

The Instrumentality of Civil Procedure for Substantive Law and Appropriate Dispute Resolution (ADR) Mechanisms: Personality Rights between Notary and Registry Offices and the Judiciary in Light of the Justice in Numbers Report

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Abstract

Under the inescapable imperative of judicial efficiency, the adoption of refined mechanisms aimed at enhancing the judicial apparatus has intensified. These mechanisms serve a dual purpose: to reduce the caseload burdening the courts and, simultaneously, to give concrete effect to the constitutional mandate of reasonable duration of proceedings. Thus, the present study investigates the instrumental role of civil procedure in the protection of personality rights, focusing on the structural limitations of the Judiciary and the potential of dejudicialization through extrajudicial services. The general objective is to assess the extent to which dejudicialization can enhance access to justice and ensure greater effectiveness in the enforcement of personality rights. The specific objectives are to analyze the legal provisions that enable dejudicialization, examine the Justice in Numbers Report (2024), and discuss the limits and potential of notarial and registral performance. The methodology adopted follows a deductive method, employing both qualitative and quantitative approaches, supported by documentary analysis. The study contributes by demonstrating the strategic role of notary offices as agents of social pacification and facilitators of access to justice. It concludes that judicial delay undermines the effectiveness of personality rights, and that the expansion of dejudicialization represents a viable, secure, and necessary path toward the proper administration of justice.

Keywords

Access to Justice, Effectiveness of Legal Protection, Extrajudicial Services,

Self-Composition

1. Introduction

It is not enough for the legal process merely to exist—it must fulfill, with promptness and effectiveness, its primary vocation: to realize justice in a timely manner. In this regard, article 5, item XXXV, of the Brazilian Federal Constitution guarantees access to justice and establishes, as a fundamental right, the reasonable duration of proceedings and the availability of instruments that ensure their swift progress, whether in judicial or administrative spheres. This is a constitutional promise which, although imbued with democratic legitimacy, faces tangible obstacles. The effort to reconcile speed with effectiveness is hindered, in truth, by the hypertrophy of the judiciary, fueled by a culture of excessive litigiousness and a model of unrestricted access that, paradoxically, may undermine the very provision of justice. When misunderstood or applied indiscriminately, this guarantee can become a trap, generating systemic bottlenecks and distancing the citizen from the ideal of justice they sought to attain. The judicialization of social relations, compounded by the structural limitations of the system, has significantly impaired full, timely, and equitable access to justice. In this scenario of institutional overload and sluggishness, the debate regarding the instrumental nature of civil procedure and the expansion of extrajudicial mechanisms resurfaces with renewed vigor—as legitimate and complementary avenues for the protection of rights, particularly those pertaining to personality. Firstly, this study proposes an analysis of civil procedure as an instrument directed toward the realization of substantive law, with particular attention to the transformations introduced by the 2015 Code of Civil Procedure. Emphasis is placed on the principles of self-composition, cooperation, and the primacy of merit as foundational elements paving the way for overcoming an excessively formalistic model. In this context, dejudicialization emerges as a viable response to the slowness and rigidity of the system, especially in matters not prone to dispute or resistance. Following this analysis, the paper turns to a critical reading of the Justice in Numbers Report (*Conselho Nacional de Justiça*, 2024), revealing—on empirical grounds—the depth of the structural crisis affecting the Judiciary. Noteworthy are the excessive average timeframes for final resolution of cases and the low effectiveness of conciliation hearings. Based on this data, the expansion of extrajudicial channels is advocated, as a means of relieving judicial burdens and ensuring a more efficient, uncomplicated, and prompt form of rights protection for citizens. Finally, the focus shifts to extrajudicial notarial and registry services—particularly civil registry offices—as key agents in promoting dejudicialization and legal certainty. Legislative innovations such as Law No. 14.382/2022 are examined, as they broaden the scope of extrajudicial practice. Legal mechanisms such as administrative adverse possession (*usucapião administrativa*), civil registry rectification, and the administrative change of given name and gender are highlighted as effective tools for democra-

tizing access to justice and realizing personality rights—without the delays and overburden of traditional judicial routes. The research is conducted through the deductive method, employing both qualitative and quantitative approaches, and utilizes documentary analysis as its primary investigative technique. The general objective is to assess dejudicialization as a tool for the protection of personality rights. The specific objectives include: 1) reflecting on civil procedure as an instrument for the realization of substantive rights; 2) examining empirical data from the Justice in Numbers report; and 3) demonstrating the importance of extrajudicial notarial and registry services in consolidating a more efficient and accessible justice system. The research problem is formulated as follows: How can dejudicialization contribute to the effectiveness of personality rights, in light of the well-known slowness of the Brazilian judiciary? This research does not intend to exhaust the debate, nor does it claim to do so. Nonetheless, its conclusion underscores that overcoming the paradigm of excessive litigiousness—by strengthening extrajudicial pathways for the resolution and formalization of rights—is a necessary step toward building a swifter, more effective, and more humane model of justice. Such a model must be capable, above all, of protecting personality rights with dignity and restoring public confidence in the justice system. The study further concludes that the legal process, in its essence, is not an end in itself but rather an instrument oriented toward the realization of substantive law. Its legitimacy rests upon its ability to ensure the effective delivery of judicial protection within a reasonable timeframe, in observance of the principles of adversarial proceedings, cooperation, and procedural good faith. Therefore, the enhancement of procedural structures and the promotion of consensual solutions are contemporary imperatives of a justice model committed both to formal legality and to the substantive realization of rights.

2. The Legal Process as an Instrument for the Enforcement of Jurisdictional Protection

In Civil Law lies the body of rules that governs relations among private individuals and establishes the foundations for legal certainty and predictability. As a branch of substantive law, it organizes social interactions by defining rights and obligations, seeks to protect the assets and interests of individuals, and contributes to the construction of a stable and harmonious legal order.

Procedure, in turn, constitutes the instrument through which jurisdictional protection of such rights is effected; it serves as a bridge between substantive law and its effective enforcement—in other words, it instrumentalizes civil law for the concrete application of rights. Procedure operationalizes access to justice, aiming to ensure that conflicts are resolved swiftly and efficiently, thereby transforming normative content into real and tangible protection (Bedaque, 2010, p. 78; Swenson, 2007).

In this sense, procedural law must ensure that state intervention occurs in a timely manner. This position is affirmed by Cândido Rangel Dinamarco (2008,

pp. 177-178, our translation)¹:

The usual assertion that the process is an instrument is vague and adds little to the understanding of procedure unless it is accompanied by a clear indication of the objectives to be achieved through its use. Every instrument, by its nature, is a means; and every means is such and legitimized only insofar as it serves the ends for which it is intended. The teleological reasoning must therefore necessarily include the establishment of the purposes of the process, that is, the guiding aims of its institution and the conduct of the agents who utilize it. (...) In other words, the instrumentalist perspective of the process is teleological by definition, and the teleological method invariably leads to viewing the process as an instrument predisposed to the realization of the chosen objectives.

The growth of social and legal relationships has led to a significant increase in the demands brought before the Judiciary, many of which could be resolved by less burdensome and more expeditious means. Indeed, in complex or contentious situations where a thorough judicial examination is necessary, traditional jurisdictional action remains indispensable.

However, in contexts where there is no actual litigation, or where disputes can be resolved consensually, extrajudicial means prove to be more appropriate, including with regard to their contribution to the exercise and protection of personality rights (Molin & Lago, 2022).

To better understand the scope of the foregoing, cases that demonstrate the urgent need for judicial review include, for example, conflicts involving direct resistance between the parties, such as claims for damages arising from moral harm involving sensitive issues of honor and image, property disputes with multiple conflicting interests, or situations that require detailed production of expert, testimonial, or documentary evidence, the analysis of which and potential exercise of state coercive power become irreplaceable.

On the other hand, procedures related to the alteration or correction of names, registration of stable unions, consensual divorces without disputes over assets or children, voluntary acknowledgment of paternity, adverse possession (*usucapião*), and acts that depend solely on documentary verification and consensual homologation do not require direct judicial intervention.

In this line of thought, Law No². 11,441/2007 is regarded as the initial landmark in the extrajudicial approach to the dejudicialization of disputes. Under the pur-

¹Original in Portuguese: É vaga e pouco acrescenta ao conhecimento do processo a usual afirmação de que ele é um instrumento, enquanto não acompanhada da indicação dos objetivos a serem alcançados mediante o seu emprego. Todo instrumento, como tal, é meio; e todo meio só é tal e se legitima em função dos fins a que se destina. O raciocínio teleológico há de incluir, então, necessariamente, a fixação dos escopos do processo, ou seja, dos propósitos norteadores da sua instituição e das condutas dos agentes que o utilizam. (...) Em outras palavras: a perspectiva instrumentalista do processo é teleológica por definição e o método teleológico conduz invariavelmente à visão do processo como instrumento predisposto à realização dos objetivos eleitos.

²BRAZIL. Law No. 11,441, dated January 4, 2007. Amends provisions of Law No. 5869, dated January 11, 1973—Code of Civil Procedure, enabling the realization of inventory, partition, consensual separation, and consensual divorce through administrative means. *Official Gazette of the Union*, Brasília, DF, January 5, 2007. Our translation.

pose of providing a more expeditious process while respecting all legal requirements, the aforementioned statute introduced the development of activities previously possible only through judicial means. Carrying all the necessary legal certainty, it became possible for delegates to act in substitution of the judiciary (Rodrigues & Kaneko, 2021).

As corroborated by Neves (2022), the enactment of Law No. 11,441/2007 marked a turning point in the national legal tradition, as it enabled the execution of inventory and partition through extrajudicial means—provided that the statutory requirements are observed³. Whereas previously such matters required a judicial ruling subject to delays caused by procedural backlog, they now find in the extrajudicial sphere a swift and effective means of realizing succession rights⁴.

Resolution No. 35/2007 of the National Council of Justice (CNJ)⁵, pursuant to Articles 11 through 32, as highlighted by Dr. Daniel Amorim Assumpção Neves (2022), regulates the extrajudicial execution of inventory and partition. It is noteworthy that the use of a public deed as an administrative means for these acts is not mandatory; thus, even if all legal requirements are met, the successors retain the right to opt for judicial proceedings, as expressly provided in Article 2 of the aforementioned resolution (Brazil, 2007).

In contrast, the 2015 Code of Civil Procedure (CPC/15) represented a break in the protection of civil rights by prioritizing procedural speed, cooperation, and consensual resolution of conflicts. Unlike the traditional model, which was marked by excessive formalism and procedural delay, the new legislative framework introduced provisions aimed at rationalizing the exercise of jurisdiction.

Among the most significant innovations is Article 3, Paragraph 3, of the CPC/15⁶, which imposes on the State the obligation to encourage self-composition, thereby promoting alternative means such as mediation and conciliation, in accordance with the principles of access to justice and efficiency.

Additionally, Article 6 of the CPC/15 establishes the duty of cooperation between the parties and the judge, imposing a new dynamic on procedural proceedings in which the construction of solutions must be guided by dialogue and objective good faith. This principle is further supported by Article 5, item LXXVIII of the Federal Constitution (CF)⁷ and is reflected in the literal wording of Article

³Such legislative innovation, conditioned upon the full capacity of the successors, the absence of a will, and the unanimous expression of intent regarding the disposition of assets, finds normative support in Article 610 of the 2015 Code of Civil Procedure (Brazil, 2015, our translation).

⁴What can be observed is that the expansion of notarial and registry powers ensures the prompt satisfaction of substantive rights and strengthens the modernization and legal certainty in the delegation of competences by the Judiciary, in accordance with the principles of efficiency and dejudicialization.

⁵The execution of notarial acts relating to inventory, partition, consensual separation, consensual divorce, and consensual termination of stable unions through administrative means is regulated by Resolution No. 35 of the National Council of Justice, dated April 24, 2007, our translation.

⁶Article 3, Paragraph 3, of the CPC/15: Conciliation, mediation, and other methods of consensual dispute resolution shall be encouraged by judges, lawyers, public defenders, and members of the Public Prosecutor's Office, including during the course of judicial proceedings (Brazil, 2015, our translation).

⁷Article 5, item LXXVIII, of the Federal Constitution: Everyone is guaranteed, within the judicial and administrative spheres, the reasonable duration of the process and the means that ensure the promptness of its proceedings (Brazil, 1988, our translation).

4 of the CPC/15⁸, all of which emphasize the reasonable duration of the process (Brazil, 2015; Brazil, 1988).

In practice, the CPC/15 consolidated mechanisms that were previously timid or insignificant within the Brazilian legal system. The establishment of mediation and conciliation centers, provided for in Article 165 of the aforementioned Code, aims to strengthen the culture of consensus, reduce litigation, and alleviate the burden on the Judiciary (Gevartosky, 2016). Furthermore, the adoption of procedural legal transactions, set forth in Article 190, expanded party autonomy by allowing the flexibilization of procedures and adjustment of deadlines according to the specificities of each case—something unthinkable under the CPC/73, whose rigid inquisitorial model restricted active participation by litigants in shaping the course of the proceedings (Brazil, 2015).

The introduction of evidentiary injunctions in Article 311 of the CPC/15 reflects the new perspective of expedited justice by enabling the anticipation of jurisdictional protection when there is a clear likelihood of the asserted right, thereby reducing the time necessary for the realization of substantive rights.

The contrast between the procedural regimes of 1973 and 2015 demonstrates a clear transition from an essentially bureaucratic system to a more dynamic model focused on the effectiveness of jurisdiction. The CPC/73, heavily influenced by the Romano-Germanic tradition, prioritized strict adherence to formal rites, resulting in a process that was excessively slow and poorly adaptable to contemporary demands.

It was with the advent of the CPC/15 that procedural logic was substantially reformed, adopting principles such as the primacy of the merits and the prohibition of surprise rulings (Article 10 of the CPC/15)⁹, as well as procedural simplification in specific cases, such as summary dismissal of claims (Article 332 of the CPC)¹⁰. In this way, the current Code modernized procedural systems, redefining the relationship between substantive law and jurisdictional protection (Brazil, 2015).

Thus, *dejudicialization*, born from the need for the judiciary to adapt to social transformations, offers new and more satisfactory possibilities for conflict resolution, demonstrating the interdependence between dejudicialization and judicialization as phenomena arising from social and institutional dynamics (Flores, 2015). However, despite the significant milestone represented by the New Code of Civil Procedure, statistical outcomes remain unsatisfactory.

One of the models of dejudicialization adopted by the State has focused, within

⁸Article 4 of the CPC/15: The parties have the right to obtain a full resolution of the merits within a reasonable time, including any satisfaction measures (Brazil, 2015, our translation).

⁹Article 10 of the CPC/15: The judge may not decide, at any level of jurisdiction, based on grounds on which the parties have not been given an opportunity to be heard, even if it concerns matters that the judge must decide ex officio (Brazil, 2015, our translation).

¹⁰Article 332 of the CPC/15: In claims that do not require an evidentiary phase, the judge shall, regardless of service of process upon the defendant, summarily dismiss the claim if it contradicts: (...) (Brazil, 2015, our translation).

the essence of the CPC/15, on the attempt to filter claims that have already been brought before the courts, by creating mechanisms aimed at preventing the proceedings from naturally advancing to a final judgment.

The most emblematic example of this strategy is found in Article 334 of the 2015 Code of Civil Procedure, which mandates a conciliation and mediation hearing, except when amicable settlement is not applicable or when both parties expressly declare their refusal to participate (Brazil, 2015)¹¹. The underlying rationale of this provision is to encourage consensual resolution at the outset of the proceedings. However, the effectiveness of this model has been subject to scrutiny.

3. Analysis of the Justice in Numbers Report (CNJ) in Light of the Current Model of Justice

The promotion of mediation and conciliation within the judicial process itself, although representing an attempt to mitigate the system's overload, still focuses on disputes that have already entered the judiciary. The analysis of the *Justice in Numbers* report (Conselho Nacional de Justiça, 2024) provides insight into this reality. In 2023, judicial expenditures reached the significant amount of R\$132,753,957,654 (one hundred thirty-two billion, seven hundred fifty-three million, nine hundred fifty-seven thousand, six hundred fifty-four reais)¹².

Rui Barbosa's warning (2019) (p. 58, our translation)¹³ remains relevant: "delayed justice is not justice, but rather qualified and manifest injustice." In this sense, true progress in dejudicialization does not lie unilaterally in the creation of internal filters within judicial proceedings, but rather in the promotion of effective alternatives that prevent the unnecessary filing of lawsuits.

Quantifying the issue, the *Justice in Numbers* report (CNJ, 2024) reveals that the average time between the filing of a claim and the issuance of a judgment, as well as between the case assignment and its closure, increased by approximately two months compared to the previous year—a phenomenon that significantly undermines the effectiveness of jurisdictional protection and, consequently, the realization of the right of access to justice.

In the State and Federal Courts, which concentrate the majority of civil and administrative claims, procedural timelines have reached alarming levels. Within the State Courts, pending cases have awaited final resolution for an average of 4 years and 5 months, while those actually closed in 2023 registered an average processing time of 2 years and 10 months. As for the Federal Courts, the figures are even more troubling, with pending cases lasting approximately 4 years and 3 months, whereas cases closed in 2023 showed an average duration of 2 years and

¹¹Article 334 of the 2015 Code of Civil Procedure. If the initial petition meets the essential requirements and it is not a case for summary dismissal of the claim, the judge shall schedule a conciliation or mediation hearing with at least thirty (30) days' notice, and the defendant shall be summoned at least twenty (20) days in advance (...) (Brazil, 2015, our translation).

¹²Objective data from the *Justice in Numbers* report 2024, p. 64.

¹³In the original: justiça atrasada não é justiça, senão injustiça qualificada e manifesta (Barbosa, 2019, p. 58).

3 months (Conselho Nacional de Justiça, 2024, p. 279).

Notwithstanding the exacerbated extension of procedural deadlines, as already noted, the magnitude of the backlog of pending cases in the Judiciary raises questions about the (in)feasibility of the current model of jurisdictional service. Despite the increase in judicial productivity, which in 2023 reached the level of 2000 cases closed per judge, and a 5% rise in the Productivity Index per Staff Member (IPS-Jud), the case inventory continues to grow. The Demand Fulfillment Index (IAD), set at 99.2%, shows that the courts resolved slightly fewer cases than were filed, which is why the accumulated volume of cases continues to rise¹⁴.

The case backlog reached 82,788,886 pending cases in February 2024 (see **Figure 1**)¹⁵, requiring an estimated period of 2 years and 5 months for full processing¹⁶, assuming no new cases are filed (Conselho Nacional de Justiça, 2024).

According to data from the National Council of Justice itself (2024), this is the state of affairs:

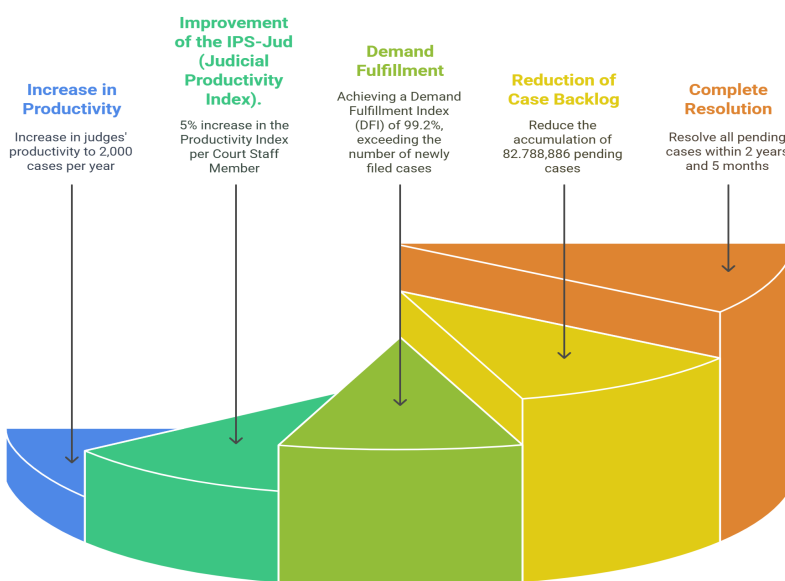


Figure 1. Case Backlog in the Judiciary (CNJ data, 2024), own authorship.

Faced with a judiciary whose machinery spins incessantly without ever fully achieving its function, one must ask whether the solution to procedural collapse lies merely in expanding the state apparatus, or whether it requires a fundamental restructuring of the very foundations that support the current model of access to justice¹⁷. The problem is not limited to court delays or case overloads, but rather in the lack of dissemination of mechanisms that allow individuals to exercise their

¹⁴Data obtained from the Justice in Numbers report 2024, p. 159.

¹⁵Data obtained from the Justice in Numbers report 2024, p. 423.

¹⁶Data obtained from the Justice in Numbers report 2024, p. 20.

¹⁷The error does not lie in the number of judges, nor in the insufficiency of court staff, but also in the historical conception that has taught citizens that every grievance must be brought before the court, as if the law were synonymous with litigation and its resolution a monopoly of the State.

autonomy in resolving their own disputes.

In this regard, the data reveal a paradox. The 2015 Code of Civil Procedure established consensual dispute resolution as a priority policy; however, the percentage of court-approved settlement judgments has shown a declining trend over the years (See **Figure 2**). In 2015, the rate was 17.2%; in 2016 and 2017, it stabilized at 17%; in 2018, it dropped to 16.7%; and in 2023, it reached a low of 12.1% (*Conselho Nacional de Justiça, 2024, p. 20*)¹⁸. What can be observed is that, in this respect, the results are unsatisfactory, and the effectiveness of consensual solutions within the current model remains questionable. What is evident is:

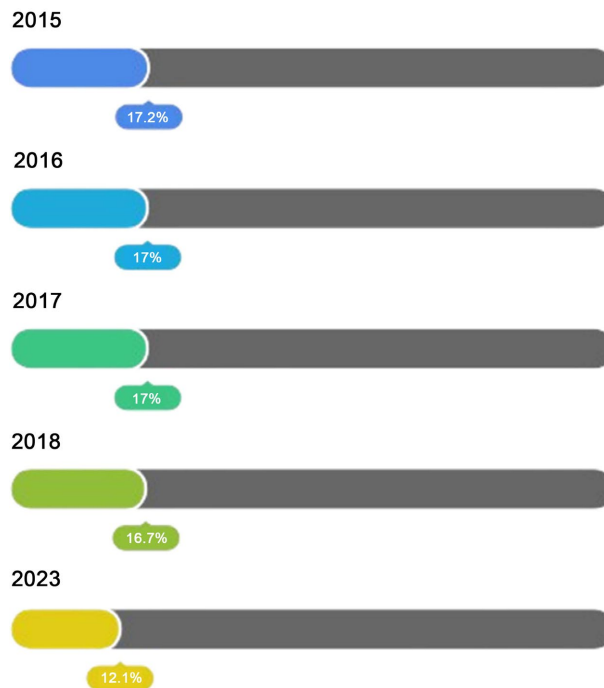


Figure 2. Rate of settlement approval judgments in Brazil (CNJ data, 2024), own authorship.

The data demonstrate that mediation and conciliation, although widely encouraged, have not been fully embraced by Brazilian procedural culture, whether due to insufficient court infrastructure or a lack of mediators and conciliators in adequate numbers to meet demand.

In light of the foregoing, this procedural backlog concretely reveals the structural incapacity of the Judiciary to absorb the growing litigiousness of contemporary society—a circumstance that urgently demands the adoption of policies aimed at dejudicializing certain matters, especially those amenable to extrajudicial resolution through notarial and registry services.

¹⁸The culture of excessive litigation has transformed the judiciary into a stage of incessant battles, when it should be the last bastion, not the first trench. As will be further discussed, the challenge is not merely to adjudicate more cases, but to adjudicate with purpose—reserving jurisdictional activity for disputes that truly require state intervention, while promoting extrajudicial alternatives.

Delay, by postponing the satisfaction of rights, erodes its very purpose, rendering futile the formal recognition of prerogatives that, in practice, do not translate into real guarantees. What use is a right secured if its realization occurs belatedly, thereby diminishing its effectiveness and compromising the dignity of those who depend on it? (Nicolitt, 2006).

The demand-driven culture, deeply rooted in society, fuels a cycle that perpetuates systemic inefficiency, making a review of the traditional conflict resolution model necessary. This is not to deny the importance of state jurisdiction. Jurisdictional activity remains essential to preserving legal order and resolving disputes that require impartial and coercive adjudication (Molin & Lago, 2022).

What is required, however, is to envision justice beyond the formal structure of the Judiciary. Jurisdictional protection should not be the sole legitimate means of resolving disputes, especially when there are faster, more efficient, and more suitable alternatives to the nature of social conflicts. In this context, dejudicialization emerges as an indispensable instrument for modernizing access to justice (Cappelletti & Garth, 1988).

The consolidation of a litigious culture in Brazil is the product of structural, historical, and institutional factors that shaped how access to justice is conceived and used. As Vianna and Nery (2019, pp. 7-9) point out, the Brazilian legal model, strongly influenced by Romano-Germanic law, has always been marked by excessive formalization and bureaucratization of procedures, creating an almost absolute dependency on the State for conflict resolution.

This normative and institutional framework fostered the belief that every demand must be brought before the judiciary, reinforcing a behavior that, over the years, has crystallized in the public mindset as the only legitimate avenue for dispute resolution (Dinamarco, 2001).

Thus, Brazil's socioeconomic development, marked by profound inequalities and shortcomings in the implementation of effective public policies, reinforced this dependence on the state apparatus. Vianna and Nery (2019, p. 8) note that at various points in Brazilian history, the Judiciary was seen as a space for legitimizing and recognizing social demands, which fueled an unchecked pursuit of judicial decisions, often as a form of compensation for the inefficiency of other administrative and political bodies.

Moreover, this state posture, which often delays the fulfillment of its obligations, has led to the discrediting of administrative avenues and has fostered a culture of litigation as the only viable alternative. Excessive judicialization is therefore not merely a societal choice but a reflection of a legal and institutional model that has historically encouraged dependence on the judiciary, without investing in the creation of effective instruments for conflict prevention and resolution outside the state sphere.

The culture of judicialization in Brazil has been consolidated through a set of structural, historical, and institutional factors that have conditioned society. One contributing factor to this reality is the structure of procedural costs in Brazil,

which, when compared to other countries such as the United States, does not discourage the filing of lawsuits. The high number of practicing lawyers—around one million one hundred thousand professionals—creates intense competition and consequently devalues the legal profession, incentivizing the mass filing of cases (Vianna & Nery, 2019, pp. 7-9).

In this context, combined with the judiciary's sluggishness, a dynamic arises in which many litigants, including the State itself, take advantage of systemic flaws to delay the fulfillment of their obligations or to secure undue advantages. Furthermore, according to the authors¹⁹:

Not only the State, but also many parties involved in judicial proceedings—even when their rights are disputed—can take advantage of the structural flaws of the judicial apparatus and come out victorious. In some way, Brazilians will always find means to obtain benefits from the chaos of the Judiciary. And this is another point that deserves emphasis: the so-called “jeitinho brasileiro” (Brazilian way). Always seeking to exploit situations, the Brazilian attitude is in complete dissonance with what is expected from consensual dispute resolution—that the parties themselves, through dialogue, reach a solution that meets both parties' expectations and proves mutually beneficial. Brazilians want to benefit alone, because, in their understanding, only one can win. Plain and simple. Moreover, there are always professionals who profit from large-scale litigation, which, for many, means nothing more than money in their pockets. Nothing beyond that. The culture of litigation is self-perpetuating (...) (Vianna & Nery, 2019, pp. 8-9, our translation).

Daniela Monteiro Gabbay (2013) points out that in the U.S. legal system, dispute resolution predominantly occurs through settlements, which substantially differs from the Brazilian reality, where a culture of judicial rulings still prevails. While in Brazil the resolution of a dispute is generally tied to a judicial decision, in the United States consensual resolution is viewed as the natural path to conflict pacification, with judicial recourse being an exceptional alternative. This difference stems not only from state incentives for extrajudicial methods but also from a combination of factors that make self-composition the more advantageous choice for the parties involved.

One of the main elements supporting this settlement culture is the high cost of litigation in the United States. Unlike Brazil, where procedural costs tend to be

¹⁹In the original: Não apenas o Estado, mas também muitos dos que figuram como partes no processo judiciário, mesmo com um direito controverso, podem aproveitar-se das falhas estruturais do aparelho Jurisdicional e saírem vencedores. De alguma forma, o brasileiro sempre encontrará meios de obter vantagens com o caos do Poder Judiciário. E este é outro ponto que merece ressalva: o jeitinho brasileiro. Sempre querendo tirar proveito das situações, a postura do brasileiro está em completa dissonância do que espera com a autocomposição de conflitos: que as próprias partes, mediante o diálogo, cheguem a uma solução que atenda as expectativas de ambos e se revelem vantajosas na mesma medida para os dois. O brasileiro quer tirar proveito sozinho, porque, em seu entendimento, só um ganha. Simplesmente assim. No mais, há sempre profissionais que se beneficiam com o litígio em larga escala, o que para muitos significa apenas dinheiro no bolso. Nada além disso. A cultura do litígio se retroalimenta (...) (Vianna & Nery, 2019, pp. 8-9).

more accessible and there are mechanisms such as free legal aid, the U.S. system imposes significant expenses on parties who choose to bring their cases to court. Attorney fees are considerable, as lawyers represent their clients and play a crucial role in evidence production. Additionally, many civil cases are decided by jury, making outcomes more unpredictable and encouraging parties to seek negotiated solutions to avoid risks (Gabbay, 2013).

Another relevant factor is the extensive and complex evidentiary phase, which requires significant time and resources. As noted by Watanabe (2019), the reality prompts a shift in mindset, where a culture of settlement superseding a culture of judicial rulings is not merely a pragmatic option but a more efficient way to achieve social pacification.

Thus, the U.S. experience demonstrates that dispute resolution can be more autonomously constructed by the parties themselves, reducing the judiciary's burden and ensuring greater predictability in outcomes. Although distant from the Brazilian tradition, this model serves as a reference point for broader debate on the effectiveness of justice and the need to foster mechanisms that prioritize swift and balanced dispute resolution.

The strengthening of extrajudicial channels is far from representing a weakening of procedural guarantees; rather, it reflects the necessary progress in the pursuit of more effective solutions (Siqueira, Rocha, & Silva, 2018). Notaries and registrars, endowed with public faith and subject to strict regulatory controls, provide this legal security by enabling the resolution of property, succession, and contractual matters without the need for a slow and costly judicial process (Swensson, 2007).

In the words of Kazuo Watanabe (2019, p. 3), "it is not merely about enabling access to justice as a state institution; it is about enabling access to a just legal order." Thus, more than an alternative, desjudicialization should be understood as a structuring axis of a new model of justice, which goes beyond dispute resolution and seeks social pacification through accessible and less bureaucratic mechanisms.

The expansion of the extrajudicial scope of action, combined with the encouragement of self-composition methods, redefines the dynamics of rights protection, allowing the judiciary to focus on those matters that truly require judicial intervention (Oliveira, 2015).

Access to justice, therefore, cannot be conceived as synonymous with merely filing a lawsuit. The effectiveness of judicial protection depends on building a more flexible system, in which litigation is not encouraged as the first option but reserved as a last resort, reserved for cases that genuinely require judicial scrutiny. Hence, the redefinition of justice involves recognizing that law should not be imprisoned by procedural formalism but oriented towards the concrete and timely resolution of conflicts (Cappelletti & Garth, 1988).

However, this change cannot be achieved solely through normative reforms. A cultural transformation is necessary, breaking away from the adversarial mindset that views litigation as the natural solution to conflicts, i.e., from a culture of judicialization to a culture of peace through effective institutions (Siqueira, Rocha, & Silva, 2018). Therefore, the strengthening of extrajudicial channels does not

weaken rights but makes them more accessible and efficient; for justice that is delayed not only fails but becomes inoperative.

4. Between Registries and Courts: The Process and Desjudicialization for the Protection of Personality Rights

Justice, when delayed or ineffective, becomes a paradoxical instrument, drifting away from its primary purpose of securing rights and perpetuating a cycle of frustration and distrust in legal institutions. The lack of timely response renders the protection of legitimate interests unfeasible and imposes a disproportionate burden on those seeking enforcement of their rights, turning justice into a privilege accessible only to those willing to endure its delays and the pitfalls of litigation (Menezes & Soares, 2024).

As noted by Siqueira, Rocha, and Silva (2018), this scenario constitutes a structural deficiency; a systemic failure that compromises the very essence of the Democratic State of Law, undermining social trust and fueling the corrosive perception that access to justice is an empty promise, reserved for a few. Ignoring this urgency condemns to inertia those who most need protection. The dignity of the human person, a cornerstone of the constitutional order, cannot remain at the mercy of bureaucratic obstacles that, instead of safeguarding it, weaken it.

Procedural delays directly interfere with the protection of personality rights—a subject briefly addressed in this section and explored in greater depth in subsequent sections. When the system fails to provide timely responses, essential attributes such as identity, honor, privacy, and autonomy—intrinsic foundations of human dignity—are seriously compromised (Nogueira, 2015).

By way of example, delays in the rectification of civil records postpone the official recognition of the identity of individuals who need to correct their data, directly affecting their right to identity²⁰. Similarly, the sluggish resolution of defamation cases prolongs the injury to honor and reputation, exacerbating moral damages. Moreover, procedural delays in litigation involving data protection expose citizens to ongoing risks, potentially compromising their rights to privacy and autonomy.

The State, as the ultimate guarantor of justice, must understand that its responsibility transcends the mere maintenance of normative order; it is essential that it acts so that each individual can invoke their rights and effectively exercise them with the dignity and security owed to them. Justice that fails to meet this premise is not true justice, but rather a sterile simulacrum of its essential purpose (Ihering, 2009; Assis, 2007).

²⁰Prior to the enactment of Law No. 14,382/2022, unmotivated name changes within the registry office were permitted only within the first 12 months after reaching the age of majority. After this period, the procedure required judicial review and proof of sufficient grounds. The research conducted identified studies discussing the right to unmotivated name changes at any time, as well as the desjudicialization of this institution. It is noteworthy that dissertations addressing the topic were found even in the year the law was promulgated, which underscores the relevance of studies on desjudicialization for the dissemination and effective realization of these rights within society.

In this regard, [Araken de Assis \(2007\)](#) also emphasizes that the law cannot shirk its primary responsibility of ensuring the dignity of the human person, and that this mission is not exhausted in the mere positivization of norms. The realization of fundamental rights requires mechanisms that guarantee their formal recognition but, above all, their practical and equitable enforceability.

However, despite the responsibility it should embrace, as previously noted, the judicial structure proves incapable of absorbing all demands with the necessary celerity. In this context, desjudicialization is not merely a statistical relief but an instrument of real and accessible justice, allowing rights—including the most intimate personal rights—to be protected promptly and proportionally to their inherent urgency ([Siqueira, Rocha, & Silva, 2018](#)).

The legal protection of these rights, which are eminently personal in nature, raises reflections on the constant evolution of disputes and the necessity for the Judiciary to keep pace with the dynamics of society's values and aspirations. Although invested with inherent impartiality, the Judiciary faces the complex task of balancing legal certainty with adaptation to social transformations, preserving the integrity of its decisions ([Szaniawski, 1993](#); [Menezes & Soares, 2024](#)). One may ask: what are the barriers? What must be done?

The exercise of jurisdiction requires a delicate balance between preserving personal attributes and considering pragmatic factors, imposing an interpretative role that demands high technical rigor and legal skill ([Zanini et al., 2018](#)). The subjectivity involved in this balancing act, in turn, amplifies procedural difficulties, requiring that decisions be grounded on consistent parameters capable of harmonizing the values protected by the legal system.

It follows that the examination of evidence demands careful scrutiny, so as to prevent possible subjectivities from compromising the just protection of the rights at stake. In light of this scenario, it is worth considering whether the exclusivity of state jurisdiction in resolving such controversies constitutes the most appropriate means to ensure celerity and effectiveness in protecting fundamental rights, or whether expanding extrajudicial mechanisms could contribute to their proper safeguarding, without prejudice to legal certainty and due process. According to the authors²¹:

By ventilating courtrooms and chambers, the aim is to expedite case processing and enhance the quality of judicial service. After all, not all disputes need to be judicialized, nor must all enforcement measures take place through procedural channels. Without the accumulation of cases, it is understood that there will be more time for reflection and the issuance of better-reasoned decisions in situations where judicial analysis is essential ([Hoch-](#)

²¹In the original: Arejando varas e gabinetes, busca-se acelerar a tramitação dos feitos e melhorar o conteúdo da prestação jurisdicional. Afinal, nem todos os litígios precisam ser judicializados, nem todas as medidas executórias precisam ocorrer em via processual. Sem o acúmulo de processos, entende-se que haverá mais tempo para reflexão e prolação de decisões mais bem fundamentadas, em situações para as quais a análise do magistrado é fundamental ([Hochmann, Costa, & Mollica, 2020, p. 3](#)).

mann, Costa, & Mollica, 2020, p. 3).

It is within this context that the need for structural reforms in the judiciary arises—a topic widely debated in the doctrine—including the importance of de-bureaucratization and procedural celerity as essential means to improve judicial service delivery.

In this vein, Hochmann, Costa, and Mollica (2020) address the reduction of excessive judicialization, coupled with the limitation of the processing of enforcement actions that could be resolved through extrajudicial means. Among the measures highlighted in the doctrine are the strengthening of extrajudicial services and the expansion of alternative dispute resolution methods. Once again, the average procedural timeframes for resolving cases in the Brazilian judiciary in 2023 are noted (see **Figure 3**):

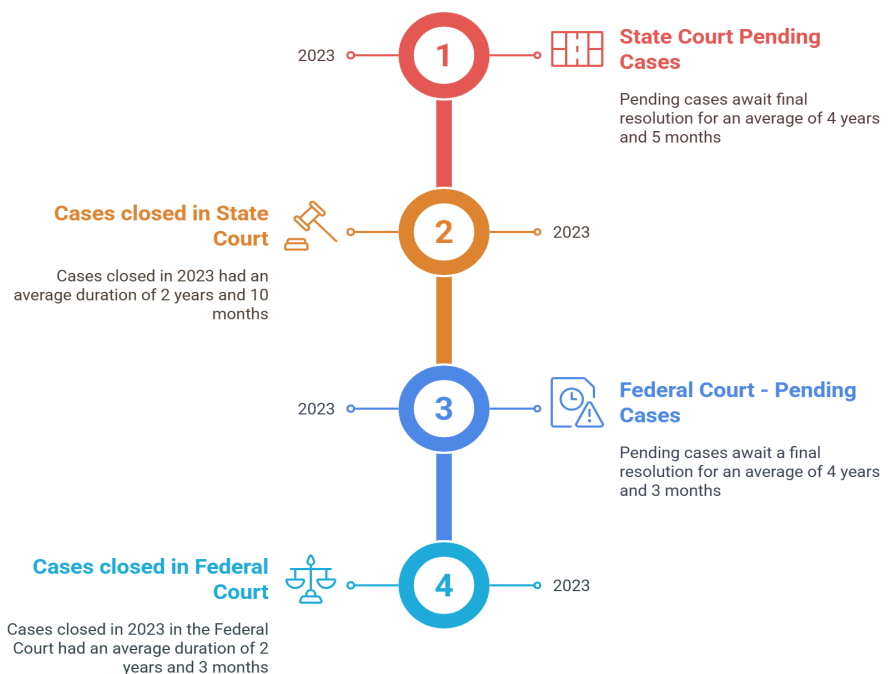


Figure 3. Average case processing times (CNJ, 2024), author's own.

The measure under discussion would reduce the judicial backlog and enable judges to dedicate more time to a thorough analysis of cases that truly require more careful judicial intervention, resulting in decisions that are better reasoned and more aligned with legal and ethical principles. In this regard, Menezes and Soares (2024) support the view that such reorganization would contribute to a more efficient and fair judicial system. However, the pursuit of greater efficiency within the judiciary is not limited to the restructuring of its internal management; it also requires a reassessment of procedural instruments and the prevailing culture of litigiousness.

The issue of normative gaps constitutes another obstacle to the prompt and proper enforcement of rights—especially personality rights—since the insuffi-

ciency of legislation to prevent certain violations, as previously discussed, requires judges to engage in more sophisticated and integrative interpretation to fill such omissions (Szaniawski, 1993; Menezes & Soares, 2024). In this regard, the lack of normative predictability may undermine legal certainty and equality in the application of the law, thus demanding legislative measures that ensure greater coherence and enforceability of legal norms²².

Moreover, there is an urgent need for judicial protection that reconciles speed and effectiveness, considering that excessive procedures and formalities can become obstacles to access to justice itself. Procedural delay reflects structural deficiencies in the system, thus necessitating a reconfiguration of the dynamics of judicial service to ensure not only swiftness but also the quality and enforcement of fundamental rights. In this context, the modernization of procedures and the expansion of extrajudicial mechanisms become indispensable instruments to guarantee the realization of justice.

In this regard, Bueno and Sanchez (2021) advocate for the imperative revision of procedural rites, aiming to establish mechanisms that ensure greater speed and rationality in the progression of proceedings. To that end, the authors support the simplification of procedures and the incorporation of technological innovations capable of imparting dynamism to case processing and mitigating excessive formalism, which often acts as a barrier to timely and effective judicial service.

Equally important is the role of alternative dispute resolution methods in alleviating the judiciary's backlog and promoting swifter and less costly justice. Mediation, conciliation, and arbitration, by prioritizing self-composition and the pursuit of consensual solutions, reduce the time and costs involved in resolving disputes while granting the parties greater autonomy in settling their controversies.

Therefore, rather than fostering a culture of litigation, it is incumbent upon the State to strengthen public policies that encourage the exhaustion of these avenues before submitting conflicts to judicial scrutiny. Indeed, as Hochmann, Costa, and Mollica (2020, p. 8, our translation) state²³:

Indeed, there is a significant overload of cases impacting the relationship between the budget and judicial service. Considering only the year 2018, there

²²Some examples of these normative gaps manifest, for instance, in the absence of specific regulation governing the modifying effects of motions for clarification (*embargos de declaração*). According to Marinoni (2013, p. 2), “ordinary judges and courts do not even realize they are filling the ‘absence of law,’” thus imposing on the judge the burden of ad hoc remedying such legislative omissions, which compromises the uniformity of judicial protection. Moreover, Marinoni (2013, pp. 2-3) illustrates legislative omission in the protection of fundamental rights, such as in the regulation of state provision of medications, where the lack of adequate norms imposes on the Judiciary the duty to intervene to guarantee the right to health.

²³In the original: De fato, há uma sobrecarga de processos determinante nessa relação entre orçamento e prestação jurisdicional. Apenas considerando 2018, há um acervo de mais de 17 milhões de processos novos não criminais, dos quais um quarto é de execuções na justiça comum estadual (i.e., sem contar os juizados especiais). Assim, conquanto haja melhora gradativa nos índices de produtividade, a taxa de congestionamento, apesar de estar diminuindo nos últimos anos, permanece em 74%. Ou seja, de cada 4 processos do total (em trâmite ou baixados), 3 permaneceram pendentes.

was a backlog of more than 17 million new non-criminal cases, of which one-quarter were executions in the state common courts (i.e., excluding special courts). Thus, although there has been a gradual improvement in productivity rates, the congestion rate, despite decreasing in recent years, remains at 74%. In other words, out of every 4 cases (either pending or concluded), 3 remained unresolved.

According to the analysis conducted at the beginning of this section, the current state reveals that both the number of cases and the effective duration of proceedings are far from reasonable. Cilurzo (2016) corroborates that the slowness in resolving disputes fosters discredit in the legal system, thereby weakening the foundations of access to justice and perpetuating a cycle of social dissatisfaction. In an effort to mitigate such adversities, as noted in the doctrine, various proposals have been advanced, ranging from legislative reforms to the incorporation of technological innovations capable of streamlining procedural flow (Coutinho, 2020).

Among these initiatives, the promotion of alternative dispute resolution methods stands out, as it is embedded within the judiciary's reform agenda. However, these methods have not been widely disseminated due to the entrenched litigation culture and proceduralism, where the resulting procedural delays constitute substantial obstacles to building an agile, efficient judiciary aligned with the demands of contemporary society (Rosa, 2015).

It is now appropriate to highlight the positive aspects of promoting both the dejudicialization process, its mechanisms, and the institutions that foster it; the enactment of Law No. 14.382/2022 represented a significant advance in the phenomenon of dejudicialization, especially regarding personality rights. This legislative milestone consolidated important prerogatives, among which Articles 56 and 57 stand out, introducing mechanisms aimed at simplifying the procedures for extrajudicial modification of given names, thereby eliminating the need for judicial intervention. This innovation grants greater accessibility to the procedure, making it swifter and more effective for individuals who require it (Soares et al., 2023, p. 59).

The impact of this regulation has proven to be substantial. Empirical data demonstrate a significant increase in the number of name and gender changes and corrections following the enactment of the new legislation. While in the years 2019, 2020, and 2021, the number of changes ranged between 1283 and 1863 annual registrations, in the second half of 2022, the period subsequent to the law's promulgation, 4970 changes were carried out, reflecting an exponential growth. This increase indicates that the restriction of the procedure to the judicial sphere represented an obstacle to the exercise of this highly personal right, whose guarantee was enhanced by the process of desjudicialization (Soares et al., 2023).

In this regard, Soares et al. (2023) point out that the dejudicialization of the procedure ensures faster and less bureaucratic access and grants the individual greater autonomy over their legal identity and, consequently, their personal iden-

tity. On a broader spectrum, this movement represents a reconfiguration of the protection of fundamental rights, reallocating certain matters to more agile administrative spheres without compromising legal certainty.

Rosa's (2015) analysis highlights an inherent paradox in the contemporary judicial system: while jurisdiction is intended to guarantee the protection and enforcement of rights, its structure—characterized by rigid and formalistic procedures—can paradoxically obstruct the very justice it seeks to administer. The excessive attachment to litigation and formality results in unnecessary procedural delays, compromising the quality of justice delivered and distancing it from its primary function. Hence, there is an urgent need to rethink and restructure the functioning of the Judiciary with a view to harmonizing legal certainty and efficiency in judicial provision.

Another relevant aspect, as taught by Dal Molin and Lago (2022), lies in the predominantly reactive approach of judicialization, which only manifests when rights have already been violated. This perspective does not encompass conflict prevention nor does it foster a culture of respect for personal rights, thus generating gaps in the effective protection of these prerogatives. In this sense, the valorization of alternative dispute resolution mechanisms proves essential, since, besides alleviating the burden on the Judiciary, they enable more personalized and consensual solutions aligned with the interests of the parties involved.

Thus, the combination of measures aimed at dejudicialization, improvement of consensual methods, and modernization of judicial procedures constitutes a promising path to restore the effectiveness and credibility of justice in an increasingly complex and dynamic society. It is worth noting the study by Hochmann, Costa, and Mollica (2020, p. 27)²⁴, who argue:

Consensuality in resolving such conflicts holds a privileged place in the 2015 Civil Procedure Code (CPC/15) and materializes in various ways, including the expansion of powers granted to delegated agents. More precisely, it is not merely an extension of the traditional competencies of notaries and registrars, but also the delegation of new functions; for example, the authority to operationalize alternative dispute resolution methods. Dejudicialization contributes to the principle of consensuality, pursued not only within the scope of the judicial process but also within the broader context of legal practitioners.

Furthermore, the authors emphasize the need to adopt complementary approaches that go beyond mere damage repair, promoting a legal culture focused on conflict prevention. In this regard, they highlight the importance of preventive

²⁴In the original: A consensualidade na solução desses conflitos tem lugar privilegiado no CPC/15, e se concretiza de diversas formas, dentre as quais a expansão de competência aos agentes delegados. Melhor dizendo, não se trata apenas do alargamento das competências tradicionais de notários e registradores, mas também a delegação de novas atribuições; é o caso da atribuição de operacionalizar meios alternativos de solução de conflitos. desjudicialização contribui com o princípio da consensualidade, buscada não no âmbito do processo, mas no contexto mais amplo dos operadores do direito.

legal education, as well as mediation and conciliation, as fundamental instruments for building a society more aware of and respectful toward personality rights (Molin & Lago, 2022).

This approach aims to develop a legal system that, besides ensuring justice, is capable of anticipating disputes and guaranteeing the effective protection of individual rights. The goal is not only the formalization of guarantees but the material realization of these rights, underscoring the urgency of a system that transcends normative proclamations and ensures the effectiveness of legal protection through alternative facilitators of access to justice (Coutinho, 2020).

This does not mean diminishing the role of the Judiciary, but rather redefining it. The strengthening of extrajudicial practices empowers the parties, granting them greater participation in constructing solutions to their conflicts. Thus, overcoming the culture of litigation necessarily involves consolidating a legal model that prioritizes the efficient and balanced resolution of disputes, harmonizing the principles of reasonable procedural duration, legal certainty, and social pacification.

In this context, extrajudicial services, as discussed in Section III of this work, constitute mechanisms for the effective realization of rights in an accessible, broad, and efficient manner. Their extensive reach and established structure enable the provision of services with low operational costs, thereby preserving procedural speed and legal security across various proceedings. Additionally, their operation contributes to the democratization of access to justice.

Regarding desjudicialization in Brazil, it is clear that it constitutes an effective strategy to optimize judicial service delivery and broaden access to justice, being driven by various regulations that transfer certain procedures from the judicial to the extrajudicial sphere. A significant example is extrajudicial adverse possession (*usucapião extrajudicial*), which allows for property regularization directly at the notary office, considerably reducing the processing time compared to judicial proceedings²⁵.

Within the scope of desjudicialization, extrajudicial adverse possession represents a significant advance in the speed and efficiency of land regularization. Among its main advantages is the interpretation of the opposing party's silence as consent, which considerably reduces the procedure's delay, allowing its completion in an average of 100 days—time that could otherwise take years in the judiciary.

Another relevant benefit is the expedited reimbursement of attorney's fees, providing greater financial predictability for legal professionals, unlike the judicial route where procedural delays affect law firms' financial returns (Fuzissima, Fer-

²⁵Extrajudicial adverse possession, provided for in Article 216-A of Law No. 6,015/73 and incorporated into the legal framework by the New Code of Civil Procedure, regulated by Law No. 13,465/2017, also stands as a mechanism of desjudicialization that enables land regularization in a swift and simplified manner. This instrument ensures greater legal certainty and effectiveness in the consolidation of property rights, significantly contributing to the alleviation of the Judiciary's workload and promoting accessibility for the formalization of property possession (Brazil, 1973; Brazil, 2017).

nandes, & Carneiro, 2021, p. 3). Extrajudicial adverse possession is but one example of the effectiveness of desjudicialization, alongside other equally important mechanisms concerning housing rights and personal rights.

The advancement of desjudicialization in Brazil has been driven by various regulations expanding the powers of extrajudicial services, granting greater efficiency and accessibility in the provision of essential services. Noteworthy examples include Law No. 10.267/2001, which simplified the correction of real estate records, and Law No. 11.977/2009, which enabled the conversion of possession legitimization into property ownership without judicial action. Land regularization was also impacted by Law No. 11.977/2009, which allowed possession legitimization to be converted directly into ownership by notarial offices, without judicial intervention (Siqueira, Rocha, & Silva, 2018).

Furthermore, the Civil Registry of Natural Persons (RCPN) plays an equally important role in the enforcement of rights, especially regarding the guarantee of legal personality and access to citizenship. Its social relevance is recognized in Article 236 of the Federal Constitution, as well as Laws Nos. 6.015/1973 and 8.935/1994, which mandate its presence in all municipalities, ensuring that every citizen has access to a civil registrar (Brazil, 1988; Brazil, 1973; Brazil, 1994).

Unlike other extrajudicial services, the RCPN operates continuously, offering service even on weekends and holidays, as established by Article 4, §1 of Law No. 8.935/1994. This uninterrupted operation demonstrates its essential nature, especially in protecting personal rights such as birth and death registration, which are fundamental for the full exercise of citizenship (Brazil, 1994).

Moreover, the progressive expansion of their powers, driven by Law No. 13,484/2017, which bestowed upon notarial offices the designation of “Offices of Citizenship,”²⁶ reflects the recognition of their importance in enhancing access to justice and streamlining public services (Brazil, 2017). The Civil Registries of Natural Persons (RCPN) have consolidated themselves as facilitators of access to essential services, broadening their scope of action through partnerships with public agencies.

According to Bulzico (2022), among the proposed innovations is the possibility of issuing documents such as passports and work permits directly at notary offices, a measure aimed at reducing bureaucracy and providing greater speed in obtaining these records. Additionally, experiences already implemented demonstrate the potential of these offices in streamlining public services.

Furthermore, another relevant example occurred in October 2021, when a pilot project was established between the National Social Security Institute (INSS) and

²⁶Provided for in Law No. 6,015/73, which mandates the existence of at least one unit per municipality, this framework enabled the approval of Federal Law No. 13.484/17. Through agreements with public and private entities, this law established the Offices of Citizenship, allowing the direct provision of identification document services (CPF, RG, Voter Registration Card, Work Permit, Passport, and Driver's License). The mechanism received approval from the three branches of government—Legislative (August 15, 2017), Executive (September 26, 2017), and Judiciary (Provision No. 66/18, January 15, 2018)—with certain provisions of Law No. 6.015/73 subject to a preliminary injunction by the Supreme Federal Court on December 21, 2017.

the National Association of Civil Registry Officials (Arpen-Brasil) for a duration of 30 days in selected cities across the country. During this period, new mothers were able to apply for the maternity benefit directly at the Civil Registry of Natural Persons (RCPN) at the time of their child's birth registration. Similarly, family members of deceased individuals were granted the possibility to request death pensions at the time of reporting the death (Bulzico, 2022)²⁷. According to the author²⁸:

Reflecting on the relationship between the Civil Registry of Natural Persons (RCPN) and the Judiciary, it is evident that this specialty encompasses numerous measures and procedures that contribute to the desjudicialization and reduction of the procedural burden accumulated in the courts. There is a close cooperation between the Judiciary and the registry offices in general. While the latter help to alleviate the judicial system's workload and generate resources for its funding, the Judiciary ensures the provision of high-quality notarial and registration services through oversight (Bulzico, 2022, pp. 8-9).

As Bettina Augusta Amorim Bulzico (2022) aptly points out, the Judiciary Reequipment Fund (FUNREJUS), established by State Law No. 12.216/1998 in Paraná, contributes to financing the infrastructure of the state judiciary.

A portion of the notarial fees is allocated to this fund, directing these resources toward the construction, expansion, and maintenance of courthouse buildings, as well as the acquisition of equipment and the enhancement of the Justice system's IT infrastructure.

This allocation underscores the importance of extrajudicial offices in financially supporting the functioning of the Judiciary itself, ensuring structural and technological improvements that directly impact the efficiency of judicial service delivery.

The analysis undertaken in this chapter has revealed the structural crisis afflicting the Brazilian Judiciary, characterized by an excessive volume of cases, procedural delays, and a compromise in the effectiveness of fundamental rights, particularly those related to personality rights. The phenomenon of mass litigation, driven by a deeply rooted litigious culture in the country, has rendered the principle of reasonable duration of proceedings practically unfeasible, thereby undermining effective access to justice and the timely protection of personal rights.

In this context, desjudicialization emerges as a mechanism to provide greater

²⁷Regarding its objectives, with 7650 civil registry offices distributed across all Brazilian municipalities, the measure aims to serve citizens residing in locations without INSS agencies, which currently number only 1557 units. The initiative reduces travel and streamlines bureaucratic procedures but still faces operational challenges, such as the need for document analysis and medical examinations in certain cases (Brazil, 2021).

²⁸In the original: Ao refletir acerca da relação entre o RCPN e o Poder Judiciário, nota-se que esta especialidade abriga inúmeros exemplos de medidas e procedimentos que contribuem para a desjudicialização e a redução da carga processual acumulada nos tribunais. Observa-se uma intensa cooperação entre o Poder Judiciário e os cartórios em geral. Enquanto estes contribuem para desafogar a jurisdição e angariam recursos para seu custeio, aquele garante a prestação do serviço notarial e registral de qualidade, por meio da fiscalização (Bulzico, 2022, pp. 8-9).

celerity and efficiency in conflict resolution, allowing certain matters to be settled outside the judicial sphere. However, the implementation of this model must not occur indiscriminately and should be preceded by a precise diagnosis identifying which judicial acts are suitable for desjudicialization without prejudice to legal certainty and the comprehensive protection of rights.

Within this framework, the adoption of private desjudicialization presents a promising alternative, as the delegation of functions to private entities—particularly notaries and registrars—can lead to the rationalization of judicial activity, reduce the burden on the state apparatus, and improve the provision of legal services to society. Furthermore, by granting autonomy and efficiency in procedural management, delegating acts to these agents contributes to optimizing the judicial structure and enables judges to focus their efforts on cases that genuinely require the exercise of the State's decisional power.

5. Final Considerations

If justice is the aspiration to have a right recognized where it exists and denied where it does not, the process is the path through which this promise is fulfilled. But what happens when the path becomes more tortuous than the destination? When the procedure, instead of serving the right, obstructs it? This is the crossroads at which this study has paused. It started from the premise that the process, as an instrument of judicial protection, must serve the concretization of substantive law, especially the rights of personality, whose delicate nature demands responses that are both correct and timely. After all, the rights to identity, honor, name, and integrity do not tolerate the luxury of waiting.

In this vein, the analysis initially addressed the instrumental nature of civil procedure, highlighting the rupture proposed by the 2015 Civil Procedure Code with the strictly formalistic model that preceded it. By promoting procedural cooperation, the primacy of the merits, and consensual resolution of disputes, the new statute pledged to make the process a path of effectiveness, not a legal labyrinth. However, the question arises: has the new model succeeded in overcoming the historic shackles of delay? Although it has prompted significant advances, the study demonstrated that the judiciary's structure remains below normative expectations, incapable of operationally meeting the ambition of a more expeditious, fair, and accessible process.

Subsequently, empirical data provided by the Justice in Numbers Report were examined, whose content speaks for itself. The protracted deadlines, case backlogs, inefficiency of conciliation hearings, and declining agreement homologation rates demonstrate, with incontestable figures, that the culture of litigation—fostered by an institutional framework dependent on adversarial conflict—has led the judiciary to a critical saturation point. Given this diagnosis, is it legitimate to insist on expanding the judicial machinery, or would it be more prudent to reconstruct the foundations of access to justice, recognizing extrajudicial mechanisms as a path to rights protection? The answer, affirmed herein, is clear: there must be

recognition and expansion of resolution methods that do not require judicial scrutiny, especially when litigation is nonexistent or surmountable by consensus.

Amid the transformative demands faced by society, this study turned to the role of extrajudicial offices, whose activities represent a true reinvention of justice. Registries and notaries, once seen merely as bureaucratic record-keepers, now emerge as key protagonists in the realization of personality rights. The legislative movement in favor of desjudicialization was duly noted. Furthermore, concrete data reveal a substantial increase in extrajudicial procedures, showing that when a swifter, safer, and less bureaucratic path is offered, public acceptance is natural. After all, the people do not want courts—they want justice.

From these findings, a final reflection arises: is desjudicialization a threat to the legal order, or its most legitimate update? Notaries and registrars, vested with public faith and subjected to strict normative control, have demonstrated technical competence and impartiality in conducting procedures previously reserved exclusively for state jurisdiction. Thus, to claim that justice can only be realized through the hands of a judge is to deny the very evolution of the legal order. Justice, in its fullness, is that which arrives timely, with safety, with adequate resolution, legitimacy, and humanity.

It is concluded, therefore, that overcoming the culture of litigation and valuing extrajudicial pathways does not imply a renunciation of the Rule of Law, but rather its strengthening. The process remains essential, but not exclusive—indeed, special. Desjudicialization, far from representing an evasion of legality, constitutes its most sophisticated expression, embodying the ideal of accessible justice that listens with empathy, welcomes with promptness, and resolves with efficacy. If the process is, *par excellence*, the means through which law is realized, then let it be the shortest, clearest, and most effective of paths—not a labyrinth, but a bridge. For every form of delayed justice is a disguised form of denial. And where the time of the process overrides the time of life, it is the very value of human dignity that withers. True justice is that which arrives while it still makes sense to receive it.

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Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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