

THE INCREASE IN OPEN INQUIRIES AGAINST MILITARY FIRE FIGHTERS AFTER THE SARS-COV-2 PANDEMIC ACCORDING TO LAW 13,954/2019

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Abstract: The pandemic period caused some behavioral disturbances among some members of society. But this fact deserves special attention when military corporations are being affected by this situation. This study aims to bring understanding about how occurrences involving military firefighters are processed according to the CPM (Military Penal Code). To answer this question, an investigation was carried out among the available literature to discover how the criminal processes of military firefighters are processed.

Keywords: Firefighters, Justice, Military, Union, Pandemic.

INTRODUCTION

The unfolding of the COVID-19 pandemic involved many mobility restrictions that ended up affecting the daily lives of the global population in a marked and sudden way. However, for some people, the psychosocial consequences were experienced in a more pronounced way. Numerous reports of worsening psychosomatic disorders and anxiety crises have emerged since the first quarter of 2020 with descriptions of symptoms that substantially affect quality of life (LIPP & LIPP, 2020).

In parallel with civil society, the military environment faced intensified pressure due to the deployment for missions related to the fight against the pandemic. Activities such as supply of inputs, transport of patients, urban patrols, inspections, etc. began to be carried out more frequently and under a context of uncertainties regarding the possibility of contagion during the fulfillment of the mission (NETO, 2021).



Instructional updates for CBMAM fighters

Due to the essential character of the Public Security Forces, with special emphasis in this study on the military fire brigades, it is taken as a fact that internal order and discipline need to be maintained at any cost to preserve the institution's image and ensure quality in the provision of services. of the service to the end user.

In the clarifications of Assis (2021), there are concepts that need to be well demarcated:

Disciplinary regulations: are the set of organized norms that classify and predict the types of disciplinary/military transgressions (faults) by their degree (light, medium and

serious – article 11 of the RDAER; article 21 of the RDE; and article 8 of the RDMAR), and the respective disciplinary sanctions and their mode of application, in addition to the appropriate remedies, among other measures.

Transgressions/Misdemeanors: The disciplinary regulations of the Army and the Air Force deal with infractions *disciplines* such as *transgressions*. The Navy refers to infractions as *misdemeanors*.

Disciplinary impediment: according to article 26 of the RDE, it is the offender's obligation not to leave the Military Organization, without prejudice to any service that

competes with him within the unit in which he serves.

Disciplinary detention: according to article 28 of the RDE is the curtailment of the freedom of the disciplinary punished, who must remain in the accommodation of the subunit to which he belongs or and, place determined by the authority that applies the disciplinary punishment. [...] the disciplinary detainee will not stay in the same place destined to the disciplinary prisoners. [...] that the disciplinary detainee attend all acts of instruction and service, except for external duty. The RDMAR lists detention as simple imprisonment, and its maximum term is 10 days [...]

Situations that can be detrimental to good performance are those that tend to occur in large numbers and appear in sequence. The study by Muniz et al. (2022) presents a challenging scenario in the state of Amazonas, in which examples of many occurrences that triggered the opening of Crisis Management Committees (CGCs) were cited.

The events of Muniz's research were so relevant that they were widely publicized by the national and international media during the year 2022. Due to the high expectation of solving problems that society deposits in these committees, the performance of the active members is evaluated in a way more accurate and rigorous. Pressure on combatants causes greater psychological stress.

OBJECTIVES

Search for information about the process of opening investigations against military firefighters within the context of the pandemic. The focus for this objective arose through the perception of an intense performance by the corporation of the Amazonas military firefighters with the State of Amazonas as a resource to mitigate the severe impacts that the coronavirus pandemic had on the state.

METHODOLOGY

This article was composed using the methodology of the integrative literature review (ILR). It is an accurate evaluation of studies that allows reaching a reflection for future research. The application of this method aims to analyze, identify and synthesize the results brought by independent studies that deal with the same theme. The use of RIL allows one to glimpse and appropriate the knowledge currently available on the topic selected in the study (CROSSETI, 2012).

RIL allows constant improvement of professional practice and support and basis for decision-making and application of conduct. It also has the merit of indicating the need to carry out new studies to complement possible gaps in current scientific knowledge (CROSSETI, 2012).

This research was carried out using the seven steps described by Mendes, Silveira and Galvão (2019) that make up a work based on the RIL methodology. They are: 1 – Definition of the theme to be sought; 2 – Formulation of the question that will guide the research; 3 – Choice of database(s) and/or other sources; 4 – Selection of descriptors and definition of search strategies; 5 – Definition of inclusion and exclusion criteria; 6 – Searching for sources in the database(s); 7 – Analysis of the data obtained;

The theme chosen for this study was the balance of open investigations against military firefighters from April 2020. Based on this theme, the following guiding question was arrived at, how, in the eyes of the new legislation, the cases of these investigations in the post-pandemic context are treated.

In the actual analysis stage of the articles, a qualitative strategy was chosen, thematic content analysis. This technique systematically organizes the production of knowledge through the following four stages outlined by Bardin, (2011): pre-analysis, material

exploration and treatment of results, inference and interpretation.

RESULTS

The process is a right guaranteed to the citizen and which the state cannot do without, even in circumstances in which the accused himself decides to waive its application. Therefore, this remarkable guarantee purpose for an adequate legal balance is highlighted. The same applies to the question of military law.

The previously exposed aspects about mental health indicate that in an exceptional context such as that experienced in the COVID-19 pandemic, a supposed deterioration in interpersonal relationships can lead to an increase in intra-household or even intra-institutional conflicts.

With regard to military activity, there is a proper means to proceed judicially, manifested in the form of command channels and sections to pronounce on behalf of the institution. There is a distinction in listing military crimes: those that occurred in times of peace and times of war, also provide for the application of sanctions to the military in terms of penalties corresponding to the crimes that they may commit (ASSIS, 2021).

Considering the law 13.491/2017, a change in character of reform to the CPM (Military Penal Code) is commented. The competence of the Military Justice for the judgment of the facts, the 'crimes,' committed by military in the exercise of the function was established. Previously, it was common justice that was in charge of giving course to the case of a crime not foreseen in the CPM committed by a military man. This way of proceeding used to provoke a feeling of legal insecurity among the defendants, as they were facing civil magistrates, some of whom manifested ignorance about the details of daily militarism (ASSIS, 2021).

Law 13,954/2019, on the other hand, when making considerations about military retirement, may not be having unanimous popularity among members of the military segment regarding the issue of contentment with the new conditions. In the case of those who feel harmed by the changes, the worsening of the biopsychosocial well-being situation may cause some individuals to be prone to commit minor disciplinary transgressions subject to punishment by the CPM. This effect can immerse some members of the fire brigade in a vicious circle of inappropriate behavior.

Law 13.954/2019 brought with it some changes that are not satisfactory for the majority of those affected. According to the Social Protection Booklet (2018), changes were implemented: increase in the minimum service time for transferring to inactivity, universalization of the contribution (a device that makes contribution to military retirement mandatory without allowing exceptions, a 3% increase in the contribution rate (going from 11 to 14%) This increase in the rate was progressive until the present year, 2022, when it finally reached the 14% desired by law.

In a study by Wanderley (2020), a broad explanation is given about the particularities that permeate the Brazilian social security system. The author explains that:

Returning to the case of Brazil, Federal Constitution/1988 states that social security includes a set of initiatives taken by public authorities and society aimed at ensuring health, social security and social assistance¹³. In this sense, the concern regarding the reforms must be focused on the maintenance of such rights, recognizing the importance of promoting adjustments, however, avoiding, as seen in some countries, the cut of benefits, or even the submission of part of the lesser population. favored to more sacrifices for the perception of its benefits.

The CBMs (Military Fire Brigades) are also

subject to the particularities of the Military Justice through the CPM. From the point of view of the study by Lipp and Lipp (2020), it is believed that the psychological pressure exerted by the increased demand for services needed by society may have caused some moments of very intense mental fatigue.

CONCLUSION

Highlighting themes related to human behavior in society through scenarios that involve immense psychological pressure is a necessary attitude in order to understand how these phenomena are processed in society in the 21st century, whether civil or military.



Military Discipline

In certain cases, this pressure overload triggered unusual behaviors that brought harmful results to those involved on a global scale, some examples are cases such as: domestic violence, insubordination, petty theft, etc. It is believed that all of this may have a component related to the stress generated by the overload of missions in a very adverse context that poses a risk to the health of Public Security Forces agents, a problem that has already been widely recognized and discussed by Borges (2008).

Each of these possible problems generates investigations that remain intra-institutional and are submitted to the rigors and particularities of the CPM, because, as previously described, the common justice

did not have some necessary requirements to ensure a judgment within the peculiarities of the issues of military life. This legal uncertainty was fortunately suppressed through updates to the legislation.

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