

Forum: Practical Perspectives

Profile of the agreements signed by the Ministry of Justice and Public Security with subnational entities in Brazil (2008-2022)

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Based on the discussion about public policy instruments and studies on public security policies in Brazil, this article aims to analyze the profile of voluntary transfers of Union budget resources concluded through the Ministry of Justice and Public Security (MJSP) with subnational entities in the period from 2008 to 2022. The research adopted documentary analysis and content analysis on public access data extracted from the *Mais Brasil* Platform. It was identified that the agreements dialogue with the paradigm of public security focused on violence prevention. Also, the study showed that the states of the Brazilian Southeast and South regions are the largest beneficiaries of voluntary transfers from MJSP and that the National Congress became the primary funder of agreements over time. The study concludes that the federal government must improve resource distribution to equitably supply the territory.

Keywords: public policies; federative coordination; public safety; public policy instruments.

Perfil dos convênios celebrados pelo Ministério da Justiça e Segurança Pública com entes subnacionais no Brasil (2008-2022)

O presente artigo tem como objetivo analisar, com base na discussão sobre instrumentos de políticas públicas e nos estudos sobre as políticas de segurança pública no Brasil, o perfil das transferências voluntárias de recursos orçamentários da União celebradas por meio do Ministério da Justiça e Segurança Pública (MJSP) com os entes subnacionais, no período de 2008 a 2022. Trata-se de uma pesquisa documental e de uma análise de conteúdo sobre dados de acesso público extraídos da Plataforma +Brasil. Identificou-se que os convênios dialogam com o paradigma da segurança pública voltada à prevenção da violência, que os estados das regiões Sudeste e Sul figuram como os maiores beneficiados das transferências voluntárias do MJSP e que o Congresso Nacional passou a ser o principal financiador dos convênios ao longo do tempo. O estudo conclui que é preciso esforços por parte do Governo Federal com vistas à distribuição de recursos de forma equânime pelo território.


Palavras-chave: políticas públicas; coordenação federativa; segurança pública; instrumentos de políticas públicas.

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Perfil de los acuerdos firmados por el Ministerio de Justicia y Seguridad Pública con entidades subnacionales en Brasil (2008-2022)

Este artículo tiene como objetivo analizar, a partir de la discusión sobre instrumentos de políticas públicas y estudios sobre políticas de seguridad pública en Brasil, el perfil de las transferencias voluntarias de recursos del presupuesto del Gobierno federal celebradas a través del Ministerio de Justicia y Seguridad Pública (MJSP) con entidades subnacionales en el período de 2008 a 2022. Se trata de una investigación de análisis documental y análisis de contenido sobre datos de acceso público extraídos de la Plataforma Mais Brasil. Se identificó que los acuerdos dialogan con el paradigma de la seguridad pública centrada en la prevención de la violencia, que los estados del Sudeste y del Sur son los mayores beneficiarios de las transferencias voluntarias del MJSP y que el Congreso Nacional se convirtió con el tiempo en el principal financiador de los acuerdos. El estudio concluye que son necesarios esfuerzos por parte del Gobierno Federal para distribuir los recursos de forma equitativa en el territorio.

Palabras clave: políticas públicas; coordinación federativa; seguridad pública; instrumentos de políticas públicas.

1. INTRODUCTION

Policies focused on public security have received considerable attention from researchers in recent decades (Dutra & Souza, 2012; L. M. Madeira & Rodrigues, 2015; Novello & Alvarez, 2012; Peres, Bueno, Leite, & R. S. Lima, 2014; Quadros & R. M. Madeira, 2018; Schabbach, 2014). Among these studies, we highlight the work of Madeira and Rodrigues (2015), who, by discussing three generations of public security public policies, investigate how different references were developed on the empirical object and the work of Peres et al. (2014), which analyzes the history of the financing of public security policies in Brazil.

The relationship between the Union and subnational entities in the financing of policies, however, is still a field that has been little investigated. The objective of this article is to analyze the profile of agreements signed by the Ministry of Justice and Public Security (MJSP) with subnational entities in the period 2008-2022 based on discussions about public policy instruments and the literature on public security policies in Brazil.

It is assumed that the MJSP occupies a central place as funder and developer of the country's security policies, so it is relevant to understand the way in which the agency signs agreements with subnational entities. Subnational entities are understood as all those that entered into agreements with the Federal Public Administration - for example, municipalities, states, non-governmental organizations (NGOs), civil associations, public consortia, etc. - in the period studied. The data were collected from a consultation with the Federal Government's Platform +Brasil. This is exploratory and descriptive research since it intends to promote an analytical reflection and produce information about the distribution of agreements with subnational entities. Thus, there are no hypotheses to be evaluated or refuted.

The article, assigned to the "Forum: Practical Perspectives" section, first briefly summarizes the theoretical dimension of the study; next, describes its methodology; and finally presents the discussion and the results obtained.

2. THEORETICAL REFERENTIAL

L. M. Madeira and Rodrigues (2015), as well as Schabbach (2014), point to three phases or paradigms that characterize the Brazilian state, from the perspective of public security policies. The first is represented by the idea of national security, in force during the military dictatorship. In this period, the main focus was on the external enemy, materialized in the fight against communism, and on the internal enemy, corresponding to any individual perceived as contrary to the prevailing order. The idea of threat to security, during this phase, was understood as anything that went against the State and the national interests, intimately associated with the benefits of those in power.

The second phase turned, starting with the Federal Constitution promulgated in 1988 (CF88), to the paradigm of public security. According to Schabbach (2014), until the 1990s, public security policies were seen as repressive, based on the actions of control agencies and the search for crime reduction. Until that moment, the states of the federation had been in charge of conducting the police, with little protagonism of municipal entities and mechanisms for participation and accountability.

According to L. M. Madeira and Rodrigues (2015), the second paradigm innovates in relation to the previous one by indicating that public security is a duty of the State and a right and responsibility of all. However, in the list of those responsible for public safety, they highlight “only the federal and state police institutions, not mentioning the role of other government institutions in the prevention of violence, or even the importance of the actions of municipalities and the community as a whole” (L. M. Madeira & Rodrigues, 2015, p. 7).

According to Schabbach (2014), since the year 2000, a trend was inaugurated aimed at promoting safe and peaceful social coexistence, with respect for human rights. This paradigm has been called Citizen Security. According to L. M. Madeira and Rodrigues (2015), with the launching of the National Public Safety Plan in 2000, municipalities began to be understood as environments for the production and promotion of public safety policies. This project aimed to involve the population and the territories, in order to provide greater accountability, social participation and effectiveness in the production of public security.

A milestone in this process is the National Program of Public Security with Citizenship (Pronasci), of 2007. An important moment was the year 2018, when the Unified System of Public Security (SUSP) was instituted, assigning competence to the Union and establishing legal attributions to states, Federal District, and municipalities. This policy has a wide range of objectives in the sense of creating a coordinated system of policy delivery.

Thus, the focus of policies is no longer exclusively on national security and repression of violence and crime, but on other elements. It is important to point out that SUSP can be understood as a coordination effort of the Federal Government for the field of public security in the formulation of policies, programs, and national plans, as well as in the constitution of unique systems, in which the integration of the actions of different government entities and the structuring of a system of resource transfer and decentralization are sought (Bichir, Simoni, & Pereira, 2020).

Regarding the dimension of funding, Bueno (2017) offered an overview of the role of the Union in the scope of public security policies. It was verified that, starting in the 2000s, with the creation of the First National Public Safety Plan (PNSP) and the National Public Safety Fund (FNPF), more systemic actions began to be included in the agenda of the Ministry of Justice, as well as there was an

increase in the amounts passed on to states and municipalities through agreements. It is important to highlight that the creation of the FNSP, in the 2000s, represented a milestone for the financing of public security policies, since it meant a considerable increase in federal investments in this area.

In other analyses that intend to observe the contemporary developments in the highlighted field, Dutra and Souza (2022) analyze the transfers from the National Penitentiary Fund to the state governments and conclude that the Federal Government was not the protagonist in the agenda of penal policies, given that its actions in recent years were diffuse and uncoordinated. In addition, we highlight the approach of Quadros and R. M. Madeira (2018), as well as Novello and Alvarez (2022), who analyze the participation of public security professionals in political party activities and their efforts to obtain success through elections. Thus, it is about the entry of new actors into the decision-making arenas of public policymaking.

The agreements, arising from voluntary transfers, are an important instrument of intergovernmental cooperation in the area of public security (Peres et al., 2014), since it is through them that resources from the National Public Security Fund can be accessed and passed on to states and municipalities through the establishment of agreements with the Federal Government. It is also through these agreements that the Federal Government can direct joint efforts, establish its investment priorities, and conduct strategic planning of some actions (Lui & Miquelino, 2023).

As indicated by Lui, Schabbach, and Nora (2020) and Meireles (2019), voluntary transfers have the purpose of allocating federal resources to another federal or subnational entity. The purpose of using this instrument is to promote the development of public policies prioritized by political agents. The covenants are not bound to a constitutional or legal determination, that is, they are discretionary. They can come from proposals financed by the ministries or from parliamentary amendments.

In the case of agreements funded by MJSP, the resources are released after the opening of a call for proposals and subsequent submission of project proposals/work plans by the subnational entities. When it comes to parliamentary amendments, the process is usually the opposite, considering that the congressman first designates the resources to some entity, which then presents a work plan with the objectives and the implementation proposal. Related to this, in recent years, a robust gain in power by the Legislature has been identified, especially regarding the power to allocate resources through parliamentary amendments (M. F. G. Silva & Teixeira, 2022) and the so-called impositive budget.

Consistent with what was pointed out by Lui et al. (2020), there is an allocative bias that can be attributed to the political agreements of subnational governments with the Federal Government sphere regarding voluntary transfers. In other terms, the Federal Government distributes more resources to regions governed by party-political allies and less to those governed by the opposition (Meireles, 2024). Thus, there is no neutrality in the use of this type of public policy funding instrument, since they reflect the allocative priorities of the political actors who, at a given moment, occupy positions of power.

According to L. L. Lima, Aguiar, and Lui (2021), a public policy instrument is both a technical and social device that organizes specific social relations between the State and its recipients, according to the representations and meanings it carries. Direito and Koga (2020) indicate that instruments illustrate the connection between how the State interferes in society and what its objectives are. They are, therefore, government initiatives that seek to organize, regulate, encourage, or restrain certain

social behaviors. Thus, to study them is to understand how the government makes social actors act in the desired way.

According to the authors, however, the instruments are not neutral devices, as they produce effects despite the objective formally pursued by the policy. In the specific case of agreements, as there is no type of rule that coordinates their distribution - coming from the Executive or from the Legislative -, because they depend on political and party alliances, there may be a concentration of resources in certain states and regions, while there are welfare gaps in others. The concept of “welfare vacuum” comes from the literature discussing public health (C. R. Silva, Carvalho, Cordoni, & Nunes, 2017; Tesser & Poli, 2017) and means the allocation of non-existent or insufficient resources and services for the demand in a certain region. Correcting care gaps is an important dimension to achieve equity in a public policy field.

Thus, there is a need to study the profile of agreements signed by MJSP with subnational entities, in order to understand this important dimension of the policy and provide the promotion of new questions regarding the empirical object.

3. METHODOLOGY

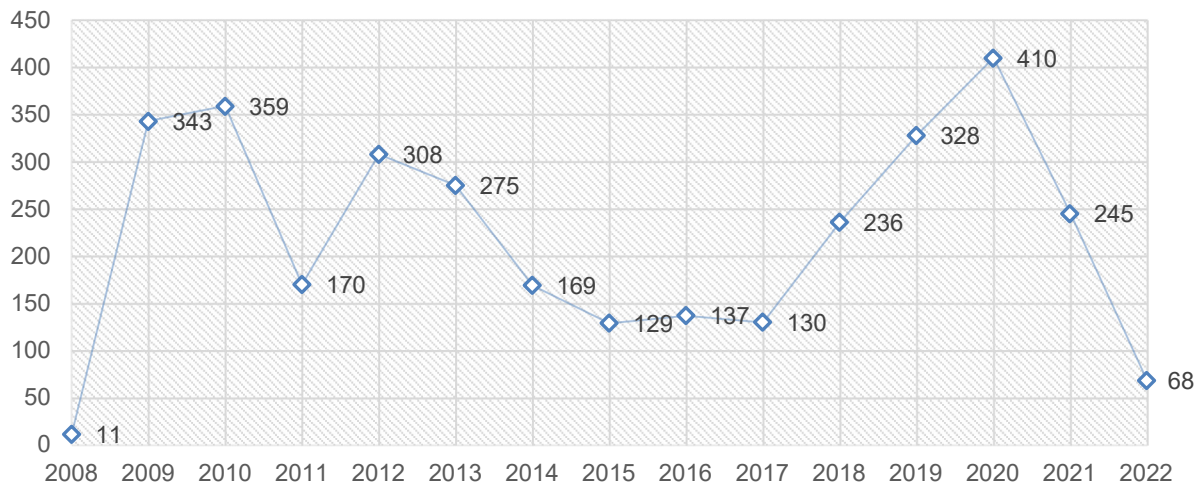
The research on voluntary transfers seeks to provide an overview of the agreements entered into by the MJSP with the most diverse subnational entities. This is a content examination in the format of the model proposed by Sampaio and Lycarião (2018), through a documentary analysis in which the corpus is 3,616 voluntary transfers signed between 2008 and 2022. The data are public domain and can be accessed on the Internet through the Platform +Brasil (2022). The time cut was made because the database contains detailed data of the agreements signed only from 2008. Data collection took place in August 2022.

Initially, 16 cancelled and 282 annulled agreements were removed from the research scope, leaving 3,318 to be analyzed. The analytical dimensions are: distribution of the agreements per year, volume of resources provided, funding agency (Parliamentary Amendment or MJSP), and state of the federation. Moreover, with the examination of content by the program codes of the agreements offered by the +Brasil platform itself, we identified four major areas in which resources are used: public security, social protection, improvement of penal execution and access to justice. Each of them contains subareas that will be detailed in the data analysis.

4. DATA AND DISCUSSION

Graph 1 shows the evolution of the number of agreements signed, while Graph 2 shows the amounts spent over the years.

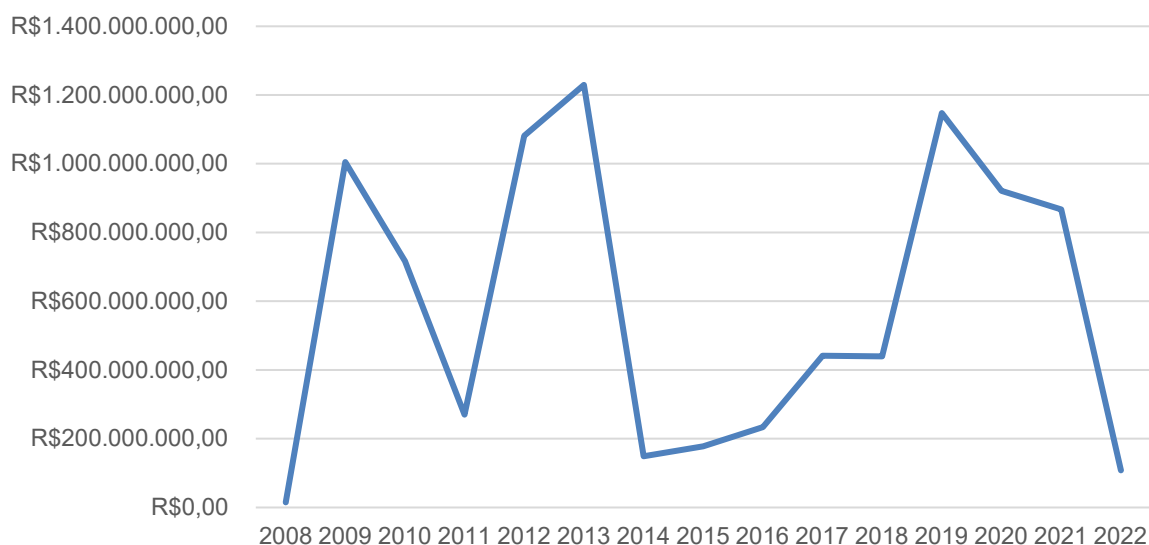
GRAPH 1 NUMBER OF AGREEMENTS SIGNED BY MJSP WITH SUBNATIONAL ENTITIES (2008-2022)



Source: Platform +Brazil (2022).

We chose to consider the committed resources, since the “commitment” category corresponds to the first phase of execution of an expense and links the budget resources from the Treasury to the corresponding expense. Besides, the choice was made due to the fact that the agreements can last for years, with partial releases of resources.

GRAPH 2 VALUES, IN REAIS, OF THE AGREEMENTS SIGNED BY MJSP WITH SUBNATIONAL ENTITIES (2008-2022)



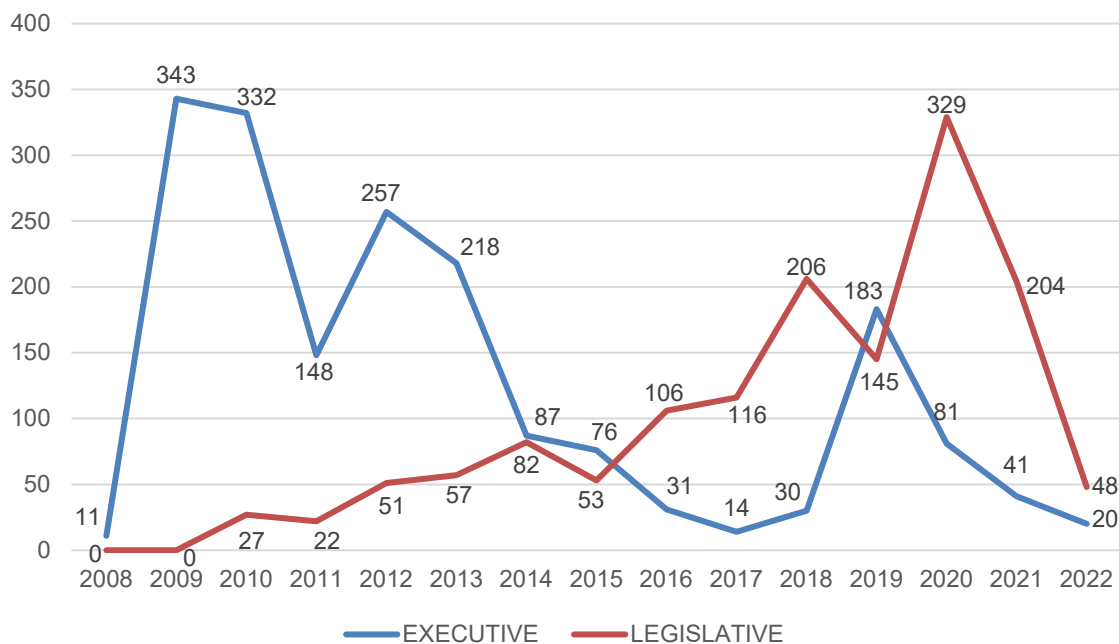
* Values deflated by the Broad Consumer Price Index (IPCA) with values from October 2022.

Source: Platform +Brazil (2022).

Both the number of agreements and the amounts used do not follow a trend, so the distribution is irregular. The largest amount was spent in 2013. After that year, there was a big hiatus until 2019. It is not possible to say that the increase after that date was due to a concern by the Federal Government about strengthening SUSP, since there was a drop in the subsequent period.

Graph 3 shows that the distribution of agreements follows an irregular logic over time, with Congress' participation as the main agent in budgetary policy gaining strength over the years, while that of the MJSP decreases. The graph also shows that the increase in the number of agreements, after 2019, is due to an interest from parliamentarians in allocating amendments to the sector. Thus, there has not been a robust interest by MJSP in entering into agreements in the wake of SUSP. What happened, as can be identified, was a tendency to diminish the role of the Ministry as a signatory of agreements with subnational entities. There is no effort, on the part of the Federal Government, to establish a logic of consistent distribution of resources over time.

GRAPH 3 DISTRIBUTION OF SIGNED AGREEMENTS, PER RESOURCE ORIGIN (2008-2022)



Source: Platform +Brazil (2022).

The increased interest of Congress in the field of public security deserves further investigation. The study by Quadros and R. M. Madeira (2018) examines speeches and bills formulated by parliamentarians between 2010 and 2017 linked to the public security agenda in the National Congress. The authors identify a deep participation of these actors in the process of articulation of interests. In the same vein, Novello and Alvarez (2022) observe how police and military officers have migrated to party politics over time. In this way, there is an increase in the concern with the theme of public security on the part of political actors located in the Legislative branch. Linked to this process, Congress itself

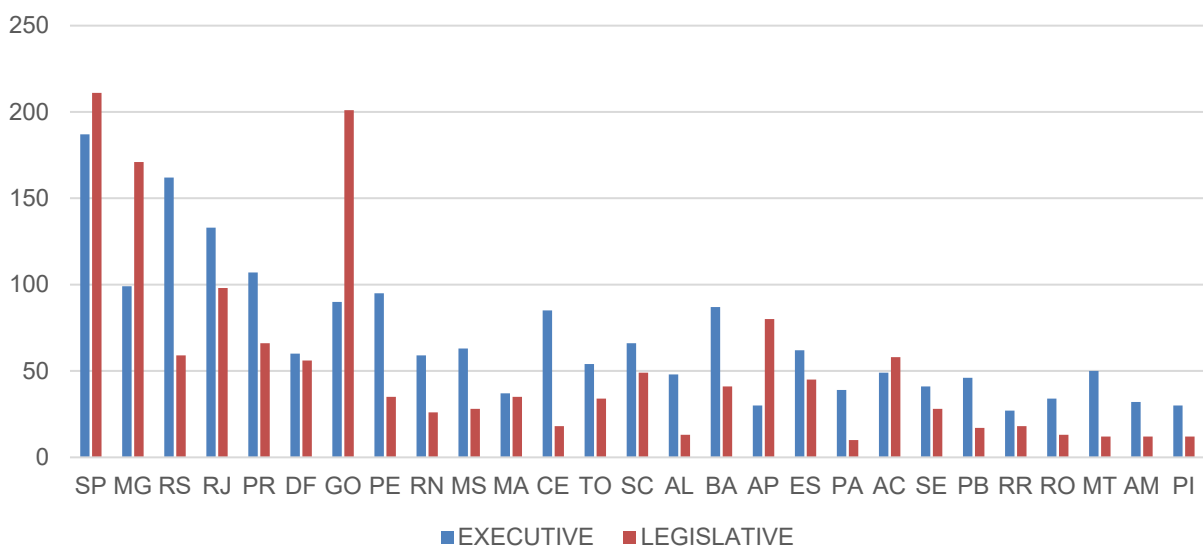
has gained more power regarding the allocation of resources, especially after EC 86/2016, which deals with the impositive budget, as pointed out by M. F. G. Silva and Teixeira (2022).

The data in Graph 3 illustrate that there was greater participation of the Legislative Branch regarding the signing of agreements in recent years and that the process was accompanied by less protagonism of the Executive Branch. This reality makes it evident that an important dimension of the financing of public security policies in the country - in this case, the agreements signed by MJSP - is inserted in an institutional environment susceptible to mismatches, given the nature of the instrument that has been used to finance the policies.

It is argued, based on the proposition of Bichir et al. (2020), about the need to build mechanisms capable of ensuring equity in the distribution of resources across the territory, in order to avoid overlapping resources and welfare gaps. As each parliamentarian acts in an atomized way and without a national vision, the coordinating task falls to the MJSP.

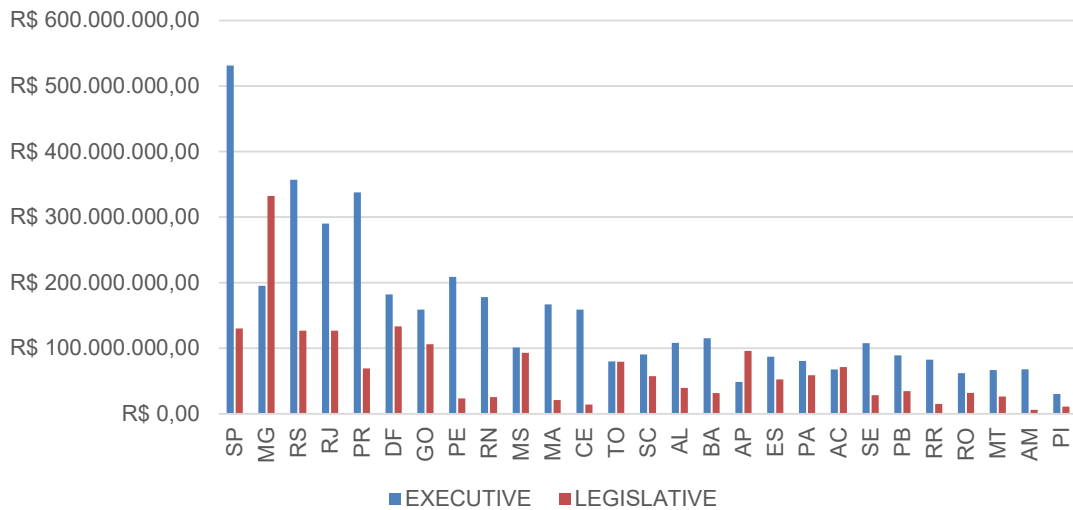
The debate about the overlapping of resources and welfare gaps appears below. Graphs 4 and 5 show the number of agreements signed by the MJSP, by federative unit (UF), over time. It is important to note that the funding agent also divided it, i.e., whether the resource came from the MJSP or from parliamentary amendments. The states of São Paulo, Minas Gerais and Rio de Janeiro, in the Southeast, as well as Rio Grande do Sul and Paraná, in the South, are among those that received the most resources. Meanwhile, the states of the North and some of the Northeast and Midwest received little overtime.

GRAPH 4 COVENANTS BY FEDERAL GOVERNMENT AND RESOURCE ORIGIN (2008-2022)



Source: Platform +Brazil (2022).

GRAPH 5 COVENANT VALUES PER STATE AND PER RESOURCE ORIGIN (2008-2022)

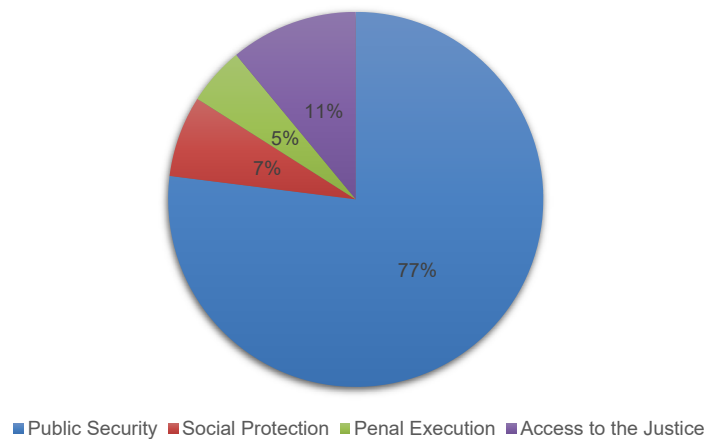


* Values deflated by the IPCA with values from October 2022.
Source: Platform +Brazil (2022).

One detail that draws attention is the fact that Minas Gerais received more funds through parliamentary amendments than the MJSP, demonstrating that the legislative articulation made by the political actors of that state for the transfer of resources was quite efficient. Future studies may investigate how the party bureaucracies behave and articulate themselves to obtain resources through agreements. In addition, it will also be necessary to observe the technical and relational capacities of the states of the federation to plead for projects in the area.

With regard to the most benefited areas of public security policies, Graph 6 shows that the portfolio was the one that received the most agreements (77%). Next come the policies focused on access to justice (11%), social protection (7%) and improvement of penal execution (5%).

GRAPH 6 AGREEMENTS SIGNED BY MJSP WITH SUBNATIONAL ENTITIES, PER DESTINATION GROUP (2008-2022)



Source: Platform +Brazil (2022).

Table 1 presents the distribution of agreements and resources by group. The categories and subcategories were constructed based on the analysis of the empirical material.

TABLE 1 DISTRIBUTION OF AGREEMENTS AND ALLOCATED RESOURCES, BY PUBLIC POLICY GROUP, SIGNED BY MJSP WITH SUBNATIONAL ENTITIES (2008-2022)

Public Safety	Nr. of agreements	Value (R\$)
Fight against Slave Labor and Human Trafficking	2	489.387,71
Public call for the effectiveness of the Maria da Penha Law	7	1.534.268,64
Policy to Fight Corruption and Money Laundering	5	2.161.914,00
SUSP - National System of Knowledge Management and Criminal Information	12	14.465.845,32
SUSP - National Strategy of Public Security at the Borders (ENAFRON)	11	38.538.706,33
Policies Against Drugs	124	85.276.246,76
SUSP - Public Security for Major Events	44	89.321.656,43
Education and Valorization of Public Security Operators	115	104.098.343,62
Integrated Violence and Crime Prevention System	187	108.991.573,47
National Program of Public Security with Citizenship	311	1.042.547.589,36
Support to the structuring, re-equipment, organizational and technological modernization of the Public Security Institutions	605	1.113.225.590,64
Equipment, Cost Execution, Engineering Works and Services	1115	2.199.897.973,49
TOTAL	2501	4.743.358.973,77
Improving penal execution		
Support to Penitentiary Servant Training and Valorization Projects	8	1.091.171,25
Support to Monitoring Services for the Execution of Alternative Sentences and Measures	38	63.707.963,68
Social Reintegration of Prisoners, Inmates and Exmates	47	63.982.072,40
Construction and Expansion of Correctional Facilities	7	93.304.299,24
Equipment and Reequipment of Penal Establishments	77	450.454.828,51
TOTAL	177	672.540.335,08
Access to Justice		
Justice, Citizenship and Public Safety	136	85.939.963,68
Individual, Collective and Diffuse Rights	230	219.642.187,85
TOTAL	366	305.582.151,53

Continue

Public Safety	Nr. of agreements	Value (R\$)
Social Protection		
Protection and Promotion of Indigenous Peoples	4	3.361.442,40
Preservation of the Amnesty Commission's Archives and Dissemination	30	8.835.581,70
Support to Refugees, Immigrants and Stateless People	32	16.068.995,91
Social Reinsertion of Users of Crack, Alcohol and other Drugs	171	81.184.072,78
TOTAL	237	109.450.092,79

Source: Platform +Brazil (2022).

In relation to the first block, focused on public security policies, there is greater attention from MJSP to actions directed to the material and infrastructural aspect of the policy, given the relevance of the areas of “Support for Structuring, Reshaping, Organizational and Technological Modernization of Public Security Institutions” and “Equipment, Implementation of Funding, Works and Engineering Services”. It is also important to point out that actions aimed at empowering the policy-implementing bureaucracy were conducted, in the period studied, in actions such as “Education and Appreciation of Public Safety Operators. The themes focused on the improvement of penal execution, social protection and access to justice received little attention in the period studied, indicating less interest in these agendas to the detriment of the “public security” theme.

A broad set of agreements dialogues with the third paradigm of public security, indicated by L. M. Madeira and Rodrigues (2015), leaning toward the concept of citizen security. An example that can be identified are the investments in areas such as “Integrated System of Prevention of Violence and Criminality”, “Policies Against Drugs” and “National Program of Public Security with Citizenship”. It is not the objective of this study to investigate the conceptual link between the projects and the paradigms of public security, or even to verify the effects of these projects at the local level. Future research may explore these dimensions. In addition, other studies could also focus more on the agreements signed after the creation of SUSP in 2018, and on how the funded policies dialogue with the strategies present in the National Plan for Public Security and Social Defense (PNSP) of the Union, as well as of its subnational entities. It is not yet clear how the objectives of the agreements dialog (or not) with the objectives of the federal plan and the subnational entities.

According to Bichir et al. (2020), the Federal Government has a broad set of instruments for distributing resources to subnational entities. It was identified that, given the institutional arrangement, the Legislative Branch is an important issue in the distribution of resources focused on the field of public security, while the MJSP, representing the Executive Branch, has ceased to be the protagonist of this system. In addition, since the amendments are the result of situational and atomized demands of parliamentarians, susceptible to political bargaining processes, there is the risk of overlapping resources in certain regions, and the concern with equity of financing takes a back seat.

Future investigations could discuss the decision logic of social actors regarding the allocation of resources and how state governments articulate with their parliamentary groups in order to obtain resources for certain areas of public policy, especially public security. The agreements, thought

of as a type of voluntary transfer of Union resources, are instruments for promoting certain activities in the country and need to be thought of with a more comprehensive strategy.

5. CONCLUSION

This study aimed to analyze, according to discussions on public policy instruments and the bibliography on public security policies in Brazil, the profile of the Union voluntary transfers made by MJSP to the various Brazilian subnational entities. It was found that, over the years, the participation of the National Congress in the allocation of budget resources has increased, corroborating the study by M. F. G. Silva and Teixeira (2022), which showed the robust growth of Congress, driven by the phenomenon known as “impositive budget”, which allowed the growth of the power to allocate resources through parliamentary amendments. Associated with this, the parliamentary interest in agendas related to public security (Quadros & R. M. Madeira, 2018) is reflected in the signing of agreements.

The article defends the thesis that the agreements signed by the MJSP with subnational entities are an important dimension to think about public security policies in Brazil, given its allocative character of financial resources and discretionary in relation to the investment theme. It was identified that the current institutional arrangement allows the agreements, understood as public policy instruments, to be allocated to areas of greater interest to congressmen and political actors in decision-making positions. There is an increasing allocation in certain regions of the country (Southeast and South) and a huge assistance gap in the North, Midwest, and Northeast states.

Based on the propositions of Bichir et al (2020), it becomes necessary that the MJSP, responsible for coordinating the SUSP, establish a coordinated system, informed by evidence, and that ensures equity in the distribution of resources. The article corroborates the findings of Dutra and Souza (2022) that the distribution of resources by the MJSP to subnational entities is diffuse, lacks coordination and the establishment of technical criteria. The article also contributes to efforts already conducted by Peres et al. (2014) regarding the understanding of the role of the Union as founder of policies in the field of public security.

The article opens up an important range of possibilities for academic research on the theme of public security and its funding. The field of study is already concerned with the insertion of public security professionals in the Legislative branch and, from now on, will also be able to dedicate itself to understanding what type of agreement these parliamentarians are making and what policies are being developed at the local level.

It was also found that most of the agreements signed by MJSP are destined for the policy’s infrastructure area. These areas of allocation also suggest a harmony between what is funded and the third paradigm of public security (L. M. Madeira & Rodrigues, 2015), focused on the concept of citizen security, violence prevention and capacity building of the implementing bureaucracy.

The study argues, finally, that the structuring of SUSP should be conducted in order to understand, based on scientific evidence, the main regional needs and demands linked to public security, in order to build programs that distribute resources according to regional needs. The discussion of public policy instruments (Direito & Koga, 2020; L. L. Lima et al., 2021) applied to this empirical object proved interesting. Thus, future studies could investigate the impact and effectiveness of these investments at the local level.

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