

The job of the Armed forces in the subjects of public order and the democratic State of Right

The Brazilian society is facing serious difficulties in reason of the increase of the violence and of the taxes, that every day they still commit more the Brazilian worker's income. In times of crisis, the insecurity is a reality acted by the growth of the number of crimes obstacle to the person, the patrimony, among others. For force of these facts, some sections defend the use of the Armed forces in public safety's activities.

The chaos lived by the neighbor Colombia, that possesses one of the highest indexes of homicides, it is an indicator that the society should be attentive for the increase of the criminality and the combat the corruption, that you/they increase the cost of living and a lot of times move away the international investments in an extremely competitive market. The corruption should also be considered as being a vile crime without right to the benefits of regime progression and temporary freedom with or without bail.

The Federal Constitution, that should be the fundamental law of the State of Right and to be subject to limited modifications, differently of the more than fifty Amendments of the constitutional text, he/she brings the competence of each responsible organ for the safety, national or public. The division of attributions exists as form of avoiding eventual conflicts, that contribute to the maintenance of the order in anything and of the citizen's fundamental rights.

The activity policeman in Brazil is being rethought and you/he/she is suffering several critics due to the increase of the violence. The forces policemen act in the combat to the effects of the violence, and the primary causes have still been combated with shyness, presenting modest results. After all, in reason of the increase of the corruption, they lack resources for a politics of health, birth rate control, improvement of the education, and investment in the generation of new jobs, without which the country won't reach an improvement in the appraised indexes for the Organization of the United Nations.

The weakness of the law, that is the chosen instrument for the society for the coexistence of the several social groups in peace and harmony, takes to the suicide of the State and the invigoration of the parallel powers acted most of the time by the citizens offenders, which don't respect the order and the institutions previously established.

The actions practiced against the Brazilian Army are the example of the faith in the impunity, where the groups that are in the illegality believe that the illicit actions practiced against the structure of the State would not receive any answer on the part of the regular and constitutional forces, that you/they are the responsible for the preservation of the public order. In this sense, unlike intended him/it by some criticize, the Army is entitled legitimate of answering for the actions that were practiced against the people and the democratic Institutions.

The safety of a State cannot be discussion object just in moments of election or in case of crises that have repercussion close to society. It is necessary that technical themes are discussed by specialized professionals in the subject, to avoid that the reforms are just made by ordinances.

The forces policemen in Brazil meet fragmented, existing conflict of attributions besides in the day by day of the exercise of the professional activities. The lack of integration of the police is a reality that worries the citizen that looks for the protection of the State. Some integral of the forces policemen they don't accept the unification, and this also in reason of the historical tradition it is not the best road to restructure public safety's system.

The Military police and the Civil Police in States should continue existing, without that configures any obstacle the improvement of public safety's system. What is necessary is the creation of a federal law regulating the competence of each one of these organs police, and that it allows an effective integration of the organs policemen in the search of a service of safety that is of quality, together with a system effective prisional, for the execution of the feathers fastened by the Justice, moving away impunity sense once and for all.

The absence of a larger participation of the forces policemen in the subjects related with the public safety, mainly in those involving him/it traffics of narcotics and of weapons, beside the absence of effective investments on the part of the government organs, he/she does with that the population in the several States-members of the Federation looks for in other organs the necessary support for the execution of the rights foreseen in the art. 5th of the Federal Constitution, as the right to the life, to the freedom, to the property, to the safety, among others.

It is believed that the Armed forces could be developing activities of public safety, the ones which according to the constitutional text, art. 144, it is the forces policemen's private function, federal police, federal traffic police, federal rail police, civil police, military police and military fire brigades.

The military ones federal that integrate the Armed forces possess their attributions foreseen previously in the art. 142 of the Federal Constitution, and they are responsible for the maintenance of the national security, national sovereignty, defense of the Homeland and warranty of the constitutional powers, what is very several of the reserved attributions the forces policemen.

The action that this being taken to effect by the Armed forces is not able to and it should not be confused with his/her constitutional destination. The answer taken to effect by the Brazilian Army was necessary to demonstrate that the regular forces are not able to and they should not tolerate actions practiced against their Units or even against their members, what besides could take the a desestabilização of the State, whose existence is essential for the accomplishment of the objectives intended by the society. But, the action legitimates of the I Exercise should not be confused as his/her job in public safety's subjects.

Administered him/it that it executes their obligations, payment of taxes, withdrawal of contributions, and that he/she lives under the empire of the law and of the order, no it accepts that their fundamental rights are violated, and it looks for Institutions to assure him/her what this foreseen in the constitutional text.

The public safety is not a constitutional function of the Armed forces and no matter how much the Brazilian society wanted the job of the military ones federal in activities policemen this cannot happen. In case that was possible would be happening an insult to the constitutional text, that it hurts the democratic State of Right expressly.

The military ones that you/they integrate the Armed forces receive at their formation schools a several learning of that that is supplied at the schools policemen, civil or military, where their members are prepared for urban activities and of protection to the citizen. The agents policemen's objectives are gone back to the maintenance of the law and of the order, while the objectives of the military ones federal are gone back to the defense of the Homeland, with the activities in earth, sea or air, and when necessary even the enemy's enfrentamento in war situations.

Eventually the military ones federal they can be used in the public safety, but only in exceptional cases when the forces policemen don't reestablish the order and the violated social peace. The policeman's, civil or military, function is to care for the peace and public peacefulness, and when this objective is not reached raisin to exist an insecurity state and inquietude. Only on these moments, it is that

the Armed forces can be used in a transitory way for the re-establishment of the order.

The action that this being developed by the Brazilian Army in Rio de Janeiro should not be confused as his/her job in public safety's subjects. In reason of the suffered aggression it appeared for that terrestrial Force the need to recover the armament that was stolen him/her. The action of the Army is legitimates, but it cannot be used as precedent for the job of the Armed forces in public safety's subjects, unless State of siege is ordained or of Defense, or that it happens a request of the Governor of the State or of the Constituted Powers and an expressed authorization of the President, Commander-in-chief of the Armed forces.

The art. 142, in dies of the Federal Constitution establishes that, "the Armed forces are destined to the defense of the Homeland, to the warranty of the constitutional powers, and for initiative of any of these, of the law and of the order". it Exists, therefore, expressed constitutional forecast so that the Armed forces eventually are used in the public safety, but only in exceptional cases.

Safety's forces in Brazil are rendering in spite of the material limitations that a lot of times suffer a quality service in the search of the preservation of the rights and the citizen's fundamental warranties. One cannot forget although the forces policemen combat the effects and you don't cause them of the violence. While it doesn't happen an improvement in the education system, health, social attendance, birth rate control among other, the violence will continue increasing and the population will feel their effects.

The society together with the State it should look for the improvement of the political and social system, with investments in public safety's area, in the generation of jobs, in the distribution of income, in the improvement of the essential public services, avoiding this way that the citizens offenders increase their influences close to the more persons in need, that not even they know the notion and the meaning of the word been.

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