International Journal of Advanced Engineering Research and Science (IJAERS)
Peer-Reviewed Journal
ISSN: 2349-6495(P) | 2456-1908(O)
Vol-9, Issue-8; Aug, 2022
Journal Home Page Available: https://ijaers.com/
Article DOI: https://dx.doi.org/10.22161/ijaers.98.23

Classification of environmental crimes related to the integrated inspection of Ponta do Abunã in Rondônia, Brazil

Carlos Alberto Paraguassú-Chaves[1], Ronaldo André Bezerra Salton[2], Delson Fernando Barcellos Xavier[3], Marcus Vinicius Rivoiro[4], Fabrício Moraes de Almeida[5], Lenita Rodrigues Moreira Dantas[6], Carla Dolezel Trindade[7], Simão Aznar Filho[8], Ruy Drummont Smith[9], Simão Dolezel Aznar[10]

[1]PhD in Health Sciences -University of Brasília - UnB, Brazil; Post-Doctor in Health Sciences - UnB and Degli Studi D'Aquila University - Italy. Full Professor at the Rio de Janeiro Institute Faculty, Brazil
[2] Graduated in Law. Master in Public Administration from the Federal University of Rondônia. Analyst at IBAMA, Brazil.
[3]PhD in City Law from the State University of Rio de Janeiro - UERJ. Professor at the Federal University of Rondônia, Brazil.
[4]PhD in City Law from the State University of Rio de Janeiro - UERJ. Professor at the Federal University of Rondônia, Brazil.
[5]PhD in Physics (UFC), with post-doctorate in Scientific Regional Development (DCR/CNPq). Researcher of the Doctoral and Master Program in Regional Development and Environment (PGDRA/UNIR).
[6]Geographer specializing in health. Graduated in Law. Researcher at the Institute of Health Sciences and the Amazon Environment - AICSA.
[7]PhD in Law - Universidad Nacional de Lomas de Zamora (Argentina). Post-doctorate - Universita deli Studi di Messina (Italy). Full Professor at the University Institute of Rio de Janeiro - IURJ, Brazil.
[8]PhD in Law - Universidad Nacional de Lomas de Zamora (Argentina). Post-doctorate - Universita deli Studi di Messina (Italy). Full Professor at the University Institute of Rio de Janeiro - IURJ, Brazil.
[9]Master in Legal Sciences from the Autonomous University of Lisbon. Adjunct Professor at the Faculty Instituto Rio de Janeiro, Brazil.
[10]Graduated in Law. Master of Law Student, Specialist in Law. Professor at the University Institute of Rio de Janeiro, Brazil.

Received: 14 Jul 2022,
Received in revised form: 07 Aug 2022,
Accepted: 11 Aug 2022,
Available online: 15 Aug 2022

Keywords*— *Environmental Crimes, Integrated Surveillance, Ponta do Abunã, Rondônia.

Abstract— *The main research problem is whether it is possible to typify and establish a correlation of environmental crimes from the integrated inspection operation known as "Ponta do Abunã" in Rondônia, in the border region between the states of Acre, Amazonas and Rondônia, in two different periods? To answer this question, the general objective of the research was to analyze the typology of environmental crime resulting from the integrated inspection action of IBAMA Superintendências do Acre, Amazonas and Rondônia and other command and control bodies carried out in the Ponta do Abunã region, located in municipality of Porto Velho, Rondônia, Western Amazon. This is a documentary and qualitative research, having as place of research the legal office of IBAMA/Rondônia. For the documentary analysis, 2 semi-structured instruments composed of 3 axes were used, containing the typology of the environmental crime, infraction notices and instruction and embargo term and, current stage or judgment of the process. The results indicate that the harmful conducts to the environment are prolonged throughout the analyzed period. Legislation is able to typify illegal actions and concrete actions fit the legal precept issued by the legislator. The delay in the judgment of the infraction notices analyzed is a real fact that requires a more agile response from the environmental sanctioner.*

I. INTRODUCTION

Crime is a violation of law. Thus, any damage or loss caused to the elements that make up the environment will be an environmental crime: flora, fauna, natural resources and cultural heritage [1]. According to these authors, for violating a protected right, every crime is subject to sanction (penalty), which is regulated by law. The environment is protected by Law No. 9,605 of February 12, 1998 - Environmental Crimes Law [2], which determines criminal and administrative sanctions derived from conduct and activities that are harmful to the environment. In the evaluation of Duram and Martins [1] before the existence of Law nº 9.605/98, the protection of the environment was a great challenge, since the laws were sparse and difficult to apply: there were contradictions such as, for example, the guarantee of free access to the beaches, however, without providing for criminal punishment for those who impeded it. Or inconsistencies in the application of penalties. Killing a wildlife animal, even for food, was a non-bailable crime, while mistreatment of animals and deforestation were simple misdemeanors punishable by a fine. There were gaps such as the lack of clear provisions regarding experiments carried out with animals or the release of balloons [1].

According to the Environmental Crimes Law nº 9.605/98, environmental crimes are classified into five different types: Against fauna (arts. 29 to 37): These are aggressions committed against wild, native animals or animals on a migratory route, such as hunting, fishing, transport and commercialization without authorization; ill-treatment; carrying out painful or cruel experiments with animals when there is another means, regardless of the end. Also included are attacks on the animals' natural habitats, such as modifying, damaging or destroying their nest, shelter or natural breeding ground. The introduction of foreign animal specimens into the country without proper authorization is also considered an environmental crime, as is the death of specimens due to pollution. Against flora (art. 38 to 53): Cause destruction or damage to the vegetation of Permanent Preservation Areas, at any stage, or to Conservation Units; cause a forest or forest fire or manufacture, sell, transport or release balloons that may cause it in any area; extraction, cutting, acquisition, sale, display for commercial purposes of wood, firewood, charcoal and other products of plant origin without proper authorization or in disagreement with it; extract from public domain or permanent preservation forests stone, sand, lime or any kind of mineral; prevent or hinder the natural regeneration of any form of vegetation; destroy, damage, injure or mistreat ornamental plants in public places or on the private property of others; commercialize or use chainsaws without proper authorization.

Pollution and other environmental crimes (art. 54 to 61): All human activities produce pollutants (garbage, waste and the like), however, only pollution above the limits established by law will be considered an environmental crime subject to penalty. In addition to this, pollution that causes or may cause damage to human health, animal deaths and significant destruction of flora is also criminal. As well as that which makes places unsuitable for human use or occupation, water pollution that makes it necessary to interrupt public supply and not adopt preventive measures in case of risk of serious or irreversible environmental damage. Environmental crimes are the research, mining or extraction of mineral resources without authorization or in disagreement with the obtained and non-recovery of the explored area; the production, processing, packaging, import, export, marketing, supply, transport, storage, storage, abandonment or use of substances that are toxic, dangerous or harmful to human health or in violation of the law; the operation of projects with polluting potential without an environmental license or in disagreement with it; This category of environmental crime also includes the dissemination of diseases, pests or species that may harm agriculture, livestock, fauna, flora and ecosystems.

Against urban planning and cultural heritage (art. 62 to 65): Environment is a broad concept, which is not limited to natural elements (soil, air, water, flora, fauna). In fact, the environment is the interaction of these, with artificial elements, those formed by the urban space built and altered by man and cultural elements that, together, provide a balanced development of life. In this way, the violation of urban order and/or culture also constitutes an environmental crime. Against the environmental administration (art. 66 to 69): These are the conducts that make it difficult or prevent the Public Power to exercise its supervisory and protective function of the environment, whether practiced by individuals or by officials of the Public Power itself. A public official who makes a false or misleading statement, omits the truth, withholds information or technical-scientific data in authorization or environmental licensing procedures commits an environmental crime; Or one that grants a license, authorization or permission in disagreement with environmental standards, for activities, works or services whose performance depends on an authorization act by the Government. A person who fails to comply with an obligation of relevant environmental interest also commits an environmental crime, when he has a legal or contractual duty to do so, or who makes it difficult to inspect the environment. This is what the authors Duram summarize; Martins [1].

In the case of aggression to the environment and its penalties, these same authors express that in addition to aggression that exceeds the limits established by law, conduct that ignores environmental standards are also considered environmental crimes, even if no damage is caused to the environment. This is the case of enterprises without the proper environmental license. In this case, there is disobedience to a requirement of environmental legislation and, therefore, it is punishable by fine and/or detention. The penalties provided for by the Environmental Crimes Law are applied according to the seriousness of the infraction: the more reprehensible the conduct, the more severe the punishment. It can be deprived of liberty, where the convict will serve his sentence in a penitentiary regime; restrictive rights, when applied to the subject - instead of imprisonment, penalties such as community service, temporary interdiction of rights, suspension of activities, payment in cash and home collection or fine. There are numerous cases of lawsuits pending in the judiciary in the fight against environmental crimes. The Environmental Crimes Law n.º 9.605/98 has a fundamental role of paramount importance in the Brazilian legal scenario in order to contribute to the balance in the ecosystem.

To further elucidate this introductory part, we turn to Sirvinskas [3]. For this author, environmental crimes are called criminal offenses. This is a useful doctrinal classification in the interpretation of the penal norm. The most used classification is: “Common Crime“ – these are crimes committed by any person. For example, the provisions of article 29 of the Environmental Crimes Law; “Own Crime” – is that committed by a certain, determined person, a person who is invested in a public position, function or job. Example: crimes committed by a public official; "Own Hand Crime" - this can only be practiced by the person himself. We can cite as an example, the crime provided for in article 66 of the Environmental Crimes Law; “Crime of Harm” – in this case, it is necessary that the injury is carried out to a legal asset protected by criminal law. For example: the offense provided for in article 66 of the Environmental Crimes Law; "Crime of Danger" - this is consummated with the mere possibility of damage occurring. It is the exposure of a legal asset to danger of damage. As an example: the crime provided for in article 54 of the Environmental Crimes Law; "Material Crime" - It is consummated, with the effective result, that is, with the production of the result. For example: the provisions of article 39 of the Environmental Crimes Law; “Formal Crime“ – in this case, a result is not required, and it is still possible for it to occur. . For example: the offense provided for in article 51 of the Environmental Crimes Law; “Crime of Mere Conduct“ – is that crime in which the legislator describes only the initial conduct without requiring a result. For example: the offense provided for in article 52 of the Environmental Crimes Law; "Commissive Crime" - is one committed for active conduct. For example: cutting down trees in permanent preservation forests, art.39 of the Environmental Crimes Law; “Omissive Crime“ – in this case the agent commits the crime by omission. Sirvinskas [3] cites the example: the offense provided for in article 66 of the Environmental Crimes Act; “Own Omissive Crime” – is one in which the agent does not have a legal duty to act, not answering for the result. Answer yes for omissive conduct, only. For example: the offense provided for in article 2 of the Environmental Crimes Law; “Improper Commissive Crime or Commissive by Omission” – is one in which the agent has a legal duty to avoid the result and does not do so, example: article 48 of the Environmental Crimes Law; "Instant Crime" - is one whose consummation occurs at the moment of its practice. For example: the offense provided for in article 62, I, of the Environmental Crimes Law; “Permanent Crime“ – its consummation extends over time. For example: the offense provided for in article 38 of the Environmental Crimes Law.

Faced with this rice paddy, we enter the Major Law, the current Constitution of the Federative Republic of Brazil. The legislation through a provision expressed in the Federal Constitution of Brazil of 1988 [4] welcomed the possibility of criminally holding legal entities responsible for environmental crimes, as provided in article 225, § 3: The conduct and activities considered harmful to the environment will subject the violators, individuals or legal entities, to criminal and administrative sanctions, regardless of the obligation to repair the damages caused. Silva [5] recognizes the chapter on the environment as one of the most important in the Federal Constitution and shows that it predominantly imposes preservationist behaviors, but also repressive measures, such as accountability in the civil, administrative and criminal spheres, highlighting the possibility of criminal liability of legal entities, regardless of the liability of their administrators. Cruz [6] understands that the Federal Constitution of Brazil aims to impute criminal responsibility to legal entities by extension in relation to the behavior of their directors, officers, representatives or agents, since, through their will, and only in this way, can a legal entity to engage in conduct that is harmful to the environment. It is important to preserve the principle of supremacy of constitutional norms, including art. 225 of the Federal Constitution, which must be interpreted according to the principles of maximum effectiveness and normative force of the constitution. Finally, this provision should govern the interpretation of all other infra-constitutional laws, such as the Environmental Crimes

Law.

In the case of the Brazilian Amazon, possible environmental crimes are publicized by the national and international press and are known to a significant part of the world population, in this scenario Rondônia is included. In order to elucidate this context, we used the indicators resulting from an inspection operation to combat environmental crimes in a region of environmental conflict, Ponta do Abunã, in Rondônia, Western Amazon. According to Salton [7] the integrated environmental inspection operation was due to the contextualization that the region known as Ponta do Abunã represents the focus of direct and indirect action in the performance of federal, state and municipal public institutions of command or control. Considered the western arm of the state of Rondônia, Ponta do Abunã is thus known for being a strip of land that extends from the limits of the state of Acre, on the left bank of the Abunã River to its mouth in the Madeira River. The area is limited to the north by the Municipality of Lábrea, in the south of the state of Amazonas; to the East with the municipality of Acrelândia, in the state of Acre; to the south, separated by the Abunã River, it borders the Department of Pando in the Republic of Bolivia; and to the West, it finds its border with the District of Abunã, across the Madeira River.

The main economic activities in the region are cattle ranching and logging, both of which have been illegal over the years, and have recently intensified, especially in illegal logging and fraudulent transactions in the control system (DOF). Over the last few years, the Ponta do Abunã region has been the target of large illegal deforestation aiming at the implementation of livestock activity, as well as the commercial use of high-value forest species by logging companies. In addition to the activities of illegal deforestation and use of wood by timber industries, frauds are also witnessed with the DOF System, aimed at acquiring wood credits to "warm up" (legalize) them. According to IBAMA intelligence reports, companies from the States of Amazonas, Roraima and mainly Rondônia, carried out fraud in the DOF system, through the replication of credits in the order of 360,000 m³ of sawn wood in the period from November 2016 to September 2017. Converting this amount to roundwood, it is estimated that such credit would heat up the value of nearly 1 million cubic meters of roundwood. Given this context, the actions that are currently carried out by IBAMA headquarters and PNAPA in this region are inefficient, making a new type of action necessary, with a more constant presence of the Superintendencies of the States that constantly act in the triple border of the Ponta region. of Abunã [7]. The relevance of a more effective participation is highlighted, since the agents of these decentralized units know the region in depth and can contribute more effectively and efficiently, as well as identify the necessary partnerships to combat environmental infractions and crimes in the region. The general objective of the research is to analyze the typology of environmental crime resulting from the integrated inspection action of IBAMA Superintendências do Acre, Amazonas and Rondônia and other command and control bodies carried out in the Ponta do Abunã region, located in the municipality of Porto Velho, Rondônia, Western Amazon.

II. MATERIALS AND METHODS

The research is characterized primarily as to the means or according to the collection procedures as a Documentary Research. As for the use of the results or their purpose, it can be classified as applied research, qualitative as to its nature or approach point of view, and descriptive as to the purposes or objectives. According to Sá-Silva, Almeida and Guindani [8], document analysis is a procedure that uses methods and techniques for the apprehension, understanding and analysis of documents of the most varied types. In this way, document analysis can be developed from several sources, from different documents, not only the written text, since excluding books and materials already with analytical treatment, the definition of what is meant by documents is broad, including among them, laws, photos, videos, newspapers, etc. The methodological proposal can be used both as a qualitative and quantitative method and is concerned with seeking concrete information in the various documents selected as the research corpus [9]. Therefore, qualitative research stands out as a methodological path, being thus understood as an instrument for a detailed, in-depth understanding of the facts that are being investigated. According to Minayo [10] qualitative research in understanding works with the universe of meanings, motives, aspirations, beliefs, values and attitudes. According to Lima Junior et al., [9] the data collected can be obtained in different ways, and it is necessary to determine the objective of the research in order to define the form of data collection that can be used. Furthermore, it is necessary to make it clear that the use of Document Analysis - which seeks to identify factual information in documents based on questions and hypotheses of interest - uses the document as an object of study. The qualitative approach, according to the ideas expressed by Tuzzo and Braga [11], is as a research exercise, it is not presented as a rigorously structured proposal, allowing imagination and creativity to lead researchers to propose works that explore new approaches, suggests that qualitative research offers the researcher a vast field of investigative possibilities that describe routine

and problematic moments and meanings in the lives of individuals. Researchers in this field use a wide variety of interconnected interpretive practices, in the hope that they will always be able to better understand the subject at hand [11]. For Lima Junior et al., [9] Document Analysis, in a qualitative perspective, is configured in a procedure that uses specific techniques for the apprehension and understanding of different types of documents and that adopts for such a cautious process of selection, collection, analysis and interpretation of data.

Data collection was carried out in the official system of the IBAMA Superintendence in Rondônia. The main researcher used his password as a career server at IBAMA Rondônia, exercising the position of administrative analyst and responsible for the sector of conciliation of environmental processes within the superintendence in Rondônia. The data were collected from the Notices of Infraction, Instruction and Judgment and Embargo Terms, which led to the opening of administrative processes in the Electronic Information System (SEI). Specifically, the processes available were consulted by the legal attorney of IBAMA (Advogacia Geral da União - AGU), operational nucleus of instruction and judgment of administrative processes within the scope of IBAMA. Documentary analysis was carried out by the application of 2 semi-structured instruments. The first instrument comprises three axes: 1st Axis – typology of environmental crime; 2nd Axis - characterization of infraction notices and instruction and term of embrago; 3rd Axis – current stage or judgment of the process. The second instrument for collecting data and information is constituted by the sequential systematization of the environmental legislation applicable to possible environmental crimes resulting from the actions of the Ponta do Abunã integrated inspection operation, in two distinct periods (corresponding to the interval of 3 years). Although the main researcher is a career servant of IBAMA, his advisor and the direction of the Department of Legal Sciences of the Federal University of Rondônia officially requested SUPES/IBAMA/ access to the processes of environmental crimes, object of the research. The study suffered limitations due to the slowness of the environmental agency in judging the records. Until the period of access to the records, none, that is 0% (zero) of the cases had been judged in the first instance.

III. RESULTS AND ANALYSIS OF ENVIRONMENTAL CRIME PROCEEDINGS

The first part of the document analysis was carried out by the application of a semi-structured instrument, consisting of three axes: 1st Axis – typology of environmental crime; 2nd Axis - characterization of infraction notices and instruction and term of embrago; and, 3rd Axis – current stage or judgment of the process. In this context, the analysis was carried out based on infractions corresponding to the years 2017, 2018 and 2020, presenting infractions resulting from the integrated inspection operation known as "Ponta do Abunã" in Rondônia, in the border region between the States of Acre, Amazonas and Rondônia.

24 infraction notices were analyzed, including deforestation infractions, destruction of native forest and Amazon forest with the use of fire and tractor, destruction of native vegetation, among them species listed on the official extinction list, impediment of natural regeneration of the Amazon forest , transport and storage of illegal wood, including endangered species, false information in the Documento de Origin Florestal – DOF system. The analysis also consisted of an IBAMA report referring to a Notice of Infraction, totaling 24 documents analyzed. It should be noted that in all the records, the assessment appears specifying that the actions were carried out without prior authorization from the responsible body. In the case of storage of wood in a warehouse, without the proper permit for the entire storage period granted by the competent authority.

The analyzed records are presented below, being specified by codes, authored by the author, to maintain the security and secrecy of their proceedings, as well as the integrity of the defendants, as ensured by Federal Law nº 10.650/2003, in its Art, 2, § 2: “Commercial, industrial, financial or any other secrecy protected by law, as well as that relating to internal communications of government bodies and entities, is ensured”. In them are also highlighted: the Federal Law and the Decree, with respective articles, items and paragraphs that gave the legal support so that the infringement actions could be carried out, ensuring the legality of the assessment, the suggestions of applicable sanctions in each one, as well as as the defendant's defense security, as guaranteed by Federal Decree No. 6514/2008, in its Art. 96: "If the occurrence of an environmental administrative infraction is found, a notice of infraction will be drawn up, of which the notified party must be informed, ensuring the adversary system and the full defense". Cars for the years 2017, 2018 and 2020. (Table 1).

notice of infringement (2017)	**Infringement**	**sanctions**	**violated the law**
XXXXXX-1:	Providing false information to IBAMA's Official Control System – DOF System – Document of Forest Origin.	simple fine.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II. - Federal Decree No. 6514/08 - Art. 3, II and Art. 82.
XXXXXX-2	Providing false information to IBAMA's Official Control System – DOF System – Document of Forest Origin.	simple fine.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II. - Federal Decree No. 6514/08 - Art. 3, II and Art. 82.
XXXXXX-3	Providing false information to IBAMA's Official Control System – DOF System – Document of Forest Origin.	simple fine.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II. - Federal Decree No. 6514/08 - Art. 3, II and Art. 82.
XXXXXX-4	Providing false information to IBAMA's Official Control System – DOF System – Document of Forest Origin.	simple fine.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II. - Federal Decree No. 6514/08 - Art. 3, II and Art. 82.
Relatório AI nº XXXXXX-5	Deforestation was identified in the area that occurred in the time period from 2016 to 2017, being, therefore, within the period liable to notice for deforestation, in accordance with Art. 1, caput, of Law No. 9,873 of 1999 and Art. 21 of Decree 6,514 of 2008, which establish a period of five years for the Public Administration to investigate the administrative infraction and consolidate the sanction to be applied. Framework: fine and embargoed area through the Embargo Term No. 758085-E.	fine, seizure and deposit.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 51.
notice of infringement (2018)	**Infringement**	**sanctions**	**violated the law**
XXXXXX-6	Destruction of 68.48 hectares of native forest in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII and Art. 51.
XXXXXX-7	Deforestation, clear cutting of 20 hectares, outside the Legal Reserve, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII and Art. 52.
XXXXXX-8	Deforestation of 3.00 hectares of native forest, outside the Legal Reserve, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII and Art. 52.

XXXXXX-9	Deforestation of native forest in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII and Art. 51.
XXXXXX-10	Destruction of 12.7 hectares of native vegetation in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII and Art. 51..
XXXXXX-11	Destruction of 10 hectares of secondary forest, outside the Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II. - Federal Decree No. 6514/08 - Art. 3, II and Art. 52.
XXXXXX-12	Destruction of 429.79 hectares of native vegetation, in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 51.
XXXXXX-13	Violation: To suppress 16 hectares of native vegetation in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 51.
XXXXXX-14	Destruction, using a tractor, of 40 hectares of native forest, in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72, II and VII. - Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 51.
notice of infringement (2020)	**Infringement**	**sanctions**	**violated the law**
XXXXXX-15	Make logging activities work without a license from the competent environmental agency. Operating License No. 145871 was canceled through Cancellation Agreement No. 109/2020.	simple fine.	**- Federal Law No. 9605/98 - Art. 70.1 and Art. 72.** **- Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 66.** **Conciliation Hearing: scheduled.**
XXXXXX-16	Transport 23.59 cubic meters of logs, without Document of Forest Origin – DOF.	environmental fine and confiscation of wood.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II and IV; and Art. 47.1. Conciliation Hearing: scheduled.
XXXXXX-17	Have in storage 23.88 cubic meters of sawn wood, of an endangered species, without a license valid for all time, granted by the competent environmental authority.	environmental fine and confiscation of wood.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II and IV; Art. 47.1 and 2; and Art.60, I and II. Conciliation Hearing: scheduled.

XXXXXX-18	Destroy 532,965 hectares of native forest, in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 51. Conciliation Hearing: scheduled.
XXXXXX-19	Have in deposit 91,247 cubic meters of sawn wood, including endangered species, without a license - Document of Forest Origin - DOF, valid for the entire time of storage, granted by the competent environmental authority.	environmental fine and confiscation of wood.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II and IV; Art. 47.1 and 2; and Art. 60, II. Conciliation Hearing: scheduled.
XXXXXX-20	Deforestation of 315,662 hectares of native forest, in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 51. Conciliation Hearing: scheduled.
XXXXXX-21	Destruction of 26,137 hectares of native forest, in a Legal Reserve area, without prior authorization from the competent environmental agency.	simple fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II and VII; and Art. 51. Conciliation Hearing: scheduled.
XXXXXX-22	Prevent natural regeneration of 140 hectares of Amazon forest, embargoed through the embargo term nº 288252-C, by the competent environmental authority.	environmental fine, embargo of the work or activity.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II; and Art. 48. Conciliation Hearing: scheduled.
XXXXXX-23	Prevent natural regeneration of 827.68 hectares of Amazon forest, embargoed through embargo terms No. 716108-e; 775136-e; 555101-c and 653522-e, through the use of fire and destruction of endangered species (Bertholletia excelsa) included in the official list.	simple fine.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II; and Art. 48. Conciliation Hearing: scheduled.
XXXXXX-24	Destroy 315,096 hectares of Amazon forest, a special object of preservation, consumed by the use of fire, with the destruction of an endangered species (Bertholletia excelsa) without authorization from the competent environmental authority.	simple fine.	- Federal Law No. 9605/98 - Art. 70.1 and Art. 72. - Federal Decree No. 6514/08 - Art. 3, II and VII; Art. 50; and 60, I and II. Conciliation Hearing: scheduled.

Source: From research

Environmental crimes have taken on enormous proportions, thus requiring the effectiveness of environmental protection norms, a right contained in the Constitution, but which still faces obstacles [12]. Environmental Law in Brazil has always been disseminated in several and varied laws. According to Freitas and Freitas [13], in the criminal sphere, it was the Criminal Code of 1830 that took the first initiative. Decree

23,793/34, known as the Forest Code, divided criminal offenses into crimes and misdemeanors. However, in 1940, the Law of Introduction to the Penal Code, in its art. 3, provided that the facts defined as crimes in the Forest Code, when not included in the provisions of the Penal Code, would become misdemeanors. Law 4,771/65 introduced several criminal offenses in its art. 26, all considered contraventions, as well as the Fauna Protection Law, n. 5.197/67, and the Fishing Code, Decree-law 221. These diplomas resulted in criminal proceedings [13]. In 1988, Law 7,653/88 was enacted, elevating the violations of the Fauna Protection Law to crimes and creating criminal figures for facts related to fishing. Subsequently, crimes against fauna were considered non-bailable. However, Law nº 9.605/98 of Environmental Crimes did not define the concept of Environmental Crime, being necessary to study separately the concepts of crime and environment.

According to Jesus [14] for there to be a crime, it is first necessary to have a positive or negative behavior (action or emission). This author defines crime as a human factor typically provided for by a legal norm sanctioned by a penalty in the strict sense (criminal penalty), harmful or dangerous to goods or interests considered worthy of the most energetic protection. Machado [15] argues that crimes and penalties should be established in laws. The Federal Constitution says: “there is no crime without a previous law that defines it, nor punishment without previous loyal punishment.” (article 5, XXXIX). Takada; Ruschel [12] defend that environmental crime is the aggression to the environment and its components (physical, chemical, biological factors, natural and cultural resources) that exceed the legal limits, and such qualification must fit the terms of the environmental legislation. Law 9,605/1998, although called the Environmental Crimes Law, was also concerned with administrative infractions and with aspects of international cooperation for the preservation of the environment [16]. For Machado [15] Law 9.605/98 has as remarkable innovations the non-use of incarceration as a general rule for criminal individuals, the criminal liability of legal entities and the valorization of the intervention of the Public Administration, through authorizations, licenses and permissions.

With regard to criminal sanctions, Law 9,605/98 sought to adapt to the guidelines that have been drawn up by criminal and environmental policy in Brazil. It is about finding alternative ways of imposing sanctions on the convict, while avoiding, as far as possible, his incarceration and contact with other prisoners. In the specific scope of Environmental Law, there is the principle of prevention, one of the main pillars of Environmental Law. The legislator took this circumstance into account, seeking, in addition to the character of retribution and punishment of penalties, to emphasize their preventive character [13]. According to Sirvinskas [17] nowadays, the criminal protection of the environment remains an indispensable necessity, especially when measures in the administrative and civil spheres do not have the desired effects. The criminal measure aims to prevent and repress conduct committed against nature. The repression of environmental criminal offenses are: deprivation of liberty; restrictive rights; and fine. Freitas and Freitas [13] argue that the custodial sentences provided for environmental crimes in Law 9,605/98 are imprisonment and detention. In criminal types, the penalty of imprisonment is reserved for the most serious conduct and the closed regime is prohibited in convictions to the penalty of detention (Criminal Code, article 33, caput). They add that according to article 7 of the Environmental Crimes Law, it is concluded that the substitution of the custodial sentence for the restrictive one, if the conditions established by the device are present, is mandatory.

For these authors, article 76 of Law 9099/95 defines criminal transaction as the immediate application of a penalty restricting rights or fines: "In the event of representation or in the case of a crime of unconditional public criminal action, in the case of filing, the Public Prosecutor's Office may propose the immediate application of a penalty restricting rights or a fine, to be specified in the proposal”. Regarding rights-restrictive penalties, the authors argue that according to article 7, I and II of Law 9,605/1998, rights-restrictive penalties are autonomous and replace custodial sentences in cases where it is a negligent crime or the penalty of deprivation of liberty of less than four years is applied; the culpability, background, social behavior and personality of the convict, as well as the motives and circumstances of the crime indicate that the substitution is sufficient for the purposes of reprobation and prevention of the crime. That the penalties restricting rights, which will have the same duration as the custodial sentence, include: provision of services to the community; interdiction of rights; partial or total suspension of activities; cash benefit and home collection (article 8). The penalty of fine, according to article 18 of Law 9.605/1998, will be calculated according to the criteria of the Penal Code. This type of sanction may be applied cumulatively, separately or alternatively. For legal entities, the applicable penalties, individually, cumulatively or alternatively, in accordance with the provisions of article 3, are: fine, restrictive rights and provision of services to the community. Souza [18] makes the following analysis of the Environmental Crimes Law: the Environmental Crimes Law aims to restore environmental damage through

punishment and application of fines as well as the application of administrative sanctions resulting from illegal acts committed against the environment . For Gomes and Maciel [19] the law 9.605/98 brings general provisions on environmental infractions and a special part that defines crimes in kind. The general parts contain their own and specific rules on the criminal liability of the legal entity; application of the penalty; probation; seizure of instruments of crime; criminal transaction; conditional suspension of the process etc. For these authors, the Environmental Crimes Law is complemented by the general rules of the Penal Code, the Criminal Procedure Code. It is very important to emphasize that this law has the express objective of repairing environmental damage. The clear purpose of the Environmental Law is the reparation of environmental damages or at least their compensation [19]. Thus, Law nº 9.605/98 aims to punish legal entities and individuals who practice illegal acts against the environment, because with the unregulated increase in environmental crimes in Brazil, the environment has been harmed, these crimes have as penalties fines , restrictive penalties, deprivation of liberty and also the reconstruction of the affected environment. Thus, the Environmental Crimes Law came to apply punishments and penalize offenders who commit environmental crimes in Brazil [18].

For Gomes and Maciel [19] the Environmental Penal Law had the merit of systematizing and unifying criminal offenses against the environment in a single legal diploma, although there are still environmental offenses typified in other normative texts. With this, it can be seen that Law nº 9.605/98 brought legal certainty to the understanding of the concept and protection of the environment, as well as brought its own rules for some criminal and procedural institutes with regard to environmental crimes aiming at guarantee and reparation of the degraded environment. However, according to the research released by the United Nations Environment Program (UNEP), in partnership with Interpol, environmental crimes have been growing in an excessive way due to the lack of applicability of the Crimes Law, Law nº 9.605/98, due to the lack of structure of environmental inspection bodies, that is, the ineffectiveness of the law is one of the factors that cause the increase of environmental crimes in the world [18]. According to this author, referring to the report "Environmental Crime is the Fourth Most Profitable Illegal Activity in the World" released by the United Nations Environment Program (UNEP), environmental crime, which includes the illegal trade in wild animals, the illegal exploitation of logging, illegal exploitation of gold and other minerals, illegal fishing, trafficking in hazardous waste and carbon credit fraud, is the fourth most profitable illegal activity in the world, after drug trafficking, counterfeiting and human trafficking. Environmental crime has been growing at 5 to 7% a year in the world over the last decade, two to three times faster than the world's GDP. "The result is not only devastating for the environment and local economies, but for all those who are threatened by these criminal enterprises [18].

The state of Rondônia and the Amazon have been reported on the world stage as a region responsible for immense social and environmental conflicts, including fires, forest devastation, illegal mining, environmental contamination/population, public land grabbing and conflicts. of land regularization among other chronic and emerging problems. Law No. 6,938/81 recognizes the entire environment as public heritage, delegating to IBAMA the responsibility for planning and monitoring its resources, extending its responsibility to the preservation of ecosystems. In addition, the aforementioned power of environmental police, ensuring that the norms and standards of the national environmental policy are complied with. IBAMA (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis) is a federal institution whose main objective is to create environmental preservation policies and monitor whether the laws to protect flora and fauna in Brazil are being complied with. In other words, this is the autarchy that monitors deforestation, controlling the population of animals or verifying that companies are applying environmental preservation laws [7]. Focusing on the environmental issue in the analysis in question, it is prudent to remember that Brazilian law makes use of a list of legal regulations to safeguard the environment. Thus, our legal system has in the Federal Constitution - CF (1988) the mark of change in mentality, introducing a systematized treatment to the theme "environment", aiming at the protection of all the elements that compose it and that are essential to the existence of life in all its forms [20]. In the context of environmental protection, the Federal Constitution (1988) establishes the importance of sustainable development and an ecologically balanced environment, as a right of every Brazilian citizen, described in Art. 225: "everyone has the right to an ecologically balanced environment, a good for common use by the people and essential to a healthy quality of life, imposing on the public power and the community the duty to defend and preserve it for present and future generations" [4]. By assuming the awareness of the environment as a fundamental right for the quality of human life and by regulating conduct and activities harmful to the environment through the environmental crimes law, the country assumes its guardianship. In this sense, Silva teaches [21]: Constitutional norms assumed the awareness that the right to life, as the matrix of all other fundamental human rights, is what must guide all

forms of action in the field of environmental protection. He understood that it is a preponderant value that must be above any considerations such as development, such as respect for property rights, such as those of private initiative. They are also guaranteed in the constitutional text, but, in all evidence, they cannot prevail over the fundamental right to life that is at stake when the protection of the quality of the environment is discussed, which is instrumental in the sense that, through this protection, the what is protected is a greater value: the quality of human life [21].

From the Environmental Crimes Law, a notorious concern with the protection of the environment can be observed, in a more uniform and orderly way, showing greater zeal for environmental issues. According to the records presented, it is necessary to point out referring to the 1st Axis, and in compliance with the main questioning of the present research regarding the classification and establishment of a correlation of environmental crimes from the integrated inspection operation known as "Ponta do Abunã" in Rondônia, in the border region between the states of Acre, Amazonas and Rondônia, in two different periods, the following aspects: 1. Analyzed in the light of their peculiarities, the actions of infractions under study, present characteristics that are similar in the different cases studied; 2. All the records clearly demonstrate that environmental damage was caused, in some cases to considerable extent; 3. The suggestions concerning the sanctions to be applied, in no case are they subject to value aberrations, since they are in line with the provisions of Art. 72, Items II and VII of Federal Law No. 9605/98, regarding administrative infractions; 4. With regard to typification, it should be noted that the character of the actions of infractions committed presents similar characteristics, evidencing in all aspects the particularities of the infractions, in each case, specified; 5. In view of the establishment of a correlation between environmental crimes, the similarity between the acts of infraction committed becomes evident, there being no doubt that there is a causal link between the activity concerned and the environmental damage found, in the assessment of the authors.

Given the context presented and, in response to the first problem presented in this research, it should be noted that it is possible to typify and establish a correlation of environmental crimes from the integrated inspection operation "Ponta do Abunã", in the different periods studied, since the analyzed records point to infractions of Law 9605/98, typifying crimes committed against fauna, against flora, pollution and other environmental crimes, crime against cultural heritage, crime against environmental administration and administrative infractions, all subject to sanctions, duly supported by the legal apparatus established within the records, more specifically Federal Law No. 9605/98 and Federal Decree No. 6514/08, which govern environmental crimes in the country. By typifying crimes against flora, Law 9.605/98, in its Art. 38 deals with conduct of damage and destruction of the permanent preservation forest, even if it is being formed or its use is contrary to the observance of protection norms. Analyzed by the doctrinal scope and the country's jurisprudence, the concept of forest refers to the dense vegetation, composed of large trees. Fernando Pereira Sodero teaches [22] that “all vegetation, generally considered, is flora. Forest, that is, it is the dense vegetation, made up of large trees, covering a large area of land”. Philippi Jr., Freitas and Spínola [23] teach that the caput of article 70 of the aforementioned law defines environmental administrative infraction as “any action or omission that violates the legal rules of use, enjoyment, promotion, protection and recovery of the environment”. There being, for each infraction identified by the competent body, the appropriate sanction, in accordance with the legal norm. However, we point out the teachings of Soares and Baptista [24] that the sanction for the environmental administrative infraction is configured with the simple drawing up of the infraction notice, but it can only be considered applied after the establishment and instruction of an administrative process, in attention to the principle of due process of law.

In the 2nd Axis, the emphasis is given to the characterization of the infraction notices and instruction and term of embrago, which leads us to the existence in the legal basis of uncontested environmental crimes proceedings based on Brazilian legislation and legal norms, and it is up to us to compliance with the fact that the consolidation of environmental protection is based on the Federal Constitution of 1988, being the first to deliberately address the environmental issue, assuming the treatment of the matter in broad and modern terms [21]. From the sanction of Federal Law 9.605, of February 12, 1998, the application of criminal and administrative sanctions are established for conduct and activities harmful to the environment, as determined in Art. 6 and its respective items: Art. 6 For the imposition and gradation of the penalty, the competent authority will observe: I - The seriousness of the fact, in view of the reasons for the infraction and its consequences for public health and the environment; II - The offender's background regarding compliance with legislation of environmental interest; III - the economic situation of the violator, in the case of a fine.

The wording given by Law 9.605/98 in the items of Art. 6 clearly shows the legislator's concern with the aspects inherent to the collectivity, when referring to public health and the environment, and with the economic aspects, when dealing with the attenuation of the sentence, if low income is verified. It is noteworthy that factors such as the seriousness of the fact, history of infraction and consequences of the actions must be taken into account when applying the sanction for environmental infraction. With regard to the existence of uncontested legal basis in environmental crimes proceedings based on Brazilian legislation and legal norms, it is important to highlight the propter character in them, since there are specific cases that must be analyzed. An example to be given is the following Resource: "ENVIRONMENTAL. SPECIAL RESOURCE. FINE ADMINISTRATIVELY APPLIED FOR ENVIRONMENTAL INFRINGEMENT. TAX EXECUTION FILED AGAINST THE PURCHASER OF THE PROPERTY. PASSIVE ILLEGALITY. FINE AS ADMINISTRATIVE PENALTY, DIFFERENT FROM THE CIVIL OBLIGATION TO REPAIR THE DAMAGE. These are, in origin, embargoes on tax enforcement filed by the appellant now for appearing in the passive pole of an executive deed carried out by IBAMA to collect a fine imposed for an environmental violation. The appellant explains - and he does this from the beginning of the bill of review and the reasons for appeal that resulted in the contested decision - that the credit executed concerns the violation of arts. 37 of Decree no. 3.179/99, 50 c/c 25 of Law no. 9,605/98 and 14 of Law n.6,938/81, but that the infraction notice was drawn up against his father, who, at the time, was the owner of the property. The ordinary instance, however, understood that the propter rem and solidary nature of the environmental obligations would be sufficient to justify that, even though the infraction had been committed and launched in the face of his father, the appellant now bore its payment in tax execution. In the reasons for the special, the appellant claims that there was a violation of arts. 3 and 568, inc. I, of the Civil Procedure Code (CPC) and 3, inc. IV, and 14 of Law No. 6,938/81, on the grounds that it lacks passive legitimacy in the tax execution carried out by IBAMA in order to see the fine imposed due to environmental violations paid. This Superior Court has a peaceful understanding in the sense that the civil liability for the repair of environmental damage adheres to the property, as a propter rem obligation, and it is also possible to charge the current owner for conduct derived from damages caused by the former owners. That was the case law invoked by the origin to maintain the appealed decision. The controversial point in these records, however, is another. Here, the possibility that a third party is liable for a sanction imposed for an environmental violation is discussed. The issue, therefore, is not limited to civil liability, but administrative liability for environmental damage. By the principle of transcendence of penalties (art. 5, inc. XLV, CF88), applicable not only to the criminal scope, but also to the entire Sanction Law, it is not possible to file a tax enforcement against the appellant to collect a fine imposed in the face of conduct attributable to his father. This is because the application of administrative penalties does not obey the logic of strict liability of the civil sphere (to repair the damages caused), but must obey the systematics of the theory of culpability, that is, the conduct must be committed by the alleged transgressor, with demonstration of its subjective element, and with demonstration of the causal link between the conduct and the damage. The difference between the two spheres of punishment and its consequences is clearly shown in the reading of art. 14, § 1, of Law nº 6.938/81, according to which "[w]ithout preventing the application of the penalties provided for in this article [among them, it should be noted, the fine], the polluter is obliged, regardless of the existence of , to indemnify or repair the damage caused to the environment and to third parties affected by its activity". the art. 14, caput, is also clear: "[w]ithout the penalties defined by federal, state and municipal legislation, failure to comply with the measures necessary to preserve or correct the inconveniences and damages caused by the degradation of environmental quality will subject the transgressors: [...]". (SPECIAL APPEAL N.1251.697-PR. MINISTER RAPPORTEUR MAURO CAMPBELL MARQUES).

The aforementioned example translates the definition by the law itself of responsibility for environmental degradation, that is, the person who acquires the property, cannot reverse the damage, even if indirectly caused by it. Thus, the obligation continues and its transmission is automatic, and the purchaser does not have the right to refuse to assume it. In the infraction notices analyzed, we could observe that there were no disputes or disharmony in the reported information. The sanctions being suggested, as specified in the aforementioned records, in accordance with the Articles, Items and Paragraphs established both by Federal Law 9605/98 and by Federal Decree No. 6514/08, legislation in force at the time of the assessments. In spite of the characterization of the infraction notices and procedural instruction, the applicability is foreseen in the environmental legislation. It is prudent to point out that, when the infraction exists, the offender must pay for it within the limits imposed by the Environmental Crimes

Law. In the case of the infraction notices analyzed, Federal Decree No. 6514/08 should be highlighted, which provides for infractions and administrative sanctions to the environment and establishes the federal administrative process for the investigation of these infractions, determining in its Art. 3, Items II and VII: Art. 3. Administrative infractions are punished with the following sanctions: I - Warning; II - Simple fine; [...]; VII - embargo of work or activity and their respective areas; [...][25].

In all the analyzed cases, the simple fine was suggested. It can be applied separately or cumulatively with the other sanctions, based on the hectare and cubic meter, objects of the case under discussion. The seizure of goods or products, as suggested for wood, takes place when the environmental infraction notice is drawn up, and must be evaluated, sold, destroyed or donated, according to local reality and needs. The embargo of the work or activity was suggested in most of the records because it is a preventive measure, with a view to preventing or continuing the environmental damage, as a way of promoting regeneration to the environment and making the recovery of degraded areas viable [26]. The infractions instructed in the infractions are clearly characterized, facilitating the legislator's understanding of the action committed, the space of its accomplishment, time and the legal parameters that support it. Thus, each suggestion of sanction to be applied is legally based on the provisions that support it, and for the majority, the simple fine and the embargo of the work or activity are suggested, provided for by Article 3, items II and VII of the Federal Decree in comment.

The 3rd Axis, in turn, has little support in the face of the analyzed records because, as previously specified, they refer to the years 2017, 2018 and 2020, and in a very small number of them, the order referring to the assessment of scheduling a conciliation and defense hearing. It should be noted that both in the AI Report No. XXXXXX-5, as in the other records, the processes were in progress at the time of the analysis. In this context, all infraction notices are under procedural instruction, and in none of them there was approval of the amount of the fine, since it was not processed even in the first administrative instance. Which translates and makes very clear the slowness of the public administration in the face of the issues presented: records that have been without judgment since 2017 until the present moment. A parenthesis is in order here about the quality of services provided by the public administration. The Federal Constitution (1988) ensures in its Art. 37 that: Art. 37. The direct and indirect public administration of any of the Powers of the Union, the States, the Federal District and the Municipalities shall obey the principles of legality, impersonality, morality, publicity and efficiency [...].[4]

Efficiency is one of the principles that governs the administration and, by its concept, it is understood by its concept the existence of economy, evaluation of results and, consequently, the quality of the services performed. Since slowness is a reality of the judiciary for the control of legality, it must be admitted that it presents itself as a factor that causes inefficiency in its routine, failing to perform its services with perfection, promptness and functional performance [27]. Alexandrino and Paulo [28], in turn, argue that, based on the efficiency of the services provided by justice, society has an express legal basis to demand the effectiveness of the exercise of social rights and has the right to question the quality of public works and activities. However, it should be noted that Ponta do Abunã operations are coordinated by the DITC of the SPES – AC, AM and RO, using geospatial techniques that allow for the execution of remote and in loco environmental inspection activities, through satellite images, spatial databases and other geo-information that make it possible to identify the practice of environmental crimes against flora and environmental management, especially with regard to forest exploitation, illegal deforestation, illegal transport of wood, breaches of embargoes, impediment to the regeneration of the native vegetation, operation of activity without an environmental license and presentation of false information, as specified in the different infraction notices analyzed.

It is noteworthy that the administrative procedures are supported by cross-referencing information from the Documento de Origin Florestal - DOF system, among others, and comparing images with available data on rural properties, with data declared by the owners, allowing geospatial, multi-temporal analysis of images of satellites, as well as the individualization, delimitation and framing of the different infractions perpetrated. There is also, according to the need of each case, an on-site visit to the environmental illicit indicator of the and related companies. Finally, it should be noted that the methodology applied by IBAMA in the inspection procedure brings with it a range of criteria that allow compliance with the environmental regularity of a property as a whole, making it quite effective in terms of the materiality of infractions committed against the environment. and the sanctions applied to them.

IV. FINAL CONSIDERATIONS

From the analyzed infraction notices, the occurrence of the conducts typified in Decree nº 6514/2008 in its articles 50; 51; 52; 82; 66; 47; 48, are related to deforestation and the

illegal transport and commercialization of the product obtained by the criminal practice. This makes it possible to verify that the conducts harmful to the environment continued during the analyzed period and that there is an interdependent mechanism for the illicit conduct, whose one activity sustains and drives the other so that financial advantage can be taken with the resources of the forest. The Brazilian legislation is capable of specifying the illegal actions found in Ponta do Abunã with specificities, as well as offering mechanisms of deterrent power to the competent environmental agencies. The infraction notices are supported by Brazilian legislation and the concrete actions are perfectly suited to the legal precept issued by the legislator.

Despite this, it appears that none of the infraction notices analyzed was judged, even in the first instance, and they remain in the procedural instruction phase. This demonstrates the procedural delay and the bottleneck in the environmental sanctioning process. In this vein, the first axis analyzed (typology of environmental crime); the second axis (characterization of infraction notices); as well as the third axis (current stage or judgment of the Notices of Infraction), were duly analyzed and, from them, each reader can draw their own conclusions, as well as the public managers responsible for the sanctioning process to seek solutions for the weakest points observed. in this academic study.

REFERENCES

[1] DURAM, Barbara Sanches de Souza; MARTINS, Ricardo. A defesa do meio ambiente por meio do Direito Penal. Âmbito Jurídico. 06 nov. 2019.

[2] BRASIL. Lei nº 9.605, de 12 de fevereiro de 1998. Presidência da República. Casa Civil. Disponível em http://www.planalto.gov.br/civil. Acesso em julho de 2022.

[3] SIRVINSKAS, Luís Paulo. Manual de Direito Ambiental. 2. Ed. Rev. Atual. Ampl. São Paulo: Saraiva, 2003.

[4] BRASIL, Constituição da República Federativa do Brasil. 1988. Palácio do Planalto. Disponível em http://www.planalto.gov.br/ccivil_03/leis/l9605.htm. Acesso em julho de 2022.

[5] SILVA, José Afonso da. Curso de Direito Constitucional Positivo. 42. ed. rev. atual. e ampl. ed. São Paulo: Saraiva, 2018.

[6] CRUZ, Walter Rodrigues da. As penas alternativas no direito pátrio. São Paulo: LED Editora deDireito, 2000.

[7] SALTON, Ronaldo André Bezerra. Fiscalização do IBAMA e Aplicação Integrada: O Caso da Operação Ponta do Abunã em Rondônia. Dissertação (Mestrado Profissional em Administração Pública). Fundação Universidade Federal de Rondônia. Porto Velho, 2019.

[8] SÁ-SILVA, J. R.; ALMEIDA, C. D.; GUINDANI, J. F. Pesquisa documental: pistas teóricas e metodológicas. Revista Brasileira de História e Ciências Sociais, São Leopoldo, RS, Ano1, n.1, Jul., 2009.

[9] LIMA JUNIOR, Eduardo Brandão et al. Análise documental como percurso metodológico na Pesquisa Qualitativa. Cardenos da Fucamp, v.20,n44,p.36-51/2021.

[10] MINAYO, M. C. S. (Org.). Pesquisa social: teoria, método e criatividade. Rio de Janeiro, RJ:Vozes, 2009.

[11] TUZZO, S. A.; BRAGA C. F. O processo de triangulação da pesquisa qualitativa: o metafenômeno como gênese. Revista Pesquisa Qualitativa, São Paulo, SP, v.4, n.5, p. 140-158, ago., 2016.

[12] TAKADA, Mariana; RUSCHEL, Caroline Vieira. A (in) Eficácia das penas nos crimes ambientais. RevistaEletrônica de Iniciação Científica. Itajaí, Centro de Ciências Sociais e Jurídicas da UNIVALI. v.3, n.3, p.1043-1062, 3º Trimestre de 2012.

[13] FREITAS, Vladimir Passos de. FREITAS, Gilberto passos de. Crimes contra a natureza. 8. ed. São Paulo: Revista dos Tribunais, 2006.

[14] (2005) JESUS, Damásio E. de. Direito penal: parte geral. 28. ed. São Paulo: Saraiva, 2005.

[15] MACHADO, Paulo Affonso Leme. Direito ambiental brasileiro. 12. ed. São Paulo:Malheiros, 2004.

[16] MIRALÉ, Édis. Direito do ambiente: a gestão ambiental em foco. 7. ed. São Paulo: Revistados Tribunais, 2011.

[17] SIRVINSKAS, Luís Paulo. Manual de direito ambiental. 13. ed. São Paulo: Saraiva, 2015.

[18] SOUZA, Lucilene Junqueira de. A deficiência da fiscalização como fator de ocorrência de crimes ambientais (Monografia). Curso de Direito da Faculdade Evangélica de Rubiataba, 2020.

[19] GOMES, Luiz Flávio; MACIEL Silvio Luiz. Crimes Ambientais. São Paulo: Revista dos Tribunais, 2011.

[20] ALVES JUNIOR, E. C. de D. O direito fundamental ao meio ambiente ecologicamente equilibrado e a sua devida proteção no ordenamento jurídico brasileiro. Âmbito Jurídico, Rio Grande, v. XV, n. 99. 2012

[21] SILVA, José Afonso Da. Direito ambiental constitucional. 4. ed. São Paulo: PC Editorial Ltda., 2002.

[22] SODERO. F. P. Enciclopédia Saraiva de Direito, São Paulo. v.37;507, p.510.

[23] PHILIPPI JR., A.; FREITAS, V. P. de; SPÍNOLA, A. L. S. *Direito ambiental e sustentabilidade*. Barueri: Manole, 2016.

[24] SOARES, D. D.; BAPTISTA, M. B. A. Responsabilidade Administrativa. 2018. Disponível em: https://www.conjur.com.br/. Acesso em julho de 2022.

[25] BRASIL. Decreto nº 6514, de 22 de julho de 2008. Presidência da República. Casa Civil. Disponível em: http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2008/decreto/d6514.htm. Acesso em julho de 2022.

[26] FARENZENA, C. Sanções administrativas ambientais previstas no Decreto 6514/08. 2020. Disponível em: htpps://www.advambiente.com.br/. Citado em julho de 2022.

[27] MEIRELLES, H. L. Direito Administrativo brasileiro. 20. ed. São Paulo: Malheiros, 1995.

[28] ALEXANDRINO, M. PAULO, V. Direito administrativo descomplicado. 25. ed. Rio de Janeiro: Forense, 2017.