrinators understand that Brazil is an innovative country - because environmental protection is included in our country’s Constitution - the ineffectiveness of Brazilian environmental laws must be noted. The State must turn to the broad protection of human rights, the environment cannot, under any circumstances, be excluded from these objectives, since it is not possible to provide human beings with the realization of economic, social and cultural rights, without taking into account consideration the environment where he lives, whether natural, artificial or labor.

Perhaps, the lack of effective protection of human rights linked to the environment by Brazil, has generated enormous discredit by society, precisely because of this inefficiency in protecting man as part of nature. Although Brazil is a signatory to the American Convention on Human Rights (Pact of San José of Costa Rica) - as promulgated by Decree No. 678, of 11/06/1992 - very little has been done. Although the expression contained in art. 4, 1 - which determines: “everyone has the right to have their life respected” - when there is no effective protection of nature, life will be disrespected, which is widely protected in this legal institute.

3.3 Brazilian Criminal Law

The penalty, in the early days, completely disrespected the principles brought by the current American Convention on Human Rights, since it was drastically severe. If we resort to studies aimed at understanding its functioning, it is clear that private revenge was in force as a reprimand for the practice of crimes. Such punishment could even extend to the whole family, which today is unacceptable in the Brazilian legal system.

In the early days, punishment for a crime was restricted to private revenge. It watches over the
law of the strongest, the one with the greatest power, who found no limits to the scope or form of execution of the reprimand that he understood to apply, including death, slavery, banishment, when it did not affect the entire family of the offender (Martins, 2008, p. 15).

The private revenge has come a long way in the history of mankind, according to the teaching of Martins (2008). Despite the Talion Law brought by the Hamurabi Code, in the 1980s a. C. to have softened the barbarities practiced in the name of a punishment, incomparable absurdities were also committed, including with a subsequent divine vengeance, when the punishments were given in the name of gods - in order to appease their wrath - which is totally rejected today.

After this phase in which the man punished the crime of blood with blood, it emerged the called public revenge, in which the State assumed the role of responsible for punishments. Therefore, there was no decrease in the cruelty of the penalties imposed, since the State should prove to be strong, owner of undisputed power, according to Martins (2008,p. 16-17).

Martins’ lessons (2008, p. 19) also teach that dissatisfaction about the cruel nature of feathers took strength among scholars from the second half of the 17th century to the end of the 18th century, rising into opposing currents. Its worth mentioning that of “Cesarre Bonesana, Marquis of Beccaria, who edited a work that consisted of the symbol of the liberal reaction to the _inhumane criminal panorama then in force_, whose principles served as the basis for the “Declaration of Man and Citizen”. It is at the beginning of the 19th century, however – with the advent of the so-called scientific movement – that a new look was cast at the way the state applied the penalties. However, this new view was refuted, since it conferred on criminal law “a purely clinical function”, not attributing the true value of the penalty, which is to establish “value judgments, whose content is ethical and relates to the fact that it violates the norm of conduct”.

It was in the 18th century that the prison sentence was consolidated as a definitive sentence, when it replaced the other reprimands that were too cruel. Although there was already a concern at that time with the recovery of the person serving a sentence - and with their reintegration into society - the sentences did not have an awareness and reflexive character about the conduct practiced.

Especially if we talk about the Afonsinas, Manuelinas and Philippines Ordinances, we can see that the penalties have not undergone important changes, since cruel punishments continued to be practiced. However, as presented by Martins (2008, p. 20-21), from 1830 onwards the Law “privileged the imprisonment of the criminal as the most usual form of punishment, although sometimes it was accompanied by the obligation to exercise work in the enclosure. of prisons “. Even the Brazilian Law of December 16, 1839 - which “orders the Penal Code to be enforced” - contained cruel penalties; its Art. 38 admitted the death penalty by the gallows. It is worth mentioning the public humiliation to which the defendant was obliged to submit. As an example, Art. 40 determined that the “defendant in his ordinary dress, and imprisoned”, should be “led through the most public streets to the gallows, accompanied by the Criminal Judge of the place, wherever he is, with his Registrar, and military force, if required” (CRIMINAL CODE OF THE EMPIRE OF BRAZIL, of December 6, 1830).

Duarte (1999) points out the evolution of Brazilian Criminal Law, remembering that on October 11, 1890, the Criminal Code of the Republic was sanctioned, which abolished the death penalty. However, it included prison sentences, banning, interdiction or suspension of political rights, as well as suspension and loss of public employment and a fine. In 1932, with Decree nº 22,213, of December 14 of the same year, several extravagant laws were consolidated, giving rise to the so-called Consolidation of the Criminal Laws of Piragibe, whose prevailing penalty was imprisonment. In December 1940 the Penal Code was created, which came into force only on January 1, 1942, coinciding with the validity of the Penal Procedure Code, whose main penalties were listed in its art. 28 and were confinement, detention and a fine. In the same vein, as the author explains, on October 21, 1969, the new Penal Code was consolidated through Decree-Law No. 1004, which presented important changes. Among them, Laws 6,016 / 1973 and 6,5778 / 1978 stand out.

This evolution of criminal legislation, both internally and externally, was due to the widespread understanding that the cruel nature of penalties was not the best solution as a reprimand. Finally, it was concluded that the prison sentence was also not the best alternative, as it is counterproductive in terms of the social reintegration of the convict. It turned out that in 1984 - through Law No. 7,209 - unprecedented modalities were adopted: deprivation of liberty, restrictive rights and a fine, as taught by Martins (2008, p. 26-27).

The ideals of banning the cruel character of sentences presented by the indoctrinators of the second half of the 17th century, took shape in Brazil with the promulgation of the Penal Code of 1984. This was the milestone from which the humanitarian and re-socializing character of the penalty had its start. It is important to highlight the important innovation with regard to restrictive penalties of law, as seen in Art. 43, items I, II and III, in this order: 1)
Provision of services to the community, 2) Temporary interdiction of rights and 3) Limitation weekend, which can be combined with the fine prescribed in Art. 49, which will be addressed again later (Brasil, Lei 7.209, de 11 de julho de 1984, 1984).

From the promulgation of the referred Code, other laws were created, giving greater attention to the person of the condemned person, in order to recover him and reinsert him in society, abstracting from the penalties not only the repressive character, but educational, respecting the dignity of the individual, their fundamental rights prescribed in the Universal Declaration of Human Rights and consolidated in the Federal Constitution.

3.4 Brief history of Brazilian Environmental Criminal Law

Environmental penal protection in Brazil had strong influences from international norms, which led the national legislator to include in the constitutional text, precisely in Art. 225, a fundamental right to the “ecologically balanced environment” for the “present and future generations” and in § 3 of the same article the punishment for “conduct and activities considered harmful to the environment”, which “will subject violators, individuals or legal entities, to criminal and administrative sanctions, regardless of the obligation to repair the damage caused”. (Brazil, Constitution of the Federative Republic of Brazil, October 5, 1988)

The Costa's lessons (2013) make it clear that the first penal protection of the environment in Brazil occurred with Law No. 3,311, of 10/15/1886 that criminalized the practice of fire, which was later inserted in the United States Penal Code of Brazil in the year 1890. Therefore, a great advance came with the first Brazilian Forest Code, approved by Decree nº 23.793 of January 23, 1934, which “divided the infractions into crimes and misdemeanors”. This Code is considered a milestone in Brazilian legislation, since it served as a basis for the production of other legislative acts such as Decree-Law nº 5.894 of 10/20/1943, which approved the Hunting Code that contained feathers pecuniary benefits, which could be converted into prison.

In 1965, Law No. 4.771, of September 15, introduced the new Forest Code which, in addition to explaining various criminal practices against the environment, contained in its Article 26 a list of criminal offenses. Also the Fauna Protection Law, as well as the Fishing Code, both of 1967. But, according to the magisterium of the same author, it was the fauna protection law nº 7.653, of 02/12/1988 that caused more controversy at the time, as a result of the non-trustworthiness of the crimes provided for therein.

After the tangle of laws, Law No. 9,605 was issued on 12/02/1988, called the Environmental Crimes Law, organizing the criminal protection of the environment in a single document, which “brought considerable innovations to its core”, in regarding the criminal liability of collective entities (Costa, 2013, p. 58)

Despite the fervent debate raised around the Environmental Crimes Law, it will not be discussed at this time. However, it is imperative to highlight the great novelty brought about by this, through Article 8, which deals with restrictive penalties of law, also known for good doctrine as penalties or alternative measures.

Finally, it is imperative to highlight that, given the repressive nature of the Environmental Crimes Law, which seeks to protect environmental quality, the mere conduct capable of causing damage, it is already possible to hold the agent, individual or legal entity liable. This protection of environmental quality must be concerned with keeping the environment healthy and sustainable, seeking alternatives in order to guarantee an ecologically balanced system for current and future generations, as Takada and Ruschel (2012) very well point out.

3.5 Environmental Criminal Alternatives, guaranteeing human rights

The criminal alternatives must have a socio-educational bias, since only punishing the perpetrator of environmental crimes will not achieve a desired result, which is the protection and recovery of the damaged environment, as advocated by Salibá (2009). Thus, this socio-educational character is in line with what Law No. 9,795 of 27/04/1999 intends, in its art. 1st, which is to promote the construction of “social values, knowledge, skills, attitudes, behaviors and competences aimed at the conservation of the environment”, as well as the implementation of the ideals that sustainable development is possible.

Furthermore, even in the same article of the referred law, it is clear that all processes aimed at educating the individual and the community in the construction of a culture aimed at environmental preservation are understood as “environmental education”. Thus, environmental criminal alternatives occupy a prominent place within the criminal process, as they are supported by Law No. 9,795 of 4/27/1999.

Nevertheless, the applicability of criminal alternatives, especially environmental ones, brings great advantages to the Judiciary, to the Institutions and to the beneficiary, it is so certain that the National Council of Justice edited Resolution nº 288, on 06/25/2019, which defines the institutional policy of the Judiciary to promote
the application of criminal alternatives, with a restorative focus, replacing deprivation of liberty.

This recognition brought by the CNJ, despite not being expressed in the referred resolution, is due to the fact that the criminal alternatives unburden, in the Judiciary, the traditional ways that are already exhausted, becoming a more effective and fair punitive means, besides to end impunity for crimes considered to be of low or medium offensive potential, not to mention the low cost to public coffers, the execution of these, as well as the reduction of the prison population, a major problem faced by the public authorities. The low cost mentioned above is due to the partnerships that the Judiciary enters into with institutions that monitor the beneficiaries without any burden for the former.

The person in compliance is also benefited, in addition to numerous other advantages, by the fact that he / she remains in the social and family environment, he / she is led to reflect on the crime committed, educating himself / herself about the values and conduct of good living in society. In the case of environmental crimes, criminal alternatives are given greater prominence, since they also provide a change in the ethical and moral standards related to environmental preservation, an opportunity in which the compliant has the opportunity to reflect on the value that should be given to nature, which is a good to be preserved for this and future generations.

In cases involving environmental crimes, fines are often imposed on the offender without any follow-up in order to develop a reflection, with a consequent change in conduct. In addition, the alternatives brought by Law No. 9,605, of 02/12/1998, art. 8, in no way contributes to an effective environmental education, unless we see: “Art. 8th The restrictive penalties of right are: I - provision of services to the community; II - temporary interdiction of rights; III - partial or total suspension of activities; IV - cash benefit; V - home collection “.

Therefore, it is necessary that the applicator of the environmental standard promotes the true educational character now implicit in it. Any environmental criminal alternative, regardless of the rules of its concession, must enable the person in compliance with a reflection and change in the conduct practiced, as well as providing opportunities for a transformation, with the consequent multiplication of environmental education and the dissemination of acquired knowledge.

3.6 Reflective Groups, an alternative for cases of crimes against the environment

The reflective character of environmental criminal alternatives, as advocated elsewhere, could be the alternative for the enforcer of the law, since it will be providing the punisher with true access to justice, to the dignity of the human person, as defended by the Declaration of Human Rights and Citizen. In this sense, from the perspective of ontological interpretation, aiming to achieve the true meaning of the environmental penal norm, with regard to criminal alternatives, the creation of reflective groups in cases of crimes against the environment is urgent.

It is true that there is no express authorization in the criminal environmental legislation for the creation of reflective groups as authorized by Resolution No. 288, of 06/25/2019 to other criminal types. However, nothing prevents its applicability in cases of environmental crimes. In fact, Article 4 of the aforementioned resolution states that

The organs of the Judiciary Branch must establish means of cooperation with the Executive Branch to structure services for monitoring criminal alternatives, in order to constitute flows and methodologies for the application and execution of measures, contribute to their effectiveness and enable the social inclusion of law enforcement officers, based on the specifics of each case (Brasil C., Resolução nº 288, 2019).

It’s understood that it is possible to create reflective groups, as provided by Resolution No. 288, of 06/25/2019, for cases of crimes against nature, not only when applying environmental criminal alternatives, but in any other type of criminal conviction environmental. Furthermore, it corroborates this understanding with the instructions brought by the Management Manual for Alternatives Penas (2020), also authored by CNJ, regarding the crimes laid down in the Maria da Penha Law, nº 11.340 / 2006, where the creation of reflective groups is made more flexible in cases of domestic crimes.

Thus, nothing prevents the creation of reflective groups when executing the sentence, in cases of crimes against the environment, since this is the best alternative, since it aims to educate the offender in the environment where he lives, providing him with the opportunity not to repeat the environmental offense, but to contribute to the protection of the environment where he lives and the understanding that his actions can generate a series of consequences for current and future generations. In addition, it will be possible for the doer to have the opportunity of non-recurrence, as well as being a multiplier of environmental education.

It is worth mentioning what is contained in the Arts. 5 to 7 of the aforementioned Resolution No. 288, dated 06/25/2019, which defends direct communication between the Judiciary and the Executive, which is primarily
responsible for the enforcement of the penalties applied, in the preparation of management plans aimed at monitoring the criminal alternatives, as well as the promotion of these, aiming to attend to the applicability of the rules brought by the international human rights treaties, to which Brazil is a signatory. It also makes it clear that this whole management process in the monitoring of criminal alternatives must have participation in addition to the organs of the Executive Branch and the justice system, of organized civil society.

Thus, in view of what was established in said resolution, in order to create the reflective groups as proposed, the body responsible for criminal execution should promote broad partnerships, especially with local educational institutions, through a specific project for this purpose. In view of the educational character of the reflective groups, as well as the technical / pedagogical capacity of these Educational Institutions, they should be responsible for providing courses and lectures to people in compliance with penalties or alternative environmental measures.

In this tuning fork, it is important to emphasize that, within the reflective groups, the penalties and alternative measures should be directed to the awareness of the offender, to the development of resilience, as instruments of social restoration, and mainly of environmental education, that is, an opportunity must be given the person serving the sentence or imposed measure, to direct his conduct to a model in harmony with nature, as well as the awakening of new ethical values about environmental preservation, including non-recurrence and the multiplication of continuous and permanent educational practices, which are few and lack multipliers. In addition, the person's participation in serving an alternative or sentence in the reflective groups may be a condition applied by the Magistrate or proposed by the Public Prosecutor's Office, as a way of serving the sentence and / or imposed measure, regardless of being the repeat offender.

Finally, it remains to be clarified how the participation of legal entities that practice environmental crimes in reflective groups can take place. Well, Law No. 9,605, of 02/12/1998, in its art. 21, Item III, establishes, among the penalties applied to legal entities, the “provision of services to the community”. Already in its art. 23 and Item I provides that “the provision of services to the community by the legal entity will consist of: I - funding of environmental programs and projects”. Thus, when there is no disregard for the personality, the participation of the legal entity in the reflective groups is fully applicable through the cost of the project intended to install it.

IV. CONCLUSION

The application of penalties or environmental alternatives with only a repressive character, in addition to not achieving the repair or compensation of the damage that is often impossible, does not achieve the primary objective of educating for a change of posture, for a new preservationist and conservative environmental ethics. What is certain is that the adoption of simple reprimand in cases of environmental crimes disregards the possibility that alternatives have to democratize the Judiciary and guarantee genuine access to Criminal Justice, since it disregards the awareness and educational bias. This justifies the pressing need to create reflective groups to assist people in the execution of sentences and / or alternative environmental measures.

In order for the Reflective Groups to achieve the desired results, it is important to create an integrated circuit with partnerships involving Executive Branch Bodies focused on environmental protection, the Judiciary Branch and organized civil society, as well as the participation of Higher Education Institutions that deal with environmental issues, with education professionals. In this sense, the principles of institutional and professional interdisciplinarity must be taken into account, so that the knowledge used in a unison way reach the result that is environmental education.

The help of sciences other than law - such as psychology and pedagogy - is of fundamental importance in order to achieve the objective that criminal alternatives can provide (measures of a preservative socio-educational nature). The valuable contribution of environmental sciences, such as ecological sciences, soil sciences, forest engineering, etc. cannot be dismissed. They will be able to assist in the creation of projects aimed at preservation, repair and environmental education within the criminal process.

The creation of reflective groups as an alternative measure to cases of environmental crimes - even if not included in specific legislation - is an important opportunity to promote environmental awareness and education, as it prioritizes transforming criminal measures and alternatives into opportunities for transforming values, changing posture and conduct, as well as a new vision aimed at preserving and recovering the environment and minimizing the damage caused to nature.

REFERENCES

[1] Almeida, M. R., Francesconi, M., & Fernandes, P. P. (2019). Manual para Desenvolvimento de Pesquisa Profissional. São Paulo: Atlas.
[2] Antunes, P. d. (2014). Direito Ambiental (16 ed.). São Paulo: Atlas.
[3] Brasil. (31 de agosto de 1981). Lei 6.938 de 31 de agosto de 1981. Brasília, DF. Brasília, DF. Acesso em 23 de Sep. de 2019, disponível em Planalto.gov: http://www.planalto.gov.br/ccivil_03/Lei/Lei6938.htm
[4] Brasil. (11 de julho de 1984). Lei 7.209, de 11 de julho de 1984. Brasília, DF, Brasil. Acesso em 05 de Jun. de 2020, disponível em Planalto.gov: http://www.planalto.gov.br/ccivil_03/lei/9795.htm
[5] Brasil. (05 de outubro de 1988). Constituição da República Federativa. Brasília, DF, Brasil. Fonte: Planalto: http://www.planalto.gov.br/ccivil_03/constituciao/constitui cao.htm
[6] Brasil. (12 de fevereiro de 1998). Lei 9.605 12 de fevereiro de 1998. Brasília, DF, Brasil. Acesso em 2019 de sep. de 23, disponível em Planalto.gov: http://www.planalto.gov.br/ccivil_03/lei/9605.htm
[7] Brasil, C. (16 de dezembro de 1830). Brasília, DF, Brasília. Acesso em 04 de Jun. de 2020, disponível em http://www.planalto.gov.br/ccivil_03/lei/lim/lim-16-12-1830.htm
[8] Brasil, C. (22 de maio de 2007). Recomendação nº 11, Brasília, DF, Brasília. Acesso em 12 de Apr. de 2020, disponível em https://atos.cnj.jus.br/atos/detalhar/867]
[9] Brasil, C. (03 de março de 2015). Resolução nº 201, Brasília, DF, Brasília. Acesso em 12 de Apr. de 2020, disponível em https://atos.cnj.jus.br/atos/detalhar/atos-normativos?documento=2126
[10] Brasil, C. (31 de agosto de 2018). Resolução nº 249, Brasília, DF, Brasil. Acesso em 12 de Apr. de 2020, disponível em https://atos.cnj.jus.br/atos/detalhar/atos-normativos?documento=2663
[11] Brasil, C. (25 de junho de 2019). Resolução nº 288, Brasília, DF, Brasília. Acesso em 27 de May 2020, disponível em https://atos.cnj.jus.br/atos/detalhar/atos-normativos?documento=2957
[12] Brasil, C. (2020). Manual de gestão para alternativas penais. Brasília, DF, Brasil: Coleção Justiça Presente.
[13] Coimbra, J. (2000). Considerações sobre a Interdisciplinaridade. Em A. Philipponi Junior, C. E. Tucci, D. J. Hogan, & R. Nagegantes, Interdisciplinaridade em Ciências Ambientais (pp. 52-69). São Paulo: Signus.
[14] Costa, C. (2013). A Tutela Penal do Meio Ambiente: A Conciliação entre Dois Sistemas de Proteção. Curitiba: Juruá.
[15] Diniz, S. (2017). Por uma Ética Ambiental Kantiana: a efetivação do princípio da dignidade da pessoa humana e do direito ao meio ambiente ecologicamente equilibrado. Em É. Reis, & M. Rocha, Filosofia da Natureza e Direito Ambiental: Fundamentos Para uma Nova Ética Ambiental (pp. 145-171). Belo Horizonte: 3i.
[16] Duarte, M. (01 de agosto de 1999). Evolução histórica do Direito Penal. Revista Jus Navigandi. Acesso em 4 de Jun. de 2020, disponível em https://jus.com.br/artigos/932
[17] Fazenda, I. (2008). Interdisciplinaridade - Transdisciplinaridade: visões culturais e epistemológicas. Em I. Fazenda, O que é Interdisciplinaridade? (pp. 17-28). São Paulo: Cortez.
[18] Fernandes, E. (2014). Meio Ambiente e Direitos Humanos: O Deslocamento de Pessoas por Causas Ambientais Agravadas Pelas Mudanças Climáticas. Curitiba: Juruá.
[19] Leite, F. (2017). Manual de Gestão para Alternativas Penais. Brasília, DF, Brasil. Acesso em 20 de Jun. de 2020, disponível em http://antigo.depen.gov.br/DEPEN/dirpp.cfgap/modelo-de-gestao/copy2_of_ModelodeGestoparaAsAlternativasPenais.pdf
[20] Martins, J. (2008). Penas Alternativas (2 ed.). Curitiba: Juruá.
[21] ONU. (1972). Declaração de Estocolmo sobre o Meio Ambiente Humano. Estocolmo. Acesso em 21 de May de 2020, disponível em http://www.direitoshumanos.usp.br/index.php/Meio-Ambiente/declaracao-de-estocolmo-sobre-o-ambiente-human.html
[22] Poder Judiciário do Estado de Acre. (3 de junho de 2019). "O que cometi, não vou mais fazer", diz pessoa em cumprimento de medidas alternativas penais por delito ambiental. Rio Branco, Acre, Brasil. Acesso em 5 de Jun. de 2020, disponível em https://www.tjac.jus.br/2019/noticias/o-que-cometi-nao-vou-mais-fazer-diz-pessoa-em-cumprimento-de-medidas-alternativas-penais-por-delito-ambiental/
[23] Resende, G. (2017). Por uma Nova Ética Ambiental à luz da Epistemologia de David Hume. Em É. Reis, & M. Rocha, Filosofia da Natureza e Direito Ambiental: Fundamentos Para uma Nova Ética Ambiental (pp. 173-196). Belo Horizonte: 3i.
[24] Rohde, G. (1996). Epistemologia Ambiental: Uma Abordagem Filosófico-Científica sobre a Efetuação Humana Alopética. Porto Alegre: EdPUCRS.
[25] Saliba, M. (2009). Justiça Restaurativa e Paradigma Punitivo. Curitiba: Juruá.
[26] Takada, M., & Ruschel, C. (2012). A (in) Eficácia das penas nos crimes ambientais. Revista Eletrônica de Iniciação Científica, 3(3), 1043-1062. Acesso em 31 de Jul. de 2019, disponível em www.univali.br/rjcc - ISSN 2236-5044
[27] Vargas, V. (2000). Projetos em Ciências Ambientais: Relato de Casos. Em A. Philipponi Junior, C. Tucci, D. Hogan, & R. Nagegantes, Interdisciplinaridade em Ciências Ambientais (pp. 156-168). São Paulo: Signus.