CONTEMPORARY DEVELOPMENT OF ADMINISTRATIVE LAW AND CITY MANAGEMENT IN BRAZIL: POTENTIALS AND CRITIQUE OF NEW LEGISLATION

DESARROLLO CONTEMPORÁNEO DEL DERECHO ADMINISTRATIVO Y LA ADMINISTRACIÓN MUNICIPAL EN BRASIL: POTENCIALES Y CRÍTICA DE LA NUEVA LEGISLACIÓN

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ABSTRACT

The article addresses recent developments in the field of Administrative Law and City Management in Brazil, with an emphasis on the transformations that have taken place in the last two decades, both in terms of legislation and administrative culture. The main purpose of this article is to answer the following question: "What are the recent and notable developments in Administrative Law in Brazil?" The authors' hypothesis is that these innovations follow various directions, some influenced by international trends, others arising from practical needs that are virtually inevitable, and others embedded in a neoliberal context that seeks to transform public administration from a centralized approach to a more organizational and governance perspective.

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As a research hypothesis, it is argued that the changes are quite significant and open up various governance possibilities, but on the other hand, they do not alter the essence of Administrative Law in Brazil. The social justification for this article is to provide a compilation and understanding of legislative trends in the field of Administrative Law, as well as to present what is happening in terms of Administrative Law in South America, aimed at the community of scientists interested in comparative studies of Administrative Law. Regarding methodology, the authors adopt a hermeneutical approach, connecting legal texts with the social context and evaluating their usefulness in terms of public administration techniques. The procedural methodology is essentially bibliographic.

KEYWORDS: Administrative Law, recent developments, public administration, city management, participation.

RESUMEN

El artículo aborda desarrollos recientes en el campo del Derecho Administrativo y Administración Municipal en Brasil, con un énfasis en las transformaciones que han tenido lugar en las últimas dos décadas, ambos en términos de la legislación y la cultura administrativa. El objetivo principal de este artículo es responder la siguiente pregunta: ¿Cuáles son los desarrollos más recientes y notables en el Derecho Administrativo en Brasil? La hipótesis de los autores es que estas innovaciones siguen varias direcciones, algunas influenciadas por las tendencias internacionales, otras emergentes de necesidades prácticas que son virtualmente inevitables, y otras arraigadas al contexto neoliberal que busca la transformar de la administración pública desde un enfoque centralizado hacia una perspectiva más organizacional y de gobernanza. Como una hipótesis de investigación, se argumenta que los cambios son bastante significativos y abre varias

posibilidades de gobernanza, pero, por otra parte, no alteran la esencia del Derecho Administrativo en Brasil. La justificación social para este artículo es proveer una compilación y entendimiento de las tendencias legislativas en el campo del Derecho Administrativo, así como presentar lo que está sucediendo en términos del Derecho Administrativo in Sudamérica, dirigido a la comunidad de científicos interesados en los estudios comparativos de Derecho Administrativo. Respecto de la metodología, los autores adoptan una aproximación hermenéutica, enlazando los textos jurídicos con el contexto social y evaluando su utilidad en términos de técnicas de administración pública. La metodología procedimental es esencialmente bibliográfica.

PALABRAS CLAVE: Derecho Administrativo, desarrollos recientes, administración pública, administración municipal, participación.

INTRODUCTION

This article discusses the recent developments in Administrative Law in Brazil, as well as its potentials and criticisms. To do so, the chosen timeframe covers the last two decades of legislative evolution and administrative culture in Brazil. It is worth noting that the most significant developments in Administrative Law, as substantiated below, occurred with the Federal Constitution of 1988, created over 30 years ago. Recent developments, on the other hand, are related to government initiatives of various ideological trends.

The purpose of this article is to answer the question: What are the recent and notable developments in Administrative Law in Brazil? The hypothesis is that there are different directions of innovations, some connected to international standards, others of a practical nature (virtually inevitable), and finally, within a neoliberal framework, transforming the Administration from centralized to an organizational or governance type.

This article is socially justified as a way of compiling and understanding the legislative trends in Administrative Law in

Brazil and presenting what is happening in terms of South American Law to the community of scientists interested in comparative Administrative Law.

The article is divided into several subsections since the new trends have different directions. Initially, the article will provide a context for Administrative Law in Brazil, and then make general considerations. Subsequently, it will address point by point some of the notable recent convergences, such as the emergence of transparency, digital government, partnerships with civil society organizations, secondary uses of public bidding, anti-corruption efforts, and other developments. In terms of methodology, a hermeneutic approach will be used, connecting legal texts with the social context and their utility in terms of Public Administration technique. The procedural methodology will be purely bibliographical.

This article is related to the research conducted by the authors within the University of Santa Cruz do Sul, connected to the research project "Digital public administration in Brazil in the 21st century: innovative possibilities, challenges of an adequate legal regime and contributions to public policies" funded by that institution.

1. CONTEXTUALIZATION OF BRAZILIAN ADMINISTRATIVE LAW

To understand the recent innovations in Brazilian Administrative Law, it is necessary to comprehend the foundations of Brazilian Administrative Law. Administrative Law, as commonly known, is closely tied to certain conceptions of State and Public Administration.[1] In this sense, Brazil's history is marked by the colonial process. Portuguese institutions were established in Brazil, and since the Emperor of Brazil, shortly after its independence, was the son of the King of Portugal, it can be said that

[1] Miglievich-Ribeiro, Adélia. "Por uma razão decolonial: desafios ético-político-epistemológico à cosmovisão moderna." *Civitas* 14, no. 1 (enero/abril 2014): 66-80.

there was a continuity of institutions in the transition from colonial government to sovereign imperial rule. In this regard, Brazil adopts the Civil Law system, where the primary source of law is legislation. This profoundly influences the form of Administrative Law in Brazil.[2]

During the 18th and 19th centuries, France had a significant cultural influence worldwide, and the French model of Administrative Law was introduced in Brazil and intermingled with local institutions. Furthermore, the European-style Public Administration structure was also incorporated into Brazil. Thus, a difference between Public Law and Private Law was established, with public bodies following a legal structure significantly different from private enterprises.

Public Administration is characterized by a legal framework that grants it extensive powers, such as the power to regulate conduct, seize property, expropriate, impose sanctions, and so forth. However, it also comes with constraints, such as various controls, the obligation to conduct public bidding, and the requirement for civil service examinations. Public administration officials follow career paths and are recruited through competitive examinations to prevent the overlap of political parties in power and to sustain the bureaucratic structure.[3]

One characteristic of the French model is the administrative jurisdiction, where administrative disputes are resolved within the Public Administration. This was a choice made during the French revolutionary period to avoid the influence of the nobility in judicial positions. Brazil did not adopt this solution, partly due to the influence of the American model since it is located in the Americas.[4] Brazil follows the model of single jurisdiction, so any disputes regarding administrative acts can be decided by a

[2] Nohara, Irene Patrícia. Gestão Pública: abordagem integrada da Administração e do Direito Administrativo. São Paulo: Atlas, 2021.
[3] Nohara, Irene Patrícia. *Direito Administrativo*. 12.ª ed. São Paulo: Atlas, 2023.
[4] García de Enterría, Eduardo, *Revolución francesa y administración contemporânea*. 5.ª ed. Madrid: Civitas, 1998.

judge. However, there are also administrative tribunals, with the most notable being the Court of Auditors, responsible for overseeing Public Administration. There is one Court of Auditors for each state and one for the federal government.[5]

Brazil has been a federal republic since 1891, with specific characteristics. It is composed of four entities: the Union, the States, the Municipalities, and the Federal District. The Federal District is a special entity because it houses the federal capital, Brasília. These entities have established competencies in the Brazilian Federal Constitution. Generally, the Union is responsible for matters of national interest, the States for regional interest, and the Municipalities for local matters. These federal entities have very similar forms of government due to the detailed constitution, which will be described later. They are equally autonomous, meaning there is no supremacy of the Union over the States, for example. The autonomy of Municipalities *vis-à-vis* the States is a unique feature of the Brazilian Federation.[6]

Since federal entities are autonomous, each will have its administrative laws, making Brazilian administrative legislation vast and complex. However, certain laws are exclusively attributed to the Union due to a specific provision in the Federal Constitution, such as legislation on public bidding and expropriations (Article 21 of the Federal Constitution). Additionally, the Union legislates on certain matters in a general manner, while the States legislate specifically, such as environmental protection, the right to access healthcare, security, and education. The Constitution specifies tasks common to all federal entities and tasks specific to each entity - known as competencies.

Each federal entity has its own administration and governing laws. However, Administrative Law in Brazil is highly constitutionalized, as a large number of regulations for

[5] Mello, Celso Antônio Bandeira de. *Curso de Direito Administrativo*. São Paulo: Forum, 2023.
[6] Bonavides, Paulo. *Curso de direito constitucional*. São Paulo: Malheiros, 2019.

Public Administration are present in the Constitution.[7] It is essential to note that the Brazilian Constitution is considered extensive, covering almost all subjects, but it is particularly detailed in terms of the functioning of Public Administration. In addition to fundamental rights, both individual and social (such as health, education, and housing), which are duties of the government, the Constitution also contains provisions related to the distribution of competencies among federal entities, public servants, forms of organization of public entities, and general administrative activity.[8] It establishes principles such as public morality, transparency, impartiality, and strict legality. [9]

Public Administration in Brazil continues to maintain a European profile. With the rising of the social state, the number of tasks and, consequently, the number of public agencies increased. The values of the French Revolution, freedom through legality, equality, and fraternity, are reflected in Brazilian Administrative Law. Administrative tasks are governed by formal acts, based on procedures described in regulations, and carried out by professionals and assets financed by taxes paid by all. Administration operates in a uniform, impersonal, and equal manner for all. Tasks are carried out by units called "organs." These organs or agencies have varying degrees of autonomy and are organized hierarchically in each federal entity. On the other hand, the federal entities also create entities with their legal personality and greater autonomy, such as autonomous bodies, public enterprises and public foundations.

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[7] Binenbojm, Gustavo. *Poder de polícia, ordenação e regulação*. Belo Horizonte: Fórum, 2016.

[8] Barroso, Luís Roberto. "A constitucionalização do direito e suas repercussões no âmbito administrativo." En *Direito administrativo e seus novos paradigmas,* coord. Alexandre Santos de Aragão y Floriano de Azevedo Marques Neto, 31-63. Belo Horizonte: Fórum, 2012.

[9] Medauar, Odete. O *Direito Administrativo em evolução*. 2.ª ed. São Paulo: RT, 2003.

2. GENERAL TRENDS IN BRAZILIAN ADMINISTRATIVE LAW IN CONTEMPORARY TIMES

It can be said that Administrative Law in Brazil has been characterized by contradictory movements, particularly when we consider the enactment of the 1988 Constitution as a reference point or, as in the context of this work, the last two decades. These contradictions manifest themselves in trends that sometimes expand the powers of Public Administration and at other times reduce them, leading to changes in administrative structures. Similarly, Administrative Law experiences periods of valorization and, at other times, a loss of prestige.

The first notable observation in terms of Administrative Law is its constitutionalization. Not only did the Constitution introduce specific provisions for Public Administration, but it also constitutionalized the entire interpretation of this branch of law. Administrative Law has always been governed by the logic of the supremacy of the public interest over the individual, but there have always been doubts about the meaning of the public interest.[10] Positions suggesting an exact correspondence between the public interest and the actions of the Administration were abandoned, as they were considered authoritarian and contrary to the Constitution. The public interest came to be understood as the full enforcement of fundamental rights. It is important to understand that Brazil uses the term "fundamental rights" to refer to human rights especially valued in the Constitution, unlike the French term "fundamental freedoms" or the American "civil rights." The Brazilian Constitution enumerates about eighty individual rights and approximately fifty social and political rights. Thus, it directed the activity of the Administration towards the realization of fundamental rights while respecting

[10] Hachem, Daniel Wunder. "A dupla noção jurídica de interesse público em direito administrativo." *A&C–Revista de Direito Administrativo & Constitucional,* año 11, n.º 44 (abril/junio 2011): 59-110.

and proportionally balancing other fundamental rights.[11] The Administration is not constitutionally permitted to implement rights by violating other rights.

Part of this constitutionalization of Administrative Law led to a shift in focus towards the effectiveness of Administrative Law. Administrative Law should allow for the rational planning of Public Administration, as well as metrics for its measurement. Consequently, Administrative Law began to concern itself with the transformation of public policies into a legal category.[12] Alongside administrative acts, public policies and their results, through administrative action, became the subject of concerns, with even the policy cycle and its evaluation being addressed through constitutional amendments (Article 37, § 16 of the Federal Constitution).

The field of public policies intersects with the Constitution and a third element, known as judicial activism. As mentioned earlier, all administrative acts are subject of judicial review, partly because access to the Judiciary branch is also a fundamental right guaranteed by the Constitution (Article 5, XXXV of the Constitution). The judiciary increasingly exerts control over various aspects of administrative activity, primarily based on the full realization of fundamental rights and human dignity.[13] Additionally, aspects like the control of administrative morality also came under significant judicial influence. One of the main actors in this trend has been the country's highest court, the Supreme Federal Court. The intensification of public administration control was combined with a change in the way law is understood in the country. Despite Brazil being among the cou-

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[11] Sarlet, Ingo Wolfgang. "Proteção de dados pessoais como direito fundamental na constituição federal brasileira de 1988." *Direitos Fundamentais & Justiça,* 2020.

[12] Bucci, Maria Paula Dallari. *Direito administrativo e políticas públicas*. São Paulo: Saraiva, 2002.

[13] Bitencourt, Caroline Müller, y Janriê Reck. *O Brasil em crise e a resposta das políticas públicas: diagnósticos, diretrizes e propostas.* Curitiba: Ithala, 2021.

ntries that adopted the Civil Law system, several factors led to an approach to the precedent-based system of Common Law. Factors included the vagueness of legislation and interpretation through constitutional principles. The jurisprudence of higher courts is now one of the main sources of Administrative Law, so scholars must be familiar with both statutes and court precedents.

All the movements described above have led to an increase in the responsibilities of Public Administration and the need to expand its size and effectiveness, which has occasionally occurred in the last two decades. However, this movement has been counterbalanced by various government initiatives that have aligned Brazil with the international model of neoliberalism.[14]

The number of public servants increased by approximately 15% in a 20-year comparison. However, this growth does not reflect the increase in the population but, in fact, mainly addresses the historical deficit of administrative structures in Brazil. Brazil has never fully met its demands for staff structures, so the base from which this increase was recorded is very small.

Over the past 20 years, some rights have been reduced, particularly labor rights. These rights were also the responsibility of the Public Administration, resulting in a decrease in administrative activity. There has been a movement towards the informalization of Administrative Law. In part, this is positive because there was an excess of procedures, but this informalization has sometimes served to reduce administrative and social controls. Certain inspection activities have also been weakened by successive neoliberal-oriented governments, such as combating slavery and environmental destruction. At times, there is a pendulum effect where a specific policy is eliminated in one government and resurrected in the next.[15]

In addition to informalization, there has also been a decrease

[14] Idem

[15] Reck, Janriê Rodrigues, y Caroline Müller Bitencourt. "Direito Administrativo e o diagnóstico de seu tempo no Brasil." *A&C–Revista de Direito Administrativo & Constitucional,* año 19, n.º 75 (enero/marzo 2019): 241-264.

in the importance of legislation for the functioning of Public Administration, albeit for more practical reasons. Legislation still forms the basis for administrative activity, including the creation of autonomous entities, public bodies, the establishment of competences, procedures, the imposition of sanctions, and so forth. The traditional understanding was that Public Administration could only act within a specific rule of law. In recent years, however, the understanding has changed to allow greater flexibility, legitimizing the actions of Public Administration if they fall under the general competence rule for the enforcement of fundamental rights.

On the other hand, there is increasing openness to regulation by the Executive power without the participation of the Legislative. A recent example is the authorization for the Executive power to reorganize ministries through regulations (Article 84, VI of the Constitution). Additionally, there has been an increase in the role of so-called regulatory agencies, which establish rules and oversee certain economic or public services concessions. These rules are often highly technical, and the National Congress does not have the authority to legislate on them.

In conclusion, the rule of strict law or legality principle in Brazil has shifted from an Administrative Law where the Administration acted in accordance with ordinary laws to a broader legality where the Administration acts are based on the law, regulations, and respond directly to the Constitution.

Finally, there is a trend towards privatization. It is a generic term, but almost all of its meaning was implemented in recent years in Brazil. There has been a transformation of activities considered public into economic activities with reduced regulation, a sale of state-owned enterprises, and an increase in public concessions. Furthermore, there has been a significant use of partnerships with civil society organizations, detailed below. As it is possible to see, there are contradictory movements regarding the size and importance of Administrative Law in Brazil.

3. GENERALIZATION OF TRANSPARENCY

Transparency is understood as the active or passive disclosure of public information, either through proactively offering information or upon request by citizens. Public information should be comprehended in its broadest sense, encompassing not only legal norms but also individual regulations, the premises of decisions, funding methods for services, disclosure of tenders, salaries of public servants, and forms of public expenditure.

The practice of secrecy during the military dictatorship, combined with the typical patrimonialism inherited from medieval Portuguese administrative structures, created challenges in fostering a culture of transparency within the Brazilian public administration. Historically, public and private positions were conflated in a colonial framework influenced by medieval European institutions. Owners, due to their economic power, automatically converted this power into political and administrative power in Brazilian history. Similarly, nobles were granted both economic and administrative opportunities. This resulted in a culture of using public administration for private purposes. Moreover, secrecy was often associated with corrupt practices and the lack of social control over public administration, sometimes encouraged by the political class itself. Finally, the lack of transparency was often attributed to administrative inefficiency and administrative conservatism, given the complexity of its implementation.

The 1988 Constitution laid the foundations for transparency in Brazil. It enshrined the principle of publicity as the cornerstone of public administration in Article 37. Furthermore, it codified access to personal and public information as a fundamental right in Article 5, Section 32, which states that everyone has the right to access public information. Jurisprudence gradually developed criteria for access to information, including the necessity of disclosing the salaries

of public servants, a matter that often faced significant resistance within the public administration.[16]

Finally, in 2011, the Access to Information Act, Law No. 12,527, was enacted. This law established publicity as the rule and secrecy as the exception, obligating the administration to use information technology means for information dissemination with the aim of promoting a culture of transparency. Federal, state, and municipal public administrations were mandated to maintain transparency portals -websites that consolidate all the necessary information mentioned earlier: information on legislation, services, contracts, and personnel employed in public functions. Information must be made available on the website in both accessible, easily understandable formats and in raw form, with the original documents and other information accessible. The information must be complete, authentic, and primary, collected directly from the source. If information is not available on the websites, public administrators will be held accountable before the audit courts, as the failure to provide information has been classified as an unlawful act.[17] The Digital Government Law, Law No. 14.129 of 2021, further enhanced the data protection system, requiring that these sites have open programming to allow interoperability and direct data retrieval by civil society organizations and control agencies. Moreover, the law imposes the concentration of information and services on a single site, avoiding the use of foreign languages or any other elements that may hinder public access.[18]

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[16] Bittencourt, Caroline Müller y Janriê Reck. "O estado da arte do acesso à informação no Brasil e sua possível configuração como legislação simbólica." Revista eletrônica Direito e Política 15, no. 1 (2020): 153–176. DOI: 10.14210/rdp.v15n1.p153-176. Disponible en: https://periodicos.univali.br/index.php/rdp/article/view/16383.

[17] Idem

[18] Cristóvam, José Sérgio da Silva, Lucas Bossoni Saikali, y Thanderson Pereira de Sousa. "Governo digital na implementação de serviços públicos para a concretização de direitos sociais no Brasil." Revista *Sequência,* vol. 41, n.º 84 (2020): 209-242. Disponible en: https://periodicos.ufsc.br/index.php/sequencia/article/view/2177-7055.2020v43n84p209.

Returning to the Access to Information Act, it does open opportunities for cases of secrecy, but only in situations explicitly defined by the law, and these cases should be interpreted restrictively, such as those concerning national security. Only the President of the Republic, Military Commanders, and Ministers have the authority to establish top-secret classification, which has a duration of 25 years. The secret classification, with a 15-year duration, applies to high-ranking officials, while confidential classification, with a 5-year duration, applies to lower-ranking officials. In cases where administrators refuse public information, they may face administrative penalties, including suspension from their position, and may also be held accountable for acts of administrative misconduct, leading to dismissal from their position, suspension of political rights, and fines (Article 32 of the Access to Information Act).

It is worth noting that, despite a few small municipalities in Brazil that have not yet implemented their transparency websites or "portals" (approximately 5,000 municipalities), mainly because municipalities with fewer than 10,000 inhabitants are exempt from the obligation to maintain transparency portals, the majority have already established portals to varying degrees. The transparency websites of the states and federal government are quite comprehensive. Additionally, these transparency portals are integrated with digital government platforms and the National Public Procurement Portal, which consolidates all tenders and bidding in Brazil, as described in the public bidding legislation.[19]

[19] Tavares, André Afonso, y Caroline Müller Bitencourt. "A lei do governo digital e os laboratórios de inovação: inteligência artificial, ciência de dados e big data como ferramentas de apoio à auditoria social e controle social." En *Governo digital e a busca por inovação na Administração Pública: a lei nº 14.129, de 29 de março de 2021,* coord. Fabrício Motta y Vanice Regina Lírio do Valle. Belo Horizonte: Fórum, 2022.

4. DATA PROTECTION AND PUBLIC ADMINISTRATION

Brazil has recently established data protection as a specific right in its legislation. It is essential to understand that data protection is a consequence of the right to privacy. The right to privacy is recognized as a fundamental right in the Brazilian Constitution, Article 5, X, protecting private life from government intrusions as well as from private entities.

Concerning computer data protection, the first law to address the subject was the law known as the "Internet Civil Statue," Law No. 12.965 of 2014. This law was not specifically focused on protecting privacy but rather on maintaining internet neutrality. Among its principles are pluralism, openness, free enterprise, recognition of human rights, network neutrality, freedom of expression, and, finally, the protection of privacy and personal data.

In 2022, the Federal Constitution was amended by Constitutional Amendment No. 115. This amendment added another fundamental right: the right to the protection of personal data. Numerous rights have been added to the Constitution over its history, such as the right to housing and food, both of which involve administrative activities. However, policies related to housing and food were already present in legislation to some extent for times before. In addition to including this new right, it was established that the federal government had the authority to legislate on data protection and to enforce data protection, respectively under Article 22, XXX, and Article 21, XXVI of the Constitution.

However, the General Data Protection Law was created in 2018, before the constitutional amendment, and it effectively enforces the data protection outlined in the constitutional text. This is a federal general law, numbered 13.709, that compels both private individuals and the public administration to respect privacy, informational self-determination, and primarily, to protect the processed data. Data is understood as any information related to some individual, such as their records, biometrics,

histories, and preferences. The processing of data, including storage, transmission, and usage, is now permitted only with the data holder consent, for compliance with administrative regulations, for research purposes, and for use in judicial proceedings (Article 7 of the Law). The Law also classifies sensitive personal data. Sensitive data, such as data related to racial or ethnic origin, religious belief, political opinion, union affiliation, or religious, philosophical, or political organization affiliation, health, sexual life, genetic, or biometric data, is subject to stricter processing regulations.[20]

The legislation imposes the obligation on all private and public entities to establish data protection programs, distinguishing between a data controller and a data processor. Both must appoint an individual called a data protection officer, responsible for handling complaints related to data usage (Article 5, VIII of the Law). This means that both the federal government and state and municipal governments must protect citizens' data. In the case of data processing by the public sector, the legislation seeks to balance the obligations of publicity and transparency while also dealing with the jurisdiction rules of the public entity (Article 24).

On the other hand, the law establishes administrative obligations for the federal government. The federal government will oversee, through fines, blocking, and data deletion, the implementation of data protection programs in other federal entities and private organizations. The law mandated the creation of an autonomous body (Article 55-A), called the National Data Protection Authority. Autonomous bodies or Autarchies are legal entities governed by Administrative Law, with administrative and financial autonomy, although their directors are appointed and supervised by the corresponding Minister of State. An interesting aspect is the possibility of administrative petitions to the

[20] Bioni, Bruno Ricardo. *Proteção de Dados Pessoais: a função e os limites do consentimento*. 2.ª ed. Rio de Janeiro: Forense, 2020.

autarchy. The interested party must first contact the data protection officer, and if the request is denied by the data protection officer, it is possible to submit a virtual petition to the Authority, which will judge the validity of the request and take specific action. A culture of private consulting has been developed for implementing projects to comply with the General Data Protection Law. The National Authority is partially implemented, functioning administratively and receiving petitions. However, its internal regulations are being developed, and its staff members have been reassigned from other parts of the administration, with a public selection process expected to take place soon.[21]

5. PUBLIC-PRIVATE PARTNERSHIPS WITH CIVIL SOCIETY ORGANIZATIONS

The model of partnerships with civil society organizations was established in Brazil in the 1990s, in the context of reducing the size of the Brazilian state. This was concurrent with the privatization of state-owned enterprises and an increase in public service concessions. The general idea was to form partnerships with civil society entities for the purpose of support and even the substitution of public agencies.

During that period, two models were established: civil society organizations of public interest and social organizations. These are private nonprofit associations and foundations that, if they meet criteria such as democratic internal decision-making, nondistribution of profits, and a purpose serving the public interest, receive qualification either as "civil society organizations of public interest" (Law No. 9.790 of 1999) or as "social organizations" (Law No. 9.637 of 1998). These organizations would receive public funds through contracts with the government. This activity of disbursing public funds to private organizations in Brazil is known as "foment" Civil society organizations are

[21] Idem

meant to complement the actions of the public authorities, while social organizations, on the other hand, may eventually replace the government in certain activities. In practice, civil society organizations of public interest and social organizations have been extensively used in the fields of social assistance, healthcare, and education, providing the respective services. While these services are still provided in part directly by the government in Brazil, this model has become widespread. A controversial point is that both types of organizations are selected through discretionary activities of the federal government, states, and municipalities, and they can spend the funds they receive without the need for competitive bidding. They are also not required to hold public employment exams for hiring.[22]

Subsequently, a third model was introduced, one of partnerships with civil society organizations. This model operates under the same logic of foment, with the government allocating public resources to private nonprofit entities serving the public interest, which provide services to the Public Administration through projects. The law governing these partnerships with civil society organizations is Law No. 13,019 of 2014. Civil society organizations can include social cooperatives, associations, and foundations dedicated to activities that serve the public interest, as well as religious organizations (Article 1, I). The partnership can be understood as a set of rights, responsibilities, and obligations resulting from a formal legal relationship established between the public administration and civil society organizations, in a regime of cooperation, for the achievement of mutual and public interest goals.[23]

In contrast to the previous two models, there is a selection process analogous to competitive bidding that does not create exclusivity, known as a "public call". In this sense, there are greater administrative controls compared to the previous models (Article

[22] Mânica, Fernando. *Fundamentos de Direito do Terceiro Setor: um guia para compreender o conceito, a origem e o regime jurídico das entidades sem fins lucrativos no Brasil.* Belo Horizonte: Fórum, 2022.
[23] Idem

23). However, there are also various cases where the public call can be waived, such as in cases of the entity's well-established reputation or as determined by law passed by the legislature.

Various types of agreements can be reached. One is called "partnership agreement" which formalizes partnerships involving the transfer of public monetary resources when the initiative for the partnership comes from the government. When the civil society organization initiates the partnership and involves the transfer of resources, the instrument is referred to as a "foment agreement" Finally, when there is a partnership of public interest between the Public Administration and civil society organizations of public interest without the transfer of money, it is referred to as a "collaboration agreement".

The subject of the partnership will be implemented through projects. These projects establish a set of time-limited operations that results in a product intended to meet shared interests of both the Public Administration and the civil society organization.

Upon assuming the project, the civil society organization assumes exclusive responsibility for the administrative and financial management of the public resources received, along with accountability for any damages that may occur, as well as personnel expenses and assets necessary for the project's completion.

Once again, a controversial point is how the public resources received by civil society organizations will be spent, as there is no requirement for competitive bidding for the use of public funds, and public employment exams are not required for filling the organization's staff positions. The control of partnerships is carried out through the submission of accounts, which are made public on the internet and are subjected to internal control by the entities involved and by the audit courts too. Accounts are provided annually or at the end of the partnership.[24]

[24] Violin, Tarso Cabral. "Estado, ordem social e privatização: as terceirizações ilícitas da administração pública por meio das Organizações Sociais, OSCIPs e demais entidades do 'terceiro setor'." *Revista eletrônica do Tribunal Regional do Trabalho* da 9ª Região 1, no. 10 (agosto 2012): 106-118.

The mechanisms described above are widely used. In 2018, approximately 118 billion Brazilian reais were allocated to around 30,000 civil society organizations at the federal level alone, demonstrating the extent of the mechanisms mentioned.

6. INNOVATIONS OF THE ECONOMIC FREEDOM LAW

Excessive procedures, their repetition, and the overall slowness of the public administration have long been issues in the Brazilian public sector and have been a source of concern both within the Constitution and the legal framework. For example, the Constitution established that the public authorities cannot refuse to acknowledge public documents (Article 19, II of the Federal Constitution). This was a common practice where one federal entity would refuse to accept documents from another federal entity.

The Economic Freedom Law, Law 13.874 of 2019, was enacted with a privatization spirit. It aimed to address the perceived excess of public intervention in private economic activities. This federal law applies to Business, Civil, and Administrative Law. In the fields of Business and Civil Law, it intended to reduce judicial intervention in contracts. The Federal Constitution and the 2002 Civil Code established principles of good will, contractual justice, and equilibrium in contracts, which led to significant judicial intervention in private contracts. Additionally, the extensive consumer protection laws in Brazil have also resulted in greater intervention in private contracts. The Federal Legislative Branch elected for the 2019-2023 period was chosen with a strong emphasis on social justice. In this context, the Economic Freedom Law was designed to introduce regulations that would reduce public intervention in private contracts, promoting economic freedom in its broadest form.[25]

[25] Salomão, Luis Felipe, Ricardo Villas Bôas Cueva, y Ana Frazão. *Lei de Liberdade Econômica e seus impactos no direito brasileiro.* São Paulo: Thomson Reuters Brasil, 2020.

However, most of the rules were directed to the public administration of the Union, States, and Municipalities. These rules were designed for administrators and legislators. As an ordinary law, the Economic Freedom Law can be overridden or partially repealed by subsequent laws. Nevertheless, some of its key provisions include: The right to engage in low-risk economic activities without requiring public authorizations (Article 3), the freedom to conduct economic activities at any time and any day of the week, except for local regulations and labor laws (Article 3), the liberty to freely set prices (Article 3), the prohibition on requiring disproportionately burdensome measures for high-risk activities (Article 3), the obligation for the public authorities to avoid restrictions on competition, advertising, and the creation of market reserves (Article 4) and the requirement for the public authorities to conduct regulatory impact assessments for any regulatory activity, with extensive disclosure of these assessments (Article 5).[26]

One of the most innovative aspects was the mention of administrative silence. Brazilian tradition dictated that businesses or actives with some degree of public interest could only start after receiving the necessary authorizations. The Economic Freedom Law established that in situations indicated by other laws, if the administration fails to respond in a certain timeline, either positively or negatively, to a request for authorization to operate a business, it will be automatically considered granted (Article 3, IX of Law No. 13.874).

However, it is important to note that the law did not have the extensive application that it seemed to have when it was introduced. Most of the provisions of Law no 13.874 consisted of principled and programmatic norms with few immediate and precise commands, in addition to broad exceptions. The Judiciary continued to intervene in private contracts, interpreting them in a way that balances constitutional values such as justice, fairness, and consumer protection with economic freedom. Similarly, federal entities made few adjustments to their legislation, as they

[26] Idem

already believed that the restrictions on economic activities were reasonably proportionate and justified.

7. NEW METHODS FOR COMBATING PRIVATE CORRUPTION

Brazil has made notable progress in combating corruption. Due to ideological reasons, the focus of corruption has always been on the public agent or the private individuals involved in corrupt acts, and disregarding enterprises. Initially, corruption was addressed through criminal laws, which were provided for in the Penal Code of 1940 (revised multiple times). The Penal Code outlines prohibited conducts and stablished penalties, including imprisonment, for public and private agents involved in typical corruption activities. In 1964, legislation evolved to include the "people´s writ", governed by Law nº 4.717, which allowed any citizen to file a lawsuit seeking the annulment of acts detrimental to public assets. In addition, corruption was always addressed through internal controls within the Public Administration and by the Court of Auditors.

The Brazilian Constitution introduced innovation in Article 37, § 6, by stating that the law would punish acts of administrative impropriety. To comply with this constitutional provision, the Law on Administrative Impropriety, Law 8.429 of 1992, was enacted. This law imposes penalties on public and private agents involved in corruption activities. The penalties include restitution of damages, suspension of political rights, removal from public service and fines. Accountability occurs through a civil judicial action initiated by federal entities or the public attorney. It established a three-fold system of accountability in Brazil, with responsibility stemming from administrative procedures (which can occur at the Court of Auditors or through internal controls), criminal proceedings, and civil actions under the Law on Administrative Impropriety.

However, there was still a significant gap related to the lack of punishment for enterprises engaging in acts of corruption. This gap was addressed with the enactment of Law 12.846 of 2013. This law

regulates the administrative and civil objective liability of private legal entities for acts against the national or foreign public administration. The law first describes acts of private corruption. These acts include offering undue advantages to public agents, hindering or defrauding public bidding processes, manipulating the balance of public contracts, and creating legal entities for fraudulent purposes.[27]

There will be two types of proceedings. One is an administrative procedure that will be conducted within the affected federal entity (i.e., Union, State, or Municipality), with penalties including fines, reimbursement of any losses, and public disclosure of the decision (Article 6 of Law 12.846). The administrative process will take place within the administrative entity, and the accused company will have the right to a full defense and the possibility of plea bargains.

The administrative process does not exclude the judicial action. The judicial action will not have a criminal nature; it will be decided in the civil judicial sphere. The plaintiff in this process can be either the Union, the State, or the Municipality, but the case will be decided by a judge. The penalties are quite severe, including the loss of assets, suspension of activities, and, in the most serious cases, the dissolution of the legal entity (Article 19 of Law 12.846).[28]

This law still has limited application by States and Municipalities, mainly due to the limited culture of punishing private entities and holding legal entities accountable. However, the Union has initiated over 1700 proceedings against companies, making significant use of the law and recovering billions of local money in damages.

8. FUNDAMENTAL RIGHTS AND INNOVATION IN PUBLIC BIDDING

The history of corruption and favoritism in Brazil has always been reflected in the mechanisms of public bidding in the coun-

[27] Mattos, Mauro Roberto Gomes de. "Os vinte anos da lei de improbidade administrativa." Conjur.com, 6 de diciembre de 2012. Disponible en: [enlace no incluido en la fuente].
[28] Idem

try. The 1988 Constitution firmly established that public bidding shall be mandatory for all federal entities and for public companies owned by the government. Public bidding is mandatory not only for purchases but also for the contracting of public works, services, and the sale of assets of the public administration, as per Article 37, XXI of the Federal Constitution. The law governing public bidding, according to Article 22, XXVII of the Constitution, is a matter of federal competence, but it is to be applied by the Union, states, municipalities, and the Federal District.

Public bidding has always been a means to protect equality and administrative morality by allowing any candidate to participate. Moreover, its dual function is also to serve as the best proposal for the Administration. To ensure equality, Law No. 8.666 of 1993 was enacted. This law regulated public bidding in Brazil. It was understood that public bidding was an instrumental activity, one that did not directly perpetuate fundamental rights but allowed public services to function -these, in turn, were geared towards the realization of rights.[29] This law faced numerous criticisms due to its excess of formalities. Consequently, in 2021, a new Law, Law No. 14.134, was created to simplify procurement procedures in Brazil. In this context, two aspects are addressed. It is a law that encourages the enforcement of fundamental rights in public procurement and prioritizes innovation Indeed, as per Article 18, even in the initial stage of releasing the bid notice, provisions must be made for energy-saving, recycling, and reducing environmental impacts. There is also regulation of the so-called preference margin (Article 26), which will be used in the evaluation of proposals, giving preference to recycled, recyclable, or biodegradable goods. Furthermore, according to the same Article 26, the Public Authority may require commercial and

[29] Reck, Janriê Rodrigues. *O Direito das Políticas Públicas: Regime Jurídico, Agendamento, Formulação, Implementação, Avaliação, Judicialização e Critérios De Justiça*. Belo Horizonte: Fórum, 2023.

business compensation measures if they impact trade freedoms. Public procurement should take into account not only the price but also the durability of the purchased products. Only companies that do not employ children and adolescents and are up to date with their labor obligations may contract with the government. Additionally, according to the aforementioned Article 26, the bidding notice may require the winning company to hire ex-convicts and women who were victims of violence. Through provisions in the notice, the Public Administration can introduce regulations that promote the realization of various fundamental rights, including those related to promote employment and environmental protection.

Innovation is one of the objectives of the bidding process, as stipulated in Article 11, which states that one of the aims of the bidding process is to promote innovation and national development. There are several incentives for innovation. For instance, as per Article 60, one of the techniques for resolving competition is in favor of companies that invest in research and technology development in the country, with a 20% preference margin available for these companies. A specific procedure called competitive dialogue was created, aiming precisely to provide innovations for situations where there is no standardized technical solution. In this process, the Administration will release a notice, and the first phase of the procurement will involve debates with companies to receive innovative proposals to solve a problem. Subsequently, the most capable company to implement the innovative solution will be chosen. Additionally, there is streamlining in the sense that procurement is not required when purchasing goods for scientific research and innovation conducted by public entities in Brazil. Finally, another novelty of the law, in addition to competitive dialogue, is the so-called procedure for "interest notice", where the Public Administration can request private initiatives, through an open procedure for the expression of interest initiated by the publication of a public call, to propose and carry out innovative studies, investigations, surveys, and projects that contribute to matters of public

relevance (Article 81). The proposal will be remunerated but will not confer a preference in future procurement.

Another notable law related to innovation is the so-called Startups Law - Complementary Law 182 of 2021. It is a law aimed at promoting the opening of new companies in Brazil. This law deals with business and tax aspects of these companies, but it also contains provisions related to public procurement. Startups are considered companies with gross revenue of up to 16 million Reais annually (local money), with up to 10 years of tax registration, and whose business purpose involves innovative business models. Besides facilitating public loans (Article 9), startups have regulatory advantages, including flexible preferences for bypassing regulatory standards, aiming to create an experimental regulatory environment (regulatory sandbox).

However, the most notable instrument is the one which specific bidding for startups. This type of bidding must be used when it is necessary to obtain innovative solutions for the Public Administration (Article 12). According to Article 13 of the Law, startups will be contracted for the development of innovative solutions, with or without risk. This represents a novelty in public administration. It means that a company can be contracted even if it does not deliver a useful end product because the focus is on technology development. Thus, a contract called a "Public Contract for Innovative Solutions" will be established, with the object being precisely these aforementioned innovative solutions.

9. GENERALIZATION OF DIGITAL GOVERNMENT IN CITIES MANAGEMENT

Public administration makes decisions related to power, and power is necessarily analog, as it relates to the potential for physical threats. Furthermore, in a Democratic State of Law, the Government, and consequently, public administration, are only legitimized to the extent that they fulfill fundamental rights. Fundamental rights constitute material benefits. In fact, health,

education, property, freedom, and so on, only make sense when experienced in the analog world. The term "digital," chosen by legislation to designate digital government, is connected to information technology processes. "Digital" here signifies the use of information technology, ranging from information systems to artificial intelligence. Digital government, thus, blends analog services and digital services.[30]

In 2021, Law No. 14.129 was enacted, establishing the framework for Brazilian digital government. Article 4 of the law provides various definitions that are useful for understanding digital government in Brazil. There is a prioritization of self-service, defined as obtaining services digitally without the need of human mediation. Government as a platform is defined as the infrastructure that facilitates the use of data for service delivery and publication.[31]

Article 3 of the law establishes guidelines for the construction of digital government, such as the ability for users to request public services digitally without formal applications and the presumption of good will on the part of users. Other noteworthy points include a preference for the use of open formats, interoperability between platforms, and the possibility of in-person assistance for those who cannot adapt to virtual services.

Various administrative processes, whether for receiving services or obtaining authorizations and documents, will be processed digitally, with the issuance of electronic documents.

Services will be provided primarily on a single platform

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[30] Bitencourt, Caroline Müller, y Emerson Gabardo. "Governo eletrônico, serviços públicos digitais e participação popular: um caminho democrático a ser percorrido pela administração pública brasileira." *Interesse Público*, vol. 23, n.º 129 (septiembre/octubre 2021). Disponible en: https://dspace.almg.gov.br/handle/11037/42334.

[31] Valle, Vanice Regina Lírio do, y Fabrício Motta. "Governo digital: mapeando possíveis bloqueios institucionais à sua implementação." En *Governo digital e a busca por inovação na Administração Pública:* a lei nº 14.129, de 29 de março de 2021, coord. Fabrício Motta y Vanice Regina Lírio do Valle. Belo Horizonte: Fórum, 2022.

(Article 24), which has not yet been fully achieved. Due to the popularity of smartphones in Brazil, most public services that can be virtualized are accessed through mobile apps. Electronic government platforms allow for the issuance of authentic documents, electronic signatures, the submission of requests, and their approval. Data obtained through use of electronic platforms, protected by the General Data Protection Law, also enables evidence-based public policies and should allow interoperability to avoid data duplication. Users will also have rights (Article 27) relate to free access to digital government platforms, standardization, and the access to receipts and request confirmations as well.

According to Article 29, data made available by service providers and public data will be freely available to society, with unrestricted access to data in an open format, ensuring data completeness and regular updates. Finally, at the user's option (Article 42), government communications with citizens may be conducted exclusively digitally.

It is important to note that many services are offered digitally in Brazil. There is a single platform for the concentration of services for citizens, businesses, and public servants called "sougov.br", where users can access banking information, authenticate documents, schedule vacations, and access various other services. In Brazil, realistically all judicial proceedings have been digitalized and are conducted virtually, including decisions made by artificial intelligence under human supervision. Remote hearings are also common. Pension requests in the public system are processed virtually, and about 25% of requests are approved or denied by artificial intelligence systems, with thousands of pensions and benefits already granted by AI systems.

10. PARTICIPATORY DEMOCRACY IN CITY ADMINISTRATION

Activities and administrative procedures within the scope of urban management are configured in the practice of administrative acts, material acts, and normative acts that involve licenses,

authorizations, and the control of land use and occupation, strongly interfering with the relationship between society and the territory where it is established.[32] In such a way, the range of administrative competences and the content of activities should be available and known to the population, as well as to public agents, motivating their engagement and ensuring the realization of the objectives of urban social planning.[33] The materialization of public policies by the Administration can be realized in the general organization of habitable spaces, in the structuring of urban transportation modes, in the implementation of a city's housing policy, etc. The argument is that administrative practice cannot be detached from the central core that motivates and mandates urban planning: the social well-being of all. In a country like Brazil, this implies making the urban territory a locus of less unequal social and economic development and must reflect social aspirations.

In other terms, administrative activity in urban organization needs to fulfill its democratic mission both in the material aspect, focused on the principle of equality, and in the formal aspect, related to the choices to be made by citizens to realize their aspirations.[34]

Being closer to the citizens and thus more capable of listening to them, municipalities have a clear democratic vocation. However, it is important that this vocation is realized through effective dialogue with participants in the urban scene, and that the administration does not close itself off in bureaucratic and hierarchical actions.

There are many aspects that demand the enhancement of dialogue: increased interaction in urban centers, the broadening of

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[32] Mello, Celso Antônio Bandeira de. *Curso de Direito Administrativo.* São Paulo: Malheiros, 2016.

[33] Dworkin, Ronald. *Is democracy possible here?: principles for a new political debate.* Princeton: Princeton University Press, 2006.

[34] Bobbio, Norberto, *Liberalismo e Democracia.* Traducción de Marco Aurélio Nogueira. São Paulo: Edipro, 2017.

the concept of equality, the perception that democracy can advance in its agendas and channels, and the availability of new technologies to enable this communication. The political crisis, with the decline in trust in representatives, further intensifies the debate on the greater use of direct democratic techniques in governmental decision-making.

It is certain that representative democracy, with the election of governors, does not replace direct democracy where the immediate management of the city is transferred to the population, but greater interaction should be sought.[35] The political class is an important manager of public interest, and there are technical and administrative reasons justifying that choices be made, in many cases, by the executive. However, such policies should, as much as possible, embrace and accommodate the aspirations of the population. In practice, little has been done to give the population an effective voice and to accommodate their expressions. Considering the broad spectrum offered by participatory democracy (which blends techniques of indirect democracy with forms of direct democracy), techniques favoring the administered have been insufficiently used, and those that have been used often take on empty contours, as in the case of holding hearings where popular expression is not even considered.

Democracy, in each society, can be perceived in layers. Periodic elections are only a thin layer of democratic degree in a social sphere. For the people to have effective access to power in city management, it is necessary for them to be able to interact with and act alongside it permanently. As Robert Dahl highlights, democracy requires "deliberating, discussing, and then making political decisions.[36]

There are various ways to improve dialogue and intensify formal democracy, even as a means to enhance material democracy (freedom and equality). Regarding the material aspect, in

[35] Constant, Benjamin, *Écrits politiques: De la liberté des anciens comparée à celle des modernes* (1819). París: Gallimard, 1997.

[36] Dahl, Robert. *Sobre a democracia.* Traducción de Beatriz Sidou. Brasília: UnB, 2001.

the context of the city, it is important to consider not only social and economic issues but also environmental issues, embracing the notion of environmental democracy. This ensures that citizens have equal access to ecologically relevant goods in the urban setting and participate in the development of projects, plans, or programs on the subject. Regarding the formal aspect, it is crucial to provide physical and plural spaces for debating issues relevant to the city, as well as to utilize currently available technologies to bring citizens and public authorities closer together, thus embracing the notion of digital democracy.

A classic method available to the Administration is decentralization and deconcentration, so that the structure fragments and specifies, making the executive's actions more transparent and widespread through units with specific competences aimed at city management and establishing a communication path with citizens, adding clarity and dynamic dialogue. It can be argued that decentralization and deconcentration may increase expenses, financially burdening the Public Administration, but this reasoning is flawed. Legal entities and bodies can be specific yet lean. A poorly managed unit of power can, on the other hand, have more personnel and expenses than divided centers. It is merely about putting allocative intelligence into practice. Thus, municipalities can have specific bodies within their structure aimed at communication with citizens, such as special coordinators of social participation.

It is the duty of the Administration, through its bodies, entities, and delegates, to realize and allow the realization of fundamental social rights from the democratic perspective on which the Brazilian State is founded. This acknowledges that institutionalized bureaucracy aims to proceduralize administrative management, organizing and coordinating its actions from the perspective of transparent, fair, and equitable dialogue between the administration and the citizen.[37]

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[37] Casimiro, Lígia Maria Silva Melo de, "Novas perspectivas para o Direito Administrativo: a função administrativa dialogando com a juridicidade e os direitos fundamentais." *A&C Revista de Direito Administrativo & Constitucional,* n.º 30 (octubre/diciembre 2007).

The bureaucratic structure —in the Weberian sense—and according to the Constitution, must function efficiently, morally, with broad publicity and transparency, adhering to the legal framework, and acting impersonally in such a way that the disrespect of one taints all the others. Despite the understanding of all the internal and external nuances involving the administrative machinery, economy, and political issues, the principles cited in the article stem from a broader understanding of what the Brazilian State should be today, even if reality is different.[38]

However, it is not enough to merely structure appropriate bodies; it is important that decisions made within their scope and accepted by the executive leadership in the formation of public policies take into account the population's aspirations, in a communicative link between its various agents. This is where public hearings and the actions of representative councils come into play.

Brazilian law provides for the holding of public hearings as a condition for the validity of laws and normative acts on urban organization, such as the Master Plan, and consequently, laws that alter urban zoning. Nonetheless, it is common in Brazil to not hold hearings, to hold hearings without due clarity, or to simply disregard the popular manifestations made at such hearings.

Public Administration reveals traces of authoritarianism disguised as democracy. This is especially true when it holds hearings but does not consider the manifestations presented. In such cases, it uses the symbolism of legitimacy to impose interests other than those expressed by the population in their desire for city management, thus violating and denying a dignified life and making it difficult to control the invalidity of the act since it is veiled. When it does not hold a hearing required by law, it is easier to legally control the validity of the act, as a formal criterion has clearly not been met. But when it holds the hearing without considering the citizens' agendas presented, the formali-

[38] Otero, Paulo. *Legalidade e Administração Pública: o sentido da vinculação administrativa à juridicidade. Coimbra:* Almedina, 2003.

ty required by law, which should be a channel for dialogue between the administered and the Public Power, becomes a mere alibi in a manipulative theater of discursive reason.[39] Although the Administration is not bound by the expressions made at hearings, its discretion arises from the possibility of managing the public interest in various ways, but this cannot be a bridge to simply disregard the claims presented at hearings.

11. CONCLUSION

As it is possible to see, Administrative Law has undergone several innovations in the past two decades. These innovations are reflected in several areas, and are connected both with the needs to adapt new technologies and also with ideological injunctions from the different governments that were in charge of Brazil. While the different administrative entities may be autonomous, there is no doubt that the federal administration's approach ends up influencing how states and municipalities structure their administrations.

It cannot be said that Brazilian Administrative Law has lost its essence. Classic themes such as legality, the organization of power, public services, and regulatory activities still remain central. However, they have been complemented by the fascinating new trends of the past two decades.

Among the innovations driven by technology are the reconfiguration of public procurement and e-government. Other innovations stem from long-standing promises of the Constitution, such as the transparency of public information and the fight against private corruption. There are also transformations that allow multiple interpretations, such as partnerships with civil society organizations, sometimes seen as recognition of an active civil society and sometimes as a form of privatization of public activities. In this context, the emergence of the Economic Freedom Law is also noteworthy.

[39] Souza, Marcelo Lopes. Müdar a cidade: uma introdução crítica ao planejamento e à gestão urbanos. 6.ª ed. Rio de Janeiro: Record, 2010.

DISCLAIMER

None

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