

Brazilian Public Security: Governability and Constitutional Change

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Abstract : Public security is a common subject on the Brazilian political agenda. The seventh largest economy in the world has high crime and insecurity rates. Specialists try to explain this social picture based on poverty, inequality or public policies addressed to drug trafficking. This excerpt approaches State measures to handle that picture. Therefore, the public security - law enforcement institutions - is at the core of this paper, particularly the relationship among federal and state law enforcement agencies, mainly ruled by a system of urgency. The problems are informal changes on law enforcement management and public opinion collaboration to these changes. Whenever there were huge international events, Brazilian armed forces occupied streets to assure law enforcement - ensuring the order. This logic, considered in the long time, could impact the federal structure of the country. The post-madisonian theorists verify that urgency is often associated to delegation of powers, which is true for Brazilian law enforcement, but here there is a different delegation: States continuously delegate law enforcement powers to the federal government throughout the use of Armed Forces. Therefore, the hypothesis is: Brazil is under a political process of federalization of public security. The political framework addressed here can be explained by the disrespect of legal constraints and the failure of rule of law theoretical models. The methodology of analysis is based on general criteria. Temporally, this study investigates events from 2003, when discussions about the disarmament statute begun. Geographically, this study is limited to Brazilian borders. Materially, the analysis result from the observation of legal resources and political resources (pronouncements of government officials). The main parameters are based on post-madisonianism and federalization of public security can be assessed through credibility and popularity that allow evaluation of this political process of constitutional change. The objective is to demonstrate how the Military Forces are used in public security, not as a random fact or an isolated political event, in order to understand the political motivations and effects that stem from that use from an institutional perspective.

Keywords : public security, governability, rule of law, federalism

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