

Editorial

About a year ago, I received from the Director-General of the Chamber of Deputies, Celso de Barros Correia Neto, the challenge of being the editor-in-chief of an academic-legal journal to be sponsored by the Chamber of Deputies, aimed at discussing issues affecting the Legislative Branch.

I accepted the challenge and found a dedicated team that had already masterfully designed the entire structure of the journal. Among the few adjustments to be made, we decided to assign the stage of selecting articles for publication to the General Consultancy, the body that directs the unified institutional consultancy and advisory activities of the Chamber of Deputies, and the stage of preparation, review and publication to Edições Câmara.

We then set out to implement this project, which we are inaugurating today. The choice of the journal's name was the subject of intense discussions, with the participation of the then president of the House, Arthur Lira, who had the deciding vote. The title chosen in the end was *Plenário – Revista Jurídica da Câmara dos Deputados* (Journal of Law of the Chamber of Deputies).

The noun *Plenário* essentially conveys the purpose of the journal. In addition to the immediate reference to the Plenary of the Chamber of Deputies, the main body responsible for debates and decisions in the Legislative Assembly, the word also conveys the image of a meeting place for all representatives of the people interested in the discussion. And it is this place of reception of all ideas on matters related to Parliament, addressed in a scientific manner, that the journal aims to provide.

This is a gap that has long been needed to be filled. Only the Chamber of Deputies, among the bodies that make up the branches of government, did not have a general scientific journal. The Presidency of the Republic publishes the *Revista Jurídica da Presidência* (Journal of Presidential Law); the Supreme Federal Court publishes the *Suprema – Revista de Estudos Constitucionais* (Journal of Constitutional Studies); and the Federal Senate publishes the *Revista de Informação Legislativa* (Journal of Legislative Information). In turn, the Chamber of Deputies has the electronic journal E-Legis, a relevant journal, but linked to the specificities of its Postgraduate Program. In addition, there is a lack of legal journals focused on legislative issues. Among the journals mentioned, only the journal of the Presidency and the Federal Supreme Court are about law, but they do not focus exclusively on issues involving the Legislative Branch and its particularities.

Since the country's redemocratization, the legislative and judicial branches have gained relevance and have progressively balanced their importance with the once-preponderant executive branch. Although the exercise of power by the three branches of government brings increasing social, economic and legal consequences, legal reflections have focused on the application of the law, not on its creation. Thus, legislative action is relegated to the political sphere, and the will of the sovereign legislator must be revealed through the interpretation of those who apply the laws, usually within the scope of the executive and judicial branches.

In this context, there is a scarcity of legal discussions on legislative activity, both in the formal sphere – such as, for example, regarding the rites of the legislative and budgetary processes and legislative technique – and in the material sphere – such as, for example, regarding the effectiveness, efficacy and efficiency of public policies established by means of laws, regarding the assessment of legislative impact or regarding the guarantee of an adequate level of deliberation on matters submitted to Parliament. There is also a scarcity of discussions in conceptual and philosophical fields, adopting the approach proposed here, on topics such as popular sovereignty, political representation,

separation of powers, deliberative and substantive theories of the legislative process, and social foundations of the public budget.

There is a lack of debates on legislative institutional relations, such as lobbying, institutional advice and popular participation; on parliamentary bodies and the role of political parties, party leaders, parliamentary fronts, committees, the Board and the Plenary itself in the construction of the legislative process; on the rights and duties of parliamentarians, such as immunities, prerogatives and prohibitions; as well as on interinstitutional relations, especially from a parliamentary perspective, such as legislative reactions, backlash, institutional dialogue, and new spaces for debate and decision-making between Powers.

Obviously, the intention is not to compartmentalize the legislative discussion, separating it from other areas of knowledge. In this hypercomplex world, legal reflections require interdisciplinary and transversal approaches, which involve both other branches of law and other sciences, such as economics, social sciences, public administration, psychology, among others.

Plenário aims to be a locus for discussion of these and other related topics, subject to the scientific rigor of the authors and validated after peer review. At a time when public debate has been informed by superficial discussions, by mere unfounded opinions or even by fake news, scientific journals have proven to be even more important in building the knowledge needed to support correct and well-founded decisions. In this sense, a scientific legal journal on legislative topics will encourage the production of knowledge that improves public debate and the development of standards, in a transparent and democratic manner, to properly represent the will of the people and in fact guarantee fundamental rights and freedoms.

In this first issue, we have fifteen articles by guest authors, authorities from the three branches of government and renowned researchers who honored this inaugural volume with legal reflections on several of the subjects listed here. We are extremely grateful for the partnership and the courage to believe in this project.

The first article, written by federal deputy Marcos Antonio Pereira, investigates the causes that lead the legislator to produce a large number of laws that are later considered unconstitutional, as well as the social effects resulting from the legal uncertainty caused by the phenomenon, which attacks the effectiveness of citizens' rights by affecting the effectiveness and credibility of legislative action.

The second article, written by the president of the Federal Supreme Court, Luís Roberto Barroso, in co-authorship with the Court's Secretary of Advanced Studies, Patrícia Perrone Campos Mello, analyzes the benefits and risks of using artificial intelligence, and, after analyzing some regulatory proposals in Brazil and around the world, proposes guidelines for legislation on the subject.

The third article, written by Gilmar Ferreira Mendes, minister of the Federal Supreme Court, deals with the evolution of the Supreme Court's understanding of the criminal jurisdiction due to the prerogative of parliamentary functions and defends a position that guarantees the exercise of an elective mandate without fear of political persecution and that, at the same time, prevents the abuse of such prerogatives.

The fourth article, written by José Antonio Dias Toffoli, minister of the Federal Supreme Court, in co-authorship with judge Walter Godoy dos Santos Jr., studies the constitutional vectors that govern intellectual property based on the analysis of the Federal Supreme Court on the subject and concludes that the 1988 Constitution not only imposes limits on intellectual property in favor of the

common interest, but also requires the promotion of the country's technological and economic development.

The fifth article, written by the Attorney General of the Union, Jorge Rodrigo Araújo Messias, assesses the role of the Attorney General's Office in the relationship between the three Powers of the Republic and concludes that, by promoting legality, legal certainty and inter-institutional cooperation, the body reinforces the legitimacy of legislative action and contributes to democratic stability and institutional balance in Brazil.

The sixth article, conceived by Bruno Dantas, minister of the Federal Court of Auditors, in co-authorship with professor Guilherme Mazarello, proposes a dialogical approach to the interpretation of the constitutional provision that grants the Senate the power to suspend the execution of laws declared unconstitutional by the Supreme Federal Court, in order to serve as a technique for institutional dialogues between the Court and Parliament, aiming at minimalist positions of constitutional jurisdiction.

The seventh article, written by Antonio Augusto Junho Anastasia, minister of the Federal Court of Auditors, in co-authorship with professor Flávio Henrique Unes Pereira, deals with the challenges in the preparation and implementation of the new Law on Public Tenders and Administrative Contracts (Law No. 14,133, of April 1, 2021).

The eighth article was co-authored by the Deputy Secretary-General of the Board, Bruno Ávila da Mata Sampaio, the Secretary-General of the Board of the Chamber of Deputies, Lucas Ribeiro Almeida Júnior, and the legislative consultant Maxuel Christian da Silva Machado. Based on the historical evolution of the interpretation of constitutional and procedural provisions, the study analyzes the compatibility between the custom that allows individual candidacies for the position of President of the Chamber of Deputies and the constitutional rule that establishes party proportionality in the composition of the Board.

The ninth article, written by the lawyer of the Chamber of Deputies, Jules Michelet Pereira Queiroz e Silva, analyzes the creation and performance of the Advocacy of the Chamber of Deputies, a centralized body for legal consultancy and judicial representation, and concludes that the existence and good functioning of this body contribute to the institutional balance between the Powers, strengthening the democratic legitimacy of legislative decisions and improving efficiency and legal certainty in the management of the Chamber of Deputies.

The tenth article, written by the director of the Center for Education, Training and Improvement of the Chamber of Deputies and legislative consultant, Mariana Barros Barreiras, discusses the constitutionality of the barrier clauses in the military police competitions, arguing that such provisions constitute unjustified discrimination based on gender criteria. It also argues that the elimination of these limitations can bring benefits to both the corporations and to society, considering that female policing is effective and generally more committed to compliance with the rules than male policing.

The eleventh article, written by Raúl Gustavo Ferreyra, professor of constitutional law at the University of Buenos Aires, provides a critical analysis of the presidential systems of South American constitutions, which concentrate excessive powers in the president, whose predominantly authoritarian bias determines instability, low quality and lack of confidence in the system, which requires constitutional reforms that democratize presidential powers.

The twelfth article, written by Raquel de Andrade Vieira Alves, PhD in financial law from the University of São Paulo, investigates whether and to what extent the exercise of shared jurisdiction over the Tax on Goods and Services between states, the Federal District and municipalities and the structure of the Management Committee for this tax, as provided for in Constitutional Amendment No. 132 of December 20, 2023, are compatible with the federative pact provided for by the 1988 constituent from the perspective of territorial representation.

The thirteenth article, written by Gustavo da Gama Vital de Oliveira, associate professor of financial law and tax law at the State University of Rio de Janeiro, investigates the constitutional dialogue between the Judiciary and the Legislative Branches on controversial issues related to the Tax on the Circulation of Goods and Provision of Services and concludes that this dialogue provided greater legal certainty for taxpayers and taxing entities.

The fourteenth article, written by Fabrício Juliano Mendes Medeiros, professor at the Brazilian Institute of Education, Development and Research and member of the Brazilian Institute of Electoral Law, examines the evolution of the jurisprudence of the Supreme Federal Court on the election of the Boards of Directors of the Legislative Branch at federal, state and municipal levels and projects new debates related to this theme, based on the jurisprudential premises recently established by the Supreme Court.

The fifteenth article, conceived by Fernando Menezes de Almeida, professor at the Faculty of Law of the University of São Paulo, analyzes the evolution of the interpretation of the constitutional principle of legality and concludes with the tendency to detach the notions of validity of the legal norm and its conformity to the law, which opens the way for the understanding of legality to be based on a logic of nullity, no longer of nullity.

With the launch of this inaugural volume, we are opening the call for submissions from scholars interested in sharing their knowledge in this new space. We intend to follow the most rigorous criteria of the Coordination for the Improvement of Higher Education Personnel Foundation (CAPES) and index the journal in the most relevant research databases, in order to make publication in our journal attractive to national and international researchers.

In order to encourage the dissemination of published articles, we will provide translations into English and Spanish of those written in Portuguese, as well as translations of those written in English or Spanish into Portuguese, with the translated versions being published only in digital format. This initiative, which is unprecedented, to our knowledge, in legal journals, will provide greater knowledge of national legal production abroad, as well as encourage foreign authors to disseminate their work in Brazil.

Finally, we would like to thank everyone who made this project possible. In particular, we would like to thank Congressman Arthur Lira, who was then president of the Chamber of Deputies when the journal was created, and who provided all the resources necessary to make it happen; President Hugo Motta, who embraced the project and encouraged its implementation; Congressman Marcos Pereira, who, when invited to be one of the authors of the inaugural volume, adopted the project with such enthusiasm that he became the “godfather” of the journal and jointly responsible for its success; Celso de Barros Correia Neto, director-general of the Chamber, creator of the initiative and partner in all stages of its implementation; and the valuable team of employees of the Chamber of Deputies, who, with commendable public spirit, spared no effort in the conception and production of this journal.

I wish you all an excellent reading!

Jose Evande Carvalho Araujo

Editor-in-Chief