

**BRAZIL**  
(REPÚBLICA FEDERATIVA DO BRASIL)



**BACKGROUND AND LEGAL SYSTEM**

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LEGAL SYSTEM	Civil law system.
POLITICAL SYSTEM	Presidential Republic.
HEAD OF STATE	President of the Republic. President and vice president are elected on the same ticket by popular vote to a four-year term.
HEAD OF GOVERNMENT	President of the Republic.
SUBNATIONAL ENTITIES	States.
SUBLOCAL ENTITIES	Counties.
TRANSLITERATION SYSTEM	None.
LANGUAGES	Portuguese.

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**CONSTITUTION**

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OFFICIAL NAME	Brazilian Constitution ( <i>Constituição da República Federativa do Brasil</i> ).
ENACTMENT	The Brazilian Constitution was enacted on Oct. 5, 1988. It has since been amended more than forty times.
CITATION FORMAT	Braz. Const. <title number>, ART. <article number> (Date of version used).
<i>Example</i>	Braz. Const. 2 ART. 102 (1988).

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**STATUTES**

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GOVERNMENT STRUCTURE	<p>The legislative branch, called the Bicameral National Congress (<i>Congresso Nacional</i>) consists of the Federal Senate (<i>Senado Federal</i>) and the Chamber of Deputies (<i>Camara dos Deputados</i>). There are 81 seats in the National Congress, filled by 3 members from each state and federal district elected by majority vote. Members serve eight year terms. The Chamber of Deputies has 513 seats with members elected by proportional representation to serve four-year terms.</p>
LEGISLATIVE PROCESS	<p>The legislative process is balanced between the legislative and executive branches of government. Ordinary laws are enacted through the traditional legislative procedure, while decree-laws represent exclusive legislation by the President and legislative decrees represent exclusive legislation by the Congress.</p> <p>An ordinary law may be proposed by any member or committee of either the Chamber of Deputies or of the Federal Senate, by the President of the Republic, or by a Federal court that has jurisdiction throughout the national territory.</p> <p>A bill approved by one of the houses must be reexamined by the other for discussion and voting. Once both chambers approve the bill, it is sent to the President for his approval or for promulgation. If amended, the bill is returned to the originating house for consideration, but if he rejects the bill, it is dropped from deliberation.</p>

The President of the Federal Senate is empowered to promulgate legislative decrees. These laws do not need presidential approval because they deal with matters exclusively left to the Congress for approval.

The President may issue decree-laws when urgency or important public interest dictates that such action be taken. The President is limited to ordering decree-laws only on matters of national security, public finances including taxation, and the establishment of public offices and their salaries. Once published, a decree law immediately enters into force. Congress may not amend a decree-law, but may approve or reject it within 60 days.

NOTE ON  
BRAZILIAN LEGAL  
PUBLICATIONS

Each state and the Federal Union issue their own official publication (*Diario Oficial*). Legislative or executive enactments only become “law” after being published in these official gazettes. These gazettes do not have digests or indexes. There are no comprehensive digests for court decisions. Publication of judicial decisions is not always mandatory, and published decisions do not contain the full text or carry dissenting votes, but only a summary and whether or not they were reached unanimously or by majority vote.

CITATION FORMAT

<Statute Name>, <article no.>, (section no.,> <date of promulgation>, <official gazette>, <date of publication>.

OR <statute/decreet number>, <date of promulgation>, <reporter>, <volume> (<number>, <tomos>): <page(s)> <date of publication>.

*Example*

Decreto No. 70.391, de 12 de abril de 1972, D.O.U. de 14.04.1972. (Brazil).

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## ADMINISTRATIVE REGULATIONS

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ADMINISTRATIVE SOURCES	<p>The President of the Republic may adopt provisional measures that have the force of law. Such measures must be submitted to the National Congress immediately.</p> <p>The President of the Republic may also legislate through <i>Medida Provisoria</i> (provisionary measures), or MP. Such measures are to be used only in cases of urgency and relevance.</p> <p>These provisional measures replaced the <i>decretos-leis</i> (decree-laws), which served the same purpose during the military government. Although abolished by the 1988 Constitution, they may still be used.</p> <p>Ministers may also issue regulations regarding subject matter under their authority.</p>
REPORTER	None currently available.
CITATION FORMAT	Law <number> / [Year (xx)] MP No. __/[Year (xx)] Decree-Law No. __ / [Year (xx)] Res. No. __ / [Year (xx)]
<i>Example</i>	Law 90/97 MP. No. 02 / 93    Decree-Law No. __ / [Year (xx)]    Res. No. 69/97

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## CODES

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Codigo Civil – C.C. (CIVIL CODE)	Abbreviated as Cod. Civ.
Codigo de Processo Civil - C.P.C. (CODE OF CIVIL PROCEDURE)	Abbreviated as Cod. Pro.
Codigo Commercial – C.C. (COMMERCIAL CODE)	Abbreviated as Cod. Com.

Codigo Penal – C.P.  
(CRIMINAL CODE)      Abbreviated as Cod. Pen.

Codigo de Processo  
Penal – C.P.P.  
(Code of Criminal  
Procedure)      Abbreviated as Cod. Pro. Pen.

CITATION FORMAT      [Full name of Code OR Code Abbreviation], art.<article  
number>, <section number if available> (Braz. <year of  
publication>).

*Examples*      Cod. Com. art. 538 (Braz. 1850).

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## **CASE LAW**

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### **JUDICIAL OVERVIEW**

The judicial system branch is composed of federal, state, and municipal courts. By 1995 small-claims courts supplemented some municipal courts.

Appointments to the superior courts are political and therefore subject to approval by the legislature. These federal courts have no chief justice or judge.

The STF, the Federal Supreme Court, has eleven members appointed by the President with Senate approval. The STF has jurisdiction over conflicts between the executive and legislative branches, disputes among states, disputes between the federal government and states, disputes involving foreign governments, and extradition. The president of the STF is third in the line of presidential succession.

The judicial system also has a series of special courts, in addition to the regular civil court system, that cover military, labor, and election affairs.

Each state has a State Supreme Court (*Tribunal de Justica – TJ*). The governor, with approval of the State Assembly (*Assembleia de Estado*), appoints the judges to the court. This court is charged with organizing and supervising the lower state courts.

REPORTER                      *Federal Official Gazette.*

CITATION FORMAT            <court>-<chamber/region number>, <docket number>,  
CONSTITUTIONAL COURT    Relator: <relator>, <judgment date>, <volume> <reporter>  
   <publication date>, <page>.

*Example*                      T.J.S.P-2, Ap. No. 283.325-3/0-00, Relator: Des. Pires Neto,  
   21.10.2002, 810 R.T. 585.

## SOURCES

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The CIA Factbook:  
<https://www.cia.gov/cia/publications/factbook/print/br.html>

FOREIGN LAW: CURRENT SOURCES OF CODES AND LEGISLATION IN JURISDICTIONS OF  
THE WORLD, THOMAS REYNOLDS & ARTURO FLORES, VOL. I, 2004.

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[www.britannica.com/nations/Brazil](http://www.britannica.com/nations/Brazil).

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