03 - LEGAL CONCEPTIONS ON THE PROFESSIONAL IDENTITY CODE (CIP), GRANTED BY THE STATUS OF MATERIALIZATION OF THE SOCIAL CONTRACT BETWEEN THE CONFEF / CREF SYSTEM AND THE SOCIETY

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INTRODUCTION

The purpose of this article is to demonstrate the importance of the Professional Identity Card (CIP), conferred by the CONFEF / CREFs System to its recipients[1], when they fulfill all the requisites related to the skill[2], acquired in the Institutions of Higher Education existing in our country Or outside (Sections I and II, of article 2, of Law 9.696 / 98), provided that they validated, or even, precariously, the one in which it was approved by Law, which exercised their interventions and that activity, took the (Subsection III, of article 2, of Law 9.696 / 98) (PLANALTO, 2016).

It should be noted that Law 9.696 / 98, which sets forth the regulation of the Physical Education Profession and creates the respective Federal Council and Regional Councils of Physical Education, is the logical framework of this profession, since there is a restrictive view (MORAES , 2011, p.12), satisfies the force of the statement provided for in item XIII of art. 5º of CF / 88[1], enabling the company to:

a) Quality of services rendered by a qualified Professional the interventions inherent to that professional exercise; and

b) Come to the rescue in the newly created CONFEF / CREFs System.

It is opportune to register that in spite of creating the CONFEF / CREFs System and regulating the profession, the Law requests that, in satisfying the conditions related to the ability, they should be registered in the said Council, but it does not indicate how society will To know that that person is qualified for professional practice.

This absence is supplied in the institute of creation of the system, that is, in the Statutes of the Federal Council of Physical Education, precisely in its article 11, thus offering to the Physical Education Professional (recipient) and the Company (beneficiary), identify who satisfies the Professional practice.

Although the statement is expressed, we find here and there, one or another Physical Education Professional who still refuses to carry, when in the exercise of his work, the CIP, thus contradicting what is provided in Article XXII. Of CONFEF Resolution No. 307/2015, which declares as its duties and responsibilities, to carry and use the Professional Identity Card (CIP) as a document identifying the full right to the professional exercise, observing, imperiously, the period of validity of said document. (CONFEF / 2016)

[1] Physical Education Professionals;

[2] A condition that is acquired in Higher Education Institutions, or through the practice of a singular, precarious intervention, Law 9.696 / 98 has received that the CONFEF / CREFs System, by virtue of the authorization of the company, exercise professional.

[3] XIII - and free the exercise of any work, office or profession, provided the professional qualifications established by law.

Therefore, the purpose of this article is to systematically disclose in the legal order of the country, seeking, in the legal field, to prove that the CIP is the instrument that materializes the social contract between the CONFEF X SOCIEDADE system.

We see, therefore, that this is a qualitative-dissertative article, in which we use the methodology of bibliographic research, motivated by the authors' experience in dealing with daily life with infractions to item XXII of art. 6 of the Code of Ethics of Physical Education registered in the CONFEF / CREFs System, demonstrating that the CIP is the Materialization of the Social Contract with society, praising also, values that we are forced to observe.

AUTHORIZING CONSTITUTIONAL SYSTEM CONSIDERATIONS OF CREATION OF THE CONFEF / CREF SYSTEM.

With the exception of the Brazilian Bar Association, we can say that the other regulated professions in our country know the permissive origin of the laws that create their councils and regulate the professional practice; This statement, despite being of the authors, is based on daily experience, experienced in the multidisciplinary and / or interdisciplinary interventions that participate.

The reality is that, starting only from the Law, or from a resolution published by its Class Council, those registered sometimes do not understand the "axis" and "teles", value and purpose, respectively, issued by their Autarchies.

Because it was not a law in kind, the addressees sometimes do not want to comply with this recommendation, however, do not understand that they constitute their obligation, given the offer that the Constitution gave the Councils of class, to issue such premises.

The discipline provided for in item XXII of CONFEF Resolution No. 307/2015 combined with article art. 11 of the Statute of the Federal Council of Federal Education is a great example of this requisition for professional practice, since it consists of the material instrument that a priori, is only read as:

a) By the Physical Education Professional - I am registered, I can act;

b) By Society - He is a Professor of Physical Education, rather than a Professional of Physical Education, even though we have practiced almost twenty (20) years of regulation.

On the last reading, it is necessary to remember that we have today the intervention of the Bachelor and Licenciado. (See CONFEF Resolution No. 046/2002)

Although the above guidance is crystal clear, it is convenient to discuss premises that authorize, instruct our professionals to carry out the CIP, when they are carrying out their professional interventions, as it materializes the social contract of CONFEF / CREFs with society.

The obligation of the CIP Porte, as it is the document that enables the professional exercise, may seem a simple gesture, but it is not, since a series of pre-established requirements have to be satisfied.

It originates in the will of our people, which offers our elected representatives the exercise of power in their name, for "All power emanates from the people, who exercise it through elected representatives or directly, under the terms of this Constitution" (MORAES, 2011, 25), this being the orientation of our Magna Carta.

Therefore, having received this constitutional authorization, the National Legislator, knowing the importance of the Physical Education Profession to Brazilian society, knowing that law is fact, value and norm, understood the need to regulate the profession, satisfying the provisions of item XIII Of art. 5 of the Federal Constitution of 1988.

Once Law 9.696 / 98 has been enacted, the system is created and the Profession is regulated, which is peculiar to it, with a view to the proper administration of the system, since the Statute of CONFEF, at the time of its registry, To attend to the constitutional provisions to which he was delegated to exercise, and he did so, just having to look at Article 1 of the Statute, which among other obligations, boils down to serving the public interest.

Due to a duty of justice, we must acknowledge that before even standardizing its Code of Ethics, in the light of this public interest, exhaustively stated in Articles 2 and 3 of the CONFEF Statute, which Enunciated in Law 9.696 / 98, but the innovation of the Professional Identity Card, let us see the enunciation of art. 11 of the said statute:

Art. 11 - The exercise of the profession of Physical Education throughout the National Territory, both in the private and public areas, and the name of Physical Education Professional are exclusive to those enrolled in CONFEF and registered in CREF, holders of Professional Identity issued by the competent CREF, which will enable them to practice. (CONFEF, 2016) (Our griffins)

Sole Paragraph - The provisions of the caput of this article also apply to the voluntary exercise of activities typical of the profession.

This is the first moment in which the society and the beneficiaries know that Physical Education Professionals will have a Professional Identity Card issued by the system, in this case, by the Regional where they will carry out their interventions, regardless of whether they are paid or not.

But it is not just a document issue; It is a fact that satisfies certain obligations, since it will have the one that meets the requirements of art. That is, to have acquired the skills necessary to this new moment in which the country was obliged to watch over, restricting in a qualitative way who presumably predisposed to carry out the interventions as a Physical Education Professional.

Note that before the advent of Law 9.696 / 98, anyone could exercise such a Profession, Office, or activity; However, after this logical framework, only who the law attributed the generic requirements.

In the Statute itself, it brings the quality of the intervention of this Physical Education professional in his interventions, let us see the intelligence of his article 10:

Art. 10 - The Physical Education Professional intervenes for purposes of prevention, promotion, protection, maintenance and rehabilitation of health, cultural training and motor reeducation, physical-sports performance, leisure and management of undertakings related to physical activities , Recreational and sports.

It should be noted that qualitative intervention has already been a reality pursued since the beginning of the system, since the commitment on the part of the Recipient qualifies the profession as legitimate within the Beneficiaries.

In order to understand the next step, regarding the mandatory use of IPC, at the time of their professional interventions, it is necessary to make a parallel, so that there is no doubt about the habilitation and this externalization.

When a natural person complies with the curriculum in the Physical Education course, be it Bachelor or Licenciatura, it receives after paste degree, the academic history and the diploma; In today's time, it is unlikely that an Institution of Higher Education will immediately give the Diploma, but a declaration of completion of course, which will contain the day in which it has the degree, legal basis and qualification of the student.

This Declaration of Completion of Course or Diploma replaces the payment tickets, the course curriculum of the course, an infinity of documents that in the course of the graduation was necessary to exist for the end, the egress came to acquire the ability.

In order to have the qualification, which is the authorization offered by the society, through the CONFEF / CREFs System, so that the natural person will be able to exercise the interventions related to his / her abilities as Physical Education Professional, in terms of legal systematization in our country, Requires the fulfillment of requirements, which have been enumerated in the Law and in the devices below, treated in kind by the Autarchy, which, in compliance, in the public interest, undertakes to comply.

The Professional Identity Card (CIP) presents the draft of this adhesion, of this contract signed with the society and externalizes to all, who was authorized to the professional exercise, its registration number, and its performance.

In the act of the Register, among other requirements, the ability is conferred, since the authorization will be linked to it.



Photo 01 - Model of the current CIP issued by CONFEF.

As the externalization of this contract of the CONFEF / CREFs system with the society, there is no way for inspection, other recipients and society to know, if the natural person is not carrying his CIP:

a) If she is a Physical Education Professional;

b) In being a Physical Education Professional, he / she has the qualification to act in that intervention which he / she has predisposed, even voluntarily;

C) To verify if it is qualified in that period, since it may be suspended from the professional exercise, in the form of article 81 and following of Resolution 264/2013.

In view of these considerations, it was disciplined in Resolution 307/2015, in force, precisely in item XXII of article 6:

Article 6 The responsibilities and duties of the Physical Education Professional are:

XXII - To carry and use the Professional Identification Card (CIP) as a document identifying the full right to the professional exercise, observing, imperiously, the period of validity of said document. (CONFEF / 2016)

This device of the Code of Ethics of Physical Education Professionals, contrary to the fact that many think and put an end to the need to carry the IPC at the time of its interventions, is not found in the legal world, much less in the purpose of its existence Value and purpose.

Unlike the punitive view, the Code of Ethics of Physical Education Professionals, through its devices, complies with the constitutional provisions of subsection XIII and Sole paragraph of art. 1 of the Federal Constitution, when in this way, authorized the

regulation of the profession, embodied in Law 9.696 / 98 and establishing the CONFEF / CREFs System, this Authority in the use of its regulatory power, grants the Recipient the guarantee of the exercise of the regulated profession and through Of the size of the CIP, which may be consulted by the supervisory bodies, in their police power, or by the Beneficiaries, to exercise control that they are receiving a qualified intervention, in view of the beneficiary's authorization, thus avoiding being injured and consequently , The concept of the profession will have negative repercussions, contrary to what we seek, the quality of care.

CONCLUSION

With a focus on what was discussed by the Authors, it is concluded that the Professional Identity Card (CIP), taking into account the values pursued by the CONFEF / CREFs System, which are convergent with that of society, which is a qualified intervention , Optimized by knowledge and respect for people, must comply with the recommendation of the Code of Ethics of Physical Education Professionals, CONFEF Resolution No. 307/2015, since it contains all the information necessary for professional practice, being more than an obligation, but an ethical commitment , Moral and legal, given that in that document, contains all the information necessary to control the oversight agencies, as well as a guarantee to society to know who is qualified to meet their needs.

In these terms, as Authors, we prove, from the point of view of legal conceptions, taking into account also the values and the purpose to which it is pre-disposed, it is rather the materialization of the social contract between the CONFEF.CREFs system And society.

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SUMMARY

The purpose of this article is to offer Recipients and Beneficiaries the importance of CIP when in the exercise of the regulated profession, in kind, since it contains in its various fields the necessary information that externalize the social contract that the CONFEF / CREFs System Obliged to fulfill, guaranteeing the quality of the services offered by its registered, corroborated by the legal order of the country, which goes from the Federal Constitution of 1988 until the Technical Notes of the system.

Keywords: Social Contract, Responsibility, Intervention

CONCEPTIONS JURIDIQUES SUR L'IDENTITÉ CODE DES PROFESSIONS (CIP), ACCORDE PAR LE STATUT DU CONTRAT SOCIAL DE matérialisation ENTRE LE / SYSTÈME DE CREF CONFEF ET LA SOCIÉTÉ

RÉSUMÉ

Le but de cet article est d'offrir des destinataires et des bénéficiaires de l'importance du CIP lorsque dans l'exercice de la profession réglementée, en nature, car il contient dans ses différents domaines les informations nécessaires Que externaliser les Que du contrat social / System CREF CONFEF Obligatoire à Accomplir, Garantir la qualité des services offerts par son siège, par corroborées l'ordre légal du pays, qui va de la Constitution fédérale de 1988 jusqu'à ce que les notes techniques du système.

Mots-clés: Contrat social, Responsabilité, Intervention

CONCEPTOS LEGALES A LA IDENTIDAD PROFESIONAL CÓDIGO (CIP), otorgado por el Estado del contrato social materialización DE ENTRE EL SISTEMA CONFEF / CREF Y LA SOCIEDAD

RESUMEN

El propósito de este artículo es ofrecer a los destinatarios y beneficiarios de la importancia de la CIP, cuando en el ejercicio de la profesión regulada, en especie, ya que contiene en sus diferentes campos de la necesaria Que la información externalizar la cola contrato social del / Sistema CREF CONFEF obligado a cumplir, lo que garantiza la calidad de los servicios ofrecidos por su domicilio, por corroborado la orden legal del país, que va de la Constitución Federal de 1988, hasta las notas técnicas del sistema.

Palabras clave: Contrato Social, Responsabilidad, Intervención

RESUMO

O presente artigo tem por objetivo ofertar aos Destinatários e aos Beneficiários a importância da CIP quando no exercício da Profissão regulamentada, em espécie, haja vista ela conter em seus diversos campos, as informações necessárias que exteriorizam o contrato social que o Sistema CONFEF/CREFs se obrigou a cumprir, garantindo a qualidade dos serviços ofertadas pelos seus registrados, corroborado pelo ordenamento jurídico pátrio, que vai da Constituição Federal de 1988 até as Notas Técnicas do sistema.

Palavras-chave: Contrato Social, Responsabilidade, Intervenção.