



## Advances and challenges in the implementation of the Maria da Penha law in the fight against domestic violence

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### SUMMARY

The research investigated the current challenges encountered in the application of Law No. 11,340/2006, known as the Maria da Penha Law, with the objective of analyzing, in a qualitative way, the institutional, operational and cultural obstacles that compromise the effectiveness of the protective devices designed to combat domestic violence against women. Using a literature review as a method, the study addressed the problem without temporal delimitation, allowing a broad understanding of the factors that influence the operationalization of the law. Based on the analysis of the selected studies, it was found that, although the legislation represents an important milestone for the protection of women's rights, its effectiveness is still weakened by the lack of adequate infrastructure and the lack of coordination between the institutions involved in assisting victims. The research showed that specialized police stations for assisting women, which are essential for the implementation of the law, face difficulties in functioning and availability, negatively impacting the provision of a humane and effective service. Furthermore, it was identified that underreporting of cases of violence and the lack of uniformity in the training of professionals responsible for providing care are critical factors that impede an integrated and efficient response to violence.

The challenges observed also extend to the cultural sphere, where the persistence of a sexist mentality and the stigma associated with reporting reinforce the cycle of violence and hinder the effective protection of women. Another aspect highlighted by the research was the disparity in the interpretation and application of legal provisions, which results in significant differences in the response to domestic violence in different regions of the country. The analysis revealed, therefore, that operational and cultural barriers are interrelated, configuring a complex scenario that requires the integration of public policies, the modernization of services and the promotion of changes in social paradigms. The results obtained point to the need for continuous investment in the training of legal professionals and support services, in addition to strengthening the inter-institutional network to ensure more effective and coordinated action. In summary, the study concludes that the full effectiveness of the Maria da Penha Law depends on overcoming the challenges identified, through the implementation of measures that promote integration among the various actors and the constant updating of mechanisms

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operational, contributing to the reduction of violence rates and the construction of a more just and egalitarian society, where women's rights are effectively ensured and protected.

**Keywords:** Maria da Penha Law; domestic violence; protection of women; institutional challenges; public policies.

## ABSTRACT

The research investigated the current challenges encountered in the application of Law No. 11.340/2006, known as the Maria da Penha Law, with the objective of analyzing, in a qualitative way, the institutional, operational and cultural obstacles that compromise the effectiveness of protective devices aimed at combating domestic violence against women. Using the literature review as a method, the study addressed the problem without temporal delimitation, allowing a broad understanding of the factors that influence the operationalization of the law. From the analysis of the selected studies, it was found that, although the legislation represents an important milestone for the protection of women's rights, its effectiveness is still weakened by the insufficiency of adequate infrastructure and the lack of articulation between the institutions involved in the care of victims. The research showed that the specialized police stations for women, which are fundamental for the implementation of the law, face difficulties in functioning and availability, negatively impacting the provision of a humanized and effective service. In addition, it was identified that the underreporting of cases of violence and the lack of uniformity in the training of the professionals responsible for the care are critical factors that prevent an integrated and efficient response to violence. The challenges observed also extend to the cultural sphere, where the persistence of a macho mentality and the stigma associated with reporting reinforce the cycle of violence and hinder the effective protection of women. Another aspect evidenced by the research was the disparity in the interpretation and application of legal provisions, which results in significant differences in the response to domestic violence in different regions of the country. The analysis revealed, therefore, that operational and cultural barriers are interrelated, configuring a complex scenario that requires the integration of public policies, the modernization of services and the promotion of changes in social paradigms. The results obtained point to the need for continuous investments in the training of legal professionals and support services, in addition to the strengthening of the inter-institutional network to ensure a more effective and coordinated action. In summary, the study concludes that the full effectiveness of the Maria da Penha Law depends on overcoming the challenges identified, through the implementation of measures that promote integration between the various actors and the constant updating of operational mechanisms, contributing to the reduction of violence rates and to the construction of a more just and egalitarian society, where women's rights are effectively ensured and protected.

**Keywords:** Maria da Penha Law; domestic violence; protection of women; institutional challenges; public policies.

## 1 INTRODUCTION

The Maria da Penha Law, established by Law 11,340/2006, emerged in a context of intensification of debates on domestic and family violence against women. The legislation was created with the aim of offering more effective protection mechanisms, given a scenario



of impunity and vulnerability. The historical context of this law highlights the need to confront the culture of machismo present in Brazilian society. Such an initiative has consolidated itself as a fundamental legal framework in the promotion of human rights and the protection of women.

The creation of the Maria da Penha Law arises from the urgency of facing the alarming incidence of violence against women in Brazil. Based on reports and statistical data, a pattern of attacks was observed that motivated the mobilization of sectors of civil society and the judicial system. This social pressure culminated in the creation of legislation specific, which would be able to hold aggressors accountable and offer support to victims. Oliveira (2015) highlights the importance of this legal instrument in addressing a reality devastating and repeatedly denounced.

The relevance of the Maria da Penha Law transcends individual protection, as it represents a step forward in the recognition of women's rights. Calazans & Cortes (2011) point out that, by defining protective measures and expanding access to justice, the law creates an environment of tackling domestic violence. The legal provisions inherent in the law aim to guarantee the safety of victims and prevent further attacks. Thus, the importance of the law reflects the State commitment to transforming the scenario of violence against women.

Statistical data on domestic violence in Brazil demonstrate the magnitude of the problem. De Almeida & Ferreira (2021) demonstrate, through quantitative analyses, that aggression against women remains high, even after the implementation of the legislation. Such statistics reveal both the persistence of violent behavior and the need for more incisive public policies. The scenario points to the urgency of continuous improvement of actions to combat violence.

Several studies analyze the effective impact of the law in mitigating crime rates. Amancio, Fraga & Rodrigues (2016) highlight that, although the legislation has generated significant advances, practical implementation presents challenges in its effectiveness. The analysis of protection mechanisms and municipal councils shows that the law, although robust, still faces obstacles to its full operationalization. This approach highlights the importance of investigating the factors that limit the effectiveness of the legal instrument.

The discussion on the effectiveness of the legislation also includes the reduction of cases of femicide. Azuaga & Sampaio (2017) state that the impact of the law contributed to a gradual decrease in homicide rates related to gender-based violence. However, the complexity of social and cultural factors requires continuous analysis of results



achieved by legislation. Thus, the debate remains open as to the complete eradication of the problem.

The study carried out by Rodrigues, Coelho & Lima (2009) highlighted the contribution of Maria da Penha Law for the transformation of judicial practices and victim protection. The research indicated that the legal instrument promotes significant changes in the treatment of cases of domestic violence, encouraging a stricter stance on the part of authorities. This transformation reflects the ability of law to monitor and respond to emerging social demands. Thus, the legacy of the law can be measured through advances observed in the judicial and social spheres.

In parallel, recent research points to the need for adaptations and improvements in the application of legislation. De Oliveira & do Carmo Azevedo (2025) highlight that, in specific locations, the effectiveness of the law still faces institutional barriers and cultural. These difficulties highlight the disparity in the implementation of measures protective and supportive. Consequently, it becomes imperative that complementary strategies are developed to consolidate the scope of the planned actions.

The research shows that, despite the advances promoted by the Maria da Penha Law, reality still poses significant challenges. Studies show that the persistence of high rates of violence indicate the existence of gaps in protection mechanisms. Analysis of the results suggests that, for effective confrontation, integration is necessary of governmental, educational and community actions. In this way, the continuity of the improving legislation is essential to reduce violence against women.

The justifications for the present research rest on the urgency of understanding the advances and challenges in implementing the Maria da Penha Law. The analysis of the legal aspects, social and statistical data allows us to identify existing barriers to the realization of people's rights women. The investigation is based on the need to expand protection mechanisms and to promote a culture of respect and equality. Thus, the study contributes to the debate and for the formulation of more effective public policies to combat domestic violence.

## 2 THEORETICAL REFERENCE

### 2.1 Maria da Penha Law: Effectiveness

The Maria da Penha Law, instituted in 2006, emerged in response to the alarming reality of domestic and family violence against women in Brazil, a problem with historical roots that reflected the sexist culture present in society. The law was created with the purpose of offering



more effective protection mechanisms, ensuring the physical and psychological integrity of victims and promoting accountability of aggressors. This legal framework represents not only a normative innovation, but also the recognition of the urgency in facing the gender inequality and abuses perpetrated against women.

The importance of the Maria da Penha Law lies in its ability to transform the scenario domestic violence through protective measures and encouraging reporting. Studies indicate that the legislation has established instruments of protection and repudiation of behaviors abusive, contributing to the visibility and confrontation of cases. Authors like Calazans & Cortes (2011) and Amancio, Fraga & Rodrigues (2016) highlight the relevance of the device legal framework for the realization of women's rights, promoting significant changes in judicial and social practices.

Statistical data point to a high incidence of violence against women, despite the advances promoted by the law. Ferreira & Moraes (2020) demonstrate that the underreporting and obstacles in recording cases still make it difficult to accurately measure the problem. These numbers show that the daily reality of many women remains marked by vulnerability, reinforcing the need for more incisive actions. These data insist on the urgency of public policies that expand protection and reporting mechanisms.

The impact of the Maria da Penha Law on society has been the subject of intense analysis, especially with regard to its effectiveness in reducing domestic violence rates. Silva, et al. (2017) discuss, through alternative instruments, how legislation has been applied in the context of the assumptions of the Penal Code, pointing out challenges and advances over the time. The comparative approach between legal devices reveals both the progress and the limitations encountered in practice, demonstrating that combating violence requires efforts continuous and integrated.

The effectiveness of the law has also been assessed based on its implementation and creation of institutional mechanisms to protect women. Oliveira (2015) highlights that, despite the advances, the effectiveness of legal devices faces infrastructure-related barriers support services and training of legal professionals. Such challenges show that the mere existence of a robust regulatory framework is not enough to transform radically change the reality of victims, requiring constant improvements in the systems service.

The issue of underreporting of cases of violence constitutes a serious obstacle to full effectiveness of the Maria da Penha Law. Ferreira & Moraes (2020) point out that the lack of records accurate prevents the correct assessment of the impact of legislation, making it difficult to identify



priority areas of intervention. This limitation highlights the need to strengthen the channels reporting and improving data collection methods in order to provide a response more effective and comprehensive to the problem.

The profile of aggression suffered by women in shelters, as discussed by Amaral, et al. (2016), reveals the complexity of the contexts in which violence manifests itself. The studies indicate that the nature of aggression often reflects family conflicts and the precariousness of social support networks. The analysis of these profiles allows us to identify patterns and risk factors, contributing to the development of specific strategies for protection and prevention of domestic violence.

The effectiveness of the Maria da Penha Law is also analyzed in light of the measures of coping strategies adopted in different regions of the country. Santos, et al. (2020) discuss the initiatives implemented in Santa Catarina, highlighting the importance of integrated actions between government agencies and civil society. This regional perspective emphasizes that the effectiveness of the law may vary depending on the local context, which points to the need for decentralized public policies adapted to the specific realities of each territory.

Analysis of the impacts of the legislation shows significant advances, but also highlights persistent challenges in protecting women. Barbosa (2022) points out that, despite improvements in reporting and reception rates, there are still gaps in the implementation of protective measures provided for by law. This finding reinforces the need for reviews periodic reviews of legal instruments and the implementation of complementary policies that ensure continued progress in protecting women's rights.

From theoretical discussions and empirical data, it is clear that the Maria da Penha has contributed to the transformation of mechanisms for dealing with violence domestic. Studies such as those by Caldas (2017) show that legislation represents a step fundamental for the institutionalization of a culture of combating violence and promoting gender equality. However, this evolution also depends on the commitment of public security systems and coordination between different spheres of government.

The analyses carried out by Dias (2024) demonstrate that the application of the law in the justice system has achieved positive results, but also faced structural difficulties that compromise their full effectiveness. The variability in the performance of different legal institutions indicates that the consolidation of legal advances still requires coordinated efforts and overcoming administrative and cultural obstacles. In this way, tackling domestic violence it also involves the restructuring of judicial and operational procedures.



The contribution of the Municipal Women's Councils, highlighted by Amancio, Fraga & Rodrigues (2016) reinforces the idea that social participation is crucial for the success of policies to combat violence. The actions of these councils enable a rapprochement between local demands and the implementation of protective measures, promoting an environment of greater solidarity and support for victims. This interaction between public authorities and civil society is essential for advances in the law to be effectively translated into real protection and sustainable.

Studies by Azuaga & Sampaio (2017) indicate that the reduction in rates of femicide is one of the positive effects of the Maria da Penha Law, demonstrating its ability to influence changes in patterns of violence against women. Despite the challenges still existing, the data suggest a positive trend, which points to a decrease in fatal cases. This progress reflects not only the effectiveness of the legislation, but also the growth social awareness about women's rights.

The findings of Rodrigues, Coelho & Lima (2009) and Oliveira & do Carmo Azevedo (2025) reinforce the contribution of the legal framework to combating domestic and family violence, highlighting the transformative effects on the justice system. Such studies demonstrate that law, by establishing protective measures and guiding the actions of legal professionals, promotes significant changes in the treatment of cases of violence. This transformation consolidates the importance of the legal device as a tool for the protection and promotion of rights humans.

## 2.2 Challenges Encountered in Law 11,340 /2006

Law No. 11,340/2006, known as the Maria da Penha Law, was created with the aim of mitigate domestic and family violence against women, representing a normative advance for the protection of human rights. However, the current situation, in 2025, reveals challenges persistent and complex in the effective implementation of this legal instrument, which demands a critical analysis of the protection mechanisms and the effectiveness of the services provided to victims. Several studies point to institutional and cultural obstacles that prevent full achievement of the objectives of the law.

Campos (2015) indirectly highlights that the challenges in implementing the Law Maria da Penha arise from the difficulty of operationalizing the legal devices in diverse regional realities. The author highlights that the lack of resources and the slowness of legal proceedings are factors that compromise the protection of women, creating a



environment conducive to the continuation of violence. This problem highlights the importance of constant monitoring and integrated measures between public authorities.

Vargas et al. (2023) discuss the applicability of the law in combating violence against women, demonstrating that, although the regulatory framework is robust, its effectiveness is hampered by failures in the coordination of support services and the lack of training of professionals responsible for implementing protective measures. The authors point out that the disparity in action between jurisdictional institutions aggravates the vulnerability of victims, highlighting the need for more assertive public policies.

Duarte and Pincer (2021) emphasize the relevance of specialized police stations Women's Assistance (DEAM) as fundamental instruments for combating violence domestic. According to the researchers, these units are essential to offer a humanized and specialized care, however, its scarcity and heterogeneity of performance in different municipalities contribute to the ineffectiveness of the law. This gap demonstrates the urgency of improving the support network structure and agent training involved.

Nascimento and Severy (2019) carry out a comparative jurisprudential analysis between the Courts of Justice of Minas Gerais and São Paulo, highlighting the complexity of the challenges in the application of the Maria da Penha Law. The authors note that regional disparities and different interpretation of legal provisions directly influence the results of processes, reflecting a reality that demands greater uniformity and sensitivity to gender issues in the judicial sphere.

Cifali and De Oliveira Garcia (2015) argue that the normative framework of the law needs to be accompanied by consistent and integrated public policies so that the rights of women are effectively guaranteed. The authors point out that weaknesses in the execution of protective measures highlight the disconnect between theory and practice, highlighting the importance of a more coordinated intervention between the different government entities and the civil society.

Nascimento and Oliveira (2024) discuss the challenges in proving cases of violence, highlighting the complexity of highlighting abuse in contexts where the culture of silence still prevails. This difficulty in collecting evidence compromises not only the effectiveness of judicial procedures, but also the safety of victims, who often face with distrust and revictimization during the process.

Grossi et al. (2014) address the challenges faced by the women's care network in rural areas, where geographical barriers and the lack of adequate infrastructure intensify



the vulnerability of victims. From this perspective, the authors demonstrate that, in areas remote, specialized assistance is often precarious, limiting the scope of measures protective measures provided for by law.

Ferreira (2023) explores the specific difficulties encountered in small towns, where institutional resources are scarce and gender bias contributes to trivialization of cases of violence. The author points out that the absence of efficient mechanisms of reporting and the lack of a support network compromise the implementation of the law, leaving women helpless in the face of violent episodes.

Alves (2021) critically discusses the trivialization of femicide and the daily challenges in combating this serious social phenomenon. The review emphasizes that, despite the advances legislative, the persistence of homicides motivated by gender issues highlights the partial ineffectiveness of the law, urging the need for a more incisive approach and multidisciplinary approach to combat violence.

In view of the studies analyzed, it can be seen that, although Law No. 11,340/2006 represents an important milestone in the protection of women's rights, its effectiveness is compromised by structural, institutional and cultural challenges. The obstacles in the operationalization of legal devices, lack of uniformity in application and insufficient resources are obstacles that prevent the full achievement of the objectives of the law. This reality, evidenced by various theoretical and empirical approaches, indicates that the path to reducing violence against women involves the integration of public policies, improvement of structures support and change of cultural paradigms.

In short, the challenges currently faced in 2025 demand that power public, together with civil society, redouble their efforts in implementing and improvement of the Maria da Penha Law. The continuation of debates and the production of new studies are essential to identify existing barriers and propose solutions that ensure the effective protection of women. Overcoming these difficulties is crucial to transform the legal framework into a practical and efficient tool in combating violence domestic and family.

Therefore, the analysis of the challenges faced by Law No. 11,340/2006 demonstrates the complexity of its application in the current scenario, requiring an integrated approach and the articulation of different spheres of public power. The studies analyzed show that the success of the law depends on the combination of legal measures, public policies and cultural transformations that allow overcoming the identified barriers. The effectiveness of the legal device lies in the



ability to adapt to regional realities and in the continuous training of professionals involved in the women's support network.

### 3 METHODOLOGY

The research adopts a qualitative approach, based on understanding in-depth analysis of the challenges present in the implementation of Law No. 11,340/2006, known as Maria da Penha Law, without temporal delimitation. The qualitative method was chosen by enable the analysis of discourses, institutional practices and perceptions of the actors involved, providing a critical and contextualized reflection on the factors that limit the effectiveness of legal device.

For data collection, we opted for a literature review, which includes the analysis of scientific articles, dissertations, theses and specialized publications. This strategy allowed the identification and systematization of different perspectives and studies that address the challenges of law enforcement, without restricting the search to a specific period.

The selection of sources followed criteria of relevance, quality and pertinence to the topic, ensuring the inclusion of works that offer theoretical and practical contributions to the understanding of institutional and cultural barriers to the effective protection of women. The search was carried out in recognized databases, such as Scopus, Google Scholar and journals specialized in law and public policies, ensuring the scope of research.

Data analysis was conducted using the content analysis method, allowing to categorize and interpret the discourses present in the selected literature. This technique made it possible to identify recurring themes, discrepancies and convergences between the studies, contributing to the construction of a robust theoretical framework regarding the challenges currently faced.

The analysis procedure included a thorough reading and coding of the texts, with the identification of units of meaning related to aspects such as infrastructure institutional, professional training, intersectoral articulation and cultural barriers. This approach allowed us to extract relevant insights to understand how these challenges impact the effectiveness of the law.

The information obtained was organized into thematic categories, which were analyzed in an interpretative way to offer an integrated view of the problems and advances in the application of legislation. This categorization helped to identify gaps that still



persist in operationalizing legal devices and proposing possible strategies of intervention.

#### 4 RESULTS AND DISCUSSION

It was observed that the application of Law No. 11,340/2006, although it represented a transformative milestone in tackling domestic violence, still faces numerous challenges in practice. Analysis of the studies revealed that the obstacles are not restricted to the devices legal, but they manifest themselves in operational difficulties and in inter-institutional coordination. Thus, the challenges observed compromise the effectiveness of women's protection and the full consolidation of their rights.

The lack of adequate infrastructure and scarcity of resources compromise the operationalization of the protective mechanisms provided for in the legislation. Studies indicate that, in several locations, the victim care structure is insufficient to absorb the existing demand. This structural deficiency limits access to protective measures and aggravates the cycle of violence. Thus, the precariousness of public services highlights an obstacle significant to the effectiveness of the law.

It is also observed that the training of professionals involved in providing care to victims does not occur in a homogeneous manner. Inadequate training and the absence of specific training to deal with cases of domestic violence compromises the application effective use of legal measures. This gap in the qualifications of legal system operators and of protection services directly reflects the protection offered to women in situations of risk. Thus, the need for investments in continuous training is urgent for the overcoming challenges.

Thus, through the underreporting of cases of violence, it is found that it constitutes a critical obstacle to improving indicators and improving policies public. The difficulty in recording and measuring episodes of violence prevents the data from fully reflect the reality faced by women. This gap in the collection of information compromises the development of effective strategies and the implementation of measures that address the real dimension of the problem. Thus, improving recording methods proves to be indispensable for confronting violence.

The analysis pointed out that the absence of an integrated support network also limits the effectiveness of protective devices. The lack of coordination between different sectors of power public, such as security, health and social assistance, prevents a coordinated and effective response



to cases of violence. This institutional disconnection creates barriers that make it difficult to protect victims. Consequently, it becomes imperative to strengthen support networks and promote integration between the various entities involved.

In summary, the research revealed that the challenges faced by the Maria da Penha Law in current affairs are not restricted to legislative formulation, but extend to its practical application and the consolidation of support networks. The obstacles identified – from the lack of infrastructure and training to cultural barriers and underreporting – compromise the effectiveness of legal devices. Given this reality, it becomes essential to implement integrated public policies and strengthening the articulation between the different actors involved, in order to promote the effective protection of women's rights and ensure the full enforcement of the law.

## FINAL CONSIDERATIONS

Through this research, it was observed that Law No. 11,340/2006 remains as a crucial instrument in the protection of women, although its implementation faces challenges structural and cultural factors that limit their full effectiveness. The consolidation of mechanisms protective measures and the realization of victims' rights still depend on overcoming obstacles institutional and the expansion of resources available for specialized care.

It is observed that the disparity in the training of professionals and in the infrastructure of support services constitutes one of the main obstacles to the operationalization of legal devices. The continuity of efforts in specialized training and providing resources is essential to promote more humanized care and decisive, capable of responding to the demands of victims of domestic violence.

The insufficiency of an integrated service network and the weakening of articulation interinstitutional are factors that contribute to women's vulnerability. The coordination between the different entities of public power and civil society must be intensified, so that protection mechanisms operate cohesively and effectively in all levels.

The issue of underreporting of cases of violence, in turn, prevents an assessment real scope of the problem and makes it difficult to develop targeted public policies. Strengthening registration systems and encouraging reporting are essential measures to ensure that the law reach its maximum potential in reducing domestic violence rates.



Thus, divergences in the interpretation and application of legal provisions indicate the need for standardization of judicial practices. The creation of clear guidelines and the ongoing training of legal professionals can contribute to ensuring that trials more consistently reflect the protective objectives of the legislation.

The advances achieved, although partial, demonstrate that the law has contributed to the transformation of the domestic violence scenario, promoting a change in the way it the State and society relate to the problem. However, the path to a full effectiveness requires an ongoing commitment to innovation and adaptation of mechanisms of action.

In summary, the challenges identified reveal that the Maria da Penha Law, although representing an important advance, it still needs significant improvements to consolidate its role in protecting women. Strengthening support services, standardization of judicial practices, intensification of professional training and transformation of cultural paradigms emerge as indispensable strategies for ensure the effectiveness of current legislation.

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