MANAGEMENT OF ARTIFICIAL INTELLIGENCE IN BRAZIL IN THE FACE OF THE CONSTITUTIONAL LEGAL TREATY OF THE DIGITAL ENVIRONMENT

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Abstract: Having as central objective of their research the idea of making computers "think" exactly like humans, creating analysis, reasoning, understanding and obtaining answers for different situations, artificial intelligence has its management in Brazil linked to the legal protection of forms of expression, ways of creating, doing and living, as well as scientific, artistic and mainly technological creations carried out with the help of computers and other electronic components, observing the provisions of the rules of social communication determined by the Federal Constitution. Thus, the management of artificial intelligence in Brazil is necessarily subject to the constitutional legal protection that targets the digital environment established within the scope of our positive law in the face of the duties, rights, obligations and regime inherent in the manifestation of thought, creation, expression and information provided by the human person with the help of computers (article 220 of the Federal Constitution) within the full exercise of the cultural rights granted to Brazilians and foreigners residing in the country (articles 215 and 5 of the Constitution) guided by the fundamental principles of the Federal Constitution 1st to 4th).

Keywords: Artificial intelligence; Information; Environmental goods; Digital Environment; Social Communication.

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1 INTRODUCTION

Artificial intelligence, in the face of a conception linked to the idea of making computers "think" exactly like humans, creating analyzes, reasoning, understanding and obtaining answers to different situations, has its management in Brazil linked to the legal protection of forms of expression , ways of creating, doing and living, as well as scientific, artistic and mainly technological creations carried out with the aid of computers and other electronic components, observing the provisions of the rules of social communication determined by the Federal Constitution.

Therefore, it is important to establish the management of information as an environmental asset protected in the manner determined by the Federal Constitution of Brazil.

Thus, the management of artificial intelligence in Brazil is necessarily subject to constitutional legal protection aimed at the digital environment established within the scope of our positive law in the face of the duties, rights, obligations and regime inherent to the expression of thought, creation, expression and information provided (article 220 of the Federal Constitution) in full exercise of the cultural rights granted to Brazilians and foreigners residing in the country (articles 215 and 5 of the Constitution) guided by the fundamental principles of the Federal Constitution from 1 to 4).

2 WHAT IS ARTIFICIAL INTELLIGENCE?

Definitions of artificial intelligence according to eight recent textbooks[2] are shown in four categories(Systems that think like humans, Systems that act like humans, Systems that think rationally and Systems that act rationally) as seen :

1-)"The exciting new effort to make computers think . . . machines with minds, in the full and literal sense" (Haugeland, 1985[3]);

2-)"[The automation of] activities that we associate with human thinking, activities such as decision-making, problem solving, learning..."(Bellman, 1978[4]);

3-)"The art of creating machines that perform functions that require intelligence when performed by people" (Kurzweil, 1990[5]);

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[2] RUSSEL,Stuart J. and NORVING, **Artificial Intelligence A Modern Approach** Peter Prentice Hall, Englewood Cliffs, New Jersey, 1995.

[3] HAUGELAND Haugeland, J., editor **Artificial Intelligence: The Very Idea**. MIT Press, Cambridge, Massachusetts., 1985.

[4] BELLMAN, R. E. **An Introduction to Artificial Intelligence: Can Computers Think?** Boyd & Fraser Publishing Company, San Francisco, 1978.

[5] KURZWEIL, R. **The Age of Intelligent Machines.** MIT Press, Cambridge, Massachusetts 1990.

4-)"The study of how to make computers do things at which, at the moment, people are better" (Rich and Knight, 1991[6]);

5-)"The study of mental faculties through the use of computational models" (Charniak and McDermott, 1985[7]);

6-)"The study of the computations that make it possible to perceive, reason, and act" (Winston, 1992[8]);

7-)"A field of study that seeks to explain and emulate intelligent behavior in terms of computational processes" (Schalkoff, 1990[9]);

8-)"The branch of computer science that is concerned with the automation of intelligent behavior" (Luger and Stubblefield, 1993[10]).

In any case, being subordinated to the idea of making computers "think" exactly like humans, creating analyzes, reasoning, understanding and obtaining answers to different situations, according to definitions previously indicated, artificial intelligence necessarily has its management in Brazil linked to protection legal forms of expression, ways of creating, doing and living, as well as scientific, artistic and mainly technological creations carried out with the help of computers and other electronic components.

Hence the need to observe the application of the provisions of the media rules determined by the Brazilian normative system linked to information management as an environmental asset protected in the form determined by the Federal Constitution of Brazil.

3 ARTIFICIAL INTELLIGENCE LINKED TO THE LEGAL PROTECTION OF FORMS OF EXPRESSION, WAYS OF CREATING, DOING AND LIVING, AS WELL AS SCIENTIFIC, ARTISTIC AND MAINLY TECHNOLOGICAL CREATIONS CARRIED OUT WITH THE HELP OF COMPUTERS AND 4 4

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[6] RICH, E. and KNIGHT, K. **Artificial Intelligence**. McGraw-Hill, New York, second edition, 1991.

[7] CHARNIAK, E. and McDERMOTT, D. **Introduction to Artificial Intelligence**. Addison-Wesley,Reading, Massachusetts,1985.

[8] WINSTON, P. H. **Artificial Intelligence**. Addison-Wesley, Reading, Massachusetts, thirdedition,1992.

[9] SCHALKOFF, R. I. **Artificial Intelligence: An Engineering Approach**. McGraw-Hill, New York,1990.

[10] LUGER, G. F. and STUBBLEFIELD, W. A. (1993). **Artificial Intelligence: Structures and Strategies for Complex Problem Solving**. Benjamin/Cummings,Redwood City, California, second edition,1993.

4OTHER ELECTRONIC COMPONENTS AS ESTABLISHED BY THE FEDERAL CONSTITUTION OF BRAZIL: MANAGEMENT AS AN ENVIRONMENTAL GOOD.

4.1 INTRODUCTION.

The Constitution of the Federative Republic of Brazil guarantees everyone access to information as an individual right as well as a collective right (Article 5, XIV), also establishing for all, the right to receive from the public agencies information of their particular interest, or collective or general interest, which shall be provided within the term of the law, under penalty of responsibility, except for those whose secrecy is indispensable to the security of society and the State (Article 5, XXXIII). In order to ensure the knowledge of information related to the person of the petitioner, contained in records or databases of governmental entities or public entities, he also included the possibility of granting habeas data (Art.5, LXXII).

The Brazilian Greater Law also determines in its art. 220 that information, in any form, process or vehicle, will not suffer any restriction, observing the provisions of the Magna Carta itself being certain that no law will contain a device that may constitute an embarrassment to the full freedom of journalistic information in any vehicle of social communication observed the provisions of art. 5, IV, V, X, XIII and XIV (Article 220, § 1).

Our Federal Constitution also establishes the competence of federal law to regulate public entertainment and shows, and it is incumbent upon the Public Authorities to provide information on their nature, age groups not recommended, places and times when their presentation proves to be inadequate; (Art. 220, § 3, I), also determining that the production and programming of radio and television stations shall comply with the principles of preference for educational, artistic, cultural and informative purposes (Art. 221, I).

Thus no doubt exists in the sense of recognizing information as a fundamental constitutional right assured to Brazilians and foreigners residing in the country (Article 5 of the CF).

It is therefore necessary to analyze the issue in a systematic way, with a view to establishing its legal nature, ie establishing the "affinity that a legal institute has in several points with a large legal category, and may be included in it as a classification"

4.2 WHAT IS INFORMATION: CONCEPT OF INFORMATION IN THE SO-CALLED INFORMATION SOCIETY.

In developing a satisfactory study on the concept of information, Lucilene Messias[11] elaborated research in the area of Information Science, supported mainly by

[11] MESSIAS, Lucilene Cordeiro da Silva. **Informação:** um estudo exploratório do seu conceito em periódicos científicos brasileiros da área de Ciência da Informação**-** Dissertação (Mestrado) – Faculdade de Filosofia e Ciências – Universidade Estadual Paulista, Marília, 2005.

reflections produced by researchers in the area, in an attempt to map the predominant conceptions for information. In order to make the results analysis process feasible, it was restricted to only three basic categories: information as a thing (information materiality), process (interaction between records, environment and man) and as knowledge (cognitive activities of a conscious being) . Clarifies that the author

[...] obviously the reflections emphasized one or another conception, this being the main focus of the research. It is worth emphasizing that the vast majority of speeches evoked one approach depends on another, with few being restricted to only one category. Thus, it was possible to classify the concepts into two simultaneous categories, but few were the articles that pointed to the three categories. In the general analysis only one of the categories received the highest number of indications.

It also concludes that the notion that prevailed over the others,

[...] was that of information as a thing, reinforcing the objectivity of information as opposed to its subjectivity. It seems that the focus of the area tends to associate information still to an object, a text and a document, reflecting its meaning, meaning and context depending on the physical form that allows its perception and assimilation. This conception comes against the idea that the information to be manipulated, would need to be represented in the physical environment, thus assuming a tangible character.

The period selected for the analysis of the aforementioned research "had a direct influence on the results" and it is probable that the researches "reproduce the nuances of information conceptions influenced by the transformations of thought and conduct of the Information Society"

Thus, "influenced by the transformations of thought and conduct of the Information Society" [12] can legally understand the concept of information as a thing, that is, as a "material or immaterial good that has economic value, serving as an object to a legal relationship" teaches Maria Diniz[13].

It is, therefore, necessary to develop the legal concept of information as a material or immaterial asset that has economic value, serving as the object of a juridical relationship housed in the current Information Society, thus guarding, as Fiorillo and Ferreira point out, 9 necessary compatibility "with the duties and collective rights set forth in our Federal Constitution (Article 5 et seq.) and specifically with the so-called

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[12] FIORILLO, Celso Antonio Pacheco; FERREIRA, Renata Marques. **Liberdade de expressão e direito de resposta na Sociedade da Informação**. Rio de Janeiro: Lumen Juris, 2017; FIORILLO, Celso Antonio Pacheco; FERREIRA, Renata Marques. **Tutela Jurídica do Patrimônio Genético em face da Sociedade da Informação**. Rio de Janeiro: Lumen Juris, 2016; FIORILLO, Celso Antonio Pacheco. **O Marco Civil da Internet e o Meio Ambiente Digital na Sociedade da Informação**. São Paulo: Saraiva, 2015; FIORILLO, Celso Antonio Pacheco. ***Princípios constitucionais do direito da sociedade da informação*.** São Paulo: Saraiva, 2014; FIORILLO, Celso Antonio Pacheco. ***Crimes no Meio Ambiente Digital em face da Sociedade da Informação*.** 2. ed. São Paulo: Saraiva, 2016.

[13] DINIZ, Maria Helena. **Dicionário Jurídico**. São Paulo: Editora Saraiva, 1998

diffuse and collective interests (Article 129, III, of the CF) "as well as with the other devices mentioned in the Introduction of this work.

4.3 CULTURAL ASSETS AS ENVIRONMENTAL GOODS: THE CONTRIBUTION OF ITALIAN DOCTRINE AND THE GUIDANCE OF THE BRAZILIAN FEDERAL SUPREME COURT.

In establishing the existence of a good that has two specific characteristics, namely to be essential to the healthy quality of life and common use of the people, the Constitution of 1988 formulated a truly revolutionary innovation, in the sense of creating a third kind of good that, in view of its legal nature, is not confused with public goods, much less with private goods.

The specialized doctrine indicates the contribution given by Italian doctrine to the analysis of metaindividual rights, specifically indicating Celso Fiorillo16 the important lessons of Carlo Malinconico linked to environmental goods and developed in the classic work of said Italian lecturer entitled "I beni ambientali."

Malinconico explains, as Celso Fiorillo recalls in his works mentioned above "is set forth in Italian Law n. 1.497 of June 29, 1939, which delimits its field of application to a certain type of good that is distinguished much more by reason of a technical-discretionary valuation of predominantly aesthetic or cultural character than by virtue of its own physical characteristics.

On the other hand, Malinconico recalls that under the stimulus of cases that deeply affected public opinion in Italy, legal terminology also understood to adopt the notion of "good of the collectivity", having achieved its consecration in legislative texts, such as instituted by the Italian Ministry of the Environment (Law no. 349, 8 July 1986).

Thus, although Italian doctrine, from the classic work of Massimo Severo Giannini, sought to contribute to the definition of the environment under the juridical profile, Malinconico considers in his work that, "in truth, alongside an ever more detailed description comprehensive understanding of the term environment as an ecosystem with all the physical, chemical, biological and territorial characteristics, "there would be a" marked difficulty in giving a correct definition under the legal aspect. " Hence even certain peninsular authors, such as Giannini himself, deny the existence of a notion of unitary and legally effective environment, and others, just as Corasaniti, on the contrary, assume the existence of this notion.

What is important, strictly speaking, would be to verify if the environment effectively has a legal configuration that qualifies it as a good thing in its own sense, and, if there is a positive answer, what is the relation between this new notion and that of traditional environmental good, both more than the environment comprises, in a sense, the goods individually considered. Another idea would be, instead of the fact that the environment can not be configured in the light of Italian legislation at the time, even

if the qualification of environmental good could be recognized exclusively for certain things, to determine in this second hypothesis the legal relevance of the term "environmental ".

Thus, in order to find the legal profile adapted to the definition of the environment, a terminological search is required, as Malinconico teaches, since Italian Law no. 349/86 uses both notions - environment and environmental good - to describe the same object.

Indeed.

Celso Fiorillo[14] still remembers that art. 1 of Italian Law n. 1.497 / 39, which created the traditional notion of environmental good, subjected the prescribed discipline for natural beauty, because of its considerable public interest, to the following:

a) real estate possessing visible characteristics of natural beauty or of some geological peculiarity;

(b) mansions (ville), gardens and parks which, not covered by the laws which protect property of artistic or historical interest, are distinguished by their unusual beauty;

c) the set of real estate that make up a characteristic aspect, which has a traditional aesthetic value;

d) panoramic beauties, considered as natural frames, and also the so-called belvederi, accessible to the public, from which one has the pleasure of taking advantage of the view inherent in them.

It can be seen that Italian Law No 1,497 / 39 pointed to the notion of natural beauty coinciding with the "beautiful by nature", tending to ensure an essentially aesthetic value, noting that said value, even if it were preponderant, would not be the only one to be assured by the norm pointed out. What could be summed up in this same norm, leaving aside the merely aesthetic aspect, would be the following criteria of individuation of the well protected, according to Alibrandi-Ferri's lesson: the scientific criterion, the social-historical criterion and the criterion of public enjoyment . The objects thus specified, unlike cultural objects, are characterized by their diverse nature, and may consist of real property seen singularly or together in a large scale, which may comprise vast territorial portions, a circumstance which is valued by Giampietro aiming precisely at demonstrating the homogeneity of the environment in relation to the environmental goods that are taken care of, such characteristic particularly assuming the properties listed in n. 3 and 4 of the said art. 1 of Italian Law n. 1497/39.

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[14] FIORILLO, Celso Antonio Pacheco. **O Direito de Antena em face do Direito Ambiental no Brasil,** São Paulo: Saraiva, 2000; FIORILLO, Celso Antonio Pacheco. **Curso de Direito Ambiental Brasileiro**. 19. ed. São Paulo: Saraiva, 2019.

Whatever their consistency, it is true that the aforementioned goods would have been defined by Italian doctrine and even by local jurisprudence as legal goods in their proper sense (Article 810 of the Italian Civil Code).

Thus, as well as for cultural goods, protected by Italian Law no. Similarly, Zanobini and Cantucci point out that the limitations of the faculties of private property, as well as the limitations of the private property faculties, have been used initially for the so-called "natural beauties". such goods would qualify as natural beauties.

Subsequently, the regime of cultural goods was explained in more precise terms, abandoning the theory of limitations to the right of property, not appropriate to justify all the effects connected with that qualification and especially the powers attributed to the Public Administration on such goods. It was found that they would have assumed the configuration of goods of public interest over which the Administration intended to have its own powers in rem.

We would be dealing, as part of the Italian doctrine, Celso Fiorillo18 says, of private goods that would assume the purpose of "public interest", being certain that they should be subject to a particular regime with regard to availability (links regarding destination , modification, etc.), because in this case the Administration would have powers over such assets, in the case of what some professors claim to be "private property belonging to the public", a concept that would have been used initially for works of art.

The studies of commissions were echoed in Italian legislation with the advent of Decree-Law no. 657 of 14 December 1974, which established the "Ministry of Cultural Property and the Environment", which was amended at the time of conversion (Italian Law No 5, 29-1-1975) to the Cultural and Environmental Goods ".

The art. 2 of the decree-law indicated entrusted to the Ministry of Cultural Goods the protection and appreciation of the Italian cultural heritage, as well as the promotion of art and culture in Italy and abroad (§ 1), and it was evident that the text was accepted in the legislative text of a more modern concept of culture, in which not only artistic objects but also environmental goods, such as "things and natural pictures", of a strictly aesthetic value, are considered to be of value because the culture of the individual is also given by his intellectual formation, with a view to enriching their sensibility and, consequently, also of the collectivity. "

Subsequently, through the Decree of the President of the Republic n. 805 of 3 December 1975 on the organization of the Ministry for Cultural and Environmental Goods, the extension of the environmental good from a "cultural" perspective was confirmed. This decree, first of all, qualified the cultural assets as national patrimony, whose protection they are called cumulatively State and regions, coordinated among themselves. Secondly, it outlined the aforementioned heritage, and consequently the same category of cultural and environmental goods, as an open and comprehensive

compendium of "any other good of national cultural heritage that does not fall within the competence of other state administrations."

Malinconico affirms that it should be pointed out that, even if the aesthetic-cultural foundation of the landscape (and therefore also the environmental good) and the tutelage guaranteed by the ordinance must be shared, art. 9 of the Italian Constitution privileges cultural value in relation to the aesthetic, as evidenced by the unitary consideration of artistic-historical patrimony with that naturalistic. For the Italian author, therefore, it would be correct to find in the culture and not in the merely naturalistic essence of the material good the foundation of the constitutional tutelage. However, it is equally true that cultural value and its expressions are variable because of their connection with the social order and the values of society. Therefore, it can not be ignored, in this perspective, that the collective, not only national but also international, assumed as cultural value, formative of the individual, not only the "beautiful by nature" but also by a reaction to an environmental degradation always more marked , the natural order of certain areas not yet hopelessly compromised. In this view, the balance of the natural factors between oneself and with the human being is worth to attribute to the areas on which this balance is found a particularly felt cultural value.

In other words, the environmental good exists effectively only through the filter of valuation and sublimation that the human being effects by attributing to the natural good a significance transcendent to that given merely material.

In fact, for Malinconico, human sensitivity has been substantially modified, giving particular relief and meaning to "naturalistic pictures," the connotation of which derives not exclusively from its aesthetic beauty, but also from its correspondence with the marked equilibrium "in conclusion, evolution of the Italian norms emphasize that in the aforementioned legal system the environmental good - while maintaining an essential cultural content and, therefore, a subjective assessment in relation to the analysis of the values that this represents for man - has taken on a broader dimension than the traditional one.

We have seen, through the important contribution of the Italian doctrine cited by Celso Fiorillo and especially in view of the analysis of Carlo Malinconico, the absolute harmony between cultural goods and environmental goods.

In Brazil, however, our 1988 Federal Constitution, in a paradigmatic way, not only defines what is environmentally good, encompassing the definition of cultural goods, as well as their legal nature.

The art. 225 of the Federal Constitution establishes that the ecologically balanced environment is very common use of the people and essential to the healthy quality of life. Thus, by enunciating it as essential to quality of life, the device received the concept of the environment established in the National Environmental Policy (Law 6.938 / 81), that is, "the set of conditions, laws , influences and interactions of a physical, chemical and biological nature, which allows, shelters and governs life in all

its forms "(Article 3, I), within a conception that determines a close and correct connection between the tutelage of the environment environment and the defense of the human person.

The expression "healthy quality of life" means that the interpreter, with certainty, inevitably associates the right to life with the forms of expression, the ways of creating, doing and living the human person in our country within a systematic interpretation of what they establish the Arts. 1º, 215, 216, 225 and 220 et seq. Of the Greater Law.

Thus, within a doctrinal "division" of the environment into genetic, cultural, digital, artificial, labor, environmental and natural health, the vision of the environment has no other function than to delimit its spectrum, which is referring to an apparent dissociation "linked to a merely expletive sense, insofar as the concept of the environment, for all that we have defended, is inseparable from the inexorable lesson adapted to the right to life", explains Celso Fiorillo.

Fiorillo[15] recalls "[...] exactly in this sense, the lesson of Giannini, when he states that the environment can not have a fragmented or isolated treatment in sealed sectors," or even Prieur's ideas, within a conception in which the environment would be "... the expression of changes and relationships between living beings, including man, between them and their environment, without surprising that environmental law is thus a right of interaction which tends to penetrate all sectors of the right to introduce the idea of environment there. "

Based on these preliminary considerations about the environmental legal relationship existing in the Magna Carta, we can then identify the legal nature of the so-called environmental good.

It was mainly from the second half of the twentieth century, as a result of the emergence of mass phenomena, when the formation of the so-called "mass society" was observed, that the diffuse nature of the goods became a matter of greater concern to the applicator of the right and even scientists and legislators as a whole.

Observed by Italian doctrine, especially from the view of Cappelletti, from the abyss created between the "public and the private", filled by metaindividual rights, so-called diffuse nature goods emerged as a fundamental alternative in the face of legal dogmatics established until the century XX and with evident reflexes in the 21st century.

As a result of the traditional contraposition between the State and the citizens, between the public and the private, a new category of goods of common use of the

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[15] FIORILLO, Celso Antonio Pacheco. **O Direito de Antena em face do Direito Ambiental no Brasil,** São Paulo: Saraiva 2000; FIORILLO, Celso Antonio Pacheco. **Curso de Direito Ambiental Brasileiro.** 17. ed. São Paulo: Saraiva, 2017.

people and essential to the healthy quality began in Brazil, from the advent of the Magna Carta of 1988 of life.

Such goods, as we can see, are not confused with the so-called private (or private) goods nor with the so-called public goods. If not, let's see.

Federal Law n. Was created under the aegis of the Republican Constitution of 1891 (this was the text of the American Charter supplemented by certain provisions of the Swiss and Argentine Constitutions, as José Afonso da Silva recalls), established in his art. 65 interesting dichotomy about private and public goods, namely:

Art. 65. Goods owned by the national domain belonging to the Union, the States or the Municipalities are public. All others are private, whatever the person they belong to.

As a matter of fact, Diniz warned in her own case that "it is the property of a natural person or a legal person governed by private law", as a public good "that is owned by its domain, a legal person governed by public law. be federal if it belongs to the Union, state, if of the State, or municipal, if of the Municipality. " The current Civil Code did not change the vision mentioned above.

It is clear that the dichotomy previously established by virtue of an infraconstitutional norm, that is, the Civil Code, is justified today in the constitutional context in force only and only in face of what the Magna Carta has actually received.

However, with the advent of the Federal Constitution of 1988, our system of positive law translated the need to guide a new legal subsystem oriented to the reality of the XXI century, taking as presupposed the modern society of the masses within a context of protection of rights and interests that are adapted to the needs that are mainly metaindividual. It was precisely through the aforementioned approach that in 1990 came the Federal Law n. 8,078, which, in addition to establishing a new concept linked to the rights of consumer relations, created the structure that underlies the legal nature of a new good, which is neither public nor private: the diffuse good.

Defined as transindividuals and having as indeterminate persons and bound by actual circumstances, the so-called diffuse interests or rights (article 81, sole paragraph, I, of Law No. 8.078 / 90) presuppose, from the normative point of view, the existence of a good "of an indivisible nature". Created by the Federal Constitution of 1988, as established in art. 129, III, the diffuse law passed, from 1990, to have legal definition, with evident reflection in the Magna Carta itself, configuring a new reality for the interpreter of positive law.

In fact, as we have already stated several times, the present Magna Carta points to modern devices dealing with diffuse interests in the face of a conception developed by Brazilian doctrine and particularly by the contribution of important jurists who, with the publication of Law no. 8,078 / 90, began to assume clearer contours in positive law.

Thus, as in his works Celso Fiorillo, we could indicate in the present Federal Constitution of Brazil, unlike the Italian, in which the doctrine has to work hard to "interpret" constitutional norms in the sense of assigning them the value of " diffuse law, "as we have seen previously, a series of norms that clearly assume the characteristic of indivisible transindividual right, which are indeterminate persons bound by de facto circumstances.

Thus, the right to culture as and to the legal protection of the cultural environment as well as in principle the various constitutional rules linked to social communication presuppose, necessarily, the existence of the environmental good, observing its legal nature, as a rule, very diffuse.

Hence, in agreement with Celso Fiorillo's interpretation, we can establish an objective view in the sense that art. 225 of the Constitution, in establishing the legal existence of a good that is structured as being of common use of the people and essential to the healthy quality of life, configures a new legal reality, disciplining well that it is not public nor, much less, particular.

The art. 225 lays down, as a consequence, the existence of a constitutional rule relating to the ecologically balanced environment, and reaffirms that all, not only natural persons, legal persons governed by private law or even legal persons governed by public law , are holders of this right and do not refer to a person individually conceived, but to a collective of undefined people, in order to emphasize a position beyond the individual view, demarcating criterion clearly transindividual, in which it is not intended determine their holders.

The people, therefore, are those who exercise the ownership of the environmental good within a criterion, adapted to the view of the existence of a "good that is not in the private availability of anyone, neither private person nor public person."

The environmental good created by the Federal Constitution of 1988 is therefore, as Celso Fiorillo[16] explains [...] "a good of common use, that is, a good that can be enjoyed by every person within the constitutional limits" not being confused with private property and much less with public goods doctrinal interpretation that ended up being welcomed in 2010 and 2012 by the Federal Supreme Court in explaining the existence of DIFFERENT legal assets in our regulatory system (public goods and environmental goods), namely:

"EMENTA: HABEAS CORPUS. PENAL AND CRIMINAL PROCEDURE. ARTS. 2 OF LAW N. 8.176 / 91 AND 55 OF LAW N. 9.605 / 98. GUARANTEE OF DIFFERENT LEGAL ASSETS. REVOCATION. NO OCCURRENCE.

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[16] FIORILLO, Celso Antonio Pacheco. **O Direito de Antena em face do Direito Ambiental no Brasil,** São Paulo: Saraiva 2000; FIORILLO, Celso Antonio Pacheco. **Curso de Direito Ambiental Brasileiro.** 17. ed. São Paulo: Saraiva, 2017.

1. Articles 2 of Law no. 8.176 / 91 and 55 of Law no. 9.605 / 98 protect distinct legal assets: the former aims to safeguard the Union's assets; the second protects the environment. 2. Hence the rejection of the allegation that Article 55 of Law no. 9605/98 revoked Article 2 of Law no. 8,166 / 91. Order rejected.

C 89878 / SP - SÃO PAULO - HABEAS CORPUS - Rapporteur: Min. EROS GRAU - Judgment: 20/04/2010 - Judging Body: Second Panel "Publication DJe-086 DIVULG 13-05-2010 PUBLIC 14-05- 2010 "

"EMENTA: HABEAS CORPUS. PENAL. PROCESSUAL CRIMINAL. GOLD EXTRACTION. UNION PROPERTY INTEREST. ART. 2º OF LAW N. 8.176 / 1991. CRIME AGAINST THE ENVIRONMENT. ART. 55 OF LAW N. 9.605 / 1998. DIFFERENT LEGAL LEGISLATION. FORMAL COMPETITION. INEXISTANCE OF CONFLICT APPARENT OF STANDARDS. REMOVAL OF THE PRINCIPLE OF SPECIALTY. INCOMPETENCE OF THE FEDERAL SPECIAL JUSTICE.

1. How, in the present case, it is a formal contest between the crimes of art. 2 of Law no. 8,166 / 1991 and art. 55 of Law no. 9.605 / 1998, which dispose of distinct legal assets (Union assets and environment, respectively), there is no mention in applying the principle of specialty to establish the jurisdiction of the Federal Special Court. 2. Order denied.

HC 111762 / RO - RONDÔNIA - HABEAS CORPUS - Rapporteur: Min. CÁRMEN LÚCIA - Trial: 13/11/2012 Judging Body: Second Class - DJe-237 DIVULG 03-12-2012 PUBLIC 04-12-2012 "

Hence, not only the legal nature of cultural goods and environmental goods remain well characterized in the Brazilian legal framework within a new constitutional legal structure that clearly distinguishes these environmental goods from private goods and public goods.

5 CONCLUSION

Given the arguments developed previously, we can conclude that the MANAGEMENT OF ARTIFICIAL INTELLIGENCE IN BRAZIL must be understood in the face of constitutional treatment linked to information management, as individual rights as well as collective rights (Art.5, XIV), observing their nature environmental law, and being subject not only to what establishes the content of art. 220 et seq. Of the Constitution, as well as to the constitutional discipline that establishes the legal juridical relations indicated in articles 225 of the Magna Carta, interpreted systematically and evidently observed in view of the inherent specificities of its constitutional condition.

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