

Year VI, v.1 2026 | Submission: 02/02/2026 | Accepted: 04/02/2026 | Publication: 06/02/2026

Terrorism in the Brazilian Legal System: Legal Classification, Doctrinal Conceptions, and Police Activity in Repression and Prevention.

Terrorism In The Brazilian Legal System: Legal Classification, Doctrinal Conceptions, And Police Activity In Repression And Prevention

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Summary

Terrorism has occupied a significant space in contemporary legal debate, especially given the challenges it poses to public safety and the preservation of fundamental rights. In Brazil, the classification of this phenomenon gained greater normative density with the enactment of Law No. 13.260/2016, which sought to align the domestic legal system with the international commitments undertaken by the Brazilian State. This work aims to analyze the legal and doctrinal classification of terrorism in the national legal context, as well as to discuss police action in confronting these practices and the legal limits that guide this intervention. The methodology adopted is based on bibliographic and documentary research, with analysis of legislation, doctrinal works, and specialized academic productions, selected based on criteria of timeliness and thematic relevance. The results indicate that, although Brazilian legislation has advanced in the definition of terrorism, interpretative tensions persist regarding the delimitation of the criminal type and the protection of constitutional guarantees. It is also observed that police activity assumes a central role in the prevention and repression of these conducts, requiring a balance between operational efficiency and respect for the Democratic Rule of Law. It is concluded that the legal and institutional confrontation of terrorism demands constant critical reflection in order to avoid abuses, ensure the legality of state actions, and strengthen collective security without compromising essential rights.

Keywords: Terrorism. Legal Classification. Doctrinal Conceptions. Police Activity.

Abstract

Terrorism has occupied a significant space in contemporary legal debate, especially given the challenges it poses to public safety and the preservation of fundamental rights. In Brazil, the classification of this phenomenon gained greater normative density with the enactment of Law No. 13.260/2016, which sought to align the domestic legal system with the international commitments undertaken by the Brazilian State. This work aims to analyze the legislative and doctrinal classification of terrorism in the national legal context, as well as to discuss police action in confronting these practices and the legal limits that guide this intervention. The methodology adopted

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Keywords: Terrorism. Legal Classification. Doctrinal Conceptions. Police Activity.

1. Introduction

Terrorism is a phenomenon that transcends geographical and legal boundaries, assuming multiple forms throughout history, adapting to social, political, and technological contexts of each era. Although frequently associated with international conflicts, it is a practice which challenges domestic legal systems, requiring normative responses capable of dealing with behaviors aimed at provoking collective fear and social instability (Pinheiro, 2017). In the scenario In contemporary times, the debate on terrorism involves not only criminal repression, but also Reflections on democracy, fundamental rights, and public safety.

In Brazil, the discussion on this topic gained greater prominence due to the need to adapting the legal system to international conventions, culminating in the enactment of Law No. 13.260/2016. This regulation represented a milestone in defining, in a more systematic way, which acts They can be considered terrorists, establishing objective and subjective criteria for their characterization (Barbosa, 2022). Even so, the application of the law raises doctrinal debates relevant, especially with regard to the interpretation of its provisions and the risks of Undue expansion of the concept of terrorism.

Brazilian legal doctrine has focused on these issues, analyzing the limits of Criminal classification and the impacts of anti-terrorism legislation on the exercise of civil rights and politicians. Rosa (2022) and Menezes (2022) highlight that the definition of terrorism must be sufficiently precise to ensure legal certainty, avoiding arbitrary classifications that They can affect legitimate social movements or demonstrations. This care proves essential for The preservation of the democratic rule of law.

In parallel, state action in combating terrorism directly involves the public security agencies, especially the police forces, which assume preventive functions and highly complex repressive measures. Police activity, in this context, needs to be conducted with... based on clear legal parameters, respect for constitutional guarantees and observance of principles proportionality and legality, as highlighted by Vasconcelos (2018) and Veiga (2018).

Given this scenario, the present study is justified by the need to...

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To understand how terrorism is legally classified in Brazil and how its actions...

The police force is structured within established legal limits. The problem that guides the research

The question is: to what extent are Brazilian laws and police actions able to address this?

Terrorism without compromising the fundamental rights guaranteed by the Federal Constitution?

The overall objective of this work is to analyze the legislative and doctrinal classification of terrorism.

in the Brazilian legal system, as well as examining the role of police activity in

confronting these practices. As specific objectives, the aim is to understand the legal criteria.

Regarding the classification of terrorism, discuss the main doctrinal positions on the subject and

To reflect on the legal limits of police action in combating these behaviors.

2. Methodology

The methodology adopted is based on bibliographic and documentary research, with selection of scientific articles, books, dissertations, and legislation relevant to the topic. The descriptors used These include "terrorism," "anti-terrorism law," "public security," and "police activity."

Works published primarily from 2017 onwards were included, with recognized...

Academic relevance was considered, and materials lacking adequate scientific or normative support were excluded.

Furthermore, this study adopts a methodology based on legal positivism, focusing on analysis.

normative of legal practices (Duarte, 2006).

Furthermore, it will follow a qualitative and exploratory approach, with citations from legal scholars of law. The methodology will be predominantly descriptive, complemented by an analysis. explanatory and correlative.

A hypothetical-deductive study will also be presented. A cross-sectional study. which aims to qualitatively address the topic proposed in this study. The methodology procedures Qualitative theories are based on the idea that there is a dynamic interaction between the real world and the... individual. There exists a continuous interaction between the subject and the object, an inseparable link between the objective world and the subjectivity of the individual (Chizotti, 1991).

Knowledge is not limited to a set of disconnected information, but is linked by a theory. Explanatory: the observer is an essential component of the learning process and interprets the... phenomena, giving them meaning. The object is not an inert and impartial element; it is loaded with meanings and connections that real individuals establish in their actions (Chizotti, 1991).

Research techniques include literature review, bibliographic review, and research. documentary. Doctrines and jurisprudence from the Superior Court of Justice (STJ) will be consulted and Supreme Federal Court (STF).

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Finally, the type of interpretation in data analysis will involve grammatical, literal, and teleological approaches.

and a systematic analysis of judicial decisions and doctrines, connecting them to the operational practice of the PMAM (Military Police of Amazonas). The ultimate goal is to develop a critical analysis of the legal and institutional impacts of absence. a clear definition of reasonable suspicion, proposing a concept applicable to police practice. (Almeida, 2021).

3. Results and discussion

3.1 Terrorism: legislative classification and conceptualization in the Brazilian legal system

The legal understanding of terrorism in Brazil is directly related to the effort of to define a phenomenon marked by multiple interpretations and a strong political and symbolic charge. For many years, the Brazilian legal system dealt with terrorism only indirectly, mentioning it in the 1988 Federal Constitution as a crime that is not subject to bail and is not eligible for pardon or amnesty, without, however, presenting a precise normative definition. This gap generated insecurity. legally, since the constitutional rejection was not accompanied by objective criteria capable to guide state action in a clear and predictable way (Brazil, 1988).

This scenario began to change with the enactment of Law No. 13.260/2016, which passed to establish legal parameters for identifying terrorist acts in the country. The aforementioned law sought to to meet both domestic demands and international commitments undertaken by Brazil, especially within the framework of the United Nations (Brazil, 2016). For Barbosa (2022), Brazilian legislation sought to balance the need to repress extremist practices with the preservation of guarantees. constitutional rights, avoiding an overly open model that could compromise constitutional rights. fundamental.

From a legislative standpoint, the Anti-Terrorism Law defines terrorism as the practice of certain acts, such as the use or threat of explosives, sabotage of essential infrastructure, attacks against life or physical integrity, provided they are carried out with the specific purpose of to provoke social or widespread terror (Brazil, 2016). This subjective element is central to the characterization of the crime, as it prevents any violent conduct from being automatically... framed as terrorism. Rosa (2022) highlights that this requirement of purpose distinguishes the Terrorism is a crime that encompasses other serious offenses outlined in the Penal Code, thus providing greater precision to the definition of the crime. criminal.

Brazilian legal doctrine, however, is not unanimous regarding the sufficiency of this definition. Some authors acknowledge advances in typification, but point out interpretative weaknesses that may to generate controversial applications. Menezes (2022) draws attention to the risk of using discourse

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anti-terrorism as an instrument for expanding the punitive power of the State, especially in contexts of political or social instability. From this perspective, the legislative classification of Terrorism must be constantly analyzed in light of the constitutional principles that guide it. Democratic criminal law.

Another relevant aspect of legislative classification concerns the attempt to differentiate the Terrorism practices associated with social movements, political demonstrations, or demands. collective actions. Law No. 13.260/2016 itself includes a provision that excludes collective actions from the concept of terrorism. Conduct motivated by social or advocacy purposes, provided it does not involve acts classified as terrorists. For Almeida (2021), this prediction represents an explicit effort by legislators aim to avoid the undue criminalization of political participation, although its effectiveness depends on based on the interpretation adopted by legal professionals.

In the doctrinal field, the conceptualization of terrorism is also influenced by debates. international. Semeraro and Nasser (2025) note that there is no global consensus on a definition. unique in its fight against terrorism, which has a direct impact on domestic regulations. This absence of Uniformity leads each country to construct its own conceptual framework, taking into account... considering its history, institutional structure, and international commitments. In the Brazilian case, The choice was for a model that emphasizes the purpose of the conduct and its effects on the community.

Veiga (2018) analyzes this process from the perspective of contemporary criminal law, pointing out that anti-terrorism legislation often engages with the logic of so-called criminal law. enemy. This perspective, while controversial, reveals the tendency to treat terrorism as an enemy. An exceptional threat, justifying more rigorous repressive mechanisms. Even so, the author It emphasizes that the uncritical adoption of this model could compromise fundamental guarantees, which is why... which interpretation of the law should be restrictive and compatible with the Democratic Rule of Law.

The legislative classification of terrorism in Brazil is also related to its inclusion in... A broader penal system. Unlike common crimes, terrorism is treated as an offense. of extreme gravity, with high penalties and a more severe legal regime. Nunes (2017) highlights that This legislative option reflects the understanding that terrorism does not only affect victims. individual issues, but it threatens the very social and institutional order. Nevertheless, the author emphasizes that... The seriousness of the crime does not justify arbitrary relaxations of procedural guarantees.

From this perspective, the legal conceptualization of terrorism requires an integrated reading of Federal Constitution, the Anti-Terrorism Law, and international treaties ratified by Brazil. Cruz Rosa (2019) points out that compatibility between these instruments is essential to ensure that The challenge lies precisely in building a system where criminal repression does not become a violation of rights. a definition robust enough to confront real threats, without leaving room for abuse. Interpretive.

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Critical doctrine also highlights the importance of understanding terrorism as

A dynamic phenomenon, whose forms of manifestation transform over time. Vasconcelos (2018) notes that legislation needs to engage with preventive practices and public policies of security, going beyond simple criminal punishment. This view broadens the understanding of terrorism to Beyond the act itself, considering its contexts of origin and its social consequences.

The legislative classification of terrorism in Brazil can be understood as the result of a The regulatory process is still under development. Although Law No. 13.260/2016 While this represents a significant advance, its practical application depends on careful interpretations and... constant dialogue with doctrine. Scalzilli Ramos Pantoja (2022) emphasizes that judicial control and the Academic debate plays an essential role in curbing excesses and consolidating a... A penal model compatible with constitutional values.

The doctrinal discussion on terrorism in Brazil also focuses on the criteria of Proportionality and necessity should guide criminal intervention. When defining terrorism as a crime. As an autonomous crime, the Brazilian legislator undertook the commitment to restrict its application to truly exceptional situations. Barbosa (2022) observes that this option aims to prevent the The concept is either trivialized or used as a symbolic tool for social control, a recurring practice. in authoritarian contexts. In this sense, a systematic reading of Law No. 13.260/2016 requires attention. consistent with its restrictive nature.

Another relevant point concerns the relationship between terrorism and political crimes. Historically, Brazilian law has always been cautious in differentiating between acts of political violence and practices. terrorists. Rosa (2022) emphasizes that the finalistic element present in terrorism, that is, the intention The main distinguishing factor compared to other crimes is the ability to provoke widespread terror. motivated by ideological reasons. This distinction is essential to avoid political conflicts. or social threats are improperly treated as terrorist threats.

Contemporary doctrine also questions the boundaries between prevention and punishment in legal confrontation of terrorism. Vasconcelos (2018) points out that anti-terrorism legislation It tends to anticipate criminal protection, allowing the criminalization of preparatory acts in certain situations. circumstances. Although this anticipation is justified by the high potential for harm terrorism, it This poses significant challenges to criminal law doctrine, especially with regard to the principle of... Strict legality and the presumption of innocence.

In this context, Veiga (2018) critically analyzes the influence of foreign models on Brazilian legislation, highlighting that many legal systems adopt broad penal responses and severe after episodes of extreme violence. In Brazil, however, the incorporation of these strategies It must be done with caution, considering the specificities of the Democratic Rule of Law and the The need to preserve the essential core of individual guarantees. The uncritical importation of

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Concepts can generate distortions and compromise the legitimacy of state action.

The legislative classification of terrorism also involves debate about its inclusion in national security system. Ribeiro (2025) observes that, in the Brazilian context, terrorism does not It presents itself as a daily threat, but its classification follows a preventive and symbolic logic. focused on institutional protection and international cooperation. This characteristic reinforces the need of the careful application of the law, avoiding its use in situations that do not correspond to the phenomenon that It is intended to be fought.

From a constitutional perspective, the repression of terrorism must always be subject to limits. imposed by the constitutional text. Cruz and Rosa (2019) emphasize that the Federal Constitution does not It not only condemns terrorism, but also establishes a set of rights and guarantees that do not They can be relativized indiscriminately. The hermeneutical challenge lies precisely in to harmonize these two commands, ensuring legal certainty without sacrificing the protection of fundamental rights.

Recent academic production also shows concern with the symbolic dimension of anti-terrorism legislation. Scalzilli Ramos Pantoja (2022) argues that norms of this nature They tend to produce a strong discursive impact, reinforcing the idea of a permanent threat. Although this While this effect may contribute to the legitimization of security policies, it can also fuel... Selective and discretionary practices, especially when there are no clear criteria for their application.

Semeraro and Nasser (2025) add that the absence of international consensus on the The concept of terrorism intensifies these interpretative difficulties. Each State, in constructing its The definition, in itself, reflects its own political and institutional interests. In the Brazilian case, the attempt Aligning with international standards without relinquishing constitutional guarantees reveals a A balancing effort that is still in the process of consolidation.

Brazilian criminal law doctrine, when analyzing this scenario, recognizes that the criminalization of terrorism... It represents a sensitive and constantly transforming field. Nunes (2017) highlights that effectiveness The norm's effectiveness depends less on the severity of the penalties and more on conceptual clarity and capacity. institutional means to apply it fairly and proportionally. The legislative classification, in this sense, It should be understood as a tool for guidance, not as authorization for practices. arbitrary.

The conceptualization of terrorism in the Brazilian legal system demonstrates that it is a an open, but not indeterminate, legal concept. Law No. 13.260/2016, combined with The Federal Constitution and doctrinal interpretation establish guidelines that direct its application. Nevertheless, the role of doctrine and jurisprudence remains central in the task of avoiding excesses. and to ensure that the fight against terrorism remains compatible with democratic values.

3.2 Police activity in combating terrorism and its legal limits

Police activity in combating terrorism takes on unique characteristics when compared to the repression of common crimes, this approach is characterized by anticipating the outcome. Compared to the repression of common crimes, this approach is characterized by anticipating the outcome. risk, due to the intensive use of strategic information and the need for quick responses to threats that, often, have not yet materialized into concrete actions. In Brazil, this confrontation occurs in a context where terrorism is not presented as a phenomenon. It is a recurring threat, but legally it is treated as a highly serious threat, requiring preparation. institutional compliance and strict adherence to the legal limits established by the legal system. (Nunes, 2017).

Law No. 13.260/2016 gave greater prominence to public security forces. especially the Federal Police, in establishing mechanisms aimed at preventing and suppressing acts of terrorism. This action, however, is not limited to traditional criminal investigation, involving also intelligence operations, inter-institutional cooperation and coordination with organizations international. Vasconcelos (2018) highlights that confronting terrorism requires a logic of integrated action, in which police activity goes beyond the repressive phase and begins to act in a more holistic way. In a preventative manner, focusing on risk identification and proactive neutralization of threats.

Police activity now operates in a sensitive zone between security and freedom. Barbosa (2022) notes that the fight against terrorism often expands the investigative powers of The State, authorizing exceptional measures, such as wiretapping, monitoring of digital communications and agent infiltration. Although such instruments are legally permitted, their use must be subject to strict judicial control, otherwise it may violate the law. fundamental rights guaranteed by the Federal Constitution.

Brazilian legal doctrine has emphasized the legality of police action in combating terrorism. Terrorism depends on the strict observance of due process. Cruz and Rosa (2019) emphasize that the repression of this type of crime does not authorize the indiscriminate relaxation of guarantees. constitutional principles, making it essential that any measure restricting rights be duly considered. well-founded, proportionate, and necessary. The absence of these requirements compromises not only the legitimacy of the police action, but also the validity of the evidence produced.

This anticipation of criminal protection directly impacts police activity, which then begins to act before the crime is committed. Veiga (2018) analyzes this dynamic from a critical perspective, pointing out that expanding the power of state intervention can bring police action closer to models associated with so-called enemy criminal law. Although this logic is justified by Given the potential gravity of terrorism, it requires caution to avoid selective or discriminatory practices.

It also faces challenges related to defining the very concept of terrorism.

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Menezes (2022) warns that imprecise legal concepts tend to widen the margin of discretionary power of police authorities, increasing the risk of wrongful charges.

For this reason, a restrictive interpretation of the criminal offense is fundamental to guiding police action and preventing... that social conflicts, political demonstrations, or protest movements be treated as terrorist threats.

In the operational field, terrorism prevention involves the collection and analysis of data, the Monitoring suspicious financial flows and tracking potential networks of radicalization. Ribeiro (2025) observes that, although Brazil does not have a significant history of In the event of terrorist attacks, police activity needs to be prepared to deal with complex scenarios. especially due to the globalization of threats and the increasing use of digital technologies by groups. extremists. This preparation, however, cannot occur outside the bounds of legality.

Its international dimension also deserves highlighting. Semeraro and Nasser (2025) point out that Combating terrorism requires cooperation between states, the exchange of information, and... Harmonization of strategies. In the Brazilian case, this cooperation must respect the imposed limits. based on national sovereignty and international human rights treaties, avoiding practices that could compromise individual rights or generate international responsibility for the State.

Contemporary doctrine also emphasizes that its effectiveness cannot be measured solely by number of operations or arrests carried out. Scalzilli Ramos Pantoja (2022) argues that repression Combating terrorism must be accompanied by institutional transparency and external control mechanisms. such as the actions of the Public Prosecutor's Office and the Judiciary. These instruments function as democratic safeguards, ensuring that police power is exercised within legal limits.

In this context, police activity in combating terrorism reveals itself to be profoundly important. Conditioned by the regulatory framework and constitutional principles. Operational efficiency, Although necessary, it cannot override legality and respect for fundamental rights. The construction of a legitimate police action model therefore requires a balance between prevention, repression and institutional control.

FINAL CONSIDERATIONS

The analysis developed throughout this work has shown that terrorism, while This legal and social phenomenon defies simple answers and demands constant interpretive care. In the Brazilian context, the normative construction surrounding the topic sought to reconcile compromises. international demands, security requirements, and the preservation of constitutional principles. Law No. Law 13.260/2016 represented progress by offering more defined criteria for the classification of Terrorism, although its application still requires attention to avoid broad interpretations that may...

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to compromise fundamental rights.

It has been observed that the legal and doctrinal classification of terrorism in Brazil is marked by Natural tensions arise between penal repression and individual rights. These tensions should not be... understood not as flaws in the legal system, but as a reflection of the complexity of the phenomenon and The need for balance in a democratic state governed by the rule of law. Doctrine plays a role. Essential in this process is problematizing concepts, pointing out risks, and contributing to interpretations. more responsible under current legislation.

With regard to police activity, it became clear that confronting terrorism requires... technical, preventive and integrated action, especially in the field of intelligence and cooperation. institutional. Even so, operational efficiency cannot override the legal limits that govern. State action. Legality, judicial review, and observance of due process of law. These are indispensable elements for police action to maintain legitimacy and credibility. social.

In this sense, it can be observed that the limitations of this research stem from the lack of implementation. from interviews with legal professionals or the collection of specific institutional data, what It restricts the conclusions to the theoretical-normative plane.

Furthermore, from a scope perspective, the work focuses on the legal classification and doctrinal discussion of terrorism and in the general discussion of the legal limits of police activity, without the possibility of deepening a specific empirical aspect related to the concrete performance of a institution, which reduces the potential for generalization and critical evaluation in perspective. International.

Finally, considering that this is a topic in constant normative, doctrinal and... jurisprudentially, it is recognized that the results presented here are of a partial nature and These are subject to future revisions, as new judicial interpretations and changes arise. Legislative and institutional practices may redefine the contours of the fight against terrorism. in Brazil.

Regarding the academic contributions of this article, they can be perceived in two ways. complementary fronts, one of an academic nature and the other of an institutional character. In the plan From an academic standpoint, the study systematically integrates the legal and doctrinal classification of terrorism. in the Brazilian legal system, articulating the Federal Constitution of 1988 and Law No. 13.260/2016, as well as bringing together recent doctrinal productions that problematize the conceptual precision of the type. criminal law, the risks of expanding punitive power, and the distinction between terrorism, political crimes, and social movements.

Furthermore, by treating terrorism as an open, but not indeterminate, legal concept, The work reinforces the need for restrictive interpretations that are compatible with the democratic state.

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of Law, contributing to the theoretical development of the topic and indicating fields of research.

future, especially regarding the practical impacts of the legislation on institutional performance and in case law construction.

At the institutional level, the article provides insights for improving the performance of public security agencies, particularly the police, emphasized that confronting terrorism... It must be anchored in parameters of legality, proportionality, due process of law, and control. effective judicial.

By highlighting the risks of unduly broadening the concept of terrorism and its uncritical adoption. Regarding models associated with so-called enemy criminal law, the study serves as a warning for managers and police commanders regarding the need for rigorous legal filters in the formulation of Policies, operational protocols, and intelligence operations.

Furthermore, by highlighting the importance of transparency, inter-institutional cooperation, and The actions of the Public Prosecutor's Office and the Judiciary, as well as external control mechanisms, The work contributes to strengthening an institutional culture oriented towards the protection of fundamental rights, and may subsidize ongoing training and capacity-building programs for agents. security, as well as the development of guidelines and strategic plans aimed at prevention and Repression of terrorism in accordance with constitutional values.

Finally, it is concluded that the fight against terrorism in Brazil must be understood as a A continuous process of normative and institutional improvement. More than punitive responses. Given the severity of the situation, it is necessary to strengthen control mechanisms, transparency, and technical training for the agents. public security. Only in this way will it be possible to confront potential threats to public safety without opening doors. hand in hand with the democratic values that underpin the Brazilian legal system.

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