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PROCEDURAL DISTRIBUTION OF AGRARIAN CONFLICTS IN MARANHÃO: AN ANALYSIS OF THE AGRARIAN COURT OF IMPERATRIZ

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ABSTRACT

The creation of the Agrarian Court of the District of Imperatriz aimed to improve the resolution of collective land disputes in the south of Maranhão. However, the analysis of the procedural distribution reveals a deviation in its competence, with a significant volume of individual cases being unduly linked to the unit. This study examines the normative criteria that delimit the performance of the Agrarian Courts, using a qualitative and exploratory approach based on legislative, jurisprudential and documentary analysis. From the survey and categorization of cases in the Electronic Judicial Process System (PJe), it was found that approximately 70% of the lawsuits are processed outside the competence of the unit, which generates negative impacts, such as judicial overload and statistical distortions. The article seeks to demonstrate the need for a more rigorous control of the procedural distribution, ensuring compliance with legal criteria to avoid damage to the efficiency of specialization and legal certainty.

Keywords: Agrarian Court. Judicial Jurisdiction. Class Litigation. Procedural Distribution. Legal Certainty.

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INTRODUCTION

The expansion of the specialization of the Judiciary in Maranhão resulted in the creation of the Agrarian Court of the District of Imperatriz, a unit aimed at resolving collective land disputes in the southern region of the state. This initiative is in line with the need to provide greater efficiency to the treatment of these demands, ensuring a faster and more qualified judgment for conflicts of possession and ownership of rural and urban collective properties.

However, it is verified that the procedural distribution in this unit has deviated from its original purpose, since a significant number of individual cases have been unduly linked to the Agrarian Court of Imperatriz, without observing the legal criteria that delimit its jurisdiction.

The problem of undue distribution directly impacts the judicial structure, compromising the effectiveness of specialization, overloading the agrarian court with processes that are not its competence and generating statistical distortions that can compromise the correct allocation of public resources.

In view of this scenario, it is imperative to analyze the normative parameters that define the jurisdiction of the Agrarian Courts in Maranhão, especially in light of State Complementary Laws No. 220/2019 and No. 274/2024, as well as Resolution-GP No. 110/2024 of the Court of Justice of Maranhão.

To carry out this study, a qualitative and exploratory approach was adopted, based on documentary and jurisprudential analysis. The research was structured in three main axes: (i) examination of the federal and state norms that govern the jurisdiction of the Agrarian Courts in Maranhão, with emphasis on specific legislation and resolutions of the State Court of Justice; (ii) survey and categorization of the cases currently in progress at the Agrarian Court of Imperatriz, through consultation of the Electronic Judicial Process System (PJe), in order to identify the nature of the demands distributed; and (iii) analysis of the impacts of the improper linking of individual facts to the specialized unit, considering its implications for the organization of the Judiciary and the guarantee of legal certainty.

In addition to the normative and jurisprudential review, quantitative data collected directly from the procedural collection of the Agrarian Court of Imperatriz were used. The classification of the cases followed previously defined criteria, considering the presence of associations as procedural representatives, the participation of identified individuals and the existence of unidentified or undetermined defendants.

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From these data, we sought to verify the compatibility between the nature of the actions distributed and the material competence of the unit, allowing an objective evaluation of the deviations in the procedural distribution and their reflections on the effectiveness of agrarian specialization.

Based on this methodology, the study intends to contribute to the improvement of the judicial management of the Agrarian Courts in Maranhão, reinforcing the need for strict control in the procedural distribution to ensure compliance with legal criteria and the proper allocation of demands.

DETERMINATION OF JUDICIAL JURISDICTION ESTABLISHED BY THE CPC

The role of the State is the exercise of jurisdiction, which consists of the function of applying the law within its territory to promote the resolution of conflicts, being exercised in a divided manner by several bodies in order to facilitate the organization of the activity (Lopes; Bruno, 2018).

Article 5, item XXXV of the CRFB/1988 establishes that the jurisdictional provision by the State-Judge can only be exercised through provocation by the party. According to Garcia (2004), it is up to the courts to apply the law only when provoked through an action that arises in the face of a resisted claim.

For Câmara (2017, p.40):

> Jurisdiction is the State's function of resolving the cases that are submitted to the State, through the process, applying the legally correct solution. It is, as already said, a state function, exercised in the face of causes, that is, concrete cases. The Judiciary does not judge theses, it judges causes. And the jurisdictional act that gives solution to the case needs to be constructed through the process, understood as an adversarial procedure

In civil procedure, compliance with procedural guarantees is essential to ensure due process. Among these guarantees, the need for the judge in the case to be duly invested with jurisdiction to process and judge the action, that is, to have competence to perform the procedural acts (Lopes; Bruno, 2018).

According to Câmara (2017), jurisdiction delimits the limits of the magistrates' action, granting them legitimacy to prosecute and judge a given case. Lopes and Bruno (2018, p. 288) point out that "articles 42 to 66 of the Code of Civil Procedure regulate jurisdiction, establishing the limits of action of each court within which it can legitimately exercise its jurisdictional function".

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According to Iglesias (2015, p2):

> If a function is assigned to a complex entity, composed of more than one organizational unit, it becomes relevant to determine the competence of each one, so that the division of the legitimate exercise of the corresponding functional power is established, clarifying the *cases* in which each organizational unit must act (e.g., competence of the common courts or the labor courts) or, also, clarifying which portion of the functional power belongs to each unit in the *same case* (e.g., competence of the special body for the declaration of unconstitutionality and competence of the collegiate body judging the specific case). The rules of competence attribute function, granting the respective power-duty, and, at the same time, establish the limits of the legitimate exercise of this power-duty.

The establishment of the jurisdiction of the court consists, therefore, in the definition of its limits of action, according to the criteria provided for in the procedural legislation. In Brazil, jurisdiction is established by the Code of Civil Procedure through an exclusion process. As Morais (2015, p. 22) points out, "the competence of the ordinary justice system is subsidiary, as it arises from the exclusion of the competence of the specialized courts".

Among the principles that guarantee procedural rights, the principle of the natural judge stands out, which prevents any individual from being judged by an incompetent court or by a court of exception, ensuring equality in the treatment of the parties (Lopes; Bruno, 2018).

Another fundamental principle is that of the unavailability of competence, according to which the rules of competence can only be changed by the legislator (Didier Júnior, 2015). The principle of perpetuity of jurisdiction, on the other hand, establishes that jurisdiction must be established at the time of registration or distribution of the initial petition, being bound to the court until the delivery of the sentence (Lopes; Bruno, 2018).

Câmara (2017) differentiates absolute competence, which protects the public interest, from relative competence, which is based on private interest. The defect of absolute incompetence can lead to the nullity of procedural acts and must be declared ex officio at any time and level of jurisdiction. Relative incompetence, on the other hand, must be argued by the interested party at the first opportunity, under penalty of extension of jurisdiction.

Article 62 of the CPC establishes that the jurisdiction determined by reason of the subject, person or function is non-derogable by agreement of the parties, being a criterion of absolute jurisdiction. On the other hand, Article 63 allows jurisdiction based on the value of the case and territory to be modified by agreement between the parties (Brasil, 2015).

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The establishment of jurisdiction takes into account criteria such as the matter dealt with in the case, the person involved, the value of the case, in addition to functional and territorial criteria (Morais, 2015).

Lopes and Bruno (2018, p. 295-300) explain that the 2015 CPC adopts a tripartite model for determining jurisdiction, based on objective, functional and territorial criteria. The objective criterion considers the value of the case, the theme of the litigation and the subjects involved. The functional criterion is divided into three dimensions: horizontal (when magistrates of the same instance act in the process), vertical (when there is a hierarchical distinction, as in appeals) and between different procedures (when a single body evaluates related processes, as in motions to enforcement).

The territorial criterion defines the place where the action must be filed, and the general rule is provided for in Article 46 of the CPC, according to which the action must be filed in the court of the defendant's domicile. However, there are exceptions, such as actions related to real estate, which must be filed in the forum where the property is located (article 47 of the CPC), in addition to specific rules for legal entities, incapable individuals and succession (Lopes; Bruno, 2018, p. 295-300).

The 2015 CPC also provides for hypotheses of modification of jurisdiction, which may occur by connection or continence. The connection occurs when two or more actions have the same request or cause of action, and must be joined for joint judgment, unless one of them has already been sentenced. This also applies to executions and actions of cognizance related to the same legal act or enforceable title.

In addition, even without connection, cases that may generate contradictory decisions must be judged jointly. Continence occurs when two actions have the same parties and cause of action, but one of them has a broader request. In this case, if the mainland action is filed first, the contained action will be extinguished without resolution of the merits; otherwise, both must be brought together (Brasil, 2015).

Finally, the declaration of incompetence can be absolute or relative. Absolute incompetence can be alleged at any time and level of jurisdiction and must be recognized ex officio by the judge. Relative incompetence, on the other hand, must be argued in the defence, under penalty of extension of jurisdiction. The judge will decide the allegation after a statement by the opposing party and, if accepted, will send the case to the competent court. As a rule, decisions rendered by an incompetent court remain valid until another decision is rendered by the correct court. The conflict of jurisdiction arises when two or

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more judges declare themselves competent, incompetent or disagree on the joining or separation of cases. In these cases, the judge who does not accept the declined jurisdiction must raise the conflict, unless he assigns it to another court (Brasil, 2015).

DEFINITION OF THE JURISDICTION OF AGRARIAN COURTS IN THE STATE OF MARANHÃO: DISTINCTION BETWEEN COLLECTIVITY AND PLURALITY OF PARTIES

In principle, it is essential to highlight that State Complementary Law No. 220/2019 established the Agrarian Court within the State of Maranhão, with attribution throughout the federative unit, to resolve land disputes involving collective litigation (Maranhão, 2019).

However, with the enactment of State Complementary Law No. 274/2024, significant changes were introduced in the state judicial structure, changing the content of the previous rule and promoting the reconfiguration of the jurisdiction of agrarian courts in Maranhão (Maranhão, 2024).

The new order created the Agrarian Court of Imperatriz, in addition to maintaining the Agrarian Court of the District of the Island of São Luís, making both judicial units have regionalized jurisdiction, that is, its competence was redefined to cover several judicial districts within certain areas.

As expressed in the legal provision in its article 8 "there will be an Agrarian Court located in the District of the Island of São Luís and another established in the District of Imperatriz, both with regionalized jurisdiction, intended for the resolution of land conflicts involving collective disputes" (Maranhão, 2024). Thus, in order to identify the competence among the agrarian units, two aspects must be observed: the demand is a land conflict and involves collective litigation.

Therefore, GP-Resolution No. 110/2024, which modified and added provisions to GP-Resolution No. 75, of October 5, 2020, which regulates the jurisdiction of the Agrarian Court within the scope of the Judiciary of Maranhão, brought changes in the organization of the Agrarian Courts in Maranhão, regionalizing their jurisdiction and structuring their competence in regional hubs that encompass several districts, due to the creation of the Agrarian Court of Imperatriz (TJMA, 2024).

The new wording of article 1 of GP-Resolution No. 75/2020, reformulated by GP-Resolution No. 110/2024, determines that the Agrarian Court located in the District of the Island of São Luís has regionalized jurisdiction, segmented into poles that comprise several adjacent districts, which are:

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> Article 1 - The Agrarian Court located in the District of the Island of São Luís has jurisdiction to settle collective conflicts involving the dispute over the possession and ownership of rural properties, with jurisdiction distributed among the judicial poles under the following terms: I- Bacabal Pole: Bacabal, Coroatá, Igarapé Grande, Lago da Pedra, Olho d'Água das Cunhãs, Paulo Ramos, Pedreiras, Poção de Pedras, São Luiz Gonzaga do Maranhão, São Mateus, Vitorino Freire; II - Chapadinha Pole: Araioses, Brejo, Buriti, Chapadinha, Magalhães de Almeida, Santa Quitéria, São Bernardo, Tutóia, Urbano Santos; III- Itapecuru-Mirim Pole: Anajatuba, Arari, Barreirinhas, Cantanhede, Humberto de Campos, Icatu, ItapecuruMirim, Morros, Rosário, Santa Rita, Vargem Grande; IV – Pinheiro Pole: Bacuri, Bequimão, Cândido Mendes, Carutapera, Cedral, Cururupu, Governador Nunes Freire, Guimarães, Maracaçumé, Mirinzal, Pinheiro, Santa Helena, São Bento, São João Batista, São Vicente Ferrer, Turiaçu; VI- Santa Inês Pole, with the exception of Arame and Buriticupu: Bom Jardim, Matinha, Monção, Olinda Nova do Maranhão, Penalva, Pindaré-Mirim, Pio XII, Santa Inês, Santa Luzia, Santa Luzia do Paruá, Viana, Vitória do Mearim and Zé Doca; VII- São Luís Pole: Alcântara and São Luís with their respective judicial terms (Paço do Lumiar, Raposa, São José de Ribamar and São Luís); VIII – Timon Pole: Matões, Parnarama, Timon; IX- Caxias Pole: Caxias, Codó, Coelho Neto, Timbiras (TJMA, 2024).

Therefore, considering the analysis of the applicable legislation and the relevant regulatory norms, it is verified that the jurisdiction of the Agrarian Court of São Luís is restricted exclusively to collective land disputes, for possession or ownership of rural properties. Thus, for the correct delimitation of the jurisdiction of this court, two essential requirements must be met: it must be a land conflict and it must involve collective litigation.

In addition, with regard to land conflicts, these are understood as those located in rural areas. This is because the caput of article 126 of the Federal Constitution assigned to the Courts the task of proposing the creation of Courts specialized in the solution of land conflicts, with exclusive jurisdiction for agrarian claims (Brasil, 1998). Thus, the Federal Constitution evidenced the need for a specific treatment of land conflicts in agrarian areas, given the uniqueness of these demands.

It should be noted that the term "agrarian" refers to the countryside and the use of the land, linking itself to rural production, thus attracting the concept of rural property according to the current legislation. The Land Statute, Law No. 4,504/1964, in its article 4, item I, defines rural property as follows: "the rustic building, with a continuous area, whatever its location, intended for agricultural, livestock or agro-industrial extractive exploitation, either by means of public valorization plans, or by private initiative" (Brasil, 1964).

On the other hand, Law No. 8,629/1993, which regulates the constitutional provisions related to agrarian reform, defines in its article 4, item I that "the rustic building

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of continuous area, whatever its location, which is intended or can be used for agricultural, livestock, vegetable extractive, forestry or agro-industrial exploitation" (Brasil, 1993).

It is important to highlight that the activities mentioned in the legislation should not be interpreted as exhaustive, but rather as examples. They serve to illustrate the concept of rural activity, without excluding the possibility that other agrarian activities may also fit into this context.

In addition, the criterion for the destination of the property is directly linked to its productive activity. In this sense, according to Rezek (2011, p. 29-30), agrarian activity can be understood as:

> human activity of vegetable cultivation and animal husbandry, characterized by the presence of an organic process of development of these plants and animals, subject to natural laws – and, therefore, not totally controlled by man – whose products, being things, are intended for social consumption in a broad sense, that is, not only for food consumption.

Thus, it is verified that the determining criterion for the qualification of the property as rural is its destination, regardless of its geographical location. In view of this, it is necessary to clarify which are the collective disputes that justify the jurisdiction of the Agrarian Court.

The Agrarian Court of Imperatriz, in addition to having regionalized jurisdiction in collective agrarian litigation in rural areas, also has jurisdiction within the Municipality of Imperatriz to settle urban lawsuits, that is, there is a different attribution of jurisdiction between both courts, as can be seen below:

> Article 1-A The Agrarian Court located in the District of Imperatriz has jurisdiction to settle urban land conflicts in the District of Imperatriz and collective conflicts involving the dispute over the possession and ownership of rural properties, with jurisdiction distributed among the judicial poles under the following terms: I- Balsas Pole: Balsas, Alto Parnaíba, Carolina, Loreto, Riachão, São Raimundo das Mangabeiras; II- Imperatriz Pole: Açailândia, Amarante do Maranhão, Estreito, Grajaú, Imperatriz, Itinga do Maranhão, João Lisboa, Montes Altos, Porto Franco, São Pedro da Água Branca, Senador La Rocque; III- Barra do Corda Pole: Barra do Corda, Colinas, Dom Pedro, Esperantinópolis, Governador Eugênio Barros, Joselândia, Presidente Dutra, Santo Antônio dos Lopes, São Domingos do Maranhão, Sucupira do Norte, Tuntum; IV – Santa Inês Pole: only Arame and Buriticupu; V- São João dos Patos Pole: Barão de Grajaú, Buriti Bravo, Mirador, Paraibano, Passagem Franca, PastosBons, São Domingos do Azeitão, São Francisco do Maranhão and São João dos Patos (TJMA, 2024).

According to Vitorelli (2020, p.48) collective disputes can be understood as follows:

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> Collective litigation is the conflict of interest that arises involving a group of people, more or less broad, who experience conflict collectively. This means that, although there may be nuances about the effects of the conflict on each of the people who make up the group, they are, in general, involved in the same problem. They are treated by the opposing party as a whole, without significant relevance to any of their strictly personal characteristics.

In view of this, it is essential to distinguish collective litigation from multiple actions. In the first case, it is a dispute in which a group of individuals faces a common problem, without considering the particularities of each member. In the multiple action, on the other hand, there is only the gathering of multiple parties in the same proceeding, characterizing a joinder formed by converging individual interests. To exemplify the difference between these two institutes, Vitorelli (2020, p.49) presents the following example:

> But what differentiates a collective dispute from a set of individual disputes? For example, if ten people go to the same tailor, hire the production of a tailor-made suit and the tailor makes the same mistake in all ten cases, are we facing a collective dispute? And if these same ten people buy cans of condensed milk, industrially produced, containing pieces of insects, would this be a collective dispute?24 In the first case, we have ten individual disputes. The contracts signed with the tailor are established individually and specifically for each person. The mistakes are only equal to each other by coincidence, but they are made in different circumstances. In this case, there is no relationship between the tailor and the group of consumers, which leads the producer to make decisions that affect them collectively. The producer harms consumers individually. On the other hand, the manufacturer of condensed milk produces without knowing who its buyer will be. The decisions you make about contaminant precautions in your supply chain affect all consumers, regardless of who is the person who will buy the product. If there are ten consumers who have suffered the same injury, it is likely that there are many more affected by it, but with pieces of cockroach insufficiently large to be perceived with the naked eye. The producer harms consumers collectively.

Collective rights, in a broad sense, are subdivided into diffuse, collective and homogeneous individual rights, according to the sole paragraph of article 81 of Law No. 8,078/1990:

> Sole Paragraph. Collective defense will be exercised when it comes to: I - diffuse interests or rights, thus considered those of a transindividual, indivisible nature, whose holder is an indeterminate group of people linked by factual circumstances; II - collective interests or rights, understood as those held by a group, category or class of persons linked to each other or to the opposing party by a basic legal relationship; III - homogeneous individual interests or rights, understood as those that derive from a common origin (Brasil, 1990).

With regard to Homogeneous Individual Rights, these are individual rights that receive collective protection in order to optimize access to Justice and ensure procedural

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economy. They refer to specific individuals, whose rights are interconnected by an event of common origin.

The following are concurrently entitled to bring these actions:

> Article 82. For the purposes of article 81, sole paragraph, the following are concurrently legitimated: I – the Public Prosecutor's Office; II – the Union, the States, the Municipalities and the Federal District; III – the entities and bodies of the Public Administration, direct or indirect, even if without legal personality, specifically intended for the defense of the interests and rights protected by this Code; IV – associations legally constituted for at least one year and that include among their institutional purposes the defense of the interests and rights protected by this Code, with the authorization of the assembly being waived. § 1 The requirement of pre-constitution may be waived by the judge, in the actions provided for in arts. 91 and following, when there is a manifest social interest evidenced by the dimension or characteristic of the damage, or by the relevance of the legal interest to be protected. § 2 (Vetoed) § 3 (Vetoed) (Brazil, 1990).

In the case of extraordinary legitimacy conferred on associations, it is relevant to highlight that the Plenary of the STF decided that actions filed by associative entities may only represent individuals who have granted express authorization, as transcribed below:

> CONSTITUTIONAL. ADMINISTRATIVE. CIVIL PROCEDURE. SUPREME FEDERAL COURT: ORIGINAL JURISDICTION: C.F., art. 102, I, n. ORDINARY COLLECTIVE ACTION: LEGITIMATION: CLASS ENTITY: EXPRESS AUTHORIZATION: C.F., art. 5, XXI. PUBLIC SERVANT: REMUNERATION: MONETARY ADJUSTMENT. I. - Ordinary action in which magistrates of Rio Grande do Sul plead for monetary adjustment on the difference in salaries paid late. General interest of the magistracy of Rio Grande do Sul in the outcome of the action. Original jurisdiction of the Federal Supreme Court: C.F., art. 102, I, n. II. - Ordinary collective action brought by a class entity: C.F., art. 5, XXI: no requirement of express authorization from the affiliates. Dissenting vote of the Rapporteur: applicability of the rule inscribed in article 5, XXI, of the C.F.: need for express authorization of the affiliates, and an authorizing clause contained in the Statute of the class entity is not enough. III. - Difference in salaries paid late: appropriateness of the monetary adjustment, in view of the nature of salaries and wages. Precedents of the S.T.F. IV. - Action known and upheld. (STF - AO: 152 RS, Rapporteur: CARLOS VELLOSO, Judgment Date: 09/15/1999, Full Court, Publication Date: DJ 03-03-2000 PP-00019)

In this way, the Consumer Statute disciplined the most relevant aspects of collective judicial protection, ranging from the issue of jurisdiction and legitimacy to the enforcement phase, including res judicata and its consequences, in addition to the problem of lis pendens and the equally significant conceptual definitions referring to diffuse, collective and homogeneous individual interests. (Mendes, 2014).

In possessory actions, article 554, § 1, of the Code of Civil Procedure provides that, in situations involving a large number of people at the passive pole of the claim, the

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summons must be made personally by a bailiff to the individuals who are found in the place that is the object of the dispute. Those who are not identified or located in the area in conflict, that is, those involved who are undetermined or absent, must be summoned by means of a public notice (Brasil, 2015).

This procedure seeks to guarantee broad legal protection to those involved in collective conflicts over land ownership, preventing absent or unknown individuals from being deprived of formal knowledge about the existence of the lawsuit and the right to a full defense. Thus, it is ensured that everyone has real conditions to participate in the process, exercising the adversarial process and presenting their defenses and arguments.

In addition, specifically for those who are summoned by public notice, the Code determines, in article 72, item II, the mandatory appointment of a special curator (Brasil, 2015). This curator will act as a procedural representative of these absent or unlocated defendants, effectively guaranteeing them the right of defense throughout the course of the judicial process.

Having made this digression, it is clear that for the filing of a collective action in both Agrarian Courts, three essential requirements are necessary: (i) the existence of a transindividual right, which can be classified as diffuse, collective or homogeneous individual, according to article 81 of the Consumer Protection Code; (ii) the active legitimacy to file the lawsuit, conferred on entities such as the Public Prosecutor's Office, federative entities, entities and bodies of the public administration and associations legally constituted for at least one year, according to article 82 of the CDC; and (iii) adequate representation, ensuring that the interests of the community are effectively defended, especially when there are undetermined individuals, allowing them to be summoned by public notice and represented by a special curator, if necessary.

THE PROCEDURAL DISTRIBUTION IN THE AGRARIAN COURT OF IMPERATRIZ AND THE IMPACTS OF THE IMPROPER BINDING OF FACTS

The procedural analysis was divided into three distinct categories, namely: (i) cases in which associations appear as procedural representatives; (ii) lawsuits whose parties are duly identified individuals; and (iii) lawsuits in which unidentified or indeterminate individuals appear.

After the evaluation of the 120 cases belonging to the collection of the Agrarian Court of Imperatriz, carried out through the Electronic Judicial Process System (PJe), the

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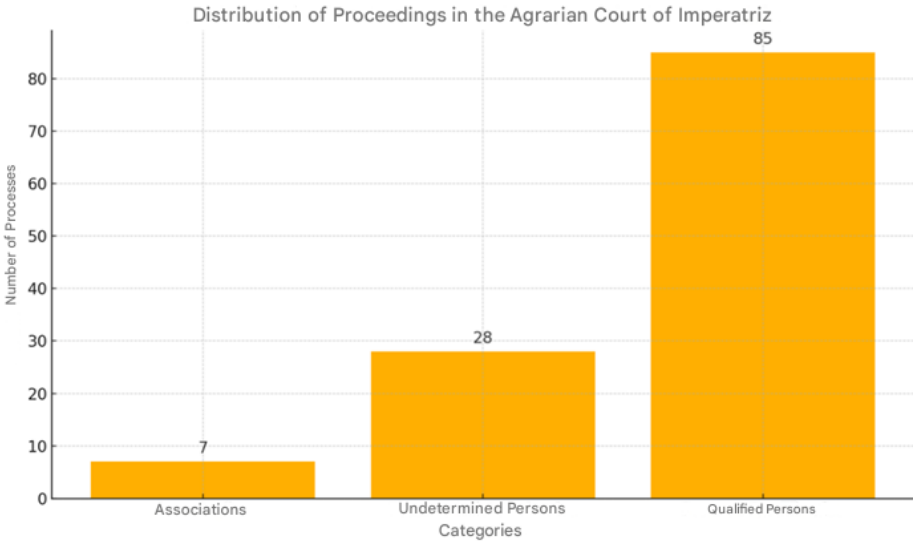
following result was found: 7 processes have associations as procedural representatives[5]; 85 lawsuits have duly identified individuals and 28 lawsuits involve unidentified or undetermined individuals[6].

For the best visualization, the following graph was created:



Source: Prepared by the author (2025).

In view of these data, it is verified that 70% of the cases currently in progress in the Agrarian Court of Imperatriz are outside the scope of its jurisdiction, since they do not address issues related to collective litigation involving possession or ownership of rural or urban properties. This percentage is distributed as follows:

[5] Processes No. 0002429-12.2014.8.10.0028, 0895435-72.2024.8.10.0001, 0828253-40.2022.8.10.0001, 0870813-60.2023.8.10.0001, 0012872-49.2015.8.10.0040, 0012650-81.2015.8.10.0040, 0003970-10.2015.8.10.0040.

[6] Processes No. 0895948-40.2024.8.10.0001, 0000293-92.2012.8.10.0131, 0801771-21.2023.8.10.0001, 0860296-59.2024.8.10.0001, 0009610-91.2015.8.10.0040, 0800974-26.2024.8.10.0093, 0840527-65.2024.8.10.0001, 0806067-52.2024.8.10.0001, 0800536-07.2024.8.10.0026, 0870765-04.2023.8.10.0001, 0802298-56.2022.8.10.0114, 0801111-15.2022.8.10.0081, 0803118-48.2022.8.10.0026, 0801232-30.2022.8.10.0053, 0800582-93.2022.8.10.0081, 0807855-72.2022.8.10.0001, 0801055-77.2021.8.10.0093, 0800925-06.2020.8.10.0099, 0800482-17.2020.8.10.0144, 0812140-59.2020.8.10.0040, 0800327-70.2020.8.10.0093, 0800237-62.2020.8.10.0093, 0800111-10.2020.8.10.0126, 0803057-71.2019.8.10.0131, 0000712-22.2018.8.10.0093, 0000634-28.2018.8.10.0093, 0000298-95.2018.8.10.0037, 0800263-19.2018.8.10.0097, 0000579-48.2016.8.10.0093, 0000336-86.2016.8.10.0099, 0000868-79.2016.8.10.0028, 0000869-64.2016.8.10.0028, 0006132-51.2010.8.10.0040

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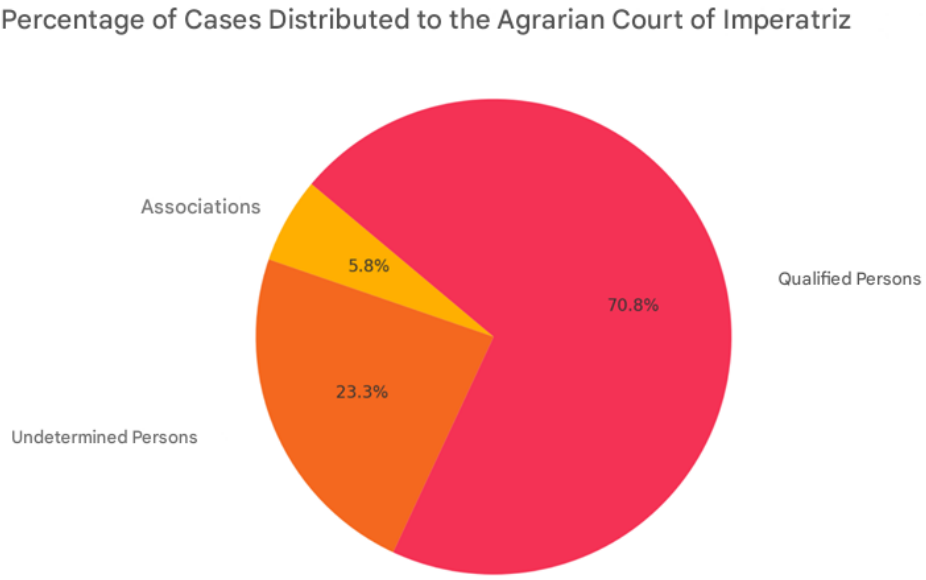

Source: Prepared by the author (2025).

In view of this scenario, it can be seen that the 70% of lawsuits that are improperly processed in the Agrarian Court of Imperatriz, corresponding to 85 lawsuits[7], constitute a serious risk to legal certainty and the effective protection of the rights of the parties involved.

This situation is in direct contradiction to the provisions established by State Complementary Law No. 274/2024 and GP-Resolution No. 110/2024 of the Court of Justice of Maranhão (TJMA), normative instruments that precisely delimit the exclusive jurisdiction

[7] Cases No. 0810099-56.2019.8.10.0040, 0872520-29.2024.8.10.0001, 0800739-63.2020.8.10.0040, 0000104-62.2008.8.10.0129, 0007609-36.2015.8.10.0040, 0002696-16.2012.8.10.0040,0000376-33.2015.8.10.0122, 0006840-28.2015.8.10.0040, 0000619-56.2011.8.10.0044, 0815943-84.2019.8.10.0040, 0006296-45.2012.8.10.0040, 0003897-38.2015.8.10.0040, 0007798-14.2015.8.10.0040, 0802190-94.2018.8.10.0040, 0013222-37.2015.8.10.0040, 0014639-88.2016.8.10.0040, 0800220-20.2018.8.10.0053, 0006984-65.2016.8.10.0040, 0801543-39.2020.8.10.0102, 0801536-44.2017.8.10.0040, 0014546-28.2016.8.10.0040, 0803298-61.2018.8.10.0040, 0817915-16.2024.8.10.0040, 0815098-81.2021.8.10.0040, 0001677-42.2016.8.10.0037, 0807349-52.2017.8.10.0040, 0801305-17.2017.8.10.0040, 0806720-73.2020.8.10.0040, 0808068-92.2021.8.10.0040, 0801703-27.2018.8.10.0040, 0800417-05.2021.8.10.0106, 0804983-98.2021.8.10.0040, 0803993-10.2021.8.10.0040, 0000265-08.2018.8.10.0037, 0800260-36.2021.8.10.0040, 0816994-67.2018.8.10.0040, 0816973-91.2018.8.10.0040, 0808877-87.2018.8.10.0040, 0803259-59.2021.8.10.0040, 0800108-23.2021.8.10.0093, 0000764-18.2018.8.10.0093, 0805732-52.2020.8.10.0040, 0816609-85.2019.8.10.0040, 0802985-56.2025.8.10.0040, 0800046-46.2022.8.10.0093, 0803490-95.2021.8.10.0037, 0818032-12.2021.8.10.0040, 0802422-62.2025.8.10.0040, 0810370-60.2022.8.10.0040, 0804879-72.2022.8.10.0040, 0800421-16.2025.8.10.0037, 0826435-96.2023.8.10.0040, 0801305-36.2025.8.10.0040, 0801250-64.2022.8.10.0081, 0802387-79.2022.8.10.0114, 0800303-31.2025.8.10.0040, 0826530-63.2022.8.10.0040, 0810730-24.2024.8.10.0040, 0800190-14.2024.8.10.0040, 0807217-48.2024.8.10.0040, 0800244-77.2024.8.10.0040, 0804180-13.2024.8.10.0040, 0803639-77.2024.8.10.0040, 0822944-67.2024.8.10.0001, 0804834-76.2023.8.10.0026, 0816673-56.2023.8.10.0040, 0800192-42.2023.8.10.0129, 0824701-76.2024.8.10.0040, 0814275-05.2024.8.10.0040, 0811823-22.2024.8.10.0040, 0812477-09.2024.8.10.0040, 0824182-04.2024.8.10.0040, 0823487-50.2024.8.10.0040, 0823234-62.2024.8.10.0040, 0823140-17.2024.8.10.0040, 0822562-54.2024.8.10.0040, 0821066-87.2024.8.10.0040, 0819925-33.2024.8.10.0040, 0819466-31.2024.8.10.0040.

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of this judicial unit to judge collective disputes related to the possession and ownership of rural and urban properties.

The permanence of these undue processes in the Agrarian Court generates several negative impacts, highlighting the unnecessary overload on the Judiciary, which starts to face operational and administrative difficulties, in addition to a significant loss of efficiency and increase in the processing time of cases legitimately framed in the specialized competence of the unit.

As noted, this is a matter of absolute competence defined by the legislation and cannot be changed or extended, as it is established based on the public interest and considered non-derogable.

According to Lopes and Bruno (2018), **this type of competence, when disrespected, constitutes a serious defect, and may result in the nullity of the decision-making acts already issued by the magistrate or even in the complete annulment of the process. Such nullity, due to its seriousness, must be recognized ex officio at any procedural stage. In addition, if a judge without jurisdiction renders a judgment on the merits, it will be considered null and void.**

In this way, these are decisions that can generate instability in legal relations, discredit in judicial decisions and financial and moral losses for the parties involved. In addition, this situation weakens the constitutional principle of the natural judge, compromising the fundamental right to adequate, fair and timely judicial provision, guaranteed to all citizens.

Furthermore, considering that it is a specialized jurisdictional unit, the distribution of cases that do not fall within the jurisdiction of the Agrarian Court of Imperatriz/MA may result in an artificial increase in the procedural collection. This statistical swelling could unduly justify the creation of this unit, masking the real demand for its installation and promoting the allocation of public resources without concrete need. In addition, it is verified that the number of collective agrarian lawsuits, whether urban or rural, in the southern region of Maranhão is extremely small, which reinforces the concern about the relevance of this distribution.

FINAL CONSIDERATIONS

The growing judicialization of agrarian conflicts in Maranhão led to the creation of the Agrarian Court of the District of Imperatriz, with the purpose of specializing the

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judgment of collective land disputes in the southern region of the state. However, the analysis carried out showed that the procedural distribution in the unit has deviated from its original competence, since a significant number of individual cases have been improperly linked to the Agrarian Court. This scenario compromises the efficiency of specialization, generating statistical distortions and undue overload of the unit.

The establishment of judicial jurisdiction in Brazil follows criteria established by the Code of Civil Procedure, ensuring the correct delimitation of the attributions of magistrates and avoiding conflicts of jurisdiction. In the case of the Agrarian Courts, the jurisdiction must observe the collective nature of the litigation, as provided for in state legislation and specific regulations. Failure to comply with these rules can generate procedural nullities and compromise legal certainty, making it essential to strictly observe the normative criteria in the procedural distribution.

The Maranhão state legislation, especially Complementary Laws No. 220/2019 and No. 274/2024, as well as the resolutions of the Court of Justice of Maranhão, delimit the jurisdiction of the Agrarian Courts exclusively for collective land litigation. The analysis showed that the distinction between collective conflicts and the mere plurality of parties is essential to avoid deviations in the distribution of cases. The undue attribution of individual claims to the Agrarian Court compromises the specialization of the court and distorts its purpose, evidencing the need for better defined objective criteria in the screening of facts.

The study of the procedural distribution in the Agrarian Court of Imperatriz revealed that about 70% of the cases currently in progress do not fall within the material competence of the unit, being constituted by individual actions. This situation generates negative impacts such as congestion in the unit, compromising the speed of legitimately distributed processes and resulting in an artificial increase in the unit's numbers. In addition, such distortion can lead to the improper allocation of public resources and compromise the effectiveness of the jurisdictional provision, reinforcing the need for more careful control in the initial phase of procedural distribution.

In view of the above, it is concluded that the correct delimitation of the jurisdiction of the Agrarian Courts in Maranhão is essential to ensure the specialization of the court and the legal certainty of the parties involved. The deviation in the procedural distribution compromises the efficiency of the unit and generates negative impacts for the judicial system as a whole. Thus, it is recommended the implementation of stricter control

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mechanisms to avoid the undue linking of individual cases to the Agrarian Courts, ensuring compliance with procedural rules and the proper destination of collective agrarian litigation.

To this end, it is recommended that the Court of Justice of the State of Maranhão prepare a resolution clearly defining which agrarian disputes, rural or urban, have a collective nature, as well as establishing the criteria to distinguish when it comes to an individual or collective action.

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