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THE EFFECTIVENESS OF THE RIGHT OF ACCESS TO JUSTICE: A PROPOSAL FOR THE IMPLEMENTATION OF MEDIATION AND CONCILIATION CENTERS IN LEGAL PRACTICE CENTERS (NPJ)

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ABSTRACT

The object of study of this research work is the proposal to implement a mediation and conciliation center, in the Legal Practice Centers (NPJs) of Law courses, enabling the inclusion of alternative means for conflict resolution, in the legal practice required by the academics of law courses and means of enforcing the right of access to justice. The relevance of the theme and its originality are intensified, to the extent that it can become a kind of directional instrument for the realization of the right of access to justice, carried out by the university. The objective of this research is to propose the implementation of the model of a Mediation and Conciliation Center in the Legal Practice Center, as a way of enforcing the right of access to justice. Regarding the methodology, to carry out the research, the triangulation of several methods was considered, in this case, the documentary, comparative and teleological hermeneutic with a deductive and empirical approach. A documentary survey was carried out about the legal instruments of the University's Law course, such as the National Curriculum Guidelines (DCN), the Pedagogical Project of the Law Course (PPC), NPJ regulations, internal resolutions, among others, so that, after analysis, it was possible to propose a set of modifications, adaptations and instructions to implement the Mediation and Conciliation Centers in the Legal Practice Centers of the Higher Education Institution. A case study was applied to the research, through a convenience sample, in which mediation was applied in one of the cases and conciliation in the other, as a sample. In the end, the results allowed to propose a step-by-step guide on how to implement a Mediation and Conciliation Center in the NPJ of an HEI, which can serve as a means to enforce the right of access to justice, and play an important role in the regional development where the HEI is inserted by creating an environment conducive to economic growth, the reduction of inequalities and the strengthening of democracy, which is fundamental to achieving equitable and sustainable regional development.

Keywords: Access to Justice. Mediation and Conciliation.

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INTRODUCTION

Universities are constantly encouraged to contribute to the development of the surroundings where they are installed, whether cities or even regions, through university extension, local partnerships, applied research, entrepreneurship programs, continuing education, environmental sustainability, social inclusion, among others, a great emphasis has been given to the practices of interaction of universities with society, contributing to their social development, as well as directly and indirectly favoring the development of the region in which it is inserted.

In this sense, the Law course, through the practical training of its academics, which takes place in the Legal Practice Centers, identifies and meets the social demand, connecting it with the teaching and research carried out by the academics during the course. It is an essential factor in the training of the student, transforming the product of their services into effective results that contribute to the solution of social problems, allowing those people who seek legal assistance to exercise in practice the due right of access to justice.

The right of access to justice, in turn, is a fundamental human right, whose concept has undergone many evolutions, in which guaranteeing people's broad access to the Judiciary, giving effect to the right to file a lawsuit, is the first step for them to effectively access other rights.

The search for access to justice, however, encounters a great obstacle in Brazil, its cost. In Brazil, accessing the Judiciary through a lawsuit is not, as a rule and in principle, free.

Since access to it is not free, it could be understood, then, that the right of action and access to justice is not for everyone, or at least, it is not for those who cannot afford its price.

Faced with this problem, over time, the law itself sought ways to make justice more effective and accessible, making free legal aid an instrument to achieve access to justice for the admittedly poor in the form of the law.

Society in turn, and through its members who share common characteristics, whether individuals or organized entities, has contributed to the evolution of this right, acting in order to make it effective, with universities having a great role in this regard.

These institutions have an ethical and social responsibility to direct their intellectual and human resources for the benefit of the community in which they are inserted. By

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seeking measures that contribute to social development and the guarantee of citizens' rights, universities play an active role in building a more just, equitable, and informed society.

Thus, through the NPJ, universities seek the contribution of law students to society, based on the application of the knowledge acquired, also contributing to the social development of the region where it is installed.

As for the law students, their work at the NPJ makes the teaching obtained in the classroom applicable, and it is an opportunity to put into practice what is learned. Thus, it is essential for the development of the student, since, through practice, the student comes into contact with professional experience, serves people from the community, lives with other professionals in the area and legal operators.

The NPJ is, therefore, the place where students in the last periods of the law course carry out their supervised mandatory legal practice internship, put their knowledge into practice and become an instrument for those who seek the right of access to justice.

In view of the assertion that law students are instruments of society to guarantee access to justice, for those who cannot pay, the following question was asked: Could the performance of law school students contribute to the solution of social problems, allowing those people who seek legal assistance, Obtain due access to justice? From this question, the research problem that guided this work was had: How to use the NPJ as a tool and means of achieving the right of access to justice and contribution to regional development?

In the search for the answer, the objective of this research is to propose the implementation of the model of a Mediation and Conciliation Center in the Legal Practice Center, as a way of enforcing the right of access to justice.

The identification of how the Legal Practice Center serves as a mechanism for access to justice is also part of the body of the research.

Well, the importance of the object of research is to contribute to the regional development where the university is inserted, since the lines drawn in this work aim to demonstrate how important are the alternative instruments of conflict resolution in the judicial policy of the country, how they require the support of civil society, which is also structured by the participation of higher education institutions, collaborating, in this way, for the realization of the right of access to justice.

In addition, from the point of view of applied research, the present work can contribute to the regional and local development where the university object of study is

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inserted, and the proposal can even be replicated for other universities that have similar characteristics.

The relevance of the theme and its originality are intensified, to the extent that it can become a kind of directional instrument for the realization of the right of access to justice, carried out by the university.

The choice of the theme was due to the fact that, as a fundamental part of the national judicial policy of adequate treatment of conflicts of interest within the Judiciary, conducted by the National Council of Justice (CNJ), mediation is a relatively recent phenomenon and is being implemented by the Judiciary.

Thus, the present research provides a proposal for the implementation of a permanent mediation and conciliation center in the Legal Practice Centers of the Higher Education Institution and has a double interest: a first of teaching and a second of providing services to the community, through the offer of alternative means of conflict resolution, enabling more quickly the realization of the right of access to justice.

Therefore, the right of access to justice is not only an individual right, but also plays a crucial role in regional development. An accessible, impartial, and efficient justice system is essential to create an environment conducive to economic growth, the reduction of inequalities, and the strengthening of democracy in all regions of a country.

THEORETICAL FRAMEWORK

ALTERNATIVE MEANS OF CONFLICT RESOLUTION (MASC)

Given what the right of access to justice is and how it occurs through the judicial assistance provided, it is necessary to enter the sphere of means currently accepted as possibilities for conflict resolution, since they are forms of full access to justice. Alternative Means of Conflict Resolution (MASC) are methods or approaches that are different from the traditional way of the judicial system to resolve disputes and conflicts between parties. These methods seek to promote the peaceful resolution of disputes, often avoiding prolonged and costly litigation in the courts. The MASC are an alternative to conflict resolution through judicial proceedings and include various approaches, such as: negotiation, mediation, conciliation, arbitration, *ombudsman*, Prior Conciliation Commissions (CCP) and Online Dispute Resolution Systems.

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Negotiation is a process in which the parties involved in a conflict try to reach an agreement through direct and voluntary discussions. The parties seek a consensus to resolve the dispute in a mutually satisfactory manner (DUZERT; PAULA; SOUZA, 2006).

In mediation, an impartial and neutral third party, called a mediator, facilitates communication between the parties and helps identify common interests and solutions to the conflict. The mediator does not make decisions, but helps the parties to reach an agreement (CABRAL, 2017).

Similar to mediation, conciliation involves the performance of an impartial third party, the conciliator, who assists the parties in identifying solutions to the conflict. However, the conciliator can suggest possible agreements and play a more active role in the resolution (DIAS, 2016).

Arbitration is a process in which the parties submit their dispute to an arbitrator or a panel of arbitrators, who issue a binding decision. Arbitration is more formal than negotiation, mediation or conciliation, but it still offers an alternative to the judicial system (BACELLAR, 2012).

An *ombudsman* is a neutral and impartial figure usually designated by organizations, such as companies or public institutions, to receive complaints and conflicts from clients or members and seek fair and equitable resolutions (GUILHERME, 2016).

Prior Conciliation Commissions are common in labor matters. These are bodies created to mediate conflicts between employers and employees before resorting to the courts (SANTOS, 2020).

Online Conflict Resolution Systems, on the other hand , emerged with the advancement of technology, with the development of *online platforms* that assist in the resolution of disputes, allowing the parties involved to interact and seek solutions through the internet (TÁRREGA; REZENDE, 2022).

The MASC offer advantages, such as speed in conflict resolution, cost reduction, preservation of interpersonal relationships and greater autonomy of the parties involved. However, its effectiveness depends on the willingness of the parties to participate and the quality of the professionals who act as mediators, conciliators or arbitrators. These methods are widely encouraged in many legal systems as a way to ease the workload of courts and promote justice in a more efficient and accessible manner.

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In the terms proposed by Cappelletti and Garth (1988), full access to justice involves making available to citizens alternative means of conflict resolution, also called adequate means of conflict resolution or techniques for self-resolution of conflicts of interest.

It is understood that the consensual solution is not only an effective and economical means of resolving disputes or resolving conflicts, since it is a salutary instrument for the development of citizenship, since those involved in the conflict become protagonists in the construction of the legal decision that regulates their relations.

Certainly, the approach presented by Cappelletti and Garth (1988) is fundamental to understanding the comprehensive concept of access to justice. According to this view, full access to justice is not limited to the availability of courts and judicial processes. It also involves the creation and promotion of alternative means of conflict resolution, which are often called adequate means of conflict resolution or techniques of self-resolution of conflicts of interest.

This approach recognizes that justice should not be restricted to access to the traditional judicial system alone, which can be expensive, time-consuming, and adversarial. Instead, it emphasizes the importance of offering parties involved in a conflict a variety of options to resolve their disputes more efficiently, effectively, and fairly.

MASC, such as mediation, conciliation, and arbitration, play a crucial role in this context, as they provide parties with the opportunity to actively participate in the resolution of their disputes, often resulting in more satisfactory and lasting solutions. Additionally, these methods often reduce the workload of courts and help alleviate the congested judicial schedule.

The approach proposed by Cappelletti and Garth (1988) reflects a broader and more inclusive understanding of access to justice, recognizing that the effectiveness of the legal system should not be measured only by the availability of judicial resources, but also by the ability to offer accessible and effective alternatives for conflict resolution. This promotes not only formal justice but also substantive justice, where the needs and interests of the parties involved are properly considered and met.

The National Council of Justice has been playing an important role as a manager of a public policy within the Judiciary, as already demonstrated by Resolution No. 125/2010.

In addition, the Brazilian legal system has support based on Recommendation 50 issued by the CNJ and the Code of Civil Procedure, making the time ripe to insert other

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means of conflict resolution as rules. In the genre, alternative means of conflict resolution are related as species to conciliation, mediation, negotiation and arbitration.

Mediation and Conciliation alongside Arbitration and Negotiation are alternative means of conflict resolution depending on the nature of the fact and the peculiarities of the people, as well as the type of relationship between the people involved in the conflict (WAMBIER et al., 2015)

However, the investigation will be restricted to a more in-depth study of mediation and conciliation, as they are the object of analysis of the present work, in addition to the fact that, currently, they are more used and disseminated.

It can also be said as forms of conflict resolution by which a third party intervenes in a negotiation process, with the function of helping the parties to reach an agreement (WAMBIER et al., 2015)

In order to implement the respective methods in Brazil, the Public Policy for the adequate treatment of legal conflicts was instituted, through the aforementioned Resolution No. 125/2010, Recommendation 50 of the CNJ and Law 13,140/2015 (Mediation Law). Thus, the Code of Civil Procedure emphasizes Mediation and Conciliation, precisely because of the favorable characteristics they have for the resolution of the process or resolution of the conflict by the parties themselves.

In this area, Didier Jr. (2015, p. 275) teaches that both are techniques that are commonly presented as the main examples of "alternative dispute resolution". This nomenclature serves to oppose the forms of conflict resolution verified by the state jurisdiction. Therefore, it is noted, in the present case, that this is the aspect that brings the techniques of mediation and conciliation together.

Wambier et al. (2015. p. 311), in comments on article 165 of the Code of Civil Procedure, point out that the initiative to insert Mediation and Conciliation in the legal system has presented highly satisfactory results, as reported by the CNJ.

The discipline of the matter in the Code of Civil Procedure of 2015 will set a new pace for the dissemination of these methods of conflict resolution, generating many advantages for the Judiciary and, consequently, for society as a whole, according to Wambier et al. (2015).

The difference between conciliation and mediation is subtle, considering them the doctrine of Wambier et al. (2015) and Didier Jr. (2015) as distinct techniques for obtaining self-settlement. It is important to note that the differentiation between the two methods

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involves the approach to the conflict, so that conciliation is a faster procedure, being very effective for those cases in which there is no interrelationship between the parties.

Furthermore, from reading article 165 of the CPC (BRASIL, 2015a), it can be seen that the legislator establishes differences between the two institutes, giving the second paragraph a didactic character by implementing the differentiating points between mediation and conciliation.

Thus, in paragraphs 2 and 3 of article 165 of the CPC (BRASIL, 2015a), it ratifies the difference between Mediation and Conciliation by creating divergences between the performance of the mediator and the conciliator, as follows:

> [...]
> Paragraph 2 - The conciliator, who will act preferably in cases where there is no previous relationship between the parties, may suggest solutions to the dispute, and the use of any type of constraint or intimidation for the parties to conciliate is prohibited, and the use of any type of constraint or intimidation for the parties to conciliate is prohibited.
> Paragraph 3 - The mediator, who shall act preferably in cases in which there is a previous relationship between the parties, shall assist the interested parties to understand the issues and interests in conflict, so that they may, by reestablishing communication, identify, by themselves, consensual solutions that generate mutual benefits. [...]

Thus, it is verified that in conciliation, the conciliator may suggest solutions to the conflict, and the aspect in which he can in no way embarrass or intimidate the parties is emphasized.

Therefore, conciliation is preferably indicated for those cases in which the parties have not had any relationship prior to the conflict or litigation. It is, in fact, a matter of giving preference to conciliation, as a self-compositional method in cases where the dispute is punctual, eventual, episodic and not resulting from a continuous legal relationship.

On the other hand, air. 165, in its paragraph 3, lectures on the activities of mediators, seeking to disseminate that they will only encourage the parties themselves to reach a possible consensual solution (BRASIL, 2015a).

In this case, the function of mediation is for the parties to understand the issues under discussion, so that the establishment of communication leads to the establishment of an agreement. The mediator, according to the dictates of the law, only instructs the parties, helping them to understand the issues under discussion.

It is necessary to note, as suggested by Wambier et al. (2015), that the mediator does not propose an agreement like the conciliator, nor does he suggest ways to resolve

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the conflict, on the other hand, he must encourage the parties to dialogue, so that they reach a possible agreement of wills.

Consequently, mediators will act preferentially in cases where there is a link between the parties, originating in an old relationship between them, seeking to maintain this relationship, as suggested by Wambier et al. (2015).

In the same line of thought, Wambier et al. (2015) discuss when they demonstrate that the fundamental difference between mediation and conciliation is summarized precisely in a fundamental point to apprehend the two institutes: in mediation, the mediator does not exert any kind of influence on the solution model adopted by the parties, and it is up to the mediator only to promote dialogue, stimulating the creativity of those involved for possible solutions. It is up to him to foster the search for viable solutions and respect for the autonomy of the will.

Didier Jr. (2015) teaches that the conciliator has another role, since after stimulating the search for a solution by the parties, he can propose the solution to the conflict himself.

Because they are public policies, mediation and conciliation must be based on some principles that guided the development of the activities of those involved in the practice of self-settlement methods. Such principles are established in article 166 of the Code of Civil Procedure (BRASIL, 2015a).

By inserting the guiding principles of the practice of mediation and conciliation in the CPC, the legislator intended to discriminate them and explain their meaning so that all those who work with these institutes have an exact notion of the limits of their activity.

Thus, both Mediation and Conciliation must strictly adhere to fundamental principles, such as independence, impartiality, autonomy of will, confidentiality, orality, informality and informed decision. It is relevant to note that these guidelines are inspired by Resolution 125/2010 of the CNJ, which establishes the Code of Ethics for Mediators (BRASIL, 2010).

In this context, it is imperative that the mediator and the conciliator act with complete independence, so as to remain free from external influences or pressures during the exercise of their functions. In addition, they must have the freedom to interrupt a work session when the minimum conditions for its conduct are not present, as well as to refuse agreements that are illegal or impossible to be executed.

It is important to highlight that the role of the mediator and the conciliator is not limited to facilitating dialogue between the parties involved. They must actively seek the success of the conflict resolution process, and for this they may employ techniques of

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approximation between the parties. These techniques can come from the business world, but with an approach that transcends the legal sphere, allowing the mediator or conciliator to seek inspiration in various areas of human knowledge.

IMPORTANT CHARACTERISTICS OF CONCILIATION AND MEDIATION IN THE BRAZILIAN LEGAL SYSTEM

Conciliation and mediation are two alternative methods of conflict resolution to the traditional judicial process, but they have different approaches and characteristics.

In conciliation, an impartial third party called a conciliator acts as a facilitator who helps the parties reach an agreement. The conciliator suggests solutions and proposals, if necessary, and can take a more active role in conducting the negotiations. The main objective of conciliation is to reach an agreement between the parties in conflict. The conciliator works to find a consensus between the parties, often making proposals and suggestions to overcome differences (MARTINS et al., 2020).

The conciliation agreement is usually more compromise-oriented and may involve concessions from both parties. The focus is on ending the conflict quickly and effectively. Conciliation often involves greater intervention by the conciliator, who can direct the discussions, ask questions and propose specific solutions (OLIVEIRA; NUNES, 2018).

In mediation, an impartial third party called a mediator acts as a neutral facilitator who helps the parties to the conflict communicate and find a solution for themselves. The mediator does not make proposals or suggestions, and his intervention is more limited. The primary objective of mediation is to enable parties to conflict to identify mutually acceptable solutions on their own. The mediator helps the parties to explore interests, concerns and options, but does not push for a specific agreement (TOMAZINI; MACHADO, 2018).

The mediation agreement can be more satisfactory for the parties, since they have a more active role in creating the solutions. The focus is on communication, mutual understanding, and collaborative conflict resolution. Mediation involves minimal intervention by the mediator in relation to the parties' discussions. The mediator creates a safe environment and facilitates dialogue, but does not dictate the solutions (GUILHERME, 2016).

Conciliation, however, is one of the most used methods for conflict resolution, either to speed up the solution of a case brought to the Judiciary, or as a means of making use of the Jurisdictional Power. In this method, the intervention of a third party, not involved in the

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conflict, whose primary function is to assist the parties in the search for a consensus, is highlighted, being delimited by the promotion of contact between them to facilitate communication (SILVA, 2017).

Consensus between the parties is the means by which the conflict is resolved, and the conciliator is called upon to consider the psychological and sociological causes involved in the parties concerned. In this scenario, the conciliator assumes the role of an impartial third party who seeks to guide the parties towards a final decision marked by concessions and, especially, by the satisfaction of both parties. Therefore, there is a more reserved performance of the conciliator, limiting himself to bringing the interested parties together so that they can present proposals for conflict resolution, and may, in specific circumstances, intervene more actively, depending on the nature of the conflict or litigation (CABRAL, 2013).

In the Brazilian context, two types of conciliation stand out: judicial and extrajudicial. Judicial conciliation occurs during the judicial process, aiming at the resolution of the conflict by the parties themselves before the judge renders his decision. This form of conciliation can be conducted by a conciliator designated for this function or even by the judge (DIDIER, 2015).

Brazilian civil procedural law establishes the holding of a conciliation hearing, if both parties agree or at least one of them submits, as provided for in article 334 of the CPC. On the other hand, extrajudicial conciliation is characterized by the intervention of a third party who seeks to bring the parties closer together before resorting to the judicial route. The CNJ played an important role in recommending to the judiciary to offer alternatives for the resolution of disputes. As a result of this initiative, the Judicial Centers for Conflict Resolution and Citizenship (CEJUSC) were created, in which guidance and information are provided to citizens. In addition, in these centers, pre-procedural hearings can be held, where, if there is an agreement, the judge will approve it, eliminating the need for a process. Therefore, extrajudicial conciliation can be adopted both by the Judiciary and, as will be discussed later, by public and private entities, all in search of effective conflict resolution (SILVA, 2017).

With regard to the institute of mediation, the new legal framework that legitimizes it in the Brazilian legal system (i.e., Laws No. 13,140/2015 CPC and No. 13,105/2015 Mediation Law) promotes a change in the litigation culture in Brazil. In line with International Human Rights Treaties and more contemporary, the structure of the justice

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system now favors consensual mechanisms, especially mediation. This transformation is evidenced by the regulation and institutionalization of mediation, both in relation to the judicial and extrajudicial process, within new parameters in conflict management (FUNDAÇÃO GETÚLIO VARGAS, 2015).

The role of the mediator is to assist the parties so that they become protagonists of the decision. It acts as an approximating link, providing understanding of the circumstances of the existing problem and assisting in the release of irrational thoughts. It is evident that the mediator plays the role of facilitator, seeking to clarify issues, identify and manage feelings, in order to enable an agreement between the parties without the need to resort to the courts. In situations of high emotional charge, which hinders a balanced analysis of the conflict, the mediator plays a crucial role in removing obstacles to the realistic view and, thus, making room for the possibility of an agreement (SILVA, 2017).

In this context, mediation, as it is an appropriate method for resolving conflicts, can be implemented both in the judicial and extrajudicial spheres. In the first case, it occurs at the beginning of the process, provided that the initial petition meets the necessary requirements to produce effects, not characterizing the hypotheses of preliminary rejection of the initial petition. If the initial petition meets the requirements established in article 319 of the CPC and does not present facts related to settled situations, as exemplified by precedents, the judge may designate a mediation hearing, to be conducted by a mediator, in the same way as in conciliation hearings. Extrajudicial mediation, on the other hand, stands out for taking place outside the context of the judicial process, being conducted by a third party not linked to the jurisdiction, often associated with private entities, such as higher education institutions or public and community conflict resolution programs (SILVA, 2017).

In certain cases, especially those involving individuals in ongoing interactions, such as spouses, neighbors, or condominium residents, mediation becomes a technique of choice. In these situations, the priority is often the pacification of those involved, in contrast to the simple solution of the conflict through a judicial sentence. The sentence technique is merely an approach to resolve conflicts, and is not, by nature, a tool for pacifying those involved. This underscores the importance of considering more effective ways to implement mediation as an alternative to traditional dispute resolution (WATANABE, 2003).

In some cases, conflict resolution by the traditional method may result in the need to change jobs, schools, residences, or even cities, since the judge's judgment implies

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determining who is right and who is wrong. This, instead of resolving the conflict, can contribute to its intensification, if not exacerbate it. Therefore, mediation emerges as a valuable alternative that seeks not only the solution of the conflict, but also the reconciliation of the parties involved (WATANABE, 2003).

It is relevant to highlight that the parties involved may voluntarily seek extrajudicial mediation as a tool to resolve the conflict that affects them (SILVA, 2017).

MATERIAL AND METHODS

DESCRIPTION OF THE METHODOLOGICAL PATH

In this work, the study was carried out within the scope of the HEI, specifically in the Law Course. Initially, the research was carried out through the qualitative analysis of documents on the website of the National Council of Justice (CNJ).

These documents were analyzed, considering CNJ Resolution 125/2010, which deals with the National Judicial Policy and which has as one of the objectives to insert the appropriate means of conflict resolution in the practice of legal operators. In this way, CNJ Resolution No. 125/2010 of the CNJ, Law No. 13,105/2015 (Code of Civil Procedure), Law 13,140/2015 (Mediation Law), Resolutions of the IES, and other applicable legal documents were also analyzed qualitatively.

In the academic environment, data collection took place on the MEC website and on the IES website, and the methodological procedures adopted for the materialization of the present work were subsequently mapped.

Therefore, it is possible to identify some considerations about the interdisciplinary path of the studies that influenced the theories used in this research. These influences can be observed in the Report of Cappelletti and Garth (1988), who proposed the renovatory waves of access to justice, as well as in the view of Edgar Morin (2003) in his work "Reform of Thought". These influences highlight the importance of aligning legal education with the evolution of the social sciences and humanities. In this context, this research demonstrates the need for legal education to evolve in line with advances in these areas of knowledge.

For the development of the research, a routine flow of what is needed and how mediation works; establish who is involved: students, teachers, what profile, and their training; adequacy of legal instruments; preparation of the proposal for the model to be implemented; application in a conflict or two, such as sampling; analysis of the cases that

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complied with the proposal in order to point out the positive points of the proposal and improvements to be made.

Regarding the methodology, the triangulation of several methods is considered, in this case, the documentary, comparative and hermeneutic, teleological with a deductive and empirical approach.

It will be a descriptive research, which is a type of scientific investigation whose main objective is to describe the characteristics of a certain phenomenon or the relationship between variables. Descriptive research seeks to portray, explain and analyze the characteristics of a phenomenon in a more detailed way (GIL, 2017). It is a descriptive research as it focuses on the conception of alternative means for conflict resolution applied by the model offices of a university. The descriptive methodology is sought in order to facilitate the precise delineation of the scenario related to the implementation of the model of a Mediation and Conciliation Center in the Legal Practice Center, aiming at the realization of the right of access to justice and the contribution to regional development, contributing to the formulation of practical recommendations aimed at the achievement of these objectives.

The approach was qualitative in nature, which focuses on the deep understanding and interpretation of social, cultural, psychological or human phenomena in general. In contrast to quantitative methods, which seek to measure and analyze phenomena through numerical data, the qualitative method relies on non-numerical data, such as words, images, observations, and narratives, to explore the complexities and nuances of a phenomenon. In other words, it is less concerned with statistical generalization and more with the richness of the data collected, in addition to emphasizing the importance of context, since understanding the environment and circumstances in which a phenomenon occurs is fundamental for an adequate interpretation of the data (MINAYO; DESLANDES; GOMES, 2009).

In the context of the present study, the qualitative approach allows for an in-depth exploration of the perceptions, experiences and opinions of the different actors involved, such as community members, legal professionals and other stakeholders. This approach is essential to create a solid basis of understanding, considering local nuances, individual experiences and social complexities that can impact the effectiveness of the implementation of the Mediation and Conciliation Center, as well as positively influence access to justice.

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The method chosen to develop the work was deductive, because, as Mezzaroba and Monteiro (2009) explain, it is a method that starts from arguments of general principles or broad theories to reach specific conclusions. This method is characterized by the application of deductive logic, in which conclusions are necessarily derived from the underlying premises or theories. In other words, in the deductive method, if the premises are true and the logic is valid, then the conclusions must also be true.

In the legal context, which is the case of the present study, existing legal principles, legal doctrines and norms can be used as a starting point within the deductive method, which is known for its emphasis on logic and coherence. By following a deductive approach, the study can be structured in a way that ensures the logical validity of the conclusions, providing clear and understandable reasoning. If there is a need to establish causal relationships between the implementation of the Mediation and Conciliation Center and the objectives of access to justice and regional development, the deductive method can help to derive specific conclusions from general principles, contributing to reasoned argumentation. Likewise, the deductive method allows the formulation of specific hypotheses that can be empirically tested, which can be useful to verify the validity of the conclusions proposed in the context of the implementation of the Mediation and Conciliation Center.

As it focuses on the conception of alternative means for conflict resolution applied by the model offices of a university, it is also a case study, an intensive and systematic study on the institutes of mediation and conciliation. According to Gil (2017), the case study is a research approach widely employed in the social sciences. It involves an in-depth and comprehensive investigation of one or a few cases, allowing for an extensive and detailed understanding of a given subject. This task is practically impossible to be accomplished through other previously considered research methods. It is widely recognized as the most appropriate method for investigating a contemporary phenomenon within its actual context, especially when the boundaries between the phenomenon and the context are not clearly perceived.

Considering that in this study the phenomenon researched is the realization of the right of access to justice through the possibility of installing a mediation and conciliation center in the legal practice centers (NPJ) of the law courses of a HEI, it was appropriate to use the strategy of intentional sampling (or by convenience), which is a non-probabilistic

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sample, because it consists of a number of participants who will be heard due to its relevance to the researched phenomenon, as Creswell (2014) explains.

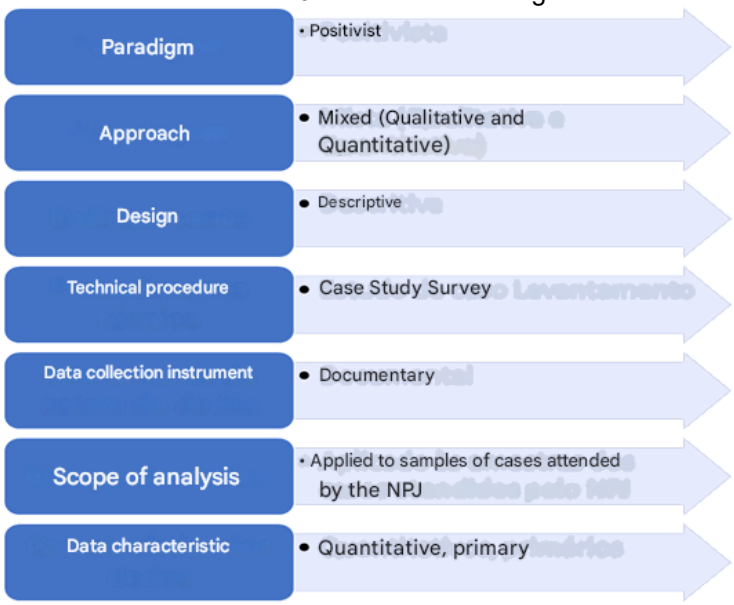
For this, in this research the following strategies were adopted to vary the sample and procedures: (1) documentary research with the legal analysis of the principle of access to justice and the institutes of mediation and conciliation; (2) analysis of the legislation applicable to the subject and the regulatory standards of the subject within the HEI; (3) elaboration of the flowchart for the installation of mediation and conciliation centers in the legal practice centers (NPJ); (4) conducting field research by intentional sampling (or by convenience); (5) analysis of the data with a focus on the effectiveness of the right of access to justice installation of a mediation and conciliation chamber in the legal practice centers (NPJ).

After all the collection of bibliographic, documentary and field data, the analysis and comparison of this information was carried out, in order to answer the previously established problem question, fulfilling the proposed objectives.

RESEARCH FLOW

The flowchart below presents the design of the research, describing the technical procedures and data collection instruments, characteristics of the data carried out with the objective of measuring the responses and elaborating the results, enabling the conclusion of the research, achieving the objectives of this study.

Flowchart 01 – Research Design



Source: authors

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RESULTS AND DISCUSSIONS

QUALITATIVE ANALYSIS OF THE NORMS, RESOLUTIONS, STATEMENTS AND THE PPCS AND MC OF THE LAW COURSE

A qualitative analysis was carried out, as it sought to assess the PPC and MC of the Law course, having the IES as a universe, a moment in which it is understood that there is still the rigidity and positivism of legal education.

During the data collection process, the application of triangulation, a qualitative research method that integrates several perspectives, is observed. This approach aims to complement robust aspects, while highlighting their limitations.

In this sense, the PPC of the IES law course, from the year 2020, was analyzed, where it can be observed in the curricular structure the existence of the discipline of Conciliation and Mediation (COM 31), a discipline of 02 two credits, with a workload of 30 hours, taught in the 7th. phase of the course, that is, in the first semester of the 4th. Year of the course.

This discipline has as a prerequisite the discipline of Civil Procedural Law I (DPC 01), and is taught to academics, before their entry into the NPJ, which takes place in the 8th. phase of the course.

It was also analyzed, in the case of the curricular matrix, what is the workload extended to the discipline of Mandatory Curricular Internship II and IV (NPJ) and the planned activities in order to conclude if there is an environment conducive to the practice of mediation and conciliation and promotion of its practice, with no provision in the syllabus for practice that involves alternative means of conflict resolution.

The research work was then divided into 04 four phases, namely:

- 1st phase: of an empirical nature, it was necessary to analyze the following documents, to seek information regarding how to enable the implementation of the Mediation and Conciliation Chambers, namely: Resolution No. 125/2010 of the CNJ, Mediation Law, Code of Civil Procedure, CF/88. In this phase, we proceeded to a documentary analysis with methodological procedures, considering the qualitative analysis, using the teleological hermeneutic method;
- 2nd phase: of a documentary nature, applying methodological procedures considering the qualitative analysis and the teleological hermeneutic method of the DCN, PPC and MC of the institution as well as the RESOLUTION UNC-CONSUN 039/2018, of the university of teaching universe of the research;

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- 3rd phase: construction of the diagnosis that resulted from the interpretation of the documents listed above, as well as the comparison of the data previously obtained, to later outline the step-by-step of how to enable the implementation of a mediation and conciliation center in the NPJ of the HEIs.
- 4th phase: The case study was applied to the research, through a convenience sample, where a mediation session was held in one of the cases (recognition and dissolution of stable union - family area) and conciliation in the other (compensation for vehicle accident - civil area), as a sample.

It should be noted that the analysis of the PPC and MC, as well as the normative acts of origin of the CNJ and the IES universe of the research, has the objective of raising qualitative data to demonstrate how to enable the implementation of a mediation and conciliation center within the scope of the NPJ of the IES and, in the end, propose a step-by-step guide on how to implement a conciliation and mediation center in the NPJ of the HEI.

Thus, below are four tables with a synthesis of the qualitative analysis combined with the method of teleological hermeneutic interpretation. The comparison of the information found in the documents is arranged after the exhibition of the paintings.

Table 01 - Analysis of Normative Instruments

CF/88	LEI Nº 13.105/2015 - CPC	CNJ RESOLUTION No. 125/2010	MEDIATION LAW No. 13,140/2015
The right of access to justice is provided for in Article 5 of the Federal Constitution of 1988, which deals with fundamental rights and guarantees. "Article 5 - All are equal before the law, without distinction of any kind, guaranteeing to Brazilians and foreigners residing in the country the	*Provides for new methods of conflict resolution and establishes the means for their implementation*. Article 3 states that it will not be excluded from the appraisal jurisdictional threat or injury to rights Paragraph 3 - Conciliation, mediation and other methods of consensual resolution of conflicts shall be encouraged by judges, lawyers, public defenders and members of the Public Prosecutor's Office, including in the course of the judicial process Provides for mediation between private parties as a means of dispute resolution Regulates the activities of the CEJUSCs	*Provides for the National Judicial Policy for the adequate treatment of conflicts of interest within the Judiciary and provides for other provisions.* Article 6 For the development of this network, the CNJ shall be responsible for V – to seek the cooperation of the competent public	*Provides for mediation between private parties as a means of dispute resolution.* Article 9 authorizes any capable person who has the confidence of the parties and is qualified to mediate as an extrajudicial mediator. Article 11 mentions that the Capable person graduated at least two years less in course of higher education institution

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inviolability of the right to life, liberty, equality, security and property, in the following terms: [...] XXXV - the law shall not exclude from the appreciation of the Judiciary any injury or threat to the right;" LXXIV: "The State shall provide full and free legal assistance to those who prove insufficient resources."	creates the register of conciliators of the Judiciary of the State of Tocantins and provides other provisions. Article 149. In addition to others whose duties are determined by the rules of judicial organization, the clerk, the head of the secretariat, the bailiff, the expert, the depositary, the administrator, the interpreter, the translator, the mediator, the judicial conciliator, the party, the distributor, the accountant and the damage adjuster are assistants of the Justice. Article 165. The courts will create judicial centers for consensual resolution of conflicts, responsible for holding conciliation and mediation sessions and hearings and for developing programs aimed at assisting, guiding and encouraging self-settlement. Article 694. In family lawsuits, all efforts will be made for the consensual solution of the controversy, and the judge must have the help of professionals from other areas of knowledge for mediation and conciliation.	bodies and public and private institutions in the area of education, for the creation of disciplines that promote the emergence of the culture of peaceful resolution of conflicts, as well as that, in the Schools of Magistracy, there is a module focused on consensual methods of conflict resolution, in the functional initiation course and in the improvement course;	recognized by the Ministry of Education and who has obtained training in a school or institution for the training of mediators recognized by the National School of Training and Improvement of Magistrates

Source: authors

From the information collected, it is possible to perceive the progress of legislation in the scope of new methods of conflict resolution, favoring the interaction between the Judiciary and higher education institutions.

The starting point for the approach explored in this research dates back to CNJ Resolution No. 125/2010. Since then, it has been verified, through the summary examination of the regulations, that the Judiciary, through the CNJ and other bodies, primarily seeks to establish alternative means of conflict resolution, especially in the context of Mediation and Conciliation. Chart 2 presents the comparisons.

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Table 02 - Analysis of the DCN - National Curriculum Guidelines

RESOLUTION NO. 5, OF 17 DECEMBER 2018	RESOLUTION NO. 2, OF 19 APRIL 2021
Establishes the National Curriculum Guidelines for the Undergraduate Course in Law and provides other provisions.	*Amends article 5 of Resolution CNE/CES No. 5/2018, which establishes the National Curriculum Guidelines for the Undergraduate Law Course.*
Art. 3 The undergraduate course in Law must ensure, in the profile of the undergraduate, solid general, humanistic training, capacity for analysis, mastery of concepts and legal terminology, ability to argue, interpret and value legal and social phenomena, in addition to the mastery of consensual forms of conflict composition, combined with a reflective posture and critical vision that fosters the capacity and aptitude for learning, autonomous and dynamic, indispensable to the exercise of the Law, to the provision of justice and to the development of citizenship. Art. 5 The undergraduate course in Law, prioritizing interdisciplinarity and articulation of knowledge, should include in the PPC, contents and activities that meet the following formative perspectives: II - Technical-legal training, which covers, in addition to the dogmatic approach, knowledge and application, observing the peculiarities of the various branches of Law, of any nature, systematically studied and contextualized according to their evolution and application to the social, economic, political and cultural changes in Brazil and its relations including, necessarily, among others consistent with the PPC, essential content related to the areas of Theory of Law, Constitutional Law, Administrative Law, Tax Law, Criminal Law, Civil Law, Business Law, Labor Law, International Law, Procedural Law; Right Social Security, Consensual Forms of Conflict Resolution; and	Art. 5 The undergraduate course in Law, prioritizing interdisciplinarity and the articulation of knowledge, must include in the PPC, contents and activities that meet the following formative perspectives: II - Technical-legal training, which covers, in addition to the dogmatic approach, knowledge and application, observing the peculiarities of the various branches of Law, of any nature, systematically studied and contextualized according to their evolution and application to the social, economic, political and cultural changes in Brazil and its international relations, including, necessarily, among others consistent with the PPC, essential contents related to the areas of Theory of Law, Constitutional Law, Administrative Law, Tax Law, Criminal Law, Civil Law, Business Law, Labor Law, International Law, Procedural Law; Social Security Law, Financial Law, Digital Law and Consensual Forms of Conflict Resolution; and

Source: authors

It is possible to observe that RESOLUTION No. 5, OF DECEMBER 17, 2018, which establishes the National Curriculum Guidelines for the Undergraduate Law Course and provides other provisions, already provided for the Consensual Forms of Conflict Resolution in the technical-legal training of law school students.

Its update, through RESOLUTION No. 2, OF APRIL 19, 2021, which amends article 5 of Resolution CNE/CES No. 5/2018, maintained the Consensual Forms of Conflict Resolution in technical-legal training, which reinforces its importance.n Chart 3 presents the analysis of the PPC – PEDAGOGICAL PROJECT OF THE LAW COURSE of the HEI under study.

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Table 03 - Analysis of PPC and CM

REGARDING THE CURRICULAR STRUCTURE	3.6 CURRICULAR STRUCTURE The Law Course, prioritizing interdisciplinarity and the articulation of knowledge, contemplates, in its pedagogical project and in its curricular organization, that meet the following formative perspectives: I - General Training; 450h II - Technical-Legal Training; 2610h III - Practical-Professional Training. 420h	
AS FOR THE MATRIX CURRICULAR	3.7.1 Matriz Curricular The curriculum has 69 disciplines, taught in 10 (ten) teaching phases, to be completed in at least 05 (five) years, making a total of 249 credits, which correspond to 3,735 hours, already computed the hours of academic-scientific-cultural activities.	
REGARDING THE DISCIPLINES THAT DEAL WITH ALTERNATIVE MEANS OF CONFLICT RESOLUTION	01 A course of Conciliation and Mediation (COM 31), a course of 02 two credits, with a workload of 30 hours, taught in the 7th. phase of the course, that is, in the first semester of the 4th. Year of the course. Inserted in axis III - Practical-Professional Training. This discipline has as a prerequisite the discipline of Civil Procedural Law I (DPC 01), and is taught to academics, before their entry into the NPJ, which takes place in the 8th. phase of the course. The discipline is not a prerequisite for the Internship at the NPJ, although taught before the beginning of the internships at the NPJ. The course is face-to-face, but is being taught remotely.	Syllabus: Alternative methods of conflict resolution: concepts and principles of conciliation and mediation. Social, political and economic aspects of conciliation and mediation. Mediation: mediation procedures, decision-making process. Conciliation: conciliation procedures, decision-making process. Contemporary Trends in Conciliation and Mediation.
REGARDING THE INTERNSHIP CURRICULAR III E IV (NPJ)	02 two internship disciplines, with a workload of 75 hours each. EDI13 - Mandatory Supervised Curricular Internship III – 8th. phase EDI14 - Mandatory Supervised Curricular Internship IV – 9th. phase. 3.10.1 Mandatory *Supervised Curricular Internship* Objectives: to exercise mediation and conciliation as alternative techniques for conflict resolution;	Syllabus: Simulated Legal Practice Guided simulated work of forensic and non-forensic legal practice. Actual Legal Practice Supervised internship, developed through legal assistance to the needy population. (activities related to mediation and conciliation do not appear).

Source: authors

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In this sub-topic, the PPC was analyzed under the focus of the curricular structure of the Educational Institution, seeking to verify the existence of important disciplines for the feasibility of the implementation of mediation and conciliation centers in the NPJ.

It is noted that, as for the teaching method, a lot of emphasis is given to procedural disciplines, that is, the resolution of conflicts through the process and not by alternative means of conflict resolution is encouraged.

Thus, analyzing the PPC of the IES law course, which is from the year 2020, it can be observed in the curricular structure the existence of the discipline of Conciliation and Mediation (COM 31), a discipline of 02 two credits, with a workload of 30 hours, taught in the 7th. phase of the course, that is, in the first semester of the 4th. Year of the course.

This discipline has as a prerequisite the discipline of Civil Procedural Law I (DPC 01), and is taught to academics, before their entry into the NPJ, which takes place in the 8th. phase of the course.

It was also analyzed, in the case of the curricular matrix, what is the workload extended to the discipline of Mandatory Curricular Internship II and IV (NPJ) and the planned activities in order to conclude if there is an environment conducive to the practice of mediation and conciliation and promotion of its practice, with no provision in the syllabus, of practice that involves alternative means of conflict resolution, as shown in Table 4.

Table 04 - Analysis of RESOLUTION UNC-CONSUN 039/2018

STRUCTURE ORGANIZATIONAL	Article 5. The Legal Practices Center has the following organizational structure:- Coordinator;- Lawyer professors;- Monitors;- Trainee academics.
MENTION OF ALTERNATIVE MEANS OF CONFLICT RESOLUTION	Article 4. The NPJ has the following objectives:V - to exercise mediation and conciliation as alternative techniques for resolving disputes. Conflicts;
NEED FOR IMPLEMENT	Implement Article providing for the existence and operation of the Mediation and Conciliation Center in the NPJ, provide for its organizational structure and details of its operationalization.

Source: Author's own production

From the analysis of RESOLUTION UNC-CONSUN 039/2018, which provides for the approval of the regulation of the NPJ legal practices center of the UNC, it can be observed that there is a mention of alternative means of conflict resolution, which appears in Article 4 of said resolution.

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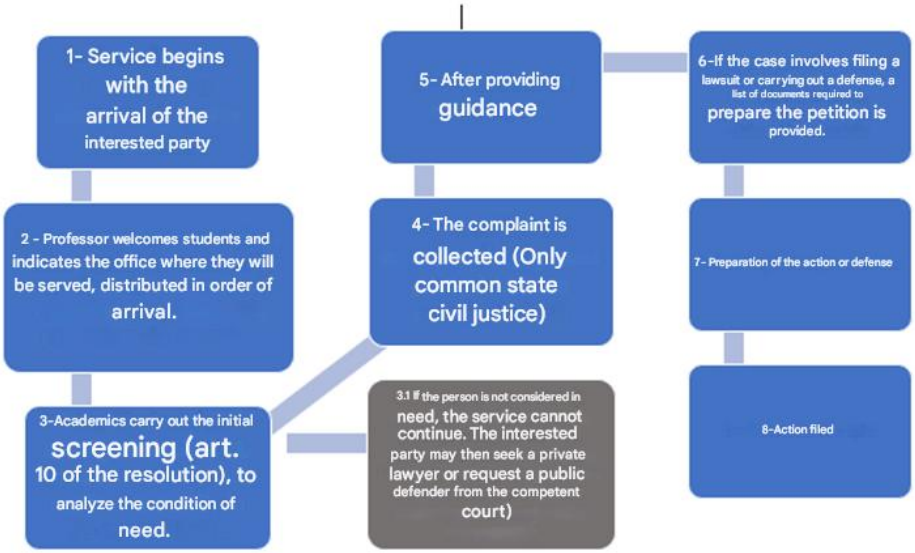
However, there is a need to implement a specific article providing for the existence of the Mediation and Conciliation Center in the NPJ, which must provide for its organizational structure and details of its operationalization, according to the flowchart.

Flowchart 02 – Current service model carried out by the NPJ



Source: authors

Based on the research carried out in Resolution UnC-CONSUN 039/2018, which provides for the approval of the Regulation of the NPJ Legal Practices Center of UnC, as well as through practical observation, it was possible to identify that the current functioning of the NPJ of the IES universe of the research. The graphic representation above demonstrates the steps or activities developed today by the NPJ, according to flowchart 03.

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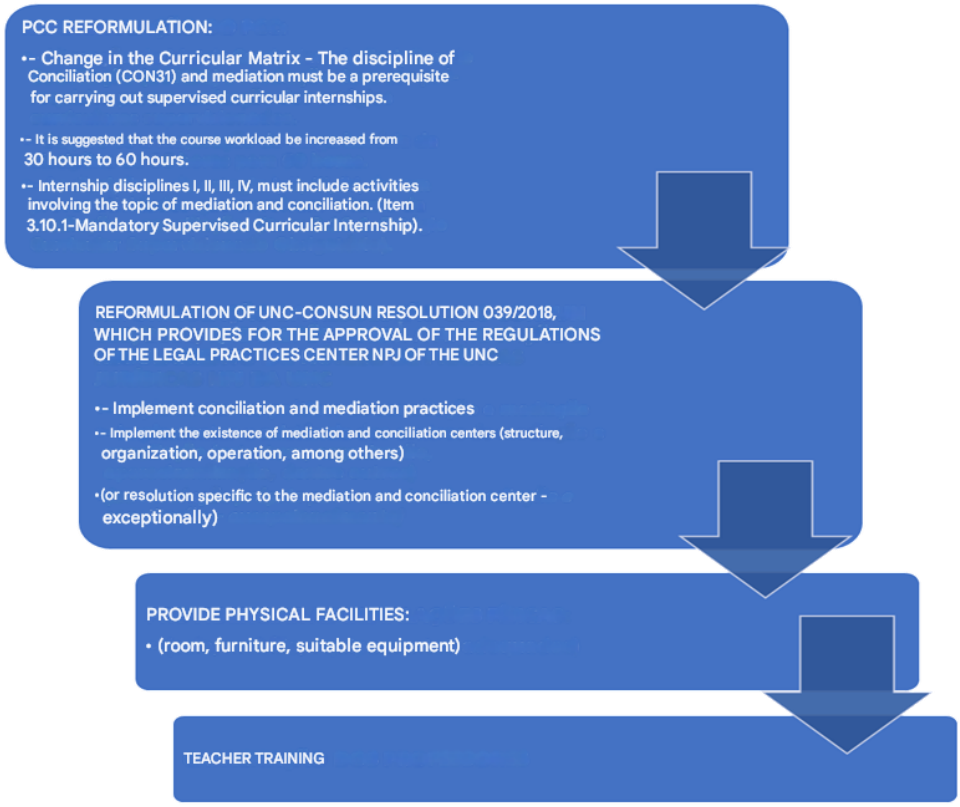
Flowchart 03 – Step by step for the installation of the Mediation and Conciliation Center at the NPJ.



Source: authors

The flowchart above is a graphic representation of a process or steps to be followed, as a proposal for the implementation of the mediation and conciliation center in the NPJ (step by step).

The objective of the creation of Mediation and Conciliation Centers at the NPJ is to provide students with the development of practical activities related to their area of training and to enable technical knowledge and increase the number of cases resolved by conciliation and mediation.

Insert the student of the Law Course in the pre-procedural service, striving for a culture of peace and adequate treatment of conflicts.

For this, the HEI must provide professors with an appropriate profile and the HEI must also facilitate access to conciliatory work and the joint participation of students from the Law and Psychology courses, if possible, favoring interdisciplinarity (item 3.9.3.1 Interdisciplinarity in the PPC).

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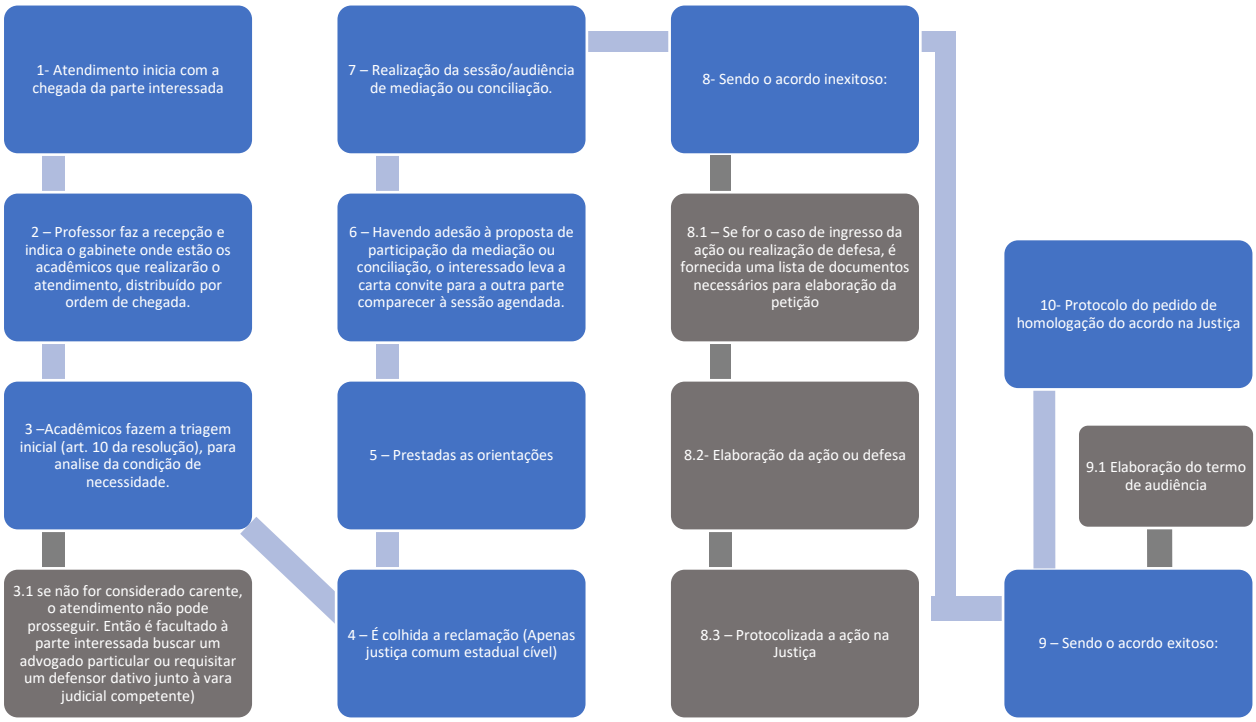
It is important to emphasize the need for the HEI to train teachers, organize the curricular structure of the course and the syllabus of the Mandatory Curricular Internship discipline (item 3.10.1 of the PPC, Mandatory Supervised Curricular Internship 8th and 9th phase) so that it includes the obligation of the student to carry out alternative practices of conflict resolution and promote training and updating courses in conciliation, mediation and restorative practices.

The HEI should also enable the installation of the center (adequate room) in the space made available to the NPJ, although it was identified the existence of many rooms already equipped that, with few adjustments, would serve the proposed purpose.

Flowchart 04 – Service model carried out by the NPJ, with the implementation of a Mediation and Conciliation Center



Source: authors

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The graphic representation above demonstrates what the steps or activities developed by the NPJ would be like after the implementation of a Mediation and Conciliation Center as proposed in the previous topic.

The process has a greater number of stages than the model currently practiced, however, with a greater possibility of consensual resolution of the conflict, without the need for judicialization of the issue in the litigious form:

1- Service begins with the arrival of the interested party

2 – Professor makes the reception and indicates the office where the students who will perform the service are, distributed on a first-come, first-served basis.

3 – Academics do the initial screening (art. 10 of the resolution), to analyze the condition of need.

3.1 If it is not considered needy, the service cannot continue. Then the interested party is allowed to seek a private lawyer or request a defense attorney from the competent judicial court)

4 – The complaint is collected (Only common state civil justice)

5 – Provided the guidelines

6 – If the proposal to participate in mediation or conciliation is adhered to, the interested party takes the invitation letter to the other party to attend the scheduled session.

7 – Holding of the mediation or conciliation session/hearing.

8- If the agreement is unsuccessful:

8.1 – If it is the case of filing the lawsuit or carrying out a defense, a list of documents necessary for the preparation of the petition is provided

8.2- Preparation of the action or defense

8.3 – Filed the lawsuit in court

9 – If the agreement is successful:

9.1 Preparation of the hearing agreement

10- Protocol of the request for ratification of the agreement in court

SAMPLING

After all these stages, the research used the case study, through a convenience sample, where mediation and conciliation were applied, one for each conflict, as sampling.

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The conciliation for the claim, used for the issue of the civil law sphere (damages incurred in a vehicle accident) was held on 12/14/2023. Legal Basis: Law 13.105/2015 (NCPC), Art. 5 of the Constitutional Charter of 1988; Articles 186 and 927, "caput" of the Brazilian Civil Code; Art. 28 of the Brazilian Traffic Code. The claimant asked for compensation for material damages of R$ 2,000.00 (Two thousand reais) referring to the accident caused by the opposing party who on the day of the facts, who suddenly changed lanes, without the necessary care, ramming the vehicle driven by the claimant, causing damage to the side (front and rear); doors (front and rear) and rearview mirror on the left side. The respondent invited, agreed to the request and divided the debt into 10 ten installments. The conciliation session lasted 40 forty minutes. The conditions of the agreement were recorded in the terms of the hearing/minutes.

Mediation for the complaint of the sphere of family law (recognition and dissolution of stable union), held on 02/16/2024. Legal Basis: Law No. 9,278/1996, Brazilian Civil Code (Law No. 10,406/2002); Art. 1,723, Art. 1,725, Art. 1,658, Art. 1,660, Art. 1,662, Precedent 380 of the Distinguished Federal Supreme Court. The complainant asked for the recognition and dissolution of the stable union, which had been in place for 3 years with the respondent and the division of the common property acquired. There were no children. The parties agreed to end the marital partnership and resolved the division of the property, which consisted only of movable property. The respondent will pay the complainant the amount of R$ 15,000.00 (Fifteen thousand reais) in 15 installments, and will keep the goods that furnish the residence. The mediation session lasted 60 sixty minutes. The conditions of the agreement were recorded in the terms of the hearing/minutes.

It can be observed that in both cases, the sessions held were successful, and there was a resolution of the conflicts, which demonstrates, in addition to the feasibility of implementing the proposed model (object of the research), the effectiveness of the means of conflict resolution applied.

Analysis of the sample survey

As a demonstration, we bring to illustrate, the table below, in which the advantages for the parties, advantages for the teaching of law in the NPJ, as well as potential disadvantages of the implementation of the proposal with the NPJ are presented.

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Chart 05 – Analysis of the sample survey

ADVANTAGES FOR THE PARTIES:	ADVANTAGES FOR THE TEACHING OF LAW AT NPJ:	POTENTIAL DRAWBACKS:
We can point out, therefore, some of the main advantages for the parties, from the submission of complaints to the attempt at mediation and conciliation: Speed: Both methods are generally faster than traditional court proceedings. Resolution can be achieved in a shorter timeframe. Cost Savings: Mediation and conciliation tend to be more cost-effective than court litigation. The cost reduction is seen in legal fees, court fees, and related expenses. Confidentiality: Mediation and conciliation sessions are confidential, which means that the information discussed during these proceedings cannot be used later in court. Autonomy of the Parties: The parties involved have more control over the outcome and can actively participate in the creation of the solution, fostering a sense of autonomy. Preservation of Relationships: Both methods aim to preserve relationships, especially useful in cases where the parties need to continue interacting in the future. Flexibility: Mediation and conciliation offer greater flexibility compared to court proceedings, allowing them to adapt to the specific needs of the parties. Less Formality: Processes are generally less formal, providing a more collaborative and less adversarial environment. Reaching Creative Agreements: Parties have the opportunity to seek customized and creative solutions that can go beyond what a court could order. Less Confrontation: NPJ's collaborative atmosphere and the presence of an impartial	Conciliation at the Legal Practice Center (NPJ) has several advantages, including: Practical Training: Provides law students with a practical opportunity to apply the theoretical knowledge acquired in the classroom. Real Mediation Experience: Allows students to gain direct experience in conducting conciliation processes, preparing them for real-world situations. Development of Interpersonal Skills: Contributes to the improvement of students' interpersonal skills, such as communication, empathy, and negotiation. Integration of Theory and Practice: Favors the integration between the theory learned in the classroom and its practical application, enriching academic training. Encouraging Alternative Conflict Resolution: Promotes a culture of alternative conflict resolution by encouraging students to consider options beyond litigation. Contribution to the Community: Provides a service to the community by providing an accessible and effective means of conflict resolution. Ethical and Professional Challenges: Exposes students to common ethical and professional challenges in legal practice, enabling them to develop skills to deal with these situations. Stimulating Legal Entrepreneurship: Encourages an entrepreneurial mindset by empowering students to be	Although mediation at the Legal Practice Center (NPJ) offers several advantages, it is important to also consider some potential disadvantages: Bottleneck of social demand for the NPJ: It can saturate the NPJ's service capacity. Case Complexity: Some cases can be complex and require more in-depth knowledge, which can be a challenge for students in training. Need for Specific Training: Mediation requires specific skills, and students may need additional training to effectively handle different situations. Challenges in Neutrality: Maintaining neutrality, a key feature of mediation, can be challenging, especially when there is emotional involvement or personal bonds. Resistance from the Parties: Some parties may resist mediation, preferring to resolve their disputes through the traditional court system. Resource Limitations: Time and resource constraints may affect NPJ's ability to offer mediation in all cases, prioritizing those who would benefit the most. Ethical Challenges: Students may face ethical challenges when dealing with confidential information and balancing the interests of the parties involved. Learning in a Real Environment: The need to learn in a real conflict resolution environment can generate anxiety and insecurity in students. Lack of Prior Experience: Students may not have prior experience in specific legal issues addressed during mediation, which can impact the quality of the resolution. Variety of Cases: The diversity of cases coming to NPJ may

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third party help to reduce confrontation between parties. Emotional Efficiency: Mediation and conciliation often involve a more empathetic approach, taking into account the emotions of the parties involved. Decongesting the Court System: Utilizing these methods helps to ease the burden on the courts, allowing them to focus on more complex and time-consuming cases. Satisfaction: The advantages make mediation and conciliation attractive choices for many conflict situations, promoting more efficient and satisfactory solutions for the parties involved.	active agents in resolving legal issues. Building Professional Networks: Provides opportunities for students to build professional networks by interacting with mediators, lawyers, and community members. Conciliation as an Instrument of Social Transformation: By incorporating conciliation into the NPJ, the institution contributes to the promotion of a culture of peace and peaceful resolution of disputes in society. Contribution to Dejudicialization: Participating in conciliation processes at the NPJ contributes to reducing the burden on the courts and promoting dejudicialization. Direct Feedback from Professionals: Allows students to receive direct feedback from experienced professionals, providing a valuable opportunity for continuous learning and improvement.	require students to quickly adapt to different legal contexts and issues. Institutional Resistance: There may be institutional resistance to the implementation of mediation, both on the part of the university and on the part of other parties involved in the process. Communication Challenges: Mediation requires advanced communication skills, and students may face difficulties when dealing with parties who have challenging communication styles. When incorporating mediation into NPJ, it is crucial to address these disadvantages through proper training, careful supervision, and strategies for overcoming obstacles. Awareness of these issues contributes to the continuous improvement of the mediation program in the academic environment.

Source: authors

FINAL CONSIDERATIONS

It can be seen that it is possible to use the NPJ as a tool and means of realizing the right of access to justice and contributing to regional development. To this end, the proposal to implement the model of a Mediation and Conciliation Center in the Legal Practice Center, as a way of enforcing the right of access to justice proved to be completely viable.

During the research, it was possible to perceive the importance of the inclusion of alternative means for the resolution of conflicts, in the legal practice required by the students of law courses and means of enforcing the right of access to justice.

The relevance of universities in social development and interaction with the community was highlighted, especially through NPJs, where law students meet social demands and connect theory, practice and research.

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The right of access to justice is emphasized as a fundamental human right, and the performance of universities is seen as an active contribution to a fairer society and the realization of this right through NPJs and a contribution to regional development

From the perspective of the central object of study of this research, it is concluded that the moment is favorable to change the paradigm that only the Judiciary, through the sentence, can resolve the conflict.

In this aspect, it can be inferred that Resolution No. 125/2010 of the CNJ, the New Code of Civil Procedure and the Mediation Law, bring the paths to be followed and encourage public and private institutions to make use of the appropriate means of conflict resolution, translating into an important instrument for the dissemination of the culture of social pacification.

In this line of thought, it was found that one of the major obstacles to the more intense use of mediation and conciliation is precisely in the academic training of legal professionals. This was evident in the treatment and collection of data, which resulted in the realization that legal education is fundamentally focused on the judicial and litigation solution of conflicts of interest.

When analyzing the PPC and the Curricular Matrix of the Law Course of the educational institution where the research was carried out, it is noted, regarding the teaching method, that much emphasis is given to procedural disciplines, that is, the resolution of conflicts through the process is encouraged.

Therefore, it can be inferred, from the study carried out regarding the syllabus of the HEI researched, that students are offered only one discipline focused on alternative means of conflict resolution.

Consequently, it was found that the IES does not have in its menu any mention of the practice related to alternative means of conflict resolution in the NPJ. Although it brings the discipline of Conciliation and Mediation in its pedagogical project and in its curricular organization, from the formative perspective (III - Practical-Professional Training), this discipline is taught before the beginning of the internship at the NPJ, in the face-to-face modality, but remotely.

Thus, the first step to enable the implementation of mediation and conciliation centers in the NPJ of the IES is to combine theory with practice, so that the menu is distributed with a workload that involves mediation and conciliation also in the NPJ.

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In this sense, the Legal Practice Center (NPJ) is defended as a favorable environment for the implementation of a Mediation and Conciliation Center. This is due to the fact that it is a place where students learn to deal with unprecedented situations, whose solutions cannot always be found in laws and jurisprudence.

Therefore, in order to train students with a profile to deal with social evolution and the adversities that the concrete fact and the legal phenomenon require, it is essential to defend the need to insert alternative means of conflict resolution in the syllabus of the disciplines of Mandatory Supervised Curricular Internship, especially in Supervised Curricular Internship III and IV, of the HEI researched, as they are taught at the NPJ.

It was noted that the Legal Practice Center (NPJ) stands out as the most conducive environment for students to improve their skills, enabling the effective integration between theory and practice. However, this transition is not always easy, since, as indicated, traditional education often presents challenges in promoting new ideas.

In addition, it is relevant to highlight as summarized conclusions that access to justice, from the perspective of Human Rights and its effectiveness, demands a diversified methodological approach, oriented towards a non-positivist thought that embraces interdisciplinarity and transdisciplinarity as methods in legal education.

In Brazil, the confusion between access to justice and access to the courts persists, despite the fact that its character as a fundamental right is evident. The idea remains that access to justice boils down to the right to appeal to the Judiciary.

In the face of economic, cultural and social challenges, it contributes to a selective and elitist justice. For this reason, it was imperative to introduce a new concept of access to justice, conceived as the right to a fair legal order.

However, it is essential to understand that a national policy aimed at inserting new methods of conflict resolution is not enough without the active participation of civil society, including educational institutions.

Aware of the need to involve Higher Education Institutions (HEIs) in this process, it is first necessary to consider that legal education in Brazil still reflects an institution alien to the economic, political and social reality.

Access to justice and education are Human Rights, thus requiring a place inserted in the HEIs that can make them effective, to the extent that free legal aid is offered to needy people and an education that prepares them to be legal professionals, able to follow the evolution of society.

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In this way, we will obtain a lasting legal education that contributes to extracting the congestion in the Judiciary, definitively inserting other alternative means as a way to resolve conflicts and training legal professionals prepared not only for the process, but, above all, for the mediation and conciliation of conflicts.

Thus, it is important to remember that the DCN and the MEC require that such activities be part of the curriculum, being a criterion for recognition and renewal of legal courses. Therefore, one more reason that enables the implementation of the Mediation and Conciliation Centers in the NPJ of the HEIs.

The introduction of Mediation and Conciliation Centers in the NPJ will enable access to a fair legal order, in addition to contributing to the promotion of Human Rights. This initiative aims to train legal professionals who are truly qualified to face the challenges of the labor market.

We conclude that the results of the research allowed us to propose a step-by-step guide on how to implement a Mediation and Conciliation Center in the NPJ of an HEI, which has the potential to serve as a means for the realization of the right of access to justice, and thus, play an important role in the regional development where the HEI is inserted, by creating an environment conducive to economic growth, through social pacification, the reduction of inequalities, and the strengthening of democracy, fundamental to achieving equitable and sustainable regional development.

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