

**INNOVATION AND TECHNOLOGY IN LEGAL EDUCATION: THE VIRTUAL
NPJ PROJECT OF FACULDADE SANTO AGOSTINHO DE VITÓRIA DA
CONQUISTA AS AN INSTRUMENT OF ACCESS TO JUSTICE**

INNOVACIÓN Y TECNOLOGÍA EN LA EDUCACIÓN JURÍDICA: EL PROYECTO VIRTUAL
NPJ DE FACULDADE SANTO AGOSTINHO DE VITÓRIA DA CONQUISTA COMO
INSTRUMENTO DE ACCESO A LA JUSTICIA

INOVAÇÃO E TECNOLOGIA NO ENSINO JURÍDICO: O PROJETO NPJ VIRTUAL DA
FACULDADE SANTO AGOSTINHO DE VITÓRIA DA CONQUISTA COMO INSTRUMENTO
DE ACESSO À JUSTIÇA

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Abstract

Access to justice can be considered as one of the most debated topics in the legal area, due to the being a true bulwark of law. In this respect, it should be noted that its nature indicates a reflection of the second generation of human rights, as it is directly related to the realization of equality. Theoretical research on access to justice will lead to the analysis of the functions of the Legal Practices Center, an important instrument in the field of legal education. With the pandemic caused by COVID-19, the activities of the nuclei were negatively impacted, requiring innovative solutions, among which stands out the Virtual NPJ Project, developed in the law course of the St. Augustine College of Vitória da Conquista. This research, which is documentary in nature, uses the inductive method in order to assess the contributions of that project to promoting access to justice.

Keywords: Access to justice; Human rights; Virtual NPJ Project.

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Resumen

El acceso a la justicia puede ser considerado como uno de los temas más debatidos en el ámbito jurídico, debido a que constituye un verdadero baluarte del Derecho. Al respecto, cabe señalar que su naturaleza indica un reflejo de la segunda generación de los derechos humanos, ya que está directamente relacionado con el logro de la igualdad. La investigación teórica sobre el acceso a la justicia conducirá al análisis de las funciones del Núcleo de Práctica Jurídica, un instrumento importante en el campo de la educación jurídica. Con la pandemia provocada por COVID-19, las actividades de los núcleos se vieron impactadas negativamente, requiriendo soluciones innovadoras, entre las que se destaca el Proyecto Virtual NPJ, desarrollado en el curso de Derecho de la Faculdade Santo Agostinho de Vitória da Conquista. La presente investigación, de carácter documental, utiliza el método inductivo, con el fin de evaluar los aportes de ese proyecto para la promoción del acceso a la justicia.

Palabras-clave: Acceso a la justicia; Derechos humanos; Proyecto Virtual NPJ.

Resumo

O acesso à justiça pode ser considerado como um dos temas mais debatidos na área jurídica, em virtude de se constituir um verdadeiro baluarte do Direito. Nesse aspecto, cumpre destacar que a sua natureza indica um reflexo da segunda geração dos direitos humanos, pois está diretamente relacionado à realização da igualdade. A investigação teórica acerca do acesso à justiça conduzirá à análise das funções do Núcleo de Práticas Jurídicas, um importante instrumento no âmbito do ensino jurídico. Com a pandemia causada pelo COVID-19, as atividades dos núcleos foram impactadas negativamente, exigindo soluções inovadoras, dentre as quais se destaca o Projeto NPJ Virtual, desenvolvido no curso de Direito da Faculdade Santo Agostinho de Vitória da Conquista. A presente pesquisa, de natureza documental utiliza o método indutivo, a fim de avaliar as contribuições daquele projeto para a promoção do acesso à justiça.

Palavras-chaves: Acesso à justiça; Direitos humanos; Projeto NPJ Virtual.

Introduction

Human rights have their own historicity, being considered, from this perspective, as values recognized by the legal system throughout the struggles for their realization. In this aspect, we find the generations or dimensions of rights considered universal, which aim at the realization of human dignity and social pacification.

The study of the second generation of human rights allows an incursion into the debate about access to justice, as an instrument for the materialization of equality. It is in this sense that we began to investigate the relationship between legal education, notably developed within the scope of the Nucleus of Legal Practices, and the waves of viability of access to justice.

This pressing need to establish a correlation leads us to analyze, as a primary objective, the insertion of the services performed in the core of legal practices of the law course in the scenario of access to conflict pacification instruments, whether judicial or non-judicial. To do so, it will be necessary to place the issue of access to justice in the history and dimensional classification of human rights, as well as to promote a verification of their implementation movements over the years.

This theoretical incursion will make use of the collection of bibliographic and documentary information, from a systematic and inductive analysis of the NPJ Virtual Project, developed within the scope of the Law course at Faculdade Santo Agostinho de Vitória da Conquista. In order to achieve those objectives, the investigation that follows was structured in two sections, namely: the examination of access to justice in the historical perspective of human rights and the understanding of the aforementioned educational project.

The coronavirus pandemic and its reflection on higher education education law

The coronavirus pandemic has brought with it the uncertainty of the collapse of the health system of the entire global sphere. The virus, scientifically known as SARS-CoV-2, has its origin recognized in the city of Wuhan, China, between December 2019 and January 2020. According to the World Health Organization (2020) the virus has a rapid contamination through direct transmission between individuals. In addition, the high lethality curve of the virus has classified the pandemic as one of the main challenges of the 21st century.

In comparison with the rapid increase in contagion, the virus has become a global concern, crossing territorial borders and leaving a devastating curve of infected and dead. In view of this situation, the World Health Organization (2020), on March 11, 2021, classified the coronavirus as a pandemic, and countries must adopt preventive measures to avoid the collapse of the health system.

In this context, according to the World Health Organization (2021), one year after the declaration of the coronavirus pandemic, we can still observe the high impact of the contaminated curve and the formation of new epicenters with new waves of contamination with virus variants by the virus. countries. On April 15, 2021, global data reached 138,581,232 cases of contamination and the number of 2,977,619 deaths.

In the face of international recommendations, we have watched countries close their borders and establish movement restrictions to maintain people's social distance. In this scenario, it was found that, given the absence of vaccines on a large scale to immunize the population, the most effective response to contain the contagion of the coronavirus would be the adoption of emergency and temporary measures to restrict fundamental rights in favor of the fundamental right to health. health in order to guarantee human existence.

Among the preventive measures applied, we highlight the institution of quarantine and lockdown. Quarantine was envisaged as the isolation of infected people to avoid contagion and the increase in the contamination curve in countries at the beginning of the pandemic. However, the coronavirus gained disastrous contours of cases and deaths, becoming a community transmission and difficult to identify the beginning of the contamination line. For this reason, the lockdown was envisaged as a more stringent restriction measure, in which social isolation would be applied to the entire community for a time determined to reduce the number of cases.

In the Brazilian scenario, the Ministry of Health (2020) pointed out that the coronavirus pandemic began on February 26, 2020, with the confirmation of the contamination of a 61-year-old patient, who had a recent travel history to the country of Italy, which at that time was one of the main epicenters of the disease. Since then, the growing contamination curve in the national territory has led to real episodes of undermining the health system.

In compliance with the recommendations of the World Health Organization (2020) and Resolution No. 01/2020 of the Inter-American Commission on Human Rights, which established that signatory countries adopt restrictions on fundamental rights on a temporary and exceptional basis to safeguard the fundamental rights to life and

human health, the governors and mayors of Brazil started to edit administrative acts for the adoption of the lockdown for determined periods, the quarantine of the infected and the restriction of weekends for agglomerations and parties, with the curfew.

According to the World Health Organization (2021), on April 15, 2021, Brazil has about 13,673,507 people infected, representing the third largest country with contamination rates, behind only the United States and India. In addition, the country has a rate of 361,884 deaths, being the second with the highest number of deaths and the first country with the most daily deaths.

The collapse of Brazil's health system is even more worrying in view of the shortage of hospital beds and respirators to serve the entire population, living in a real tragedy foretold. In this line of intellection, in the year 2021, Brazil presented an unknown variant of the coronavirus strain in the state of Manaus, which resulted in the absence of oxygen in the state and the overcrowding of hospitals. Such a scenario shows that overcoming the health crisis is still far from over and there is no more effective measure than adopting preventive actions to restrict fundamental rights, such as the right to locomotion and the right to education.

From this perspective, between the realization of the fundamental right to health and the need to restrict other fundamental rights, it is necessary to consider the preservation of the right to life and overcoming the large-scale health crisis facing the world. For this reason, this proposal had a direct impact on the exercise of the fundamental right to higher education, in the face-to-face modality, which had to readapt to continue its activities in pandemic times.

The Ministry of Education of Brazil started to adopt a series of resolutions with the aim of regulating emergency remote teaching and continuing the exercise of the fundamental right to education within the pandemic scenario that the country faces. However, the effectiveness of the right to education requires the implementation of public student assistance policies for students who do not have the socioeconomic conditions to have access to digital technologies. In addition, in the reality of the Law course, assistance to disadvantaged communities to guarantee access to justice needs

digital inclusion strategies to facilitate service to the public. It should be noted that the remote teaching resolutions reveal the exercise of a temporary right, given that it is not about replacing the face-to-face teaching modality, but only its readaptation while the effects of the contamination of the coronavirus persist.

In order to understand the regulatory norms of the Ministry of Education, it is necessary to differentiate Emergency Remote Teaching - ERE from Distance Education - EAD in the hybrid modalities of on-site courses. The two modalities of higher education are not synonymous. Distance Education for on-site courses is a form of higher education of a complementary nature, being regulated by Ordinance No. As stated in article 2, §1 of Ordinance No. 2.117/2019, the Pedagogical Project of the Course must present, within the curricular matrix of the undergraduate course, the percentage of distance learning hours to be inserted and indicate which methodologies will be used for the use of distance education.

On the other hand, Emergency Remote Teaching is an emergency and temporary modality of education, instituted only to supply the exercise of educational rights while the health crisis of the coronavirus remains in the country. In this way, Hodges (2020) establishes that remote teaching is a true adaptation of teachers and institutions to maintain the commitment of higher education during the period of social distance.

This adaptation of remote teaching does not seek to modify the structure and curriculum of undergraduate and graduate courses, but only to adapt, through digital communication technologies, face-to-face education. In this way, classes take place synchronously, with the online interaction of teachers and students in the virtual learning environment.

The first regimental rules of the Ministry of Education were Ordinances No. 343/2020 and 345/2020, which provide for the replacement of face-to-face classes with classes taught in digital media, while the Covid-19 pandemic situation lasts. Such regimental forecasts were gradually introduced in order to analyze the country's pandemic situation. In view of this, successive ordinances were followed to renew the content provided for in Ordinance No. 345/2020 over the months of 2020. On April 15,

2020, Ordinance No. 395/2020 was edited, extending the term of validity of remote teaching emergency until May 2020. Then Ordinance No. 473 of the MEC was edited, extending the period for another thirty days, ending its period in June 2020.

On June 16, 2020, the Ministry of Education edited Ordinance No. 544/2020, extending the term of remote teaching until the end of the current year of 2020. Soon after, Law No. 14.040/2020 was edited, which brought the character exception of remote teaching and the need to adjust the academic calendars for the years 2020 and 2021 so as not to harm students in undergraduate and graduate courses. In 2021, the Ministry of Education approved Opinion No. 19, of the National Education Council, extending the validity of emergency remote teaching until December 31, 2021 and recommending the use of digital technologies to promote the exercise of the right to education in times of of pandemic.

Regarding legal education, digital information and innovation technologies are essential to maintain the activities of legal practices, which are mandatory curricular components for law students. Within this context, the great challenge for higher education institutions in law courses is to adapt the internship activity that requires contact with the community to guarantee access to justice and promote legal education based on the promotion of human rights.

The graduation of the law course is not limited to the study of dogmatics, but also involves the reflective construction of the student on the applicability of the law in the social reality and the need to pursue the ideals of justice for the promotion of human rights. In this sense, Freire (2013) emphasizes that the basis of educational training must go beyond the hermetic content, establishing the commitment to train ethical professionals and, above all, human beings who use their profession to improve the reality they live.

In the same line of intellection, we observe the notes of Calissi (2014) who understands that educating is part of the process of humanization of the subject. And, when relating educational praxis to the legal field, we found that education needs to be liberating so that future legal professionals can promote and assist in the realization of human rights and the exercise of citizenship.

For this aspect, legal education should be guided as a transforming agent of social reality, and should prepare students for the solution of social conflicts from the clarification of the rights of the collectivity. Under this umbrella, we refer to the teachings of Freire (2007) who understands education as a stage of human development for social coexistence and this will only be possible when everyone has access to their rights and knowledge about them.

In view of this scenario, the nuclei of legal practice within law courses emerge as instruments for effective access to justice, facilitating knowledge and access to the population of essential rights for human dignity. The centers were established by Ordinance n° 1.886/94 of the Ministry of Education in order to humanize undergraduate law courses, bringing practical experience of social reality to the applicability of legal theoretical precepts learned throughout the course.

According to Souza Júnior (2006), legal practices strengthen the proximity of the law course to its social responsibility, promoting access to justice for the population and, at the same time, preparing students, through the supervision of the professor, to act in the practice of legal activity. Also according to the author, this performance of law courses allows the construction of a solid base for graduation, overcoming the crisis of dogmatic legal teaching, from the moment it allows interaction with educational praxis.

From these inferences, it is observed that the legal practice is part of the human formation of the professional of the law course. But, how to implement legal practices within the context of the coronavirus pandemic, in which remote teaching requires social distance? To answer this question, the present study brings as an investigation the case study of the implementation of the Virtual Legal Practice Nucleus at Faculdade Santo Agostinho de Vitória da Conquista and the use of digital information and communication technologies as essential instruments for the continuity of legal practice and guaranteeing access to justice for the population in pandemic times.

Access to justice as expression of the second generation of human rights

Before analyzing the virtual implementation of the core of legal practices in remote teaching in the city of Vitória da Conquista - Bahia and its importance for the effectiveness of the right to access justice and the promotion of human rights during the coronavirus pandemic, it is necessary understand the historical dimensions of human rights that raised access to justice as an expression of the second generation.

Access to justice has been presented as one of the most complex problems for years, being sometimes confused with the difficulties of accessing formal instruments related to the judiciary system. For this reason, we must establish some conceptual categories, in the sense of enabling a thematic understanding and, in the same way, indicating propositional actions for the realization of that right.

From the perspective of human rights, we can consider access to justice as inserted in the context of the second generation or dimension of these historical-legal categories, by virtue of being considered as an instrument aligned with the idea of formal equality – or equality before the law – and isonomy, as a plan for considering differences as a criterion for promoting affirmative actions for emancipation and the realization of citizenship.

In modernity, the first human rights document that recognized respect for justice as essential was the Virginia Declaration, which, thus, served as inspiration for several other declarations and, mainly, for the incorporation of human rights into the US Constitution of 1791. As Angon (2003) points out, this important document corroborated the ideals of justice, based on the logic of defending freedom, the functional separation of powers, the right to suffrage, popular sovereignty, the right to defense in proceedings, for an impartial judgment, the prohibition of disproportionate penalties, arbitrariness, freedom of the press, the external sovereignty of the new independent State, among other rights considered fundamental.

Another important document was the Declaration of the Rights of Man and Citizen, of August 26, 1789, which represented the liberal constitutionalism of natural law inspiration, proclaiming the principles of a fundamental legal order, with emphasis on freedom, equality, property and to legality, in addition to liberal guarantees that are present in contemporary declarations. In the view of Trindade (2002), the French Declaration constituted a true milestone in the modern history of human rights, but it still did not present a global claim to justice and citizenship.

As access to justice is a right strictly linked to the achievement of equality, as previously stated, we cannot dissociate it from the constitutionalist movements of the first decades of the 20th century, with emphasis on the Mexican and German Constitutions. According to Piovesan (2016), the Mexican Constitution of 1917 anticipated some developments in social law, presenting a list of workers' rights, which, in the same way, was perceived in the writings of the Declaration of the Rights of the Working and Exploited People, published in January of 1918, in Russia, moving from the postulate of freedom to the principle of equality, a document that enunciated principles of social order.

For Moraes (2000), the Weimar Constitution, edited in Germany, on August 11, 1919, similarly enshrined traditional rights, by giving greater emphasis to socioeconomic rights and, mainly, by indicating a tendency to defend the social rights.

At the international level, the great landmark in the history of human rights in contemporary times is the Universal Declaration of Human Rights, dated December 10, 1948, within the scope of the United Nations General Assembly. According to the teachings of Piovesan (2016), from a universal ethical content, uniting the liberal discourse of citizenship and social discourse, the Declaration presented an unprecedented language of rights, becoming the main source of inspiration for several Constitutions, by focusing on the protection of human rights, in their individual, social and community aspects, in order to ensure a dignified, fair and peaceful social life.

In addition to these considerations, the Universal Declaration of Human Rights, even not presenting a normative content of binding overlap, resulted in the consecration of the consensus on universal values that should guide the States. Still in the lessons of Piovesan (2016), the Universal Declaration of Human Rights must even be considered as a set of rights and faculties essential to the development of the physical, moral and intellectual personality, in addition to having the character of universality, and must be applied. to all people of all countries, genders, religions and races.

Within the scope of the inter-American system, it is possible to affirm that the American Convention on Human Rights, also known as the Pact of San José of Costa Rica, is the most important instrument, having been signed in 1969 and entered into force in 1978. As pointed out by Cunha Júnior (2010), the document can be considered as an instrument that, in addition to recognizing, ensures civil and political rights, among which the right to life, the right to legal personality, the right to liberty, the right to equality stand out. before the law and the right to judicial protection.

Along this line of thought, Cunha Júnior (2010) asserts that this evolution of a human rights protection system resulted in the creation of international mechanisms, such as the Inter-American Court and the European Court of Human Rights, or quasi-judicial ones, such as the Inter-American Commission of Human Rights and the United Nations Human Rights Committee, in an evident attempt to create a scenario of overcoming the idea of national sovereignty, in order to subject States to international human rights normative guidelines.

The conceptual content of human rights did not stabilize with the text of the Universal Declaration of Human Rights of 1948, revealing the notes of the historical configuration of the nature of these rights, as well as the dialectical sense of their substantial construction, whether in the perspective of creating new rights, or in their perception as rights recognized throughout human development, as asserts João Baptista Herkenhoff (1997).

In the context of historical analysis, it is possible to perceive the role of the State as an instrument for the protection of a catalog of rights that must be guaranteed to man, considered as an end in itself, as a reaffirmation of the Kantian conception. In this sense, the State, as a hypothetical imperative, is only justified, and only exists, in terms of respect, promotion and guarantees of human rights, considered as the essential core of the legal and constitutional order. Grimm (2006) observes that the State acts in a concrete, broad and retrospective way, in order to fulfill its guarantor function.

This historicity of human rights allowed the consolidation of the democratic rule of law, through the creation of legal instruments that enabled popular participation in decision-making spheres and also the control and limitation of state power. According to the lessons of Marmelstein (2011), liberal values came to be interpreted as categories of legal norms that would be invoked even against the State.

When the modern Constitutions inserted, in their texts, the rights of man, making them positive, this normative class was given the adjective of fundamental rights, because they are part of an internal legal order, which, therefore, did not change its essence, on the other hand, consolidated the State's need to provide benefits in terms of building multiple scenarios for the realization of those rights.

In this historicist context of human rights, the Czech jurist, naturalized French, Karel Vasak (1977) formulated the theory of generations of rights, inspired by French revolutionary ideals. Initially, three generations were indicated, namely: the first, represented by civil and political rights, based on freedom and situated, therefore, within the scope of bourgeois revolutions; the second, substantiated by economic, social and cultural rights, based on the ideal of equality, pointing to the period of the Industrial Revolution and, mainly, to the social problems arising from it; the third, considered as the generation of solidarity rights, with greater emphasis on the right to development, peace and the environment, completing the triple revolutionary foundation with fraternity, as highlighted by Marmelstein (2011).

Civil and political rights demarcated the first dimension of human rights, finding support for legal recognition in the Declarations of the 18th century and in the first modern constitutions. These are rights that demand a negative position from the State, in the sense of adopting the French paradigm of *laissez-faire et laissez-passer*, touted by economic liberalism. In this aspect, Cunha Junior (2010) teaches that the legal inspiration highlighted the “rights to life, liberty, property, security and equality of all before the law, later complemented by the rights of collective expression and political rights”.

The negative or non-interventionist position of the State led to a scenario of social inequalities, characterized by the exploitation of the worker, reducing him to conditions analogous to slavery, as well as by the precarious conditions in relationships and in work contexts. According to Rossetti (200, p. 305), the policy of *laissez-faire* did not serve the materialization of justice, rather, “the law of the strongest prevailed: in many activities, it stifled the forces of competition. The liberal-individualist mode of production did not lead to distributive justice as widely as its ideologues imagined.

The situation presented culminated in the promotion of a series of claims, being conducive to the formulation of the bases of the Welfare State, with the creation of conditions for the construction of a new political-economic order that was in line with the the sense of justice, based on the formal and material recognition of social rights, as highlighted by Marmelstein (2011).

In order to guarantee the effectiveness of social rights, the foundation of the Welfare State was developed, in a clear scenario of intervention in the economy and society. This is the scenario that outlines the second dimension of human rights, considered as a reflection of an order of positive or provisional rights, requiring the State to assume the duty to meet the needs of individuals, recognizing that freedoms can only be exercised in the context of of justice, when promoting equality between men.

The historical documents that gave greater emphasis to rights of this magnitude, as mentioned earlier, were the Mexican Constitution of 1917, which anticipated developments in social law, presenting a list of workers' rights; the Declaration of the Rights of the Working and Exploited People, published in January 1918, in Russia, which enshrined equality as the maximum value; and the German Weimar Constitution of 1919, which represented progress in the history of protecting social rights.

The principle of solidarity, pointed out by Karel Vasak (1977), as fraternity, was enshrined by the third generation of human rights, presenting a letter of collective and diffuse rights, which began to be built and recognized from a meta-individual perspective, with a protection of categories or groups of people. According to Marmelstein (2011), third generation human rights are those related to development, peace, the environment, communication and ownership of the common heritage of humanity.

The historical recognition of human rights allows us to affirm their character of sedimentation and consolidation of new rights, according to the presentation of new social and legal demands, revealing the need to indicate a scenario of other generations of human rights. As Paulo Bonavides (2006) teaches, by indicating the existence of two generations not incorporated into those traditionally disposed, the fourth dimension would result from globalization and corresponds to the universalization of those rights in the institutional plan of the welfare state. These are the rights to direct democracy, pluralism, information, sex reassignment, the right against genetic manipulation and, more broadly, the rights related to biotechnology. Bobbio (2004) emphasizes that this generation represents the rights related to genetic engineering.

The fifth generation of rights, in turn, presents the core content to the progress of all nations, identified as the right to peace. In this aspect, we consider it as an emancipation of the right to peace, without, however, detaching itself from the other aspects of human rights, even though it enjoys a certain historical-scientific autonomy. In this sense, Bonavides (2006, p. 86) states that “the legal dignity of peace derives from the universal recognition that is owed to it as a qualitative presupposition of human coexistence, an element of conservation of the species, a realm of security of rights”.

The historicity of human rights allows us to affirm that there is a constant concern with the realization of an ideal of distributive justice and, beyond this concept, for the materialization of an egalitarian society. In the constant search for the realization of these rights, Cappelletti and Garth (2002) pointed to the existence of waves of access to justice, in the sense of guaranteeing solutions to the problem found.

According to the aforementioned authors Cappelletti and Garth (2002), the first wave of access to justice pointed to legal assistance for the poor, in an attempt to overcome economic barriers. We realize, in this context, that it is not only a question of exemption from payment of procedural costs, but involves access to information and guidance.

In Brazil, for example, Law 1060/50 regulates free legal assistance, provided for in the 1946 Constitution. The 1988 Constitution of the Federative Republic of Brazil, in turn, granted the Public Defender's Office, in articles 5, LXXIV, and 134, the attribution of guaranteeing access to justice for people who do not have the economic conditions to pay for a representative who acts in the protection of their rights in court.

The second wave of access to justice, according to Cappelletti and Garth (2002), is related to the representation of diffuse interests, as a way of protecting inter-individual and meta-individual interests, such as consumer rights. Joint action, directed towards a logic of protecting the interests of collective groups, such as those related to consumer rights, or diffuse rights, such as environmental protection, promotes faster and more effective access, guaranteeing the realization of such rights.

The new access to justice, as the third wave was called by Cappelletti and Garth (2002), indicates a path to reach those rights not protected in the previous waves, as a way of representing interests not covered by the previous movements. It is a broader aspect, from the creation of new courts, the reduction of bureaucracy, structural changes, the adoption of more effective means of conflict resolution, such as mediation and conciliation, as well as the de-judicialization for the materialization of the justice.

It is in this third wave that the perception of the lack of synonymy between access to justice and access to the Judiciary becomes even more evident. This is due to the understanding of access to justice as an effective solution to conflicts in order to achieve a scenario of social pacification. Associated with the scenario of this wave, we can see a new movement, in the sense of guaranteeing access to justice, which we will call the fourth wave. It is about the expansion of the possibilities of action, in the scope of legal education, of the Nuclei of Legal Practices, notably when the adoption of modern technological instruments for this purpose, to which we will present.

Core of Virtual Legal Practices of the Faculdade Santo Agostinho de Vitória da Conquista and the fourth wave of access to justice

The epidemiological scenario presented as a result of the pandemic of the new Coronavirus (SARS-CoV-2) brought the emergency of adaptation of higher education to the remote path, while measures to prevent social distance are necessary to reduce the rate of contagions and deaths. cross country. In order to realize the fundamental right to education in pandemic times, it was necessary to launch a new look at the use of digital information and communication technologies.

While before the reality of the coronavirus pandemic, education professionals showed resistance to the use of technological innovation in face-to-face education, now, after experiencing the restriction of the fundamental rights of locomotion and face-to-face education, technology has come to be seen as a tool combined with the professional to maintain remote teaching.

It is noted that remote teaching seeks to safeguard direct contact between students and teachers through online classes, videoconferences that replace, for now, face-to-face contact and reduce distances through the virtual screen. According to Martins (2020), the use of information and communication technologies in remote teaching, when combined with public policies of digital inclusion for equal access to the right to education, will allow the adaptation of classroom teaching to interactive classes in the virtual environment, being potential protagonists of the effectiveness of the right to education in pandemic times.

Considering that health, under the terms of article 196 of the Constitution of the Federative Republic of Brazil of 1988, is a right of all and a duty of the State, guaranteed, through social and economic policies aimed at reducing the risk of disease and other diseases and universal and equal access to actions and services for its promotion, protection and recovery, as well as the fact that the agglomeration of people contributes to the rapid spread of the virus, the Municipality of Vitória da Conquista - Bahia, city where the Faculty is located Santo Agostinho, published Decree No. of Education analyzed in this study.

On March 17, 2020, the Ministry of Education published Ordinance No. However, on April 28, 2020, the National Education Council's Opinion No. 5/2020 began to regulate the reorganization of the School Calendar and the possibility of calculating non-face-to-face activities for the purpose of complying with the minimum annual workload, providing the opportunity to carry out practical professional internship activities through virtual means that allow interactivity, which was reinforced by Ordinance No. 544/2020, of the Ministry of Education.

From this juncture, law courses needed to adapt the practical classes of the legal centers to continue academic activity and continue helping the community in guaranteeing access to justice and in the knowledge and promotion of human rights. Within this scenario, Faculdade Santo Agostinho de Vitória da Conquista – Bahia, sought to adapt the exercise of legal practice through the aid of digital technologies of innovation and information.

From the adoption of a pedagogical plan with teaching practices of learning focused on the active methodology, the use of digital technologies ended up becoming a tool for communication and interaction between students and teachers, encouraging students to search for knowledge through interactive virtual classes.

From the perspective of Souza, Amaral and Schimiguel (2016), the active methodology associated with digital technologies present themselves as true bastions of academic innovation, allowing the development of skills and competences provided for in the Curriculum Guidelines of Law Courses in a critical and reflective way to from the virtual interaction and the development of problem-solutions by the students.

This panorama was enough to stimulate a creative and innovative action by the Faculdade Santo Agostinho de Vitória da Conquista - Bahia, when observing the need to maintain the service activities of the Nucleus of Legal Practices, due to its nature of essentiality for the humanistic formation of the students of the course and also that access to justice is a fundamental right.

In this sense, by deliberation of the Academic Direction, the Coordination of the Law Course, the Coordination of the Legal Practices Nucleus, the Coordination of the Legal Assistance Service and the Coordination of the Careers Nucleus, sectors that make up the organizational structure of Faculdade Santo Agostinho de Vitória da Conquista - Bahia, the Legal Practices Center started to use virtual means, within the scope of the legal internship, for the development of mandatory and complementary curricular activities, guaranteeing access to justice by the community that needs services of this nature.

The implementation of the Virtual Legal Practices Center, regulated by the provisions present in the Normative Instruction NPJ 01.2020 of the Faculdade Santo Agostinho de Vitória da Conquista, an institutional norm, took place in April 2020, enabling the use of technologies to maintain the proposed activities by the Nucleus, being an innovative strategy for the humanization of legal education in pandemic times.

The Virtual Legal Practices Center was structured in order to meet the real practical activities, offered within the scope of the curricular components of the Legal Assistance Service, making up the mandatory workload of said discipline, during the period of restrictions or prohibitions of face-to-face activities, from accordance with federal, state and municipal regulations.

In addition, the Virtual Legal Practice Center of the Santo Agostinho de Vitória da Conquista Law School started to be used as an extension project, offering a workload of complementary curricular activity. In the future, when the regular operation of the core of practices in the face-to-face modality returns, students will be able to participate voluntarily, with extracurricular hours.

Such proposal sought to bring equality in the performance of activities, from the adoption of a supplementary nature. In addition, the Virtual Legal Practices Center has become an effective instrument for assisting those assisted during the coronavirus pandemic, as an instrument to guarantee access to justice.

The technological resources used for the remote teaching of the legal practice nucleus were the Zoom online conference platform, where the consultations are carried out. According to the Organizational Committee of the Legal Practices Center of Faculdade Santo Agostinho de Vitória da Conquista, the appointments are previously scheduled through the professional profile of the WhatsApp application of the Legal Practices Center or by the nucleus's email, where the initial screening for the referral to students guided by the institution's professors.

In order to meet the objectives of the Virtual Legal Practices Center, all participants had access to instructional videos about its operation, the importance of socioeconomic questionnaires and the ways of approaching the assistance to the assisted, as well as about the ethics in the service performed. by the Legal Practices Center.

In order to compose the practical workload of the curricular components of the Legal Assistance Service, the Legal Practices Nucleus started to be carried out, mandatorily, in the following stages: a) Training: follow-up of instructions, through videos produced by professionals in the area, on approach and assistance at the Legal Practices Center, about fundamental instructions from the Virtual Legal Practices Center, about socioeconomic questionnaire and about ethics in service at the Legal Practices Center; b) Practical Scenarios: each pair or work team, composed of students, must complete three practical scenarios, reviewed by the supervisor. Then, the practical

cases were drawn and distributed among the pairs, who should fill out the assistance forms by the Legal Practices Nucleus, prepare a standard letter of communication to the assisted person about the list of documents necessary for referrals by the Legal Practices Nucleus, adopt the necessary measures to resolve the cases received, such as petitioning or holding mediation or conciliation meetings; c) Online Hearings: each participant must attend, at least, three real online hearings, according to the guidance teacher's instructions, presenting the certificate of participation and a report on each hearing; d) Online Service: when contacted by the assisted person, through virtual means, the attendant of the Legal Practices Center performs a screening procedure, in order to verify if it is a situation to be received at the NPJ. Then, a virtual service time is scheduled, carried out, in order of distribution accompanied by the Legal Service Coordinator, by the indicated pair or team, supervised by the guiding professor, who were responsible for the registration, opening the folder and further measures. ; e) Final Report: at the end of the activities of the Virtual Legal Practices Nucleus, the duo or work team presented a detailed report of the activities developed in the period, which was validated by the guiding professor, responsible for calculating the practical workload.

From the data presented in the annual report of the Virtual Legal Practice Center of the Faculdade Santo Agostinho de Vitória da Conquista (2021), from May to December 2020, it is observed that 129 services have already been carried out for the community. insufficient, with 28 online mediation hearings between the parties.

When observing that the use of technology for remote assistance is inserted in the context of expansion and democratization of access to justice, as it allows the participation of people who could not travel due to distance or financial difficulties, the institution decided to maintain the activities of the Nucleus of Legal Practices as a permanent extension project and as a complementary instrument for access, even when face-to-face activities are resumed, which infers the materialization of what we consider the fourth wave of access to justice.

Final considerations

Contemporary social contexts are marked by the fluidity of relationships and technological advancement. In this sense, legal education must be associated with innovations, as a way of expanding its prospects for training qualified professionals aimed at realizing the ideals of justice. It is in this scenario that the practical activities developed within the scope of the Legal Practices Nucleus, a space for learning and implementing the social responsibility of legal education institutions, are inserted.

The pandemic scenario that hit the whole world in 2020 had a direct impact on the performance of those activities. Most of the country's legal education institutions suspended their services, due to the impossibility of face-to-face contact until digital technologies for virtual service were implemented. In the Law course at Faculdade Santo Agostinho de Vitória da Conquista, however, remote assistance was proposed, developed from the NPJ Virtual Project, guaranteeing legal assistance to those assisted for consultations, petitions, mediation and conciliation sessions.

When considering the moment of epidemiological crisis, the NPJ Virtual Project was considered innovative by the academic direction of Faculdade Santo Agostinho, promoting the permanence of practical teaching activities of the Law Course of that institution, as well as the continuity of service to the community that needs the services performed by the Legal Practices Nucleus, thus inserting itself in the context of the fourth wave of access to justice.

References

ANGÓN, O. C. Libertad religiosa y revoluciones ilustradas. In: MARTINEZ, G. P.; GARCIA, E. F. G. (org.). **Historia de los derechos fundamentales**. Tomo II: Siglo XVIII. Volumen I. El contexto social y cultural de los derechos. Los rasgos generales de evolución. Madrid: Editorial Dykinson, 2003.

BOBBIO, N. **A era dos direitos**. Rio de Janeiro: Elsevier, 2004.

BONAVIDES, P. **Curso de Direito Constitucional**. 19. ed. São Paulo: Editora Malheiros, 2006.

BRASIL. **Constituição (1988)**. Constituição da República Federativa do Brasil. Brasília, DF, Senado, 2013.

BRASIL, **Lei nº 13.979/2020** editada em 06.02.2020. Disponível em: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/lei/L13979.htm. Acesso em 02.05.2020.

BRASIL, **Lei nº 14.040/2020** editada em 18.08.2020. Disponível em: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/lei/L14040.htm. Acesso em 31.03.2021.

BRASIL, **Ministério da Saúde**. Confirmado 1º Caso de Coronavírus no Brasil. Disponível em: <https://covid.saude.gov.br/>. Acesso em 11.04.2020.

BRASIL, **Ministério da Saúde**. Dados atualizados de Coronavírus no Brasil. Disponível em: <https://covid.saude.gov.br/>. Acesso em 30.03.2021.

BRASIL. MEC. **Portaria nº 1.428**, de 28 de dezembro de 2018. Dispõe sobre a oferta de carga horária na modalidade de Ensino a Distância - EaD em cursos de graduação presenciais ofertados por Instituições de Educação Superior - IES pertencentes ao Sistema Federal de Ensino. Disponível em: <http://www.in.gov.br/en/web/dou/-/portaria-n-1.428-de-28-de-dezembro-de-2018-232670913>. Acesso em: 30.03.2021.

BRASIL. MEC. **Portaria nº 2.117**, de 6 de dezembro de 2019. Dispõe sobre a oferta de carga horária na modalidade de Ensino a Distância - EaD em cursos de graduação presenciais ofertados por Instituições de Educação Superior - IES pertencentes ao Sistema Federal de Ensino. Disponível em: <http://www.in.gov.br/en/web/dou/-/portaria-n-2.117-de-6-de-dezembro-de-2019-232670913>. Acesso em: 30.03.2021.

BRASIL. MEC. **Portaria nº 343**, de 17 de março de 2020. Dispõe sobre a substituição das aulas presenciais por aulas em meios digitais enquanto durar a situação de pandemia do Novo Coronavírus - COVID-19. Disponível em: <http://www.in.gov.br/en/web/dou/-/portaria-n-343-de-17-de-marco-de-2020-248564376>. Acesso em: 30.03.2021.

BRASIL. MEC. **Portaria nº 345**, de 19 de março de 2020. Altera a Portaria MEC nº 343, de 17 de março de 2020. Disponível em: <http://www.in.gov.br/en/web/dou/-/portaria-n-345-de-19-de-marco-de-2020-248881422>. Acesso em: 30.03.2021.

BRASIL. MEC. **Portaria nº 395**, de 15 de abril de 2020. Prorroga o prazo previsto no § 1º do art. 1º da Portaria nº 343, de 17 de março de 2020. Disponível em: <http://www.in.gov.br/en/web/dou/-/portaria-n-395-de-15-de-abril-de-2020-252725131>. 30.03.2021.

BRASIL. MEC. **Portaria nº 473**, de 12 de maio de 2020. Prorroga o prazo previsto no § 1º do art. 1º da Portaria nº 343, de 17 de março de 2020. Disponível em: <http://www.in.gov.br/web/dou/-/portaria-n-473-de-12-de-maio-de-2020-256531507>. Acesso em: 30.03.2021.

BRASIL. MEC. **Portaria nº 544**, de 16 de junho de 2020. Dispõe sobre a substituição das aulas presenciais por aulas em meios digitais, enquanto durar a situação de pandemia do novo coronavírus - Covid-19, e revoga as Portarias MEC nº 343, de 17 de março de 2020, nº 345, de 19 de março de 2020, e nº 473, de 12 de maio de 2020. Disponível em: <http://www.in.gov.br/web/dou/-/portaria-n-544-de-16-de-junho-de-2020-261924872>. Acesso em: 30.03.2021.

BRASIL. MEC. **Portaria nº 1.038**, de 07 de Dezembro de 2020. Altera a Portaria MEC nº 544, de 16 de junho de 2020, que dispõe sobre a substituição das aulas presenciais por aulas em meio digitais, enquanto durar a situação de pandemia do novo coronavírus - Covid-19, e a Portaria MEC nº 1.030, de 1º de dezembro de 2020, que dispõe sobre o retorno às aulas presenciais e sobre caráter excepcional de utilização de recursos educacionais digitais para integralização da carga horária das atividades pedagógicas, enquanto durar a situação de pandemia do novo coronavírus - Covid-19. Disponível em: https://www.normasbrasil.com.br/norma/portaria-1038-2020_405517.html. Acesso em: 30.03.2021.

BRASIL. MEC. **Portaria nº 1.030**, de 01 de Dezembro de 2020. Dispõe o retorno às aulas presenciais e sobre caráter excepcional de utilização de recursos educacionais digitais para integralização da carga horária das atividades pedagógicas enquanto durar a situação de pandemia do novo coronavírus - Covid-19. Disponível em: https://www.normasbrasil.com.br/norma/portaria-1030-2020_405211.html. Acesso em: 30.03.2021.

CALISSI, L. A Escola como espaço de formação/transformação: estratégias metodológicas para educação em para os Direitos Humanos. In: FLORES, E. C. **Educação em Direitos humanos e Educação para os Direitos Humanos: A Escola como espaço de formação/transformação: estratégias metodológicas para educação em para os Direitos Humanos**. João Pessoa: Editora UFPB, 2014.

CAPPELLETTI, M.; GARTH, B. **Acesso à justiça**. Porto Alegre: Fabris, 2002.

COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS. **Pandemia y Derechos Humanos em las Américas. Resolución 1/2020**. Disponível em: <http://www.oas.org/es/cidh/decisiones/pdf/Resolucion-1-20-es.pdf>. Acesso em: 21.03.2021.

CUNHA JÚNIOR, D. **Curso de direito constitucional**. 5. ed. Salvador: Jus Podivm, 2010.

FERREIRA FILHO, M. G. **Direitos humanos fundamentais**. 4. ed. São Paulo: Saraiva, 2000.

FRANÇA. **Declaração dos Direitos do Homem e do Cidadão**. Assembleia Nacional. 1789. Disponível: <http://pfdc.pgr.mpf.mp.br/atuacao-e-conteudos-de-apoio/legislacao/direitos-humanos/declar_dir_homem_cidadao.pdf> Acesso em: 20 de maio de 2019.

FREIRE, P. **Educação e mudança**. 34 ed. São Paulo: Paz e Terra, 2011.

FREIRE, P. **Pedagogia da autonomia: saberes necessários à prática educativa**. 43. ed. São Paulo: Paz e Terra, 2011.

FREIRE, P. **Educação como prática da liberdade**. 30. ed. São Paulo: Paz e Terra, 2007.

GRIMM, D. **Constitucionalismo y derechos fundamentales**. Madrid: Editorial Trotta, 2006.

HERKENHOFF, J. B. **Direitos humanos: a construção universal de uma utopia**. 3. ed. Aparecida: Santuário, 1997.

HODGES, C. (et al). **The Difference Between Emergency Remote Teaching and Online Learning**. EDUCAUSE Review, 2020. Disponível em: <<https://er.educause.edu/articles/2020/3/the-differencebetween-emergency-remote-teaching-and-online-learning#fn3>>. Acesso em: 30.03.2021.

MARMELSTEIN, G. **Curso de direitos fundamentais**. 3. ed. São Paulo: Atlas, 2011.

MARTINS, R. X. A COVID-19 e o fim da Educação a Distância: um ensaio. **Revista de Educação a Distância**, v.7, n.1, p.242-256, 2020. Disponível em: <<https://www.aunirede.org.br/revista/index.php/emrede/article/view/620>>. Acesso em: 30 mar. 2021.

MORAES, A. **Direitos humanos fundamentais: teoria geral, comentários aos arts. 1º ao 5º da Constituição da República Federativa do Brasil, doutrina e jurisprudência**. 3. ed. São Paulo: Atlas, 2000.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS (ONU). **Declaração Universal dos Direitos Humanos**. Adotada e proclamada pela resolução 217 A (III) da Assembleia Geral das Nações Unidas, em 10 de dezembro de 1948. Disponível em: <https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/por.pdf> Acesso em: 20 de maio de 2019.

ORGANIZAÇÃO DOS ESTADOS AMERICANOS. **Convenção Americana sobre Direitos Humanos (Pacto de São José da Costa Rica)**. São José da Costa Rica: 1969. Disponível em: <https://www.cidh.oas.org/basicos/portugues/c.convencao_americana.htm> Acesso em: 20 de maio de 2019.

ORGANIZAÇÃO MUNDIAL DA SAÚDE (OMS). **Coronavirus disease (COVID-19) outbreak.** Disponível em: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>. Acesso em 15.04.2021.

ORGANIZAÇÃO MUNDIAL DA SAÚDE (OMS). Disponível em: <https://www.who.int/>. Acesso em 15.04.2021.

PIOVESAN, F. **Direitos Humanos e o Direito Constitucional Internacional.** 15. ed. São Paulo: Saraiva, 2016.

ROSSETTI, J. P. **Introdução à economia.** 18. ed. São Paulo: Atlas, 2000.

RÚSSIA. **Declaração dos Direitos do Povo Trabalhador e Explorado.** 1918. Disponível em: <http://www.direitoshumanos.usp.br/index.php/Documentos-antiores-à-criação-da-Sociedade-das-Nações-até-1919/declaracao-dos-direitos-do-povo-trabalhador-e-explorado-1918.html> Acesso em 20 de maio de 2019.

SOUZA, E. C.; AMARAL, L. H.; SCHIMIGUEL, J. **Tecnologias Digitais e Ensino a Distância: Pesquisa e Inovação no ensino superior.** São Paulo: Terracota Editora 2016.

SOUSA JÚNIOR, J. G. Ensino do direito, núcleos de prática jurídica e de assessoria jurídica. **Veredas do Direito**, v.3, n.6, p.123-144, 2006. Disponível: <http://www.domhelder.edu.br/revista/index.php/veredas/article/view/81/60> Acesso em: 25 de jul. de 2013.

TRINDADE, J. D. L. *História social dos direitos humanos.* São Paulo: Peirópolis, 2002.

VASAK, K. Human Rights: A Thirty-Year Struggle: the Sustained Efforts to give force of law to the Universal Declaration of Human Rights. **UNESCO Courier** Novembro 1977 (ano 30, mês 11). pp. 29-32.