



The role of the armed forces in public security

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Summary

This article has as its theme the role of the Armed Forces in Public Security, with emphasis on the way in which Public Security in Brazil has been conducted and delegated to the Armed Forces, seeking to answer the problem question: the Armed Forces have the purpose of ensuring the public security in the Democratic Rule of Law? To this end, we started from the hypothesis that the actions of the Armed Forces in activities exclusive to the military police of the states violate the Federal Constitution of 1988. In this context, the main justification for the development of research on the proposed topic is the constant call of the Forces Armed to act in public security, since it has been verified that state governments are often silent in relation to the actions of the military police and in the face of the unbridled growth of crime and pressure from society, lead them to request the federal Executive Branch assistance from the Army. As a result, there is a weakening of both institutions, and, also, the occurrence of an inversion of competences of the beloved forces and the military police of the states. The general objective of this study is to analyze the use of the Armed Forces in guaranteeing law and order in moments of extreme crisis in public security. To this end, a bibliographic methodology research was developed, based on the Brazilian Federal Constitution of 1988, and authors such as Celso Antônio Bandeira De Mello (2009); Maria Sylvia Zanella di Pietro (2014); Emerson Garcia (2009); Helly Lopes Meirelles (2009), among others who discuss the subject.

Key words: Armed forces. Legitimacy. Police power. Public security.

1. Introduction

This article was developed on the topic of the role of the Armed Forces in public security. The main objective is to study the repeated role of the Armed Forces in public security to understand whether this possibility really exists, and whether the Navy, Army and Air Force can act to maintain order and law and combat crime in the Member States. , for example.

State Public Security is intended as a service provided with the aim of ensuring the harmonious and social coexistence of society. Apparently, the Armed Forces, when patrolling streets, avenues and neighborhoods, invert the chronological order of the constitutional commandment, acting as police power, since ostensible patrolling is the exclusive responsibility of the Military Police. In view of this, the question arises: Do the Armed Forces have the

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purpose of ensuring public security in the Democratic Rule of Law? Public security constitutionally guaranteed in article 144, *caput* of the Constitution of the Federative Republic of Brazil, is intended as a service provided with the purpose of ensuring the harmonious and social coexistence of society, which is everyone's right, and the responsibility of the State, and the preservation of public order and public safety must be exercised. safety of people and property.

The 1988 Federal Constitution itself listed the bodies responsible for this mission: at the federal level, the Federal Police, the Federal Highway Police and the Federal Railway Police and at the state level, the civil and military police and military fire departments. Note that the Armed Forces are not included in this list. Public security as a duty of the State and the right and responsibility of all, has been discussed incessantly by society, mainly in relation to the actions of the bodies responsible for protecting all citizens.

In this context, this study is relevant, especially due to the constant call of the Armed Forces to act in public security, since it has been verified that state governments are often silent in relation to the actions of the military police and in the face of unbridled growth of crime and pressure from society, they end up asking the Federal Executive Branch for assistance from the Army.

Regarding the methodology used to carry out this research, the hypothetical-deductive approach method was adopted, with the use in its design of data collection in bibliographic sources available in physical media and on the computer network, to finally carry out the exhibition of the results obtained through a descriptive text.

2 Theoretical foundation

2.1 Police power in the constitutional order and its state organization

Firstly, there is a need to understand the importance of the Public Administration acting in accordance with the Law, since its actions must be expressly delimited, that is, within legality. For this approach, authors such as Celso Antônio Bandeira de Mello (2009) and Maria Sylvia Zanella Di Pietro (2014) were used. Initially, the issue of police power is addressed, and for a better understanding, relevant concepts, characteristics and aspects are mentioned. With regard to state structuring, the constitutional order and how its organization occurs are considered.



Police power serves as a means of control, a brake on the social fabric, supported by an apparatus regulated by Laws, Regulations, Codes, among others. Serving for the well-being and safety of all. According to Maria Silvia Zanela Di Pietro (2014, p. 125) states:

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[...] the police power in the State may affect two areas of State action: (we are referring to the State, because it is the focus of our research when we question the role of the Armed forces in playing the role of Police in the State) a) in the administrative area; b) in the judicial area.

In this sense, it establishes a concept of Police Power and the difference between them:

[...] the Judiciary Police is private to specialized corporations (civil and military police), while the Administrative Police is distributed among various administration bodies, including, in addition to the Military Police itself, the various supervisory bodies to which the law assigns this role, such as those who work in the areas of health, education, work, social security and social assistance (DI PIETRO, 2014, p. 126).

It must be considered that the police power exercised by the judicial police refers to military police officers at the time of their action. It is important to highlight that the legal concept of Police Power is found in art. 78 of the National Tax Code (BRASIL, 1966), as the exercise of police power represents a hypothesis of tax incidence, in this case, the charging of a fee, which considers this to be:

[...] the activity of public administration which, by limiting or disciplining right, interest or freedom, regulates the practice of an act or abstention in fact, due to public interest concerning security, hygiene, order, customs, discipline of production and the market, the exercise of economic activities dependent on concession or authorization from the Public Power, public tranquility or respect for property and individual or collective rights.

In this same line of reasoning, Hely Lopes Meirelles presents the Police Power as:

The braking mechanism available to the Public Administration to contain abuses of individual rights. Through this mechanism, which is part of the entire Administration. The State stops the activity of individuals that proves to be contrary, harmful or inconvenient to social well-being, development and national security (MEIRELLES, 2000, p. 122).

It is understood that the police power is at the disposal of the Public Administration, so that it aims to achieve the common interest of the community, in favor of those administered, leading the State to act for the benefit of maintaining the social and legal order, to achieve collective well-being. Therefore, it appears that studying the Armed Forces is essential to understand whether this permanent institution is endowed with power



of police, and can act in areas under the responsibility of other bodies. Police violence, repression and punishment are some of the various issues related to public security, which have gained prominence in the world and in Brazil.



According to the Federal Constitution, public security is a matter of responsibility of the Federal and State governments, as referred to in art.144 of the Federal Constitution, *caput*: "Art. 144. Public security, the duty of the State, the right and responsibility of all, is exercised to preserve public order and the safety of people and property, through the following bodies [...]"

Next, it deals with the constitutional formatting of the Armed Forces, highlighting their competencies in the Brazilian legal system and the distinction in conception between the police and the armed forces.

2.2 The armed forces in the Constitution of the Republic

The Federal Constitution of 1988 prescribes in its arts. 142 and 143, where the theme is defined respectively in its literal form, explaining and limiting the power of action of the Armed Forces, as defenders of the Homeland. This prerogative is to maintain order and uphold constitutional dictates throughout the national territory. It is important to note that art. 142 of the Federal Constitution, expresses the constituent elements of the Armed Forces, and establishes their function by defining that:

Art. 142. The Armed Forces, constituted by the Navy, the Army and the Air Force, are permanent and regular national institutions, organized on the basis of hierarchy and discipline, under the supreme authority of the President of the Republic, and are intended to defend the Patria, to guarantee constitutional powers and, on the initiative of any of them, law and order (BRASIL, 1988).

As can be seen, article 142 objectively provides for the use of the Armed Forces in public security operations subject to the request of constitutional powers and under the authority of the President of the Republic.

It should be noted that their participation in this type of operations can only occur if they are requested and authorized by the head of the federal executive. Even though there is the express possibility of using the Armed Forces to guarantee law and order, article 144 of the Federal Constitution indicates that this use must be done as a last resort to defend these institutions. The aforementioned article of the constitutional text lists the bodies that have the primary task of preserving public order:



Art. 144 - Public security, the duty of the State, the right and responsibility of all, is exercised to preserve public order and the safety of people and property, through the following bodies:

I - Federal police;

II - Federal highway police;

III - Federal railway police;

IV - Civil police;

V - Military police and military fire departments. (BRAZIL, 1988).

In this context, Complementary Law no. 97, of June 9, 1999, later amended by Complementary Law no. 117, of September 2, 2004, which regulates the use of federal troops in operations to guarantee constitutional powers, law and order, as an exceptional measure.

It is inferred that the legislator, "by attributing responsibility for ensuring law and order to the Troops, portrays unique situations, evidenced by the collapse in the fight against crime and the incapacity or operational insufficiency of security bodies", highlights Andréa Costa Corrêa (2011).

The Armed Forces guarantee the development of state activities against attacks from other countries, with the Navy responsible for protecting the maritime space, the Air Force for ensuring the air space and the Brazilian Army taking care of the terrestrial dimension (CORRÊA, 2011).

The police power granted to the Armed Forces, according to Corrêa (2011) "[...] is not the rule in matters of public security, these being revealed in special situations legally provided for by law." However, the device is the subject of intense debates, some arguing that item IV of article 17-A, included by Complementary Law no. 117, of 2004, under the argument that the prevention and repression of border crimes, as well as environmental crimes, are the exclusive responsibility of the Federal Police, as expressly determined by the Constitution (CORRÊA, 2011). When dealing with the subject, João Rodrigues Arruda (2007, p. 104) teaches that:

Even though the President of the Republic is the authority that holds federal police power at the highest level and is also the commander-in-chief of the Armed Forces, he cannot transfer responsibilities from one institution to another. Not even the National Congress can do it. The insurmountable barrier is the Constitution, which established the missions that each of them has. The Armed Forces in article 142 and the Federal Police in article 144 (ARRUDA, 2007, p. 104).

In fact, what he is saying is that the President of the Republic, even though he is the highest authority of the Brazilian State and is the Commander of the Armed Forces, must have



Be very careful when setting missions for the Army, Navy or Air Force, as the 1998 Federal Constitution itself determines the competencies of each of the institutions mentioned and only through an Amendment to the Constitution can they be expanded.



Therefore, there is a need to know about the competencies of the Armed Forces and seek to understand the Army's participation in public security actions in the federated States.

2.2.1 The competencies of the Armed Forces in the Brazilian legal system

It must be considered that the existence of the Armed Forces in the Federal Constitution of 1988, as a permanent and regular institution, has its reason for being, especially if one knows how to understand its way of acting in society. In this sense, the clarifications by Emerson Garcia (2009, p.46) are fundamental. See if:

The way the Armed Forces act is related to the fulfillment of international obligations of a military nature assumed by the Country, which may derive immediately from international treaties or conventions of a bilateral or multilateral nature or result from deliberations adopted by an international organization of which it is a part. It is in this last context that the peacekeeping operations maintained by the United Nations are inserted, frequently used despite the absence of any reference in the UN Charter (GARCIA, 2009, p. 46).

Analyzing the above, it can be said that it is in this last context that the peacekeeping operations maintained by the United Nations are inserted, frequently used, despite the absence of any reference in the UN Charter, argues Emerson Garcia (2009) when refer to the actions of the Navy, Army and Air Force.

The first duty of any government is the defense of peace, which must be understood in its broadest sense, encompassing both inner and outer peace. The analysis of risk situations and the status of the oppressor allows us to affirm that the Armed Forces have four fundamental objectives, as indicated by Emerson Garcia (2009):

- 1) Defend Brazilian sovereignty, guaranteeing its borders and repressing the external enemy;
- 2) Act in compliance with international obligations, of a military nature, assumed by the Country;
- 3) Defend internal order in situations of institutional abnormality;
- 4) Defend internal order in situations of institutional normality (GARCIA, 2009, p. 51).



Based on the above, it is clear that, firstly, the Armed Forces have the duty to act in defense of the country's internal and external peace, however, if abnormal situations occur that are putting society at risk, then yes, may be displaced from their main function.

Manoel Gonçalves Ferreira Filho (2002, p. 235) conceptualizes the Armed Forces as “a special body of Public Administration, opposed to the civil sector due to its militarization, the hierarchical classification of its members in armed units prepared for combat.” The Armed Forces' main purpose is to guarantee the external security of the State, and also of the constitutional powers, including the Executive, the Legislative and the Judiciary, which is why they hold the concentration of military power. Only in extreme situations will they act in the security of law and internal order.

The Constitution establishes that the Armed Forces must defend the country against foreign aggression in the event of external war, and also democratic institutions, aiming to guarantee the constitutional powers emanating from the people (SILVA, 2004).

The main functions of this Institution are the defense of the Homeland, the guarantee of constitutional powers, law and order. The general standards to be adopted in the organization, preparation and employment of the Armed Forces are established by Decree no. 88,777, of September 30, 1983, which approves the regulations for military police and military fire departments (R-200); by Complementary Law no. 97, of June 9, 1999, amended by Complementary Law no. 117, of September 2, 2004, which provides for general standards for the organization, preparation and employment of the Armed Forces, and Decree no. 3,897, of August 24, 2001, which establishes the guidelines for the use of the Armed Forces to guarantee law and order (GARCIA, 2009).

LC no. 97/99 regulates the requirements and operating conditions of the Armed Forces, whose decision to initiate the execution of measures considered necessary to defend law and order is the responsibility and responsibility of the President of the Republic. These precepts can be deduced from reading the extensive article 15, of LC no. 97/99, which will be broken down to make it clearer about the topic being addressed, that is, the powers set out in the aforementioned Law. As follows:

Art. 15. The use of the Armed Forces in the defense of the Homeland and in guaranteeing constitutional powers, law and order, and in participation in peace operations, is the responsibility of the President of the Republic, who will determine the Minister of State for Defense the activation of operational bodies,



[...]

§ 1 The President of the Republic is responsible for deciding on the use of the Armed Forces, on his own initiative or in response to a request made by any of the constitutional powers, through the Presidents of the Federal Supreme Court, the Federal Senate or the Chamber of Deputies (BRAZIL, 1999, Wording given by Complementary Law nº 136, of 2010).

It is evident in this first part that the Armed Forces have the primary competence to act in the defense of the Homeland and in guaranteeing constitutional powers, law and order, and in participating in peace operations; but it is up to the President of the Republic to decide on the use of the Armed Forces to guarantee law and order, especially when the preservation of public order and the safety of people and property is threatened or has been constantly attacked. As expressed in article 15, of LC no. 97/99, reinforced by its §1°, it appears that the President of the Republic, as the supreme hierarchical authority, is responsible for the decision to employ troops in the fight against civil violence, even in cases of attention at the express request of any of the Constituted Powers, be it the president of the Federal Supreme Court or the presidents of the houses of the National Congress.

The use of the Armed Forces is authorized, under the terms of the governing legislation, as long as the instruments “intended for the preservation of public order” are exhausted (Complementary Law no. 97/99, art. 15, § 2°). Therefore, the instruments listed in art. 144 of the Federal Constitution when, “[...] at a given moment, they are formally recognized by the respective Head of the Federal or State Executive Power as unavailable, non-existent or insufficient for the regular performance of their constitutional mission” (BRASIL, 1999, Complementary Law no. 97/99, art. 15, § 3). In the same way, it can be said that the Armed Forces, according to § 4, of art. 13, provides:

In the event of employment under the conditions set out in § 3 of this article, following a message from the President of the Republic, the operational bodies of the Armed Forces will be activated, which will develop, episodically, in a previously established area and for a limited time, preventive actions. and repressive measures necessary to ensure the results of operations in guaranteeing law and order (BRASIL, 1999, Wording given by Complementary Law nº 136, of 2010).

It is clear that the Head of the Republic will issue the guidelines through a message activating the operational bodies of the Armed Forces, outlining the preventive and repressive actions necessary to ensure the results of operations while ensuring law and order. The action of federal forces will not be an autonomous event, but



related to the context of the specific case, in collaboration with public security bodies. The area of activity will be established in advance and for a limited time to the need to reestablish control of public order.



2.2.2 The use of the Armed Forces to guarantee law and order

Initially, it is worth highlighting that the use of the Armed Forces, in the preservation of law and order, must be absolutely subsidiary and eventually, since this function, according to the constitutional rule, falls, in the first instance, to the police apparatus, in its meaning, strict, whether federal or state.

However, the way in which the Armed Forces act is related to the fulfillment of international obligations of a military nature assumed by the Country, which may derive immediately from international treaties or conventions of a bilateral or multilateral nature or result from deliberations adopted by some international organization of which it is part. part.

The great challenge facing Public Security bodies in the Constitutional Order today is the containment of crime. The rates have been increasing in recent decades, according to statistics published on the official page of the National Public Security Secretariat.

In recent years, an exacerbated "punitivism" has been created resulting from some emblematic cases that occurred in Brazil. Society reveals itself to be intolerant of the practice of crimes that often occur recurrently in any region of the country, but which, due to media influence, have repercussions in a way that makes them more serious and serious than other crimes.

It can be said that even if society is experiencing moments of abnormality, given the inefficiency of public police bodies, guarantors of public order, the safety of people and property when it comes to combating and repressing crime, this is not easily recognized by the governments of the Member States, as Corrêa (2011) argues that the recognition of the inoperability of public police bodies cannot be deduced, even if evident. This is a formal act of recognition by the respective public entity, which must expressly declare the unavailability, non-existence or insufficiency in the regular performance of its constitutional mission of preserving public order and the safety of people and property, a fundamental requirement for action. of the Armed Forces. Therefore, § 5 of article 15 of LC 97/99 expresses:



§ 5 Once the use of the Armed Forces in guaranteeing law and order has been determined, it will be up to the competent authority, through a formal act, to transfer operational control of the public security bodies necessary for the development of actions to the authority in charge of operations, which must establish an operations coordination center, composed of representatives of public bodies under its operational control or with similar interests (BRASIL, 1999, Wording given by Complementary Law n° 136, of 2010).

Operational control of public security bodies will be transferred to the President of the Republic, who will constitute a center for coordinating the operations necessary to ensure the guarantee of law and public order, composed of representatives from other public bodies. § 6 of article 15 of LC 97/99 states that:

For the purposes of applying this Complementary Law, operational control is considered to be the power granted to the authority in charge of operations, to assign and coordinate specific missions or tasks to be performed by personnel from public security bodies, in compliance with their constitutional or legal powers.

§ 7 The military's actions in the cases provided for in arts. 13, 14, 15, 16-A, in sections IV and V of art. 17, in item III of art. 17-A, in sections VI and VII of art. 18, in the civil defense activities referred to in art. 16 of this Complementary Law and in section XIV of art. 23 of Law No. 4,737, of July 15, 1965 (Electoral Code), is considered military activity for the purposes of art. 124 of the Federal Constitution. (BRASIL, 1999, Wording given by Complementary Law n° 136, of 2010).

In article 16, of LC no. 97/99, the legislator determines that the mission of the Armed Forces is of a subsidiary nature, as collaborators in national development and civil defense. In this sense, José Afonso da Silva (1999, p. 746) argues that:

Only subsidiarily and eventually are they responsible for defending law and order, because this defense is the primary responsibility of the public security forces, which include the federal police and the civil and military police of the States and the Federal District. Its interference in the defense of law and order depends, moreover, on summoning the legitimate representatives of any of the federal powers: President of the Board of the National Congress, Republic of the Republic or President of the Federal Supreme Court. Minister is not a constitutional power. Judge of Law is not a constitutional power. Federal Judge is not a constitutional power. Deputy is not a constitutional power. Senator is not a constitutional power. They are simple members of the powers and do not represent them. Therefore, the action of the Armed Forces summoned by a Judge or by a Federal Judge, or even by a Minister of the Superior Court of Justice or even by the Minister of the Federal Supreme Court, is unconstitutional and arbitrary, because these authorities, however important they are, do not represent any of the federal constitutional powers.

It can be seen that the Armed Forces are constitutionally designated to defend law and order, which can be interpreted as a legal authorization to act in "internal defense".

Regarding action in normal situations, the requirements were established in infraconstitutional legislation and through regulation, as already mentioned



previously. Decree 3,897/01 established, in its article 2, the exclusive competence of the Head of State to determine the deployment of Forces to conflict areas.

11 Article 3 of the same Decree determines that such employment will only occur when the instruments provided for in art have been exhausted. 144 of the Constitution (Civil, Military and Federal Police) (BRAZIL, 2001). For the legislator, they are considered exhausted when unavailable, non-existent or insufficient to regularly carry out their mission.

Another requirement is that the action must be episodic, in a previously defined area and as quickly as possible. Except for the prior definition of the area, art. 5th is also not sufficiently objective, as it is not known how episodic the use should be, nor what duration is necessary to characterize celerity.

In addition to the difficulties faced in deciding the suitability and suitability of the Armed Forces in public security, there is a problem of command, as the operation will involve several institutions with police powers.

Attention must be paid to compliance with all legal requirements, so that the Institution does not lose its legitimacy and its members do not become personally responsible for their actions, no longer vested with police power or corroborated by order of the President of the Republic .

The actions of the Armed Forces, based on Complementary Law no. 97/99, is subject to the decision of the President of the Republic, on his own initiative or in response to a request made by any of the constitutional powers, namely: the president of the Federal Supreme Court or the presidents of the houses of the National Congress. This condition prevents any of the members of the constituted powers, such as a senator or state or federal judge, from having the competence to decide on the matter.

It is noteworthy that when the Land Force is used “[...] in a situation where the application of constitutional safeguards is necessary, its legal competence will be provided for in the corresponding presidential decrees” (SILVA, 2017). It can therefore be inferred that the use of the Armed Forces to guarantee order and law, within the scope of the federated States, is supported by Complementary Law n.95/97 which regulates art. 142 of CF/88.

It is undeniable, therefore, that there are specific norms that allow the use of the Armed Forces, particularly the Army, to guarantee law and order, establishing adequate democratic control mechanisms, according to the gravity of the situation.



3 Conclusion

12 The growing wave of violence and crime that mainly affects large urban centers ends up threatening the effectiveness of public security mechanisms implemented by state bodies, which were constitutionally intended for this purpose. Therefore, considering the various aspects that permeate public security, it would be possible to oppose the use of the Armed Forces in this context. However, one must consider the situation that if the federated states are not managing to solve the problems pertinent to public security, with the resources they have, putting order, law and the safety of people at risk, and in the absence of how to control this situation, they can use the Armed Forces to provide them with logistical, technological and personnel support.

It appears that there is a kind of public outcry asking the Armed Forces to contribute to promoting public safety and combating crime and violence, exercising police powers. All this because state governments have lost control over the fight against crime and violence.

Therefore, it is concluded that there is legitimacy for the action of the Armed Forces in the exercise of public security in the States, and, with regard to police power, this is understood to be due to the interpretation of constitutional and current legislation. However, it is necessary to remember that the use of the Armed Forces is only legitimized in exceptional situations, considering that the constitutional text itself reserves the right to public security bodies, namely, federal police, federal highway police, federal railway police, civil police, military police and military fire departments, the primacy of preserving public order and the safety of people and property.

It can, finally, be concluded that, even though the main functions of the Armed Forces are not combating violence and ensuring public security, the aforementioned action is still legal, as long as all the requirements established in infra-constitutional legislation are met.

Furthermore, it is worth highlighting that the use of the Armed Forces in typically urban operations is an extreme measure, to be adopted in equally extreme situations. It should always be borne in mind that it would be a step backwards if the Armed Forces took charge of public security in times of normality, as this occurred during the military dictatorship and we know how much the civilian population took unnecessary risks.

Therefore, the use of the Armed Forces in resolving local conflicts should not serve as a palliative measure for the State's inaction, as an immediate response to the outcry of



Society must, rather, help governors realize that this type of measure does not solve existing problems, that is, the fight against crime and violence, necessarily involves public policies of social inclusion, which include education. It is concluded that, in emergency and serious situations, which indicate the need to strengthen democratic institutions, it is valid to resort to the assistance of the Armed Forces, without this constituting a violation of the principles of the Brazilian Federal Constitution, since public security is one of the guarantees of the democratic rule of law, which is based on civil liberties and the integrity of citizens.

References

ARRUDA, JR **The political use of the Armed Forces**. Rio de Janeiro: Mauad X, 2007.

BRAZIL. Law 5,172, of October 25th. from 1966. **Provides for the National Tax System and establishes general tax law standards applicable to the Union, States and Municipalities**. Official Gazette, Brasília, p. 12452, 25 Oct. 1966.

BRAZIL. **Constitution of the Federative Republic of Brazil**. Brasília: Senado, 1988.

BRAZIL. **Complementary Law no. 97/99**. Brasília, DF: Senado, 1999.

BRAZIL. Decree no. 3,897, of August 24, 2001. **It establishes guidelines for the use of the Armed Forces to guarantee law and order, and provides other measures**. Brasília, DF, 24 Aug. 2021. Available at: http://www.planalto.gov.br/ccivil_03/decreto/2001/D3897.htm. Access: 15 Mar. 2021.

BRAZIL. Complementary Law no. 117, of September 2, 2004. **Amends Complementary Law No. 9, of June 9, 1999, which provides for general rules for the organization, preparation and employment of the Armed Forces, to establish new subsidiary duties**. Official Gazette of the Federative Republic of Brazil, Brasília, DF, 03 September. 2004.

BRAZIL. Defense Ministry. **State and Defense**. Brasília, 2021. Available at: <http://www.defesa.gov.br/forcas-armadas>. Access: 15 Mar. 2021.

BRAZIL. Military Police of Paraná. **Police: functions, activities and characteristics**. Paraná, [2021]. Available in: <http://www.pmpr.pr.gov.br/modules/conteudo/conteudo.php?conteudo=665>. Access: 15 Mar. 2021.

CORRÊA, AC The police power of the Armed Forces in the exercise of public security. **Jus Navigandi Magazine**, ISSN 1518-4862, Teresina, year 16, n. 2771, 1 Feb. 2011. Available at: <https://jus.com.br/artigos/18396>. Access: 15 Mar. 2021.

DI PIETRO, MSZ **Administrative law**. 27. ed. São Paulo: Atlas SA, 2014.



FERREIRA FILHO, MG **Administrative Law Course**. 28. ed. São Paulo: Saraiva, 2002.

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GARCIA, E. The Armed Forces and the guarantee of law and order. **Brazilian Journal of Constitutional Law**—RBDC no. 13, Jan./Jun. 2009. Available at <http://www.esdc.com.br/seer/index.php/rbdc/article/view/141/135>. Access: 15 Mar. 2021.

LOPES, HR; LEMOS, NS Constitutional aspects of public security. *In: Legal Scope*, Rio Grande, XIV, n. 93, Oct. 2011. Available at: http://www.ambitojuridico.com.br/site/?n_link=revista_artigos_leitura&artigo_id=10490&revista_caderno=9. Access: 15 Mar. 2021.

MELLO, CAB de. **Administrative Law Course**. 26. ed. São Paulo: Malheiros, 2008.

MEIRELLES, H.L. **Brazilian Administrative Law**. 35. ed. São Paulo: Malheiros Editores Ltda, 2010.

SILVA, B.T. **Basics of Administrative Law**. NOVA, 2015.

SILVA, CHJ **Guiding Principles of Public Security and Limitations of Police Activity, in light of the Federal Constitution and modern legislative trends**. Available in:

http://www2.tjam.jus.br/esmam/index.php?option=com_docman&task=doc_details&gid=6&tmpl=component&Itemid=90. Access: 15 Mar. 2021.

SILVA, FCS da. **Legal aspects of the army's use in ensuring law and order**. Available at http://www.ambitojuridico.com.br/site/index.php?n_link=revista_artigos_leitura&artigo_id=1179. Access: 15 Mar. 2021.

SILVA, JA da. **Positive Constitutional Law**. 16. ed. São Paulo: Malheiros, 1999.

SILVA, JA da. **Course of positive constitutional law**. 23. ed. São Paulo: Malheiros, 2004.

ZERO HOUR. **Army Commander says the use of military personnel in security is "dangerous"**. 2017. Available at: <http://zh.clicrbs.com.br/rs/noticias/policia/noticia/2017/06/comandante-do-exercito-diz-queuso-de-militares-em-seguranca-e-perigoso-9823097.html>. Access: 15 Mar. 2021.