

SYSTEMIC LAW AND SOCIAL PACIFICATION OF CONFLICTS

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With the advent of New Procedure Code (Act. 13.105/2015), the legislator began to prioritize, on the Article 3, the consensual autocompositive methods of resolution of conflicts that work as jurisdictional equivalents, with the objective of social satisfaction and effective access to justice, aiming mainly the agility of justice. The development of this work is justified by being a new, raising subject, consonant with the increasing interest by the systematic approach on our Judiciary, searching another institutions that could help to simplify the conflicts resolution, since the National Council of Justice provides National Judicial Policy for proper treatment of conflicts within the judiciary. A new-perspective-look by the constructor of the law is needed, so it can understand the social and even psychological reasons behind the legal-material relationship. In this sense, the family constellations idealized by the German philosopher and psychotherapist Bert Hellinger stand out. They consist in a phenomenological systemic approach aiming to study behavioral patterns of the individual's family through the generations, using representatives or puppets. The work presents a qualitative methodological character regarding the approach, with the objective to produce in-depth and explanatory information about the use of this method. Besides, the deductive methodology was used through bibliographic review, mainly virtual, once most of the studies about the subject are still being developed; and from reports of individuals who participated on Family Constellations in joint efforts promoted by Judge Sami Storch, creator of the expression "systemic law" and the precursor of application of this technique in Brazil. The Hellinger's technique on this context is not a method, but an interdisciplinary tool for the resolution of conflicts. Brazil is pioneer on utilizing this technique on judiciary, now present in seventeen courts by the country. Between 2012 and 2013, judge Sami Storch has got 100% (a hundred percent) in agreements in processes in joint efforts which both parties were present. The theme is raising on Brazil due to its humanitarian and social relevance. The parcial results obtained until now, whereas the study is in its early stages, by collecting statistical data and empirical information, shows that the systemic law is linked to the applied social sciences and deserves to be analyzed deeply because can identify hidden personal situations that end up directly interfering in the resolution of requests, once its practical application reveals concrete and effective results. Therefore, it is understood to be a proficient alternative for social pacification and individual cure.

Palavras-chave: Systemic law. Family constellation. Access to justice. Civil procedure. Social pacification.

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