

RESOLUTION OF CONFLICTS RELATED TO DEJUDICIALIZATION

RESOLUÇÃO DE CONFLITOS RELACIONADOS COM A DESJUDICIALIZAÇÃO

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ABSTRACT

The article analyzes the transition from the traditional justice model to the Multi-Door Justice paradigm, focusing on the modification of civil names in extrajudicial notary and registry offices in Brazil and Argentina; it highlights the relevance of the civil name as a fundamental personality right and the need to rationalize the justice system in light of the Judiciary's overload; dejudicialization is presented as a means of ensuring access to justice, efficiency, and legal certainty through extrajudicial agents, notaries, and registrars endowed with public faith; the study is grounded in the theory of the name as an attribute of personality and in human dignity, citing the perspectives of Immanuel Kant, the absolute value of dignity, and Ronald Dworkin, equality and freedom; the text incorporates concepts of Restorative Justice, defined as a process that directly involves those affected in order to restore social harmony and humanize justice; furthermore, it mentions the expansion of methods such as mediation and conciliation within extrajudicial offices, in accordance with Law 13.140/2015, and the influence of European guidelines in promoting restorative programs.

Keywords: Dejudicialization. Civil Name. Multi-Door Justice.

RESUMO

O artigo analisa a transição do modelo de justiça tradicional para o paradigma da Justiça Multiportas, com foco na alteração do nome civil nas serventias extrajudiciais do Brasil e da Argentina. Destaca a relevância do nome civil como um direito fundamental da personalidade e a necessidade de racionalizar o sistema de justiça diante da sobrecarga do Poder Judiciário. A desjudicialização é apresentada como um meio de garantir acesso à justiça, celeridade e segurança jurídica através de agentes extrajudiciais, notários e registradores dotados de fé pública. O trabalho fundamenta-se na teoria do nome como atributo da personalidade e na dignidade humana, citando as perspectivas de Immanuel Kant, valor absoluto da dignidade e Ronald Dworkin, igualdade e liberdade. O texto integra conceitos de Justiça Restaurativa, definida como um processo que envolve diretamente os afetados para restaurar a harmonia social e humanizar a justiça. Ademais, menciona a expansão de métodos como mediação e conciliação em serventias extrajudiciais, conforme Lei 13.140/2015 e a influência de diretrizes europeias na promoção de programas restaurativos.

Palavras-chave: Desjudicialização. Nome Civil. Justiça Multiportas.

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RESUMEN

El artículo analiza la transición del modelo de justicia tradicional hacia el paradigma de la Justicia Multipuertas, con enfoque en la modificación del nombre civil en las notarías y registros extrajudiciales de Brasil y Argentina; destaca la relevancia del nombre civil como un derecho fundamental de la personalidad y la necesidad de racionalizar el sistema de justicia ante la sobrecarga del Poder Judicial; la desjudicialización se presenta como un medio para garantizar el acceso a la justicia, la celeridad y la seguridad jurídica a través de agentes extrajudiciales, notarios y registradores dotados de fe pública; el trabajo se fundamenta en la teoría del nombre como atributo de la personalidad y en la dignidad humana, citando las perspectivas de Immanuel Kant, valor absoluto de la dignidad, y Ronald Dworkin, igualdad y libertad; el texto integra conceptos de Justicia Restaurativa, definida como un proceso que involucra directamente a los afectados para restaurar la armonía social y humanizar la justicia; además, menciona la expansión de métodos como la mediación y la conciliación en notarías extrajudiciales, conforme a la Ley 13.140/2015, y la influencia de directrices europeas en la promoción de programas restaurativos.

Palabras clave: Desjudicialización. Nombre Civil. Justicia Multipuertas.

1 BACKGROUND

This theme is important for the legal sciences, because the study of the civil name and the dejudicialization are topics of great relevance to Brazilian and Argentine society. In addition to the importance in the daily life of a civil registry office of natural persons, whether the simplest, such as a spelling error, or in the complex request for a change of name and gender in a birth record.

The name according to Rubens Limongi França²:

The name, in general, is an indispensable element to knowledge itself, because it is around it that the mind groups the series of attributes pertinent to the various individuals, which allows its rapid characterization and its relationship with others.

An advance of the recent changes reveals that the dejudicialization movement promotes the expansion of the competence to settle conflicts beyond the Judiciary and its servants, bringing extrajudicial services to the discussion and composition of this scenario.

In the Brazilian legal system, by training extrajudicial services for the application of alternative methods, it undertook the attempt to expand the effectiveness of the guarantee of access to Justice to a dimension beyond legal positivity. And considering that it is a current reality that is part of the Brazilian legal system, the context that involves the development of this innovation and its reflections on society must be evaluated.

In view of this, it brought the possibility for extrajudicial notaries to offer mediation and conciliation services, according to article 42 of Law 13,140/2015¹⁷, which already authorized registrars and notaries as mediators, provided that they were trained in an authorized course and registered with the competent state court.

Notary, or registrar, to whom notarial and registration functions are delegated, with the purpose of ensuring the security, competence, efficiency and publicity of acts, facts and legal administration. Extrajudicial activity outside the Judiciary was born and grew in Brazil. This reality changed only in the twentieth century with the Constitution of the Federative Republic of Brazil of 1988, whose article 236 established the current institutional principles for the delegation of notarial and registry activities.

This activity was regulated and governed by Law 8.935, of November 18, 1994. Recent legislative changes have come to give prestige to the RCPN, placing it, once again, as the protagonist of the necessary movement of dejudicialization in the country, of multidoor justice, in order to relieve the judiciary

2 FRANÇA, Rubens Limongi. ON THE CIVIL NAME OF NATURAL PERSONS, p. 22-4

Notarial and registry acts are important, since they allow easy access to citizenship acts for the whole society, with all the attributes related to legal certainty, speed and effectiveness.

Joana Canet Sastre addresses Restorative Justice in her article ALTERNATIVES TO THE JUDICIALIZATION OF CONFLICTS FROM ROME TO THE PRESENT³

Restorative Justice is understood as the process that involves people most directly affected by a crime or infraction, in determining the best way to restore social harmony and resolve the conflict, considering the needs and intentions of the victim and the offender. It is a model of justice that seeks to establish a fair and balanced relationship between the parties, to achieve the restoration of social relations broken by the commission of an unlawful act, facilitating the opportunity for the parties to express their emotions and feelings, originated from the offensive fact, as well as an active and direct participation in the process, giving a more human face to criminal justice.

She addresses the so-called restorative practices, which have a long tradition, have been structured more recently as a model of justice, Restorative Justice, which has advantages in its use between the parties to the conflict.

It ratifies for the resolution of conflicts of a criminal nature and allows — in a broader perspective of restoration — to think about the possibility of incorporating restorative practices in the resolution of conflicts not only of this nature, but also in situations of daily life, whether in the family, church, school or others, since culturally there are, in all countries, mechanisms that seek to resolve conflicts in a non-violent way.

With regard to the development of the civil name in Brazilian civil law, he had mentioned Article 18 of the American Convention on Human Rights, in the Treaty of San José, Costa Rica, signed on November 22 in San Jose, Costa Rica. 1969 and entered our legal system through Decree No. 678 of February 6, 1992, which confirmed the first steps in the protection of marriage and its effectiveness, family, name and nationality. The agreement was one of the most comprehensive international documents of the time and was signed by Brazil and Argentina and other countries.

In turn, the dejudicialization in Argentina, the Gender Identity Law of 2012 and the flexibility of the first name demonstrate a faster system for the protection of personality, serving as a paradigm for the improvement of Brazilian institutions.

Weigh the right to the civil name of natural persons and their perspectives of change in extrajudicial services, as well as the impact of dejudicialization on society.

³ Sastre, Joana Canet, ALTERNATIVAS A LA JUDICIALIZACIÓN DE LOS CONFLICTOS DESDE ROMA HASTA LA ACTUALIDAD, Revista de Derecho UNED, núm. 14, 2014.

Consider the right of personality, being relativized in the face of dejudicialization, resulting from recent changes, whether or not it will be an act that favors civil society.

2 BRAZILIAN LEGISLATION

Dejudicialization and its reflections with the important innovations brought in the years 2022 and following, pertinent to the changes in the name of the natural person in the Brazilian civil registry, without the need to judicialize. Thus exalting the exercise of citizenship and analyzing its impacts, as well as the reasons that justify the possibility of full transfer of the hypotheses of changing the name of the natural person to extrajudicial services.

The most accepted theory about the right to a name is the theory of the name as a right of personality, defended by renowned scholars, ratifying the name as an attribute of personality.

The civil name of the natural person and its personative designation of the person, an inherent element of the personality and which has the main consequence of individualizing a certain person within the social environment and in the family to which he or she belongs, making him or her unique. Thus, it is observed that it is the first attribute of the person's personality, the one that will distinguish him from the others, soon after his birth.

In this way, the right to the name of the natural person emanates from personality, a fundamental right and aims to protect the person's own identity, the object of study of the research.

The theoretical perspective corresponds to an analysis of the historical evolution of philosophical movements, noting the teachings of Immanuel Kant and how his contribution constituted a sublime milestone for the study of human dignity. It also analyzes the conception of human dignity in the thought of Ronald Dworkin and a correlation of human dignity established in the Civil Registry of Natural Persons.

A philosophical pondering by Immanuel Kant, who sees human dignity as an absolute and unconditional value, and Ronald Dworkin's approach, which relates dignity to the principles of equality and freedom. The importance of the Civil Registry of Natural Persons highlighted as essential for the realization of these rights, especially in the recognition and protection of the identity of individuals and a principled analysis.

The full dejudicialization of the hypotheses of change of civil name is feasible and desirable, and is justified for legal, social and practical reasons, especially because it instrumentalizes fundamental rights more efficiently and contributes to the rationalization of the justice system, relieving the overload of the Judiciary.

The paradigm of access to the Judiciary gives way, therefore, to the paradigm of Multidoor Justice, in which new agents are called upon to offer the jurisdictional party other equally legitimate and adequate mechanisms for the resolution of disputes, in the exercise of voluntary jurisdiction and which are placed alongside the state adjudication.

The judiciary is totally overloaded, in addition to being slow with the demands. Regarding the effectiveness of access to justice, the social function of the Extrajudicial Services, the dejudicialization makes access to justice more adequate, bringing speed and legal certainty to procedures that had an essentially judicial nature, such as inventories, divorces, separations, marital reestablishments, adverse possession, apostilles and the most recent, such as compulsory adjudication and rectifications of names, among others. As a result, it reduced actions pertinent to these matters in the Judiciary and gave prestige to extrajudicial services, demonstrating the appropriate place for the promotion of extrajudicialization and dejudicialization.

It is important to mention that dejudicialization consists of giving people opportunities to choose to resolve their conflicts in other means outside the judicial sphere, as long as it is possible and pertinent. It consists of seeking alternative means of conflict resolution in order to achieve social justice.

In turn, reducing bureaucracy consists of simplifying procedures, without losing legal certainty in legal acts and transactions, as the opposite may generate numerous losses for the user and for society as a whole.

The Notary or Registration Officer is the legal professional, endowed with public faith, to whom the exercise of notarial and registration activities is delegated, with the purpose of ensuring the security, validity, effectiveness and publicity of acts, facts and legal transactions. In Brazil, extrajudicial activity was born and grew on the margins of the Judiciary. This reality only changed in the twentieth century with the Constitution of the Federative Republic of Brazil in 1988, where it established the current institutional principles of delegation of notarial and registry activity in its article 236. This extrajudicial activity was disciplined and regulated in Law 8935/1994.

It should be noted, however, that if the notary public suspects fraud, falsehood, bad faith, defect of will, which may be through error, willful misconduct, coercion or simulation as to the real intention of the request for the change of name, he will refuse the rectification in a reasoned manner.

With a viable civil registry and symbol of the modernization of processes, without jeopardizing their legal certainty and effectiveness, in addition to promoting accessibility to extrajudicial processes. It is important to highlight that this transformation demonstrates the

important role of notaries and registrars, and how much they have been contributing to society, through these new attributions, which were previously exclusive to the Judiciary.

Finally, the hypotheses about fundamental rights and new rights, as emphasis is placed on the new issues presented in the legal scenario involving the most diverse discussions about the name, in a natural way, in peculiar situations, respecting the human dignity of the individual enshrined in the current constitutional order. In addition, the Civil Registry of Natural Persons in Brazil contains conceptual meanings of human rights, insofar as for the exercise of fundamental rights, such as personality and identity, as well as for the full exercise of citizenship, it is essential to be included in the civil registry of birth.

3 ARGENTINE LEGISLATION

Aiming to understand the dynamics of the name as a right of personality and supranational protection, as well as the dejudicialization of the change of the name to be carried out in the civil registry and the importance of the name and its relevance in the practice of registration acts before society in the Argentine model as a paradigm of speed and respect for existential truth.

The name is no longer a label imposed by the State for inspection purposes, but the legal garment of human dignity itself and, it is important to highlight the legal nature and the police of names to the Right of Personality.

Historically, the Argentine legal system, influenced by the classical thought of the nineteenth century and consolidated by Decree-Law 18.248/69, conceived the name primarily as a civil police institution. The State's interest in the unequivocal identification of citizens prevailed over the autonomy of the will. With a traditional view, the name as a public charge, in the strict validity of Law 18.248/69, the name was defined as a right-duty.

The State functioned as a moral and cultural filter and the prohibition of extravagant, ridiculous or foreign names, according to Article 3 of Law 18.248/69, did not aim to protect the individual, but rather to preserve a supposed homogeneous national identity and avoid confusion in the public record.

The nature of duty imposed the principle of almost absolute immutability, since to change a name required very rare just causes, since the name did not belong to the subject, but to the record that the State kept about it.

The paradigmatic turn occurred with the constitutional reform of 1994, which conferred constitutional hierarchy to the American Convention on Human Rights (ACHR) and the Convention on the Rights of the Child (CDN) (Art. 75, item 22 of the Argentine National Constitution).

As of article 18 of the ACHR, the name ceases to be an instrument of control and becomes the support of identity. As Casella and Toia point out, identity is a pre-existing reality that the State only recognizes, not creates. The focus shifts from the public interest to the autonomy of human dignity and, currently, the name is understood as an inalienable, imprescriptible and extra-patrimonial personality right.

This new legal nature allowed Argentina to move towards cutting-edge laws, such as the Gender Identity Law (Law 26.743). In it, the right to a name is the maximum tool of self-determination, where the individual's subjective perception of himself or herself prevails over the biological data or the State's interest in standardization.

It is important to note that article 1 of Decree-Law 18,248 establishes that:

Every natural person has the right and duty to use the name and surname corresponding to him in accordance with the provisions of this law.

The analysis of article 1 of Decree-Law 18,248 reveals a classic tension between individual autonomy and the police power of the State. By establishing that every natural person has the right and duty to use the name, the ordinary legislator created a hermeneutical ambiguity that, for decades, was used to justify the prevalence of the immutability of registration over the real identity of the subject

The predominant interpretation placed the name in the field of duty. From this point of view, the regulatory power of the State became the governing principle, and the freedom of the individual, the exception. This view places social order or legal certainty as absolute values, subjecting human subjectivity to an alphanumeric barcode.

Such a posture directly affronts the principle of freedom of action established in article 19 of the National Constitution, which establishes that no one is obliged to do what the law does not command, nor prevented from doing what it does not prohibit. In the field of the name, this means that the autonomy of the will should be the rule, and state intervention, the justified exception.

Traditional hermeneutics makes a serious mistake by ignoring the constitutional hierarchy of the right to a name. It is based on the fallacious premise that the right to identity exists only to the extent and in the form in which the constituted power, in which the common legislator decides to regulate it. However, the current normative reality is different: the right to a name enjoys a constitutional and conventional hierarchy.

Therefore, for Article 75, item 22 of the Argentine National Constitution and Article 18 of the American Convention on Human Rights (ACHR), the name is recognized as an

essential component of dignity and the State does not create the right to the name, it has the duty to recognize and protect it as an inalienable attribute of personality.

In this vein, Ayelen Casella and Leonardo TOIA IN THEIR ARTICLE 18. DERECHO AL NOMBRE RATIFIES⁴:

Toda Persona tiene derecho a un nombre propio y a los apellidos de sus padres o al de uno de ellos. La ley reglamentará la forma de asegura este derecho para todos, mediante nombres supuestos si fuere necesario.

This hermeneutic ignores the constitutional hierarchy enjoyed by the right to a name, based on the fallacious premise that it exists to the extent of the will of the constituted power, obviating that, currently, the right is such by express recognition of the constituent power through article 75, item 22, of the Argentine National Constitution. (according to article 18 of the ACHR)

The Name as the Unity of Personality and the Protection of the ACHR, this perspective is strengthened by international human rights instruments. Article 18 of the American Convention on Human Rights (ACHR), as interpreted by the classical doctrine (Casella; Toia, 2012), establishes that the name is not only an instrument of state control, but a human right that protects identity. The existential truth of the individual must prevail over the public interest in the immutability of the record, especially when this immutability becomes an obstacle to the free development of the personality.

The projection in the Argentine legal system, focusing on the tension between individual autonomy and state regulation, as well as the incorporation of international treaties with constitutional hierarchy, changed the perception of the name, moving from a statutory duty to a fundamental human right linked to identity, according to Casella; Toia, 2012.

The transition in Argentina reveals that the name migrated from a category of administrative law, pertinent to control and registration, to a category of human rights, in the doctrinal view. The State ceases to be the owner of the name to become the guarantor of the way in which the individual chooses to be identified before society.

From the Argentine jurisprudential perspective, two relevant cases stand out — Halladjian, Jorge Adolfo (1980) and Brandan, Diego Gonzalo (1994) — which address the rigidity of the Law of Names (Decree-Law No. 18.248/69) through decisions that marked the transition to a model based on Human Rights.

4 **Casella, A., & Toia, L.** (2012). Article 18: Derecho al nombre. In E. M. Alonso Regueira (Org.), *La Convención Americana de Derechos Humanos y su proyección en el derecho argentino* (pp. 307-318). La Ley.

In the case of *Halladjian, Jorge Adolfo* (1980), the Court initially stated that the choice of the name transcends the sphere of mere individual interest, compromising the general interest, since the identification of people is a requirement of the entire social order. It was argued that language is a factor of paramount importance for the spiritual identity of a nation and that the prohibition of foreign first names would not be disproportionate to the purpose of preserving this common good. However, in its reasoning, the Argentine Supreme Court ended up allowing the registration of names of Armenian origin, relaxing the requirement of castellanization.

This decision was based on the premise that the name is part of the right to identity and the preservation of cultural roots, in line with the provisions of Article 18 of the American Convention on Human Rights (ACHR).

In the *Brandan* case, *Diego Gonzalo* (1994/2001) portrayed the evolution of the right to a name linked to the dignity of the human person. The court recognized that the State cannot impose arbitrary barriers to the free choice of name by parents, unless there is a concrete and justified prejudice to the public interest – which rarely occurs with foreign or unusual names. Such a decision ratifies the consolidation of the autonomy of the will against administrative arbitration; although the original text refers to the 1994 precedent (*Fallos* 318:1371), it served as a foundation for the legal evolution that culminated in the 2000s

Finally, it should be noted that Argentina consolidated itself at the forefront of Contemporary Civil Law by enacting Law No. 26,743/2012, which allowed extrajudicial civil requalification and broke with the pathologizing view of gender identity. By making it possible to change one's name and register one's gender administratively, the Argentine system has elevated the right to identity to the status of a pillar of human dignity, untying it from medical diagnoses or invasive judicial authorizations.

In this context, the civil requalification of transgender minors and the right to gender identity are themes for understanding the role of the State in promoting the dignity of the human person, equality and non-discrimination. Gender self-determination — understood as the right of every individual to identify and be legally recognized, including through the rectification of the first name, according to the gender with which he or she identifies — is based on a theoretical construction that amalgamates the fundamental principles of human rights with the recognition of the diversity and plurality inherent to contemporary societies (Barroso, 2015).

Articulating the principle of dignity with the need for legal effectiveness, it is observed that the judicialization of civil requalification for minors in Brazil imposes an emotional and financial burden that hurts human dignity. In contrast, the Argentine model, consolidated by

the Gender Identity Law (2012), demonstrates that the extrajudicial route for minors — based on progressive autonomy and family support — is the mechanism that best fits the control of conventionality.

If the State already entrusts registrars with public faith for complex acts of patrimonial regularization, it must, out of symmetry and respect for dignity, extend this agility to the regularization of identity. This ensures that the civil registry functions as a mirror of human dignity and not as a formalistic vision based on outdated concepts of public interest. This is a case of dejudicialization, a topic addressed in this article

The Argentine system recognizes that the stability of the name must give way to the dignity of the human person. As demonstrated by the evolution of Argentine jurisprudence, when there are just reasons, such as self-perceived identity, the change of the first name must be facilitated to avoid social segregation and ensure the integration of the individual into the society in which he lives.

In this sense, Argentine legislation allows extrajudicial access for minors with the consent of their legal representatives, focusing primarily on the well-being of young people and their immediate social integration. Such a measure avoids the stigma of the judicial process and breaks with the administrative discretion that historically limited the right to identity under dogmatic pretexts of social order.

In turn, in Brazil, the implementation of Provision No. 73/2018 and currently coupled to 149 of the National Council of Justice (CNJ) marked significant progress by authorizing civil rectification by administrative means. However, by restricting this benefit only to those over 18 years of age, the Brazilian legal system incurs in an inconsistency with the precepts of full protection of fundamental rights.

4 CONCLUSION

The article concludes that this is a topic of profound legal, social and practical relevance in the contemporary scenario. The dejudicialization of the right to the civil name is important for the legal sciences, as it aims to analyze and show in an objective way, the right to the civil name of natural persons and its possibilities of change, as well as to promote an analysis of the legal treatment given to the civil name of the natural person, in relation to its function, legal nature and characteristics, especially the principle of immutability being relativized. The possibility of changing it reflects the autonomy and freedom of the individual to identify himself with society.

Emphasizing legal certainty, together with the dignity of the human person, addressed herein, since it must reflect the present reality, informing the relevant changes that have

occurred since its drafting, in an administrative manner and, in this way, authorizes the registration officer to carry out the necessary annotations, on the birth or marriage certificates, of its service, without the need for judicial intervention, in order to be identified and represented in the correct way before the whole society.

In this regard, the assumption that judicial protection is the only form of access to justice is clarified, considering that the Constitution of Brazil does not state that the only way to achieve justice is through the Judiciary, but that there are several forms, known as multidoor justice, which are carried out through extrajudicial activity. One of the alternatives and the most appropriate.

The paradigm of access to the Judiciary is changed, therefore, to the paradigm of Multidoor Justice, in which new agents are summoned to offer the jurisdictional party other forms of process that are equivalent to legitimate and appropriate for the resolution of disputes, in the exercise of voluntary jurisdiction and that are placed alongside the state adjudication.

Dejudicialization has gained strength, proving to be a viable path for the rationalization of the justice system and from this change, the need arises to deepen the analysis on the feasibility of a full transfer of the hypotheses of name change to the notary offices. Inherent and presented peculiarities that comprise the analysis of the new Provisions of the National Council of Justice, legislative approach to public records and jurisprudential analysis.

Regarding the Argentine Legislation under the sieve of conventionality, the analysis of the Argentine legislation allows us to conclude that the legal system is going through a profound transition between the paradigm of the name as a statutory duty and the name as a fundamental human right.

Decree-Law 18.248/69 was addressed and the rules that limit the choice of foreign names or that impose castellanization (Art. 3) lack reasonableness and proportionality. As Casella and Toia argue, the argument of the preservation of national values or the public interest cannot serve as a shield for state arbitration, since the difficulty of pronouncing or the origin of a first name does not represent a real threat to the social order or to the integration of the individual.

The Central Role of the ACHR and the Gender Identity Law in modern Argentine legislation, driven by Article 18 of the American Convention on Human Rights (ACHR) and embodied in Law No. 26,743/2012, redefines the role of the State. This ceases to be a moral and cultural filter to become the guarantor of self-perceived identity. The possibility of rectification of name and gender by administrative (extrajudicial) means removes the name

from the sphere of the civil police and places it under the domain of the autonomy of the will and the dignity of the human person.

It addressed the name as an element of dynamic identity and it is concluded that the right to a name in Argentina, in the light of the block of constitutionality (Art. 75, item 22 of the CN), must be interpreted broadly. The stability of public records must give way whenever it collides with the existential truth of the subject. The Argentine example of allowing extrajudicial means, including for consenting minors, represents the maximum realization of conventionality control, ensuring that the name is an instrument of inclusion and not an immutable label imposed by the State.

The analysis of Argentine jurisprudence, personified by the *Halladjian* and *Brandan* cases, reveals the path of transition from a tutelary and nationalist State to a model of State that guarantees personality rights.

Similarly, Argentine jurisprudence has evolved to recognize that the name is not a property of the State, but an inalienable right of the subject. The stability of the civil registry and cultural homogeneity gave way to dynamic identity and self-determination. These precedents were the necessary foundation for Argentina to be able to subsequently enact avant-garde laws (such as Law 26.743/2012), removing the name from the shackles of the judicial process and returning it to the sphere of dignity and individual freedom, in full alignment with the bloc of conventionality.

An approach to the legal and social impacts, as well as the presentation of international models such as that of Argentina, enrich the study. This approach allows us to understand the peculiarities of the Brazilian legal system and the best practices adopted in other countries, strengthening the hypothesis that the integral performance of extrajudicial services is not only possible, but desirable.

The article fulfills well the objective of highlighting civil requalification, ratifying that dejudicialization for minors (as occurs in Argentina) is the next logical step for Brazil to overcome the current normative incoherence.

The consolidation of new conflict resolution techniques in the extrajudicial sphere represents a fundamental contribution to the modernization of the justice system, materializing the paradigm of Multidoor Justice by offering legitimate and effective alternatives to traditional state adjudication. This contribution is manifested in the expansion of the competence of registrars and notaries who, duly trained as mediators and conciliators, promote the rationalization and speed of the system by relieving the Judiciary of voluntary jurisdiction demands. Such techniques allow for a reduction in bureaucracy that simplifies

complex procedures — such as name and gender rectifications — without giving up legal certainty, guaranteed by the public faith of these professionals.

In Europe, the Council of Europe has promoted the implementation of restorative programs in its member states, highlighting their importance, especially in juvenile justice and in situations of civil conflict. In Spain, several initiatives have been developed in this direction, integrating restorative justice in the family, school and youth spheres.

European civil procedural law in recent years has shown several formats of dejudicialization. Many countries have modified their legislation and adopted different models that vary according to whether they are more or less centralized, according to the regulations and qualifications required of those responsible for carrying out the work, and according to the type of agencies and agents that will perform this task.

The dejudicialization supported by these new methodologies ensures that the civil registry acts as a faithful mirror of human dignity and self-perceived identity, avoiding the stigma of invasive judicial processes and ensuring the full realization of fundamental rights and citizenship.

Finally, the research is justified by its contribution to the realization of fundamental rights through dejudicialization, demonstrating how notary offices can act as essential instruments for the realization of the dignity of the human person and for the modernization of the justice system in Brazil and focuses on the new issues presented in the legal scenario involving the most diverse discussions about the name, in a natural way, in peculiar situations, respecting the human dignity of the individual enshrined in the current Brazilian constitutional order.

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