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STRUCTURAL EXTRAJUDICIAL ACTION BY THE PUBLIC PROSECUTOR'S OFFICE: TOOLS FOR ADEQUATE SOLUTIONS TO PROBLEMS

ATUAÇÃO EXTRAJUDICIAL ESTRUTURAL DO MINISTÉRIO PÚBLICO: FERRAMENTAS PARA SOLUÇÕES ADEQUADAS DE PROBLEMAS

ACTUACIÓN EXTRAJUDICIAL ESTRUCTURAL DEL MINISTERIO PÚBLICO: HERRAMIENTAS PARA SOLUCIONES ADECUADAS DE PROBLEMAS

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ABSTRACT

Brazil's 1988 Constitution reframed the Public Prosecutor's Office (MP) as a guardian of the legal order and collective interests, widening its toolbox beyond litigation. This paper analyses four structural extrajudicial instruments available to the MP—inquérito civil (civil inquiry), administrative procedure, recommendation, and term of conduct adjustment—as mechanisms for preventing and resolving collective disputes. Based on doctrinal and normative research, we argue that the 'resolutive model', grounded in institutional dialogue and consensus, is better suited to address complex, polycentric conflicts than purely adversarial lawsuits. These instruments foster flexibility, speed and cost-effectiveness, but their success depends on methodological refinement and internal cultural change. We conclude that structural extrajudicial action represents a promising path towards de-judicialisation, enhancing the effective protection of fundamental rights and catalysing the transformation of dysfunctional public structures.

Keywords: Public Prosecutor's Office. Structural Litigation. Civil Inquiry. Term of Conduct Adjustment. Recommendation.

RESUMO

A Constituição Federal de 1988 redesenhou o papel do Ministério Público (MP), conferindo-lhe atribuições que extrapolam a atuação contenciosa tradicional. Este artigo examina os principais instrumentos de atuação extrajudicial voltados à prevenção e resolução de litígios coletivos de natureza estrutural — inquérito civil, procedimento administrativo, recomendação e termo de ajustamento de conduta. Parte-se da premissa de que o modelo resolutivo, alicerçado no diálogo institucional e na consensualidade, é compatível com a complexidade dos conflitos policêntricos que marcam a agenda pública brasileira. Combina-se pesquisa bibliográfica com análise documental normativa para demonstrar que tais instrumentos oferecem flexibilidade, celeridade e economicidade, ainda que demandem adequações metodológicas e mudança cultural internas ao MP. Conclui-se que a atuação extrajudicial estruturante se apresenta como via efetiva de

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desjudicialização, capaz de promover a tutela efetiva de direitos fundamentais e a transformação de estruturas estatais disfuncionais.

Palavras-chave: Ministério Público. Litígio Estrutural. Inquérito Civil. Termo de Ajustamento de Conduta. Recomendação.

RESUMEN
La Constitución Federal de 1988 rediseñó el papel del Ministerio Público (MP), atribuyéndole competencias que exceden la actuación contenciosa tradicional. Este artículo examina los principales instrumentos de actuación extrajudicial orientados a la prevención y resolución de litigios colectivos de naturaleza estructural - investigación civil, procedimiento administrativo, recomendación y término de ajuste de conducta. Se parte de la premisa de que el modelo resolutivo, basado en el diálogo institucional y en la consensualidad, es compatible con la complejidad de los conflictos policéntricos que marcan la agenda pública brasileña. Se combina investigación bibliográfica con análisis documental normativo para demostrar que tales instrumentos ofrecen flexibilidad, celeridad y economicidad, aunque exigen adecuaciones metodológicas y un cambio cultural interno en el MP. Se concluye que la actuación extrajudicial estructurante se presenta como una vía eficaz de desjudicialización, capaz de promover la tutela efectiva de los derechos fundamentales y la transformación de estructuras estatales disfuncionales.

Palabras clave: Ministerio Público. Litigio Estructural. Investigación Civil. Término de Ajuste de Conducta. Recomendación.

1 INTRODUCTION

The 1988 Constitution of the Republic reshaped the Brazilian Public Prosecution Service, transforming it into an institution dedicated to defending the legal order, the democratic regime, and inalienable social and individual interests (art. 127, caput). Since then, the standing granted to the prosecution service to bring collective actions—public civil actions, popular actions, collective writs of mandamus, among others—has become a cornerstone for the protection of diffuse and collective rights. Four decades of experience, however, have shown that an exclusively judicial path, anchored in structural judgments with complex enforcement, has not been sufficient to provide adequate and timely responses to disputes marked by high factual density, multiple defendants, and significant social impact.

The proliferation of structural disputes involving health, education, housing, the environment, and public policies in general, combined with the chronic slowness of the Judiciary, has encouraged the development of a so-called "resolutive model," grounded in cooperative and consensual extrajudicial action. In this context, instruments such as the civil inquiry, the administrative proceeding, the recommendation, and, above all, the conduct adjustment agreement (Termo de Ajustamento de Conduta—TAC) have come to occupy a central place in the agenda of the Public Prosecution Service, functioning as arenas for negotiation, diagnostic assessment, and the negotiation of commitments capable of reshaping dysfunctional state structures.

The normative framework supporting these mechanisms is robust: art. 129, items III and VI, of the Federal Constitution; Law No. 7,347/1985 (the Public Civil Action Act); Complementary Law No. 75/1993; as well as resolutions of the National Council of the Public Prosecution Service (CNMP), notably Resolution No. 23/2007 (civil inquiry) and Resolution No. 179/2017 (regulation of TACs). These instruments grant the prosecution service investigative, negotiating, and monitoring powers that, if properly employed, reduce procedural costs, enhance transparency, and foster tailor-made solutions for polycentric conflicts.

Starting from the premise that structuring public policies goes beyond the binary logic of granting or denying claims, the following questions arise: to what extent can the extrajudicial instruments of the Public Prosecution Service be understood as genuine "structural remedies"? What factors condition their success, and what risks do they pose to institutional legitimacy and accountability? How can negotiating flexibility be reconciled with effectiveness and democratic oversight?

This article seeks to answer these questions through bibliographic and documentary research. It combines a review of the literature, an examination of the normative framework,

and a study of emblematic cases drawn from institutional reports and judicial databases. Finally, the concluding remarks synthesize the findings and suggest avenues for future research.

2 INSTRUMENTS FOR THE PUBLIC PROSECUTOR'S OFFICE'S EXTRAJUDICIAL STRUCTURAL ACTION

It is well known that the Federal Constitution of 1988 (Brazil, 1988) offered a new outlook on the Public Prosecutor's Office (Ministério Público), considerably expanding its role in the social framework. The institution came to be regarded as an essential function of justice, entrusted with defending the legal order and the interests of society. To achieve these aims, the Public Prosecutor's Office may rely on a variety of instruments to, out of court, resolve problems that require its intervention, especially structural disputes. Among the instruments available are the civil inquiry, the administrative proceeding, recommendations, and terms of adjustment of conduct (TAC).

Therefore, prosecutorial action should be facilitated by the provision of tools suited to its relevant functions. From this perspective, to achieve its objectives, the Public Prosecutor's Office may use various instruments to, extrajudicially, resolve swiftly and effectively problems that require its intervention, especially structural disputes. It is undisputed that the Public Prosecutor's Office has standing to seek the solution of social conflicts through both judicial and extrajudicial avenues, acting proactively in conflict resolution.

In this context, it is clear that the Public Prosecutor's Office's action is not limited to filing lawsuits. These, in turn, have not been effectively resolving collective disputes satisfactorily, so that, not infrequently, the judge dismisses the collective proceeding without duly examining the merits of the matter presented, given the backlog of cases the justice system faces and the delay it suffers.

Thus, although the Prosecutor's Office has a history that highlights a demand-driven model of action, after the 1988 Constitution entered into force the Public Prosecutor's Office has progressively embraced and refined the resolutive model, which, it bears repeating, seeks to achieve consensual solutions without resorting to the Judiciary. The resolutive model of prosecutorial action encourages dialogue, with the consequent exercise of dynamic law, capable of engaging with other fields of knowledge as well as adapting to the continuous changes in society.

Based on this premise, it should be noted that the Public Prosecutor must always pay attention to the circumstances present in the environment in which they are situated, so that

they can more clearly perceive the vicissitudes of their social reality and, thus, apply the resolutive model more effectively.

Accordingly, it appears that a new perspective of action was presented to the Public Prosecutor's Office, since the resolutive model is a new way of dealing with the community's collective conflicts (Almeida, 2019). This model is an effective and necessary route for the Prosecutor's Office to fulfill its constitutional duty to protect social rights, and it requires an internal cultural shift, preparing members and staff to foster dialogue and consensus regarding the solution of social conflicts. To this end, the Public Prosecutor's Office has extrajudicial action tools characterized as administrative proceedings in the *latu sensu* sense; that is, acts that, in general, give form to the institution's extrajudicial action.

The measures mentioned are quite convenient insofar as they can be proposed and, even if the expected solution is not achieved, their use does not prevent the filing of the pertinent judicial measure. In other words, the member of the Public Prosecutor's Office has two possibilities of action: they may submit their demands to the Judiciary, or they may obtain a solution to conflicts through the use of extrajudicial means. In view of this, it is evident that, in its resolutive action in defense of social interests and non-disposable individual rights, the Public Prosecutor's Office may use instruments that promote extrajudicial resolution.

However, in a context of structural problems, it is observed that such tools must observe certain peculiarities in order to be truly effective. This is because a structural dispute is not resolved within a lawful-unlawful logic; it "arises from the way a given structure operates in society, generating certain consequences that one seeks to change" (Vitorelli, 2025, p. 60). Therefore, although the behavior of the structure is perceived as the cause of the violation of rights, that term must be understood in a broader context.

It should be noted that the administrative proceeding *latu sensu* is the genus of which the Civil Inquiry, the administrative proceeding *stricto sensu*, the term of adjustment of conduct, and the recommendation are species. Each of these instruments requires specific analysis due to its particularities.

3 CIVIL INQUIRY

The Civil Inquiry (Inquérito Civil) is an extrajudicial instrument available to the Public Prosecution Service (Ministério Público). Its emergence in the Brazilian legal system occurred with the enactment of Law No. 7,347/85 (Brazil, 1985), known as the Public Civil Action Act. Subsequently, the Federal Constitution ratified its existence, establishing in Article 129, item III, that "it is an institutional function of the Public Prosecution Service to institute a civil inquiry for the protection of public and social property, the environment, and

other diffuse and collective interests" (Brazil, 1988). In addition to the constitutional and statutory provisions, it is also worth noting that CNMP Resolution No. 23/2007 (Brazil, 2007) regulated the institute.

The civil inquiry is defined as an extrajudicial proceeding aimed at gathering the evidentiary elements necessary for filing a public civil action (Garcia, 2017). Secondarily, it may also serve, within its scope, to enable the execution of a conduct adjustment agreement (Termo de Ajustamento de Conduta - TAC), the issuance of recommendations, and the scheduling of public hearings (Mazzilli, 2021). However, it is essential to clarify that the civil inquiry is a dispensable procedure (Ziesemer, 2021). This is because, if the prosecuting authority already has sufficient evidence to file the action, it may do so regardless of whether this instrument has been initiated.

In light of this, the civil inquiry is characterized by dispensability, exclusivity to the Public Prosecution Service, the absence of an adversarial proceeding, and the lack of interference by the Judiciary.

It is worth recalling that a civil inquiry may be initiated by ordinance, by an order admitting a complaint/petition, or by determination of either the Prosecutor-General of Justice (Procurador-Geral de Justica) or the Superior Council of the Public Prosecution Service. Direct initiation by the Prosecutor-General occurs when the matter falls within the Prosecutor-General's original jurisdiction. Initiation by the Superior Council occurs when that body grants an appeal filed against a decision that denied a request to open a civil inquiry. Initiation may also occur when the Council refuses to approve the archiving of preliminary information records.

After the civil inquiry is initiated, the competent member, who presides over the investigation, will gather the essential evidentiary elements to properly ascertain the object under investigation. Thereafter comes the final phase, namely, closure, which may conclude with archiving (which depends on approval by the Superior Council of the Public Prosecution Service to produce concrete effects) or with the filing of the relevant judicial action.

It should be added that the civil inquiry has a reflex or secondary instrumentality (Garcia, 2017). In other words, although its purpose is to investigate a situation with a view to the future filing of a public civil action, it is not improper to use the information obtained to support other proceedings, such as a disciplinary administrative process or a criminal action.

It is also noteworthy that, although the civil inquiry may serve as a basis for a public civil action - whose list of parties with standing to sue goes beyond the Public Prosecution Service - the civil inquiry itself may only be instituted by the Public Prosecution Service. This

circumstance does not, of course, prevent other parties with standing from gathering evidence to support their own actions.

In the context of a structural problem, the use of the civil inquiry as an inducer of structural solutions may be feasible, insofar as it is capable of immersing itself in the underlying reality. To that end, it becomes necessary to shift the focus of the civil inquiry. Its scope cannot be limited to the search for a culprit, an unlawful situation, or grounds for a public civil action, only then to turn to the adoption of strategies.

On the contrary, this inquiry should serve to stimulate and promote changes in the structure, moving away from a state of nonconformity toward an intended ideal state. If the structural problem is not purely a matter of classifying conduct as legal or illegal, this instrument should be understood as a tool for intervening in the bureaucracy or policy that one seeks to restructure.

4 RECOMMENDATION

The instrument known as a recommendation is another important tool available to the Public Prosecutor's Office to seek the extrajudicial resolution of conflicts. Through this measure, the prosecutor warns the agents involved in the unlawful conduct of a possible irregular situation, thereby precluding any future allegation of good faith or ignorance on their part.

It should be noted that the possibility of issuing recommendations is provided for in the National Organic Law of the Public Prosecutor's Office (BRAZIL, 1993b) (Law No. 8,625/1993), since Article 26, item VII, states that, in the exercise of its functions, the Public Prosecutor's Office may "suggest to the competent authority the enactment of rules and the amendment of the legislation in force, as well as the adoption of proposed measures aimed at the prevention and control of criminality." In addition, the following article of the same statute provides that the Public Prosecutor's Office, in exercising the defense of the rights ensured in the Federal and State Constitutions, may issue "recommendations addressed to the bodies and entities mentioned in the caput, requesting that the addressee give them adequate and immediate publicity, as well as provide a written response."

It should also be emphasized that Supplementary Law No. 75/93 (BRAZIL, 1993a), in Chapter II, concerning the instruments of action of the Federal Public Prosecutor's Office (Ministério Público da União), provides that the MPU is empowered to "issue recommendations, aiming at improving public services and services of public relevance, as well as ensuring respect for the interests, rights and assets whose defense it is charged with promoting, setting a reasonable deadline for the adoption of the appropriate measures."

It should be highlighted that, considering the need to standardize the Public Prosecutor's Office's action with respect to issuing recommendations, as a guarantee to society and a legitimate mechanism for promoting individual and collective fundamental rights, the National Council of the Public Prosecutor's Office (CNMP) issued Resolution No. 164, of March 28, 2017 (Brazil, 2017b).

The non-binding nature of prosecutorial recommendations is undisputed. However, this does not mean they are ineffective. Hugo Nigro Mazzilli (1996) attributes to the recommendation a substantial degree of moral force, since the recipient agent must publicize it and will not be able to claim, in the future, lack of knowledge or good faith regarding the unlawful situation. Moreover, the recipient is also required to respond to the prosecutor, with reasons, indicating whether the suggested measures will be adopted.

This instrument is governed by several principles (CNMP Resolution No. 164/2017) (Brazil, 2017a), including: reasoning; formality; solemnity; speed and timely implementation of the recommended measures; publicity, morality, efficiency, impersonality and legality; the broadest possible scope of the object and the recommended measures; the guarantee of access to justice; maximum usefulness and effectiveness; the non-binding nature of the recommended measures; a preventive or corrective character; resolutiveness; legal certainty; and balancing and proportionality in cases of tension between fundamental rights.

Accordingly, it follows that it would be entirely appropriate for recommendations—provided they are grounded in the principles transcribed above—to be complied with by their respective addressees, since observing them, in most cases, prevents the prolongation of irregular situations, such as omissions in the implementation of public policies, which directly affect collective interests. In this way, the recommendation has an indirect coercive force, akin to a "soft law," capable of inducing the adoption of law-compliant practices, thus avoiding the filing of public civil actions.

It is essential to add that a recommendation may be used to propose new structural measures. Nonetheless, it is worth noting that recommendations by themselves may lack the coercive and imperative force required to completely put an end to a structural problem, given the complexity of such problems, which involve multiple issues and actors.

Edilson Vitorelli (2022, p. 156) takes a similar view, stating that "in the context of a structural change, complex and polycentric, a recommendation drafted unilaterally will hardly be effective." Complex problems do not arise all at once, in a single moment or act. On the contrary, they emerge from a confluence of factors and circumstances. Thus, a recommendation that merely asks the public manager to indicate solutions will very likely produce no effect whatsoever.

Nevertheless, recommendations, although they do not by themselves change the situation of non-compliance, can assist the process of solving the structural problem when combined with other instruments. In other words, recommendations can indeed be very helpful when, used within the framework of a civil inquiry or administrative proceeding, they aim to remove obstacles that hinder the transition from the state of non-compliance to the desired state of affairs.

Therefore, without ignoring the presence of obstacles that make the context unfavorable, it is concluded that the establishment of extrajudicial measures by the Public Prosecutor's Office to solve structural problems is a valid proposal, provided that the peculiarities of a structural problem—such as high complexity, conflictuality and a polycentric character—are taken into account. With that caveat, there is potential to achieve satisfactory results without involving the Judiciary, which is already overloaded with demands, thereby fostering speed, dialogue and effective access to justice.

5 CONDUCT ADJUSTMENT AGREEMENT (TAC)

In addition to recommendations, there is the Conduct Adjustment Agreement (TAC), another instrument capable of resolving disputes extrajudicially through the execution of agreements aimed at solving a problem, which may even be structural. This instrument is set forth in paragraph 6 of article 5 of Law No. 7,347/1985, the Public Civil Action Act (BRAZIL, 1985). There is also CNMP Resolution No. 179/2017 (BRAZIL, 2017c), which regulates the taking of the conduct adjustment commitment.

It is a technique intended to seek the extrajudicial solution of conflicts and may be pursued not only by the Public Prosecution Service, but also by other public bodies. The document has the nature of an extrajudicial enforceable title and requires the party responsible for any damage to restore the improper situation, under penalty of incurring the sanctions also set forth in the agreement.

Because it is a juridical transaction, the TAC must include the requirements for its validity: the parties must have capacity, their intentions must be free, and there may be no defects of consent. In addition, the form is free and the object must be lawful. Finally, once all obligations contained in the conduct adjustment commitment have been fulfilled, within the deadline, under the conditions fixed and in the manner provided, they are deemed extinguished and the matter is archived (Public Civil Action Act, art. 9) (BRAZIL, 1985).

It is an excellent tool to enable consensuality in structural disputes, materializing a meaningful commitment among all groups and subgroups so that each of those involved can perceive the structural problem from the perspective of the other, as taught by Matheus

Casimiro Gomes Serafim (2021, p. 108). Resolving structural disputes through consensus formalized by the execution of terms of commitment is almost always convenient, beneficial, and advantageous for everyone involved.

However, Vitorelli (2025, p. 159) warns that, in Brazil, what is lacking is not the so-called "culture of agreement," as is often said. What is really lacking is a procedural environment in which resolving disputes by agreement is more advantageous. "This analysis is valid for any type of agreement, in any type of proceeding. But it is even more valid when one considers an agreement in a structural dispute."

It is important to clarify that this unfavorable context for agreement results from several factors. Nevertheless, in most cases, there is little incentive for the conclusion of agreements. Public and private institutions have many sectors, which entails complex bureaucratic decision-making methods (Vitorelli, 2025, p. 161).

Moreover, managers of these entities are pushed to make short-term decisions, leaving to their successors the problems whose consequences are more severe; thus, there is a preference for always postponing the solution of complex problems.

It should be added that, in order to create incentives for the making of structural agreements and for their implementation to achieve effective results, it is necessary to verify the need for such agreements to have a certain degree of flexibility both in identifying the problems and in setting the solutions.

Thus, it follows that, for a structural TAC to be effective and to promote changes in which the solution to a complex (structural) problem can be envisaged, it is necessary to implement several measures. This is because structural disputes are characterized by the impossibility of determining a single solution capable of reaching the ideal state of affairs, given the already discussed polycentric nature of these structural conflicts.

6 CONSULTATIONS

Antonio do Passo Cabral (2025) emphasizes that the exercise of the judicial function is not exhausted in the issuance of imperative commands. Within a multifaceted reality marked by polycentric conflicts, the need for legal certainty is heightened. In this sense, the consultative action of the Judiciary is not only convenient, but indispensable.

Dissociating legal knowledge from authoritarian imposition expands the repertoire of remedial techniques without violating the principle of non-exclusion of judicial review. Although the response issued does not impose a specific performance, it has binding force as a product of the interpretation (res interpretata). Its primary function is preventive. By clarifying normative doubts before the dispute erupts, the Judiciary provides legal certainty,

avoids contradictory decisions, and reduces the social costs associated with excessive judicialization.

It should be added that, even in the absence of an enforceable decision, the consultative procedure must ensure adversarial participation, publicity, and the possibility of participation by potential interested parties. Such guarantees preserve the democratic dimension of jurisdiction.

One therefore perceives the convenience of using this tool in structural proceedings. In complex disputes, scholarship refers to dialogue (consensus) and decision (relief/control) as vectors for solving the problem. In addition, consultation may represent a third vector that cannot be neglected. Specific interpretive doubts that are obstructing a consensual solution may potentially be resolved through consultations. Once the specific divergence is overcome, dialogue about the remaining issues can be resumed with good prospects of success.

There is no reason to speak of constitutional or legal incompatibility of consultative judicial action. Article 5, XXXV, of the Constitution does not prevent the Judiciary from exercising consultative functions; on the contrary, it reinforces the duty to provide adequate protection. Cabral (2025) demonstrates this reasoning by pointing to positive examples of consultations within the National Council of Justice and Electoral Justice. Moreover, the duty to enhance legal certainty by responding to consultations is common to public authorities, including judges, under article 30 of the Introductory Law to the Rules of Brazilian Law (LINDB).

7 ADMINISTRATIVE PROCEEDING

There is also the possibility of initiating administrative proceedings (PA) that may take on a structural bias. This instrument is regulated by CNMP Resolution No. 174/2017 (BRAZIL, 2017b). Under this regulation, it is a tool intended to "monitor compliance with the clauses of a conduct adjustment agreement; monitor and oversee, on an ongoing basis, public policies or institutions; ascertain facts that give rise to the protection of non-waivable individual interests; and support other activities not subject to a civil inquiry."

Accordingly, it follows that the PA is excellent for the proper monitoring of institutions, policies, programs, and structural measures. It is a more flexible instrument compared to the civil inquiry, since its aim is not strictly to investigate a possible unlawful situation, but rather, as seen above, to assist and monitor the implementation of measures.

To be effective, the administrative proceeding cannot have as its sole purpose the ascertainment of facts to support the filing of a lawsuit. In a scenario where a structural

problem is present, there is no single specific fact to be ascertained for the problem to be solved. It is necessary to understand the fact and all the related situations affected by it, and then devise a plan to solve the structural problem.

Thus, it is appropriate to expand the role of the proceeding so that solutions to structural problems can be reached. Such resolution will only be implemented if the proceeding serves as a conciliatory tool, encouraging dialogue and possessing the capacity to influence the various sectors involved in the structural dispute.

8 FINAL CONSIDERATIONS

The analysis confirms that the Public Prosecution Service's structural extrajudicial action emerges as a preferable alternative to the judicialization of complex collective claims. The instruments assessed are capable of virtuously transforming states of nonconformity, either through consensus or by inducing administrative changes based on recommendations. It was also found that civil inquiries and administrative proceedings function as dialogical spaces, allowing state and social actors to build shared diagnoses and define feasible implementation timetables.

Nevertheless, the effectiveness of these mechanisms remains conditioned on three central variables: (a) procedural legitimacy, ensured by transparency and social participation; (b) technical capacity, expressed in the adoption of impact-analysis methodologies, performance indicators, and real-time monitoring; and (c) accountability and the possibility of review in cases of noncompliance or abuse of power.

In this sense, it is recommended: (a) the issuance of a national regulation unifying minimum parameters for negotiating and supervising TACs; (b) the creation of permanent units for consensual methods within each branch of the Public Prosecution Service, staffed with facilitators trained in the resolution of complex conflicts; (c) investment in digital governance, particularly in platforms for managing civil inquiries and dashboards for TAC compliance, to ensure public access to information and increase reputational pressure for performance; (d) the holding of public hearings or social listening sessions prior to signing agreements with major social impact; (e) the inclusion, in recruitment examinations for entry into the career, of content related to consensuality and the theory of structural litigation.

From the perspective of institutional culture, the success of extrajudicial action requires a different way of thinking about the exercise of the institutional mission of the Public Prosecution Service, moving from a predominantly litigious logic to a facilitator-prosecutor stance, capable of articulating collaborative networks and mediating heterogeneous interests. This shift requires continuing education in negotiation and behavioral economics.

Therefore, structural extrajudicial action, if supported by transparent procedures, internal capacity-building, and monitoring mechanisms, has the potential to reduce litigation, optimize public resources, and promote lasting and gradual structural transformations, reinforcing the centrality of the Public Prosecution Service in the promotion of fundamental rights and in the consolidation of the Democratic Rule of Law.

REFERENCES

Almeida, G. A. de. (n.d.). O Ministério Público no neoconstitucionalismo: Perfil constitucional e alguns fatores de ampliação de sua legitimação social. http://www.unifafibe.com.br/revistasonline/arquivos/revistajuridicafafibe/sumario/5/14042010170607.pdf

Arenhart, S. C., & Osna, G. (2021). Curso de processo civil coletivo (3ª ed.). Revista dos Tribunais.

Arenhart, S. C., Osna, G., & Jobim, M. F. (2021). Curso de processo estrutural. Revista dos Tribunais.

Azevedo, E. de A. (1999). Autonomia administrativa e financeira do Ministério Público. Justitia, 60 anos.

Brasil. (1985). Lei nº 7.347, de 24 de julho de 1985. Disciplina a ação civil pública de responsabilidade por danos causados ao meio ambiente, ao consumidor, a bens e direitos de valor artístico, estético, histórico, turístico e paisagístico e dá outras providências. http://www.planalto.gov.br/ccivil_03/leis/l7347orig.htm

Brasil. (1988). Constituição da República Federativa do Brasil de 5 de outubro de 1988. http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm

Brasil. (1993a). Lei Complementar nº 75, de 20 de maio de 1993. Dispõe sobre a organização, as atribuições e o estatuto do Ministério Público da União. http://www.planalto.gov.br/ccivil_03/leis/lcp/lcp75.htm

Brasil. (1993b). Lei nº 8.625, de 12 de fevereiro de 1993. Lei Orgânica Nacional do Ministério Público. http://www.planalto.gov.br/ccivil_03/leis/l8625.htm

Brasil. Conselho Nacional do Ministério Público. (2007). Resolução nº 23, de 17 de setembro de 2007. https://www.cnmp.mp.br/portal/images/Normas/Resolucoes/Resolucao-0232.pdf

Brasil. Conselho Nacional do Ministério Público. (2017a). Resolução nº 164, de 28 de março de 2017. https://www.cnmp.mp.br/portal/images/Resolucoes/Resolu%C3%A7%C3%A3o-164.pdf

Brasil. Conselho Nacional do Ministério Público. (2017b). Resolução nº 174, de 4 de julho de 2017. https://www.cnmp.mp.br/portal/images/Resolucoes/Resolucao-174-1.pdf

Brasil. Conselho Nacional do Ministério Público. (2017c). Resolução nº 179, de 26 de julho de 2017. https://www.cnmp.mp.br/portal/images/Resolucoes/Resolu%C3%A7%C3%A3o-179.pdf

Cabral, A. do P. (2025). Jurisdição sem decisão: Non liquet e consulta jurisdicional no direito brasileiro (3ª ed.). JusPodivm.

Costa, S. H. da, & Fernandes, D. C. M. (2017). Processo coletivo e controle judicial de políticas públicas – Relatório Brasil. In K. Watanabe (Org.), Processo coletivo e controle judicial de políticas públicas.

Daher, L. L. N. (2021). Ministério Público resolutivo e o tratamento adequado dos litígios estruturais (1ª ed., 1ª reimp.). D'Plácido.

Da Ponte, A. C., & Demercian, P. H. (2016). Algumas considerações sobre o Ministério Público no direito estrangeiro. Revista Jurídica ESMP-SP, 10, 15–40.

De Freitas, E. R. (2021). Termo de ajustamento de conduta em razão da morte de João Alberto Freitas no Supermercado Carrefour: Um exemplo de boa prática institucional. Revista da Defensoria Pública da União, 16, 265–269.

Didier Jr., F., Cabral, A. do P., & Cunha, L. C. da. (2022). Por uma nova teoria dos procedimentos especiais: Dos procedimentos às técnicas (3ª ed.). JusPodivm.

Ferraz, A. A. M. de C. (1999). Ministério Público (2ª ed.). Atlas.

Fiss, O. (2024). To make the constitution a living truth: Four lectures on the structural injunction. In S. C. Arenhart, M. F. Jobim, & G. Osna (Orgs.), Processos estruturais (5ª ed.). JusPodivm.

Fiss, O. (2017). As bases políticas e sociais da adjudicação. In C. A. de Salles (Trad.), Direito como razão pública: Processo, jurisdição e sociedade (2ª ed.). Juruá.

Fontes, P. G. G. (2006). O controle da Administração pelo Ministério Público. Del Rey.

Garcia, E. (2017). Ministério Público: Organização, atribuições e regime jurídico (6ª ed.). Saraiva.

Garcia, M. J. (2016). A origem do Ministério Público e sua atuação no direito comparado. Revista Jurídica ESMP-SP, 10, 133–155. https://es.mpsp.mp.br/revista_esmp/index.php/RJESMPSP/article/view/44/27

Goulart, M. P. (2021). Elementos para uma teoria geral do ministério público (2ª ed.). D'Plácido.

Jatahy, C. R. de C. (2008). Curso de princípios institucionais do Ministério Público (3ª ed.). Lumen Juris.

Jobim, M. F. (2022). Medidas estruturantes na jurisdição constitucional: Da Suprema Corte estadunidense ao Supremo Tribunal Federal (3ª ed.). Livraria do Advogado.

Kluge, C. H., & Vitorelli, E. (2024). O processo estrutural no âmbito do sistema interamericano. In S. C. Arenhart, M. F. Jobim, & G. Osna (Orgs.), Processos estruturais (5ª ed.). JusPodivm.

Lima, R. M. de. (2020). A atuação extrajudicial do Ministério Público no período de pandemia: Estudo de caso do município de Baturité – Ceará. Revista Acadêmica da Escola Superior do Ministério Público do Ceará, 12(2). https://revistaacademica.mpce.mp.br/revista/article/view/46/40

Machado, A. C. da C. (1998). A intervenção do Ministério Público no processo civil brasileiro (2ª ed. rev. e atual.). Saraiva.

Marçal, F. B. (2021). Processos estruturantes. JusPodivm.

Martins Júnior, W. P. (2002). Controle da Administração Pública pelo Ministério Público. Juarez de Oliveira.

Mazzilli, H. N. (2021). A defesa dos interesses difusos em juízo (32ª ed.). JusPodivm.

Mazzilli, H. N. (2008). Introdução ao Ministério Público (7ª ed.). Saraiva.

Meirelles, H. L. (1983). Parecer sobre o Ministério Público. Justitia, 123, 1083.

Nery Júnior, N., & Nery, R. M. A. (2018). Código de processo civil comentado. Thomson Reuters, Revista dos Tribunais.

Osna, G. (2017). Processo civil, cultura e proporcionalidade: Análise crítica da teoria processual. Revista dos Tribunais.

Osna, G. (2020). Contratualizando o processo: Três notas sobre os negócios jurídicos processuais (e seu possível "fracasso"). Revista Eletrônica de Direito Processual – REDP, 14(21), 2.

Paes, J. E. S. (2003). O Ministério Público na construção do Estado democrático de direito. Brasília Jurídica.

Paraná. Ministério Público do Estado do Paraná. (n.d.). Resolução nº 1355. https://www.mppr.mp.br/

Pinto, R. B. (2015). O Ministério Público: Origens históricas, seu nascedouro no Brasil e sua posição nas Constituições pátria. Revista Associação Paulista do Ministério Público, 20(60), 86–91.

Sarlet, I. W., Mitidiero, D., & Marinoni, L. G. (2020). Curso de direito constitucional (9ª ed.). Saraiva Educação.

Sarmento, D. (2008). A proteção judicial dos direitos sociais: Alguns parâmetros ético-jurídicos. In Direitos sociais: Fundamentos, judicialização e direitos sociais em espécie (pp. 553–586). Lumen Juris.

Silva, J. S. L. da. (2018). O ministério público e o acesso à justiça em face dos interesses e direitos transindividuais: Em busca da resolutividade. Revista Cidadania e Acesso à Justiça, 4(1), 114–135. https://core.ac.uk/download/pdf/210567093.pdf

Silva, C. A. (2001). Justiça em jogo: Novas facetas da atuação dos promotores de justiça. Edusp.

Tosta, A. R., & Marçal, F. B. (2024). Gerenciamento processual adequado de demandas formalmente individuais a partir de uma visão estruturante: O reforço proporcionado pelo art. 21 da LINDB. In S. C. Arenhart, M. F. Jobim, & G. Osna (Orgs.), Processos estruturais (5ª ed.). JusPodivm.

Souza Junior, U. L. de. (2024). Nem os juízes são cientistas nem os tribunais são laboratórios – A prova estatística: Admissibilidade e aplicação nos processos estruturais. In S. C. Arenhart, M. F. Jobim, & G. Osna (Orgs.), Processos estruturais (5ª ed.). JusPodivm.

Souza Junior, J. R. de, & Lopes, M. T. R. (2021). O processo estrutural como instrumento de harmonização da intervenção judicial na concretização de direitos fundamentais com a realidade socioeconômica. Facit Business and Technology Journal, 1(29).

Violin, J. (2019). Processos estruturais em perspectiva comparada: A experiência norte-americana na resolução de litígios policêntricos [Tese de doutorado, Universidade Federal do Paraná].

Vitorelli, E. (2025). Processo civil estrutural: Teoria e prática (5ª ed.). JusPodivm.

Vitorelli, E. (2024). O devido processo legal coletivo: Dos direitos aos litígios coletivos (4ª ed.). Thomson Reuters Brasil.

Zaneti Jr., H. (2018). O Ministério Público e as normas fundamentais do direito processual civil brasileiro. Revista do Ministério Público do Rio de Janeiro, 68, 147.