



Social control in basic sanitation: analysis of collegiate companies in the Metropolitan Region of Agreste

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ABSTRACT

This work aims to analyze the performance of collegiate companies to exercise social control of the basic sanitation policy existing in the Metropolitan Region of Agreste de Alagoas, made up of fifteen municipalities in the central region of the State of Alagoas. Brazilian legislation establishes the obligation of social control of the basic sanitation policy through collegiate bodies, with representation of civil society, with municipalities being responsible for such attribution as an institution by law. For the production of the work, a bibliographical and empirical research was undertaken, such as the analysis of legal and official documents. From the analysis, it was found that the municipalities that instituted by law the collegiate body for social control of the basic sanitation policy, none of them effectively installed the council, nor was there a call for election and composition of representatives of civil society, which demonstrates the lack of transparency of municipalities, as well as the lack of interest in informing the population, combined with the lack of interest in publicizing their actions.

RESUMO

Este trabalho tem como objeto a análise da atuação dos órgãos colegiados para exercício do controle social da política de saneamento básico existente na Região Metropolitana do Agreste de Alagoas, composta por quinze municípios na região central do Estado de Alagoas. A legislação brasileira estabelece a obrigatoriedade de controle social da política de saneamento básico através de órgãos colegiados, com representação da sociedade civil, cabendo aos municípios tal atribuição com instituição mediante lei. Para produção do trabalho foi empreendida uma pesquisa bibliográfica e empírica, como análise de documentos legais e oficiais. Da análise, constatou-se que os municípios que instituíram por lei o órgão colegiado para controle social da política de saneamento básico, nenhum deles efetivamente o conselho foi instalado, tampouco houve convocação para eleição e composição dos representantes da sociedade civil, o que demonstra a falta de transparência das municipalidades, bem como a falta de interesse em informar a população, aliada ao desinteresse em publicizar suas ações.

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Introduction

The present work arises from the following research problem: how municipalities in the Metropolitan Region of Agreste in Alagoas have institutionalized collegiate bodies for social control of basic sanitation policy, according to the requirements of Article 34, § 6, Decree No. 7,217/2010?

Social control of public policies is provided for in Article 193, sole Paragraph of the 1988 Federal Constitution, inserted through Constitutional Amendment No. 108/2020, which provides that the State “will exercise the function of planning social policies, ensured, in form of the law, the participation of society in the processes of formulation, monitoring, control and evaluation of these policies”. Thus, the implementation of social control became a constitutional requirement.

The Basic Sanitation Guidelines Law (no. 11,445/2007) defines social control as the set of mechanisms and procedures that guarantee society information, technical representations and participation in policy formulation, planning and evaluation processes related to public basic sanitation services. Article 47 of the Guidelines Law establishes that social control may be exercised by a collegiate advisory body, at any level of government. Decree 7,217/2010, which regulates the Guidelines Law, states that the following must be represented on the Councils: service holders, government bodies related to the sector, service providers, users, and technical entities, civil society organizations and consumer protection, related to the field of sanitation. Article 34, § 6 established that, from 2015, the existence of collegial bodies for social control of basic sanitation policy became a condition for municipalities' access to federal resources allocated to sanitation works.

Social control is established as one of the fundamental principles in the provision of public basic sanitation services, consisting of society's participation in processes of policy formulation, planning and evaluation of services. The area of basic sanitation is a field of intense conflicts, involving economic, geopolitical and legal interests. There is a plurality of actors involved in the field: public authorities, public or private service providers, financiers, citizens and consumers, technicians, social movements and unions, among others. Such actors have multiple and distinct ways of understanding basic sanitation.

To produce the work, bibliographical research (analysis of theoretical texts, published in journals or academic works) and empirical research (analysis of legal and official documents) was undertaken

The first topic of the work presents the idea of social control and its importance for public policies. Next, the concept of social control linked to public basic sanitation policy is addressed, with an analysis of the relevant legislation and possible forms of social control. In the last topic, the issue of sanitation policy in the municipalities of the Metropolitan Region of Agreste in Alagoas is detailed.

The Metropolitan Region of Agreste is currently made up of 15 cities, with the Municipality of Arapiraca being the largest with more than 200 thousand inhabitants; the total population of the Metropolitan Region of Agreste is more than half a million inhabitants and represents a significant part of the GDP (gross domestic production) of the State of Alagoas, being an important rural, commercial, educational, services hub, among others, but which presents derisory numbers in the field of basic sanitation.

The objective of this work was to analyze the performance of collegiate companies to exercise social control over the existing basic sanitation policy in the Metropolitan Region of Agreste in Alagoas, observing the way in which such companies are structured and how municipal governments have understood the importance of participation popular.

Social control of public policies

In the 21st century, as a result of political, economic and social transformations that culminated in the strengthening and consolidation of democracy as a political regime, efforts emerged to overcome essentially bureaucratic and centralized governmental models, transitioning to a Public Administration of managerial management, that, in this sense, is characterized by the possibility of popular participation to monitor, discuss and develop public policies.

In view of this, it is important to say that, in Brazil, public policies function as instruments of the state apparatus that strive to guarantee minimum rights to citizens – acting, for example, in the fields of health, housing and education – in order to encourage the state of social well-being. In this sense, social control is a true tool that guarantees public policies, because its purpose is to implement mechanisms and procedures with popular participation, in all phases of public policies, such as formulation, inspection, evaluation and execution.

The importance of social control in the progress of public policies is undeniable, since control, exercised directly by citizens, has the capacity to analyze the regularity of what is carried out by the Public Administration, and consequently, to prevent the practice of acts that do not are legitimate for society. Therefore, the protection of the public interest is clearly evident with the implementation of social control, given that citizens are the main pawns in the political-democratic game, appearing as the recipients of public services. When dealing with public health policy, Santos Júnior *et al* (2020) defines that popular participation contributes to the better functioning of public policy, “as it enables the optimization of action planning, promotion of self-care, strengthening of principles and guidelines of the Unified Health System (SUS)”.

In this way, it is inferred that the implementation of social control is not restricted only to popular participation in public policy decisions, but follows an itinerary from the moment

of implementation of a given policy, until the moment after implementation, in which it monitors and monitors its execution. Therefore, the free exercise of citizenship is allowed in a space open to dialogue, thought, discussion and suggestions, seeking to reconcile divergent interests, in order to arrive at fair and legitimate acts.

About this perspective, the expansion of communication mechanisms and active action by citizens reveals the essence of democracy as a political regime based on the people as channels of state power, through the idea of the possibility of its existence and, even more so, obstacles faced to its implementation (VAZ, 2011). Thus, it is certain that governments have great influence on the implementation of social control, while they encourage or fail to encourage this means of control. Along this path, Vaz (2011) points out that governments would be agents capable of establishing institutional channels for participation, thus promoting the connection between the people and public management, strengthening relationships, and, undoubtedly, facilitating the work of both. However, social control generally faces barriers to its implementation, as it has the capacity to actually interfere in the decisions made by managers.

Social control of public policies is provided for in Article 193, sole Paragraph of the 1988 Federal Constitution, inserted through Constitutional Amendment No. 108/2020, which provides that the State “will exercise the function of planning social policies, ensured, in form of the law, the participation of society in the processes of formulation, monitoring, control and evaluation of these policies”. Thus, the implementation of social control became a constitutional imposition, with the Public Power having to establish mechanisms that allow dialogue and deliberative exchange, preceded by wide dissemination of the public space and the content to be discussed there (VICENTE, SOARES, 2023).

It is important to understand that popular participation is proportionally linked to the effectiveness of public policies, given that the greater the population's demand for a given demand, the greater the government's concern in executing it in the best way. Thus, it can be seen that from the creation of more efficient public policies – which present themselves as those with a greater probability of meeting the desires and guaranteeing social well-being – greater rates of development are observed in various spheres of political organization-administrative structure of the State, in which managers and citizens walk side by side.

That said, Vaz (2011) mentions research carried out by Zamboni (2007), in relation to participatory budgeting in some cities, capable of proving the relationship between increased social control and improved results of public policies. The aforementioned investigation found that the municipalities in which there was greater popular participation, in terms of participatory budgeting, had lower rates of serious corruption practices, a situation that demonstrates that the lack of popular participation opposes the implementation of public policies.

Among social control mechanisms, management councils stand out, which can be considered permanent discussion forums, where issues about public policy are debated and arguments of public authorities and the population are exposed; these are institutions generally composed of members of the government and civil society on an equal basis, for deliberation on the bases and conditions of specific public policies, such as public health, education, social assistance and urban policy policies (VAZ, 2011), which can assume supervisory, mobilization, deliberation or consultation functions. Civil society representatives may or may not be linked to a civil society entity, depending on the institutional design of the council.

Marques (2015) states that councils, as public spaces, face at least three problems in Brazil: implementation, inequality and co-optation. The implementation problem refers to actions and discourses developed by the political-economic elite, with the aim of preventing the participation and integration of disadvantaged groups in participation mechanisms, where they could have a voice and vote in decision-making processes. The problem of inequality must be understood as “social and economic inequality that leaves an abyss in the understanding of concepts, laws among other issues that are made difficult by access to information and formal knowledge” (MARQUES, 2015, p. 418). The third problem is that of co-optation, which refers to the imbalance existing between participants that represent the Administration and participants that represent the Society, which can occur in relation to the domain of technical information, the lack of structural conditions for the good performance of activities of the Councils and the interference exercised by the Administration in the functioning of Councils (VICENTE, MARQUES, 2016).

Despite challenges to its implementation, social control of public policies presents itself as a skillful means of strengthening and implementing social policies, contributing inexorably to democracy. In this format of action, society benefits most, as its action expresses the perspective of citizens to public managers. Therefore, in order to reap fruits of this contribution, unity between the government and the population is essential, including through the provision of resources and political training necessary for understanding the issues, as well as interest on the part of the people in contributing to the improvement of society and the well-being of all, as well as in the construction of a more just and legitimate State.

Among the public policies in which there is a legal provision for social control, including the use of collegiate bodies, is the basic sanitation policy, as will be discussed below.

Social control in basic sanitation policy

According to Article 3 of Law 11,445/2007, basic sanitation covers a set of services, infrastructure and operational facilities for drinking water supply, sanitary sewage, urban cleaning and solid waste management, drainage and urban rainwater management. In this

sense, both the Municipalities and the Federal District, as well as the States, are responsible for implementing the basic sanitation policy, and can work together to implement it.

The provision of public services must be universal, efficient and of quality, and methods and techniques specific to local and regional peculiarities must be adopted in order to guarantee its provision in an adequate, sustainable, safe and continuous manner. Furthermore, as compliance with other fundamental principles for maintaining these operations was not enough, the legislator was concerned with guaranteeing in the aforementioned law, access and participation of the population through social control, establishing the need to create mechanisms that ensure this by the holders of these services, as highlighted in the previous item in relation to social control of public policies.

From this perspective, it is observed that the issue of basic sanitation unfolds across several areas, from health to the environment and urban planning. Effects, resulting from a basic sanitation system, are positive, as it constitutes a service that ensures the improvement and well-being of the population. “The benefit offered by water treatment, for example, is indisputable, as it transforms, after removing contaminants, water unsuitable for human consumption into a product that complies with potability standards” (SOARES, BERNARDES, CORDEIRO NETTO, 2002, p. 1718).

Therefore, it is not unreasonable to aim for this issue to be addressed from the perspective of a fundamental social right, although it is not provided for in the constitutional text, since this public policy has the ability to offer a dignified life to citizens, reaching the community in several aspects. However, given the timid development of sanitation policy, it is possible that there is no concern on the part of government officials to deal with the issue, which is evident from the lack of compliance with the provisions contained in Law 11,445/07 and Decree 7,217/10, for example – devices that bring fundamental topics about sanitation. In the same context, it is highlighted that the lack of constitutional treatment of sanitation policy undoubtedly makes it difficult for Brazil to implement this policy.

In this context, the intervention of society as an information agent, as well as a monitor of public policies, is essential. In this way, social control appears as an important driving tool for the most diverse public policies, given that it allows the population to express their needs, expectations and world views to those responsible for implementing these policies. Thus, understanding the importance of basic sanitation and analyzing it from the perspective of a fundamental right, it is clear that its failure to implement it contributes to the lack of quality of life in Brazil.

Therefore, it is necessary to institutionalize mechanisms that allow the implementation of sanitation policy, and it is in this sense that Decree 7,217/2010, which regulates the law on basic sanitation guidelines, in its article 34, allows society to interfere in political decisions

through debates and public hearings, public consultations, city conferences and through the participation of collegial advisory bodies.

Through discussions and public hearings, for example, it is possible to build a space for dialogue between political entities and society, and there must be a mutual interest in collaboration between these two social actors, providing the possibility for interested parties to request, give opinions and suggestions, especially if members of a group directly affected by the object of the debate. Through these mechanisms, it is possible to create informal spaces for discussion about sanitation policy, so that all individuals feel covered by the issue at hand, avoiding language or social barriers. With regard to public consultations, these are presented as means of publicizing policies already created by governments, in order to collect citizens' opinions about what has been prepared, with citizens being able to provide suggestions and criticisms about a policy that has been created and it is already in progress.

Conferences are meetings based on discussions and deliberations on topics relevant to urban development, proving to be a broad space for social participation, as they enable the presence of the most diverse sectors of society, whether public administration entities, class organizations, members of social movements, NGOs (non-government organizations) and users of the services provided. Finally, regarding collegiate bodies, also called management councils, these must be composed of service holders, government bodies related to the sector, service providers, users, technical entities and civil society and consumer protection organizations, thus constituting a group that will influence decisions, suggestions and monitoring of public policies.

Based on all of the exposition until now, it can be seen that these mechanisms function as true stimulators of the exercise of citizenship, considering that they “invite” citizens to also participate in the construction of a more democratic public management of the society to which they belong. According to Krüger and Serapioni (2020, p. 236), there is a consensus in the literature that “councils and conferences, public hearings and consultations and ombudsman offices, as institutionalized participatory spaces, created a new institutionality, as they enable society to participate in the elaboration of social policies”.

By other way, despite the existence of legal provisions for mechanisms that impose social control in the area of basic sanitation, there is still resistance to its effective implementation, whether in relation to society itself, or in relation to the lack of interest of entities. politicians in carrying out control of this public policy. Thus, there are three specific aspects that can somehow hinder the performance of management councils in the field of basic sanitation, namely: the consultative nature of councils, the demand to inform and train councilors, and the need to act intersectorally (HELLER *et al*, 2016).

From this understanding, it is worth analyzing each of these aspects. Initially, it is worth highlighting that the legislator's option to treat collegiate bodies as bodies of a purely

consultative nature, as inferred from Article 47 of Law 11,445/2007, makes it difficult for the coordination and consequent performance of management councils in the field of basic sanitation, since the councils will not have effective decision-making power in their actions. Immediately, what can still be seen in the legislation is the presence of remnants of an authoritarian political culture, a time when there was little or no social participation. Thus, as Vaz (2011) rightly pointed out, the issue of deliberative effectiveness is one of the problems faced in the implementation of these institutions, since management councils cannot have their decisions and opinions manipulated by political authorities, and must have true participatory power of decision.

In this perspective, with regard to the need for training and information for counselors, it is observed that this is an increasingly necessary issue. As they affect different areas of life in society, management councils must be composed of as many representatives as possible, so that the demands of most individuals in society are put up for debate. Therefore, collegiate bodies cannot function as secret niches of the State, as Almeida and Tatagiba (2012) point out. It is necessary for there to be continued training with the individuals who will work to represent civil society in these spaces, with the promotion of lectures, conversation circles, presentation of cases and concrete data, so that counselors are aware of the reality of sanitation policy basic, and perform their role in the best way. Therefore, it is essential that resources are allocated to the training of counselors, as the return to society will be greater than the amount invested, with social and language inequalities being overcome, as well as other forms of inequality that harm the right to participation.

About intersectorality, the idea of multidimensionality aims to expand discussions regarding basic sanitation based on its connection with themes that deal with health, urban planning, the environment and water resources, evaluating the relationship between these factors and the forms of application and maintenance of these facilities. Therefore, taking into account that basic sanitation is not restricted to technical elements, the interference of political, economic and cultural issues in its development is essential.

Despite the legal incentive to regulate social controls as effective mechanisms for participation, supervision and overcoming a centralizing policy, in practice, they appear to have little capacity to influence the political game existing in the sectors that deal with basic sanitation. Therefore, even in the face of discussions held in the midst of debates, public hearings, public consultations, city conferences and advisory collegiate bodies, social control in sanitation policy faces difficulties in going beyond the boundaries of action in these mechanisms and actually having an impact on the institutional policy, which is consequently harmful to the democratic regime.

To verify social control in basic sanitation policy, the current situation of social control in the Metropolitan Region of Agreste in Alagoas will be analyzed below.

The effectiveness of social control in the metropolitan region of Agreste

The Metropolitan Region of Agreste is located in the State of Alagoas, was created on December 1, 2009 by Complementary Law No. 27, and is formed by the grouping of fifteen municipalities – Arapiraca, Campo Grande, Coité do Noia, Craíbas, Feira Grande, Girau do Ponciano, Junqueiro, Lagoa da Canoa, Limoeiro de Anadia, Olho D'Água Grande, São Sebastião, Taquarana, Traipu, São Brás and Jaramataia, and has more than five hundred thousand inhabitants. The metropolitan region aims to organize, plan and execute public functions of common interest to be carried out by fields of activity, including the collection, transportation, treatment and final disposal of sanitary sewage. Therefore, some data from this region were collected in this research in order to investigate the effectiveness of social control with regard to basic sanitation policy.

To begin, it is important to highlight that, in these cities, social control is only available through telephone contacts and completely virtual channels of participation on their websites, of which ombudsman offices and transparency portals stand out. In this sense, these mechanisms are built with options that allow the population not only to obtain information and make reports, compliments, complaints and requests, but also to monitor the deadlines and responses received, being linked to portals such as “Fala.BR”, integrated ombudsman and information access platform, and the E-SIC (Electronic Citizen Information System), both developed by the General Comptroller of the Union.

Thus, with a view to exploring the issue of social control of public policies with regard to the performance of management councils in the field of basic sanitation policy in the metropolitan region of the agreste, some information was requested from the cities that make up this region. Along these lines, despite the availability of social control mechanisms, already mentioned, requests made in virtual ombudsman offices were only responded to by the Municipality of Taquarana, which reported that there was no collegial body that exercised social control over sanitation policy, further clarifying that the municipality did not have a sanitation system, given that this service was declined to the State of Alagoas.

Furthermore, among these fifteen cities studied, Jaramataia, Girau, Feira Grande, Limoeiro, São Sebastião and Traipu presented technical problems in the functioning of the ombudsman offices, making access to information impossible and, consequently, hindering social participation, configuring a visible violation of provisions of the National Basic Sanitation Law and Law 13,460 of 2017, which provides for the participation, protection and defense of user rights of public administration services.

Despite the lack of manifestation from public entities, results obtained through research indicated that only Traipu, Craíbas, Arapiraca and Feira Grande instituted social control of the Basic Sanitation policy through a collegiate body, through Laws 761/2021, 483/2021, 3,281/2017 and 379/2019, respectively, with the collegiate body being an indispensable requirement for access to Union budgetary resources or financing resources managed or administered by a federal public administration body or entity, when intended for sanitation services basic, provided for in Article 34, § 6 of Decree 7,217/2010.

In this context, it was also observed that although the cities of Arapiraca, Craíbas, Traipu and Feira Grande have a basic sanitation plan, with appropriate provisions regarding the existence of social control and popular participation, what is observed, in practice, is the non-existence of these collegiate bodies. Of the municipalities that established the collegiate body for social control of basic sanitation policy, none of them actually had the council installed, nor was there a call for the election and composition of civil society representatives.

In the city Arapiraca, municipal law also provided for the existence of a Municipal Basic Sanitation Forum, which should meet every two years, with representation from the various social segments, to assess the sanitation situation in the municipality, as mentioned in the previous chapter. The Forum was also never installed or convened by municipal public authorities. Furthermore, the Basic Sanitation Information System was also created by municipal law, whose main purpose was to create a database with information and indicators on sanitation services, allowing the evaluation and dissemination of performance indicators; a deadline of 90 days was established for installing the system, but it was never installed.

In addition to these four cities, no other municipality in the metropolitan region of Agreste has installed a collegial body or any other mechanism to exercise social control over basic sanitation policy, despite the prohibition of access to federal resources for municipalities that do not have a collegiate body, provided for in Article 34, § 4 of Decree 7,217/2010.

In this way, the lack of social control in sanitation policy testifies to the various structural and organizational failures of the most diverse municipalities, as it inhibits the conception of the administration model sought, which is dialogic administration. Along these lines, the deficiency of this control in sanitation policy, for example, contributes to the lethargy of governments in satisfying the needs and fundamental rights of citizens, reducing the quality of life, harming social development, and preventing improvements in health, for example.

Furthermore, it is essential to highlight that the lack of social control mechanisms that actually work results in an evident violation of the legal system, since the right to information, for example, is not respected when there are frustrated means of providing information. For Bertoldi and Rosa (2019, p. 241), “it remains clear that the right to information, whether in internal or international standards, is seen as an instrument of education and emancipation, relating social and environmental aspects to human development in all areas its aspects”. Thus,

the entire concrete functioning of social control is affected, because without information, society is not capable of passing judgment on a given act, which causes the entire logic of social control to be broken.

In recent years, the Federal Supreme Court (STF, in Brazil) has considered several actions related to public policy councils, especially after the beginning of Jair Bolsonaro's government, which extinguished, through Decree 9,759/2019, several councils that operated at the federal level. In the judgment of the injunction in ADI 6121, the STF concluded that the collegiate bodies mentioned in law, which enable popular participation in the social control of public policies, cannot be extinguished by a unilateral act of the Chief Executive, even if the law that mentions the council does not indicate its composition or competencies. In the judgment of ADPF 622, the STF established the thesis that “a rule that, under the pretext of regulation, hinders the participation of civil society in deliberative councils, is unconstitutional”.

In the case of the four cities above, there is a municipal law creating the deliberative body for social control of basic sanitation policy, and the responsibility for installing this collegiate body lies with the Executive Branch, which must install and equip and even call elections for representation of civil society. By not installing and equipping the Councils, the managers of these municipalities violate the 1988 Federal Constitution and infra-constitutional legislation, by obstructing the exercise of social control by civil society. There are several judicial precedents regarding the municipality's obligation to install Public Policy councils, including those from the Superior Court of Justice (STJ, in Brazil)¹; It is not a question of the Judiciary determining the legal creation of a Council, but rather the installation of collegiate bodies already created by municipal law.

The Federal Constitution of 1988 imposes in Article 193, sole Paragraph, participation not only in the public policy development phase, but also in the monitoring, control and evaluation phases of public policies. The existence and installation of participatory mechanisms aimed at exercising social control over basic sanitation policy is mandatory.

¹ CIVIL AND ADMINISTRATIVE PROCEDURE. PUBLIC CIVIL ACTION. IMPLEMENTATION OF PUBLIC POLICY. POSSIBILITY IN EXCEPTIONAL CASES. STATE OMISSION. ESSENTIAL RIGHTS INCLUDED IN THE CONCEPT OF EXISTENTIAL MINIMUM. INSTALLATION, STRUCTURE AND EQUIPMENT OF THE MUNICIPAL COUNCIL FOR THE ELDERLY. (...) 5. That said, the failure to allocate the minimum structure necessary for the functioning of the Municipal Council for the Elderly results in a violation of the legal provisions indicated above. It is not enough to ensure the mere formal existence of the Council, as it is unable to exercise its role as provided for in legal provisions. 6. The Superior Court of Justice has a firm and consolidated understanding that, in the event of delay by the competent Power, the Judiciary may determine, on an exceptional basis, the implementation of public policies of social interest, without there being an invasion of discretion or an affront to reserve what is possible.(...) (R.Esp 1702195/RJ, Rel. Minister HERMAN BENJAMIN, SECOND PANEL, judged on 04/10/2018, DJe 03/06/2019).

Conclusions

In this work, the importance of social control for controlling basic sanitation policy was analyzed, carrying out empirical research to verify the existence and effectiveness of collegiate social control bodies in the municipalities of the Metropolitan Region of Agreste in Alagoas. From the analysis, it was found that in the municipalities that established by law the collegiate body for social control of basic sanitation policy, none of them actually had the council installed, nor was there a call for the election and composition of civil society representatives.

In this way, it is noted that the lack of transparency of municipalities, as well as the lack of interest in informing the population, combined with the lack of interest in publicizing their actions, prevents the initial step towards control from being taken, given that control only can be carried out, whether preventively or repressively, in possession of the necessary information to do so. Consequently, we have a society tired of just making demands and, often, not being met. Therefore, when simple requests made to municipalities are not met, it is clear that bureaucratization and the ineffectiveness of social control mechanisms act as true unmotivators for the implementation of social control.

Popular participation cannot be considered as a bureaucratic step that makes it difficult to implement public policies, nor can it be eliminated or made more difficult. A public sanitation policy without social control is a constitutional violation and must be subject to consideration by the Judiciary and other bodies of the legal system. In fact, the lack of social control can lead to the nullity of administrative decisions, and this issue is the subject of legal proceedings in Brazil.

The obligation of management councils cannot be characterized as a mere bureaucratic instrument that obstructs public policy, nor can it be instituted as a democratic simulacrum for the purpose of complying with legal requirements. Social control through collegiate bodies must be effective, and this occurs when dialogue, the exchange of arguments, and discussion about public policy are possible.

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