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Civilian disarmament, individual liberties, and the concentration of state power: a constitutional and political analysis of gun control restrictions in Brazil.

Civil disarmament, individual freedoms, and concentration of state power: a constitutional and political analysis of the restriction of access to weapons in Brazil.

Civil disarmament, individual freedoms and concentration of state power: a constitutional and political analysis of restrictions on access to weapons in Brazil.

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SUMMARY

This article analyzes the constitutional and political foundations of restrictions on access to firearm ownership by the civilian population in Brazil, with emphasis on Law No. 10.826/2003 (Disarmament Statute) and its repercussions on the fundamental rights to self-defense and individual autonomy. The research examines the compatibility of the imposed limitations with the constitutional principles of proportionality, reasonableness, and freedom, as well as the effects of the restrictive model on the distribution of power between the State and civil society. The methodology adopted is a bibliographic, normative, jurisprudential, and documentary review. The results reveal that the maintenance of high rates of homicide by firearm, after more than two decades of the Statute's enactment, demonstrates the insufficiency of the restrictive policy when unaccompanied by robust investments in public security. It concludes that the broad prohibition of civilian armament, without a corresponding strengthening of capacity...

The State, in providing effective and immediate protection, may represent a disproportionate limitation on individual autonomy and a silent transfer of vulnerability from the State to the citizen.

Keywords: Civilian disarmament; Disarmament Statute; Self-defense; Individual autonomy; Public security.

ABSTRACT

This article analyzes the constitutional and political foundations of restrictions on civilian access to firearms in Brazil, focusing on Law No. 10,826/2003 (Disarmament Statute) and its effects on the fundamental rights to self-defense and individual autonomy. The research examines the compatibility of the imposed limitations with the constitutional principles of proportionality, reasonableness, and individual freedom, as well as the practical effects of the restrictive model on the balance of power between the State and civil society. The methodology consists of a bibliographic, normative, jurisprudential, and documentary review. Results show that persistently high firearm homicide rates after more than two decades of the Statute in force reveal the policy's insufficiency when not accompanied by robust public security investments. The study concludes that broad restrictions on civilian armament, absent a corresponding strengthening of state capacity to provide effective and immediate protection, may represent a disproportionate limitation on individual autonomy and a silent transfer of vulnerability from the State to the citizen.

Keywords: Civilian disarmament; Disarmament Statute; Self-defense; Individual autonomy; Public security.

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1 INTRODUCTION

Law No. 10,826/2003, popularly known as the Disarmament Statute, was approved with the aim of reducing violence by restricting the circulation of firearms, transferring, more explicitly, to the State the responsibility for protecting citizens in national territory. Among its main restrictive and bureaucratic conditions, currently, is the requirement to prove profound need and discretionary (subjective) authorization by part of the Federal Police, both for possession (within the limits of the home and/or workplace) and for carrying. (without location and/or time restrictions) of the firearm.

On October 23, 2005, the so-called Gun Referendum took place, held throughout the country. national territory, with the objective of consulting the Brazilian population regarding the veto on the acquisition and to the commercialization of weapons and ammunition. And even with the Brazilian population being predominantly Contrary to Law No. 10.826/2003, the referendum was ignored and disregarded by politicians and government officials. of that time.

Public security in Brazil is addressed in Article 144 of the 1988 Federal Constitution; It constitutes a duty of the State, while at the same time recognizing it as a right and responsibility of the whole of society, demonstrating that the State must act as guarantor of public order, upon which The primary obligation of protection falls upon the primary responsibility, a guideline that finds its basis in fundamental rights. to life, as provided for in article 5 of the same constitutional text.

Given this scenario, the problem guiding this research is: the denial of access to The arming of the civilian population, as structured by the Disarmament Statute, violates the right to legitimate self-defense and violates constitutionally guaranteed individual autonomy, insofar as imposes disproportionate restrictions, without the State demonstrating the capacity to provide the necessary protection. Does it take away from the citizen?

The research is based on two central hypotheses. The first is that the restrictions imposed by The Disarmament Statute primarily affects law-abiding citizens, without impact. equivalent regarding criminals' illicit access to weapons, which generates an asymmetry that It weakens individual security without proportionally reducing collective violence. The second The hypothesis is that the exclusive concentration of military power in the hands of the State, unaccompanied by An effective structure for immediate protection of the citizen represents a disproportionate limitation on the exercise of rights. of the fundamental right to self-defense and constitutes a trend of social control incompatible with The democratic principles that govern the Brazilian constitutional order.

The overall objective, then, is to analyze the constitutional and political foundations of the restrictions. This text discusses access to firearm ownership by the civilian population in Brazil, examining its compatibility.

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with the fundamental rights to self-defense and individual autonomy. It also seeks to...
to understand the impact of these restrictions on the democratic balance in the distribution of power between
The state and society.

The specific objective is to examine the historical trajectory and the normative framework.
current gun control laws in Brazil, identifying the legal and political foundations that
The restrictions imposed are justified. Furthermore, the intention is to assess the compliance of these limitations.
with the constitutional principles of proportionality, reasonableness and individual autonomy,
finally, investigating the effects of restrictive policies on the distribution of power between the State and
civil society, as well as the potential risks to democratic autonomy arising therefrom.

This article is structured in five sections. The first presents the context.
the problem statement, the hypotheses, the general and specific objectives, the justification, and the main references.
The theoretical framework and structure of the work. The second section describes the materials and methods adopted in the...
research. The third section presents the results obtained from the normative and jurisprudential analysis.
as well as data on armed violence. The fourth section discusses the findings in light of the literature.
specialized, confronting doctrinal currents and identifying the original contributions of
study. Finally, the fifth section presents the final considerations, summarizing the conclusions and
Suggestions for future research.

The relevance of this study is justified by the ongoing topicality of the debate in the current scenario.
Brazilian legal and political landscape, intensified by a succession of contradictory presidential decrees,
due to the processing of legislative projects to reform the Statute and the growing prominence of
The Supreme Federal Court in defining the constitutional limits of gun control. From the point of view of the Supreme Court's role in defining the constitutional limits of gun control.
From a social point of view, the research is justified by the need to offer the public debate a
a perspective grounded in empirical data and objective constitutional criteria, overcoming
The ideological polarization that often prevents a rational analysis of the topic. From the point of view
Academically, the articulation between constitutional, political, and empirical dimensions represents a
An original contribution to a field where analyses tend towards disciplinary specialization.

2. MATERIALS AND METHODS

The methodology adopted in this article is a review of literature, regulations, and case law.
documentary, with the aim of building a solid analysis, based on books, scientific articles,
academic studies, the Disarmament Statute and legislation, and jurisprudence of the Supreme Federal Court (STF), the Superior Court of Justice (STJ), and...
international courts. The normative research will also involve the 1988 Federal Constitution, with
focusing on fundamental principles, the Disarmament Statute (Law No. 10.826/2003) and others

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legal provisions related to gun control.

Legal research also seeks to understand the interpretation of the courts.
superiors and other instances on the subject, identifying relevant precedents and the
The Judiciary's stance regarding the constitutional limits of disarmament policy.
and how these converge with the fundamental rights at stake.

The data collection instruments were developed through documentary research and
Bibliographic research in reliable databases, such as the Brazilian Forum on Public Security and the Sou Institute.
of Peace, the Library of the Supreme Federal Court (STF) and, for the processing of information
internationally, the Education Resources Information Center (ERIC), a free platform
Developed by the United States Department of Education.

The study was systematized, taking into account national parameters related to safety.
public, including the rates of armed violence recorded in Brazil and the practical effects of
Disarmament policies, crime, and legitimate citizen access to firearms.

3 RESULTS

Presidential decrees that alter gun restrictions with each new ruler who
Those who assume the most important position in Brazil are political tools and appear populist.
producing regulatory fluctuations that fuel fragmentation and legal uncertainty.
Meanwhile, the National Congress has several legislative projects to reform in a way...
The Disarmament Statute is significant, which keeps the topic in a permanent state of debate.
indefiniteness.

During the administration of former President Jair Messias Bolsonaro, successive decrees were issued.
Presidential decrees aimed at easing civilian access to firearms in Brazil.
Among these, the following stand out: Decree No. 9,847, of June 25, 2019 (BRAZIL, 2019a), the Decree
No. 10,030, of September 30, 2019 (BRAZIL, 2019b), Decree No. 10,627, of February 12,
2021 (BRAZIL, 2021a), and Decree No. 10,628, of February 12, 2021 (BRAZIL, 2021b).
However, these measures were frequently suspended, partially or totally, by injunctions.
from the Supreme Federal Court due to questions of constitutionality, in addition to
They face opposition in the Federal Senate, which highlights the normative weakness of these initiatives and
The lack of institutional consensus on the matter.

With the end of the presidential term and the consequent change of government, the biggest
Some of these measures were revoked by President Luiz Inácio Lula da Silva through Decree
Law No. 11,615, of July 21, 2023, which reinstated more restrictive regulations on access to property ownership.

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of firearms by the civilian population. Subsequently, the same government promoted adjustments in this. regulation through Decree No. 12,345, of December 30, 2024, consolidating

A different regulatory approach than that adopted by the previous administration.

Public order, while a legitimate and constitutionally protected value, cannot... to be invoked without restriction to justify the suppression of fundamental rights. The monopoly state control over the use of force, when exercised in an absolute manner and without any criteria. The objectives of proportionality and reasonableness can become an instrument of control. social, undermining democratic autonomy and weakening the balance between state power and the individual freedoms of citizens.

According to the annual report of the Atlas of Violence (2025), in 2023, Brazil recorded 32,749 homicides committed using firearms. The national rate recorded was... from 15.2 violent deaths per 100,000 inhabitants, which corresponds to a slight reduction of 3.2%. in relation to the previous period. Between 2022 and 2023, the state of Amapá stood out in a way Worrying: its homicide rate has risen from 33.0 to an alarming 48.3 per 100,000 inhabitants. an increase of 46.4%, making it the only federative unit to present growth exceeding 10% in the analyzed period. Besides Amapá, only two other states... In 2023, several states surpassed the threshold of 30 homicides per 100,000 inhabitants. committed with firearms: Bahia, with 36.6, and Pernambuco, with 30.8, numbers that, by themselves, They highlight the unequal distribution of armed violence across the national territory and the inadequacy of current public policies in certain regions.

The normative analysis of the Disarmament Statute reveals a lack of criteria.

Objective and measurable criteria for granting authorization for possession and carrying of firearms, conferring upon the Police Federal discretionary power of a subjective nature that, in practice, makes legitimate access impossible. from the average citizen to the armament of their own (BRAZIL, 2003). Jurisprudential research has identified that the The Supreme Federal Court, in ADI 3112/DF, recognized the formal constitutionality of the Statute. but it did not definitively pronounce on the material limits of the restrictions on the right. individual to legitimate self-defense, leaving open a relevant constitutional tension (BRAZIL, 2007). Finally, the historical and comparative analysis found that the normative instability generated by successive presidential decrees that, alternately, expanded, such as Decree No. 9,847/2019, and restricting access to firearms, as in Decree No. 11,615/2023, has created an environment legal uncertainty that compromises both the effectiveness of public security policy and The predictability of the legal system for citizens.

Therefore, it is necessary to focus on the problem: the prohibition of access to weapons violates the The right to self-defense and the protection of individual autonomy. With this, the paternalistic figure of...

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The State proves itself incompatible with the constitutional principles that safeguard the freedom of citizen, insofar as it deprives the individual of the ability to provide for their own safety in the face of due to the acknowledged inadequacy of the state apparatus.

In this context, the absence of objective criteria for granting permits to carry and possess licenses, coupled with the silence of the Supreme Federal Court regarding the material limits of restrictions on the right individual self-defense creates a zone of constitutional uncertainty that falls directly on the average citizen. The discretion granted to the Federal Police, of an essentially ordinary nature. Subjective, it operates, in practice, as an insurmountable barrier to the legitimate exercise of a right. constitutionally recognized, while the illicit market remains immune to any control. effective administrative action, deepening the asymmetry between the citizen who obeys the law and the one who does not. viola.

Legitimate self-defense, guaranteed by the Federal Constitution of 1988 and by article 25 of the Penal Code. Brazilian criminal law establishes a pure right of reaction to an unjust, current, or other aggression. imminent. From this perspective, the possession and carrying of firearms constitute instruments concrete measures to ensure this right, especially given the State's structural inability to... To offer immediate and efficient protection to all citizens.

The exclusive concentration of military power in the hands of the State constitutes a stance excessive paternalism, interpreted by a significant portion of legal scholars as an authoritarian tendency. which compromises individual autonomy. This understanding finds historical support in the fact that which totalitarian regimes systematically resorted to the disarmament of the civilian population as An essential mechanism for social control and subjugation.

4. DISCUSSION

The progressively intensified restrictive stance taken by the State, although justified. institutionally under the argument of preserving public order and reducing violence, This is facing increasing opposition in light of data demonstrating the persistence of high rates. armed crime persists even after decades of the Disarmament Statute being in effect.

The paradox that arises is evident: while the law-abiding citizen sees their capacity With self-defense reduced by administrative restrictions and court decisions, the illicit arms market... It continues to fuel organized crime without existing public policies demonstrating any need to address it. effective capacity to curb it, transferring to the unarmed individual the burden of insecurity that The state, admittedly, is unable to resolve the problem. This scenario manifests itself in episodes... such as the seizure of an anti-aircraft machine gun and 16 assault rifles in a crime bunker.

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organized in the West Zone of Rio de Janeiro (LOPES, 2026), showing that the weaponry
What is available to organized crime far exceeds what is accessible to the average citizen within the...
legality. In this sense, between January 2023 and April 2024, federal agencies seized 13,340
Firearms are seized throughout the country, with Rio de Janeiro being the state with the highest number of seizures.
totaling 2,375 items (BRAZIL, 2024). These numbers, far from representing the entirety of the arsenal...
The illicit circulation of weapons demonstrates that the clandestine arms market operates on a large scale.
incompatible with any disarmament policy.

The theoretical debate about civilian armament and disarmament in Brazil is structured around...
centered around two antagonistic doctrinal currents, each supported by researchers,
distinct institutions and empirical frameworks. The restrictive approach, represented by authors such as
Daniel Cerqueira (IPEA) and Bruno Langeani (Instituto Sou da Paz) argue that greater circulation
The proliferation of firearms is directly correlated with increased homicide and suicide rates.
as well as the diversion of weapons to organized crime. Econometric studies
developed by Cerqueira et al., consolidated in the Atlas of Violence (2025), demonstrate that
71.6% of intentional violent deaths recorded in Brazil in 2023 were committed with firearms.
of fire, which, according to this view, legitimizes the maintenance and deepening of restrictions.
Regulations on access to firearms by the civilian population. The Brazilian Forum on Public Security
(FBSP), a leading technical institution in the field, reinforces this position by systematizing,
annually, data highlight the close relationship between the proliferation of weapons and the lethality of violence.
urban violence, supporting the defense of the Disarmament Statute as a public policy.
necessary.

In contrast, the permissive approach finds its main foundations in the thesis of
legitimate self-defense and the deterrent capacity of civilian armament. In the national context, Benedito
Gomes Barbosa Júnior stands out as one of the most representative exponents of this movement.
arguing that the restrictions imposed by the Statute affect exclusively the law-abiding citizen.
of the law, without any significant impact on criminals' access to illegal weapons. This
This perspective directly engages with North American studies that support the relationship between the
Greater availability of weapons and a reduction in crime, widely cited by proponents.
Regarding armament in Brazil. For this school of thought, the state monopoly on the use of force, when
Without effective and immediate police protection, it becomes a vulnerability factor.
citizen, effectively emptying the constitutional right to self-defense, guaranteed by article 25
of the Penal Code and by the Federal Constitution of 1988 itself.

A comparison between these two perspectives reveals that the debate cannot be resolved exclusively in
This is a theoretical plan, but it depends on the interpretation of available empirical data and constitutional values.

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which is what we intend to prioritize. While proponents of control point to the absolute numbers.
of homicides by firearm as proof of the harmfulness of civilian armament, the defenders of
Those with a permissive perspective argue that these same indicators demonstrate the failure of the model.
restrictive, since they persist at high levels even after more than two decades of being in effect.
of the Disarmament Statute. Alexandre de Moraes recognizes legitimate self-defense as a right.
natural, however, subject to state regulation (MORAES, 2023).

The findings of this research converge with the results of Zarur (2005), who already
This pointed to the practical ineffectiveness of restrictions on the illicit market, and with those of Sapori and Soares.
(2014), who identified the absence of managerial rationality in public security policies.
a key structural factor contributing to the persistence of armed violence in Brazil. In this sense,
The empirical data analyzed corroborate the critical perspective regarding the prohibitionist model.
On the other hand, the results partially diverge from the conclusions of Cerqueira et al. (2025), who
They attribute a relevant role to civilian disarmament in curbing homicides, since the analysis
The violence indices do not demonstrate a direct and consistent correlation between the strictness of the restrictions.
regulations and the reduction of firearm homicide rates, especially when...
they consider the significant regional variations identified in the states of Amapá, Bahia and
Pernambuco.

The stance taken by some scholars and specialized literature, at the same time in
which diverge from the premises that underpinned the Disarmament Statute, it also seems
converge at certain points. Zarur (2005) already indicated that the prohibition of commercialization
In practice, the prohibition of weapons meant restricting their possession only to those who respect the law, while the
The black market remained untouched. Sapori and Soares (2014) reinforce this perspective by
to identify, in the absence of managerial rationality, a determining factor in the inefficiency of
public security policies in the country. On the other hand, authors such as Barroso (2025) and the
The jurisprudence of the STF, expressed in ADI 3112/DF (BRAZIL, 2007), supports the primacy of
collective interest over individual interest, legitimizing restrictions as a proportionate measure of
social protection. The divergence between these currents is not merely academic: it reflects choices.
concrete policies that directly impact the lives of millions of Brazilians and that, according to
Although demonstrated, they still lack sufficient empirical evidence to justify maintaining them.
unrestricted version of the prohibitionist model.

This study adds a perspective to the already established debate that articulates
simultaneously addressing the constitutional, political, and empirical dimensions of the problem, overcoming a
purely ideological bias. When comparing the rates of armed violence with the principles of
proportionality, reasonableness, and individual autonomy, the research shows that the discussion

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The debate on civilian disarmament cannot be reduced to a binary choice between freedom and security.
This confrontation becomes concrete when one observes that, in 2024, firearms were responsible...
Firearms account for 73.8% of all intentional violent deaths recorded in Brazil, and are the primary instrument in 72% of intentional homicides (Brazilian Public Security Forum, 2025). Even so, during the same period, there were approximately 5.4 million firearms.
under the management of the Federal Police, of which 1.5 million belonged to registered collectors, shooters and hunters (BRAZILIAN PUBLIC SECURITY FORUM, 2025), which
This shows that simply restricting legal civilian gun ownership coexists with high levels of violence.
persistently high levels, pointing to the inadequacy of policies that do not address them in a comprehensive way.
Simultaneously, the illicit market and the structural strengthening of public security are being addressed.

The regulatory instability generated by the succession of decrees that sometimes relaxed, sometimes...
The tightening of access to firearms and ammunition reveals the absence of a coherent policy.
Regarding the matter. In this sense, Decree No. 9,847/2019, signed by then-President Jair Messias Bolsonaro substantially relaxed the rules for the acquisition, registration, possession, and carrying of firearms.
firearms in the country. This measure was revoked by Decree No. 11,615/2023, issued by
President Luiz Inácio Lula da Silva, who reinstated more restrictive regulations.

This instability at the Executive level is also reflected in the sphere of Power.
The judiciary, which has been compelled to rule on the constitutional limits of these policies.
In ADI 7569/PR, Minister Cristiano Zanin declared the Paraná state law unconstitutional.
It made access to military equipment more flexible for CACs (Collectors, Shooters, and Hunters), reaffirming exclusive legislative competence.
from the Union regarding weapons and ammunition (BRAZIL, 2024). Similarly, ADI 6139/DF, reported
Minister Edson Fachin questioned decrees issued during the Bolsonaro administration, having the
The Brazilian Supreme Court (STF) understands that the acquisition of this type of weaponry is justified only in certain cases.
exceptional public security measures (BRAZIL, 2023). The set of these decisions demonstrates that the
The Brazilian legal system has not yet found a constitutionally coherent balance in
matter.

What these findings reveal is the selectivity and asymmetry of the effects of disarmament.
civil. The maintenance of high rates of homicide by firearm, even under the validity of
The Disarmament Statute, in effect for over two decades, therefore demonstrates that the restrictive policy...
dissociated from robust investments in public safety, police intelligence, and control of
borders, it proved insufficient to fulfill its central promise of reducing gun violence.
in Brazil.

This lack of constitutionally coherent balance, identified both at the level
In both normative and jurisprudential terms, it reflects what Sapori and Soares (2014) call a lack of

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Managerial rationality in Brazilian public security policies. The succession of decisions.
judicial decisions that sometimes suspend and sometimes reinstate measures issued by the Executive branch, without the
If the legislature consolidates a stable regulatory solution, it demonstrates that the problem of armament...
Civil law in Brazil cannot find a solution in any of the three branches of government in isolation, requiring a...
An integrated institutional construction that has not yet materialized.

Based on the findings presented, the answer to the proposed problem is only partial. The data and the
The theoretical frameworks analyzed indicate that a broad ban on civilian armament, such as
Structured by the Disarmament Statute, it tends to disproportionately restrict the right to
legitimate self-defense and the individual autonomy of the law-abiding citizen, without producing a reduction
equivalent in the rates of armed violence. However, it cannot be stated with absolute certainty that
Any and all restrictions on access to weapons constitute a constitutional violation. What can be done...
The conclusion, therefore, is that disarmament policy, dissociated from a corresponding strengthening of the armed forces, is flawed.
The state's capacity to provide security effectively and immediately represents not only a
disproportionate limitation of individual autonomy, but also a silent transfer of
The vulnerability of the State to the citizen.

FINAL CONSIDERATIONS

The investigative path developed throughout this article has shown that the debate about
Civilian disarmament in Brazil transcends the ideological dispute between freedom and security.
constituting a highly complex legal and constitutional problem, the implications of which affect
directly impacts the fundamental rights of citizens and the democratic balance of power within the state.
and individual autonomy.

The analysis of the current regulation, centered on Law No. 10.826/2003, revealed that the restrictions
The restrictions imposed on access to firearms by the civilian population lack justification.
constitutionally consistent when examined in light of the principles of proportionality,
Reasonableness and individual autonomy. The requirement for discretionary authorization and transfer.
The burden of proof regarding the necessity of a firearm on the citizen creates limitations that, in practice,
They prevent the full exercise of the right to self-defense guaranteed by Article 25 of the Code.
Criminal and implicitly recognized by the Federal Constitution of 1988.

The empirical data analyzed, especially the indices consolidated in the Atlas of Violence
(2025) demonstrate that the restrictive policy did not achieve its primary objective: the reduction of
Armed violence. The 32,749 homicides committed with firearms in 2023, as well as the rates.
Alarming figures recorded in states such as Amapá, Bahia, and Pernambuco show that...

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Civilian disarmament, dissociated from an effective public security structure, produces a result
Asymmetrical: it restricts law-abiding citizens without impacting the illicit market that supplies it.
organized crime.

The political dimension of the problem proved equally worrying. The succession of
presidential decrees that alternately eased and tightened access to weapons.
Over the course of different governments, it has been demonstrated that the subject matter has been instrumentalized as a resource.
populist, generating legal uncertainty and preventing the consolidation of a public policy.
rationally grounded. This normative instability, coupled with the absence of consensus
Doctrinal, legislative, and jurisprudential developments keep the issue in a permanent state of uncertainty.

It is concluded, therefore, that the broad ban on civilian armament, as structured by
The Disarmament Statute represents a disproportionate limitation on individual autonomy and...
right to self-defense, especially in light of the proven inability of the State to provide
Effective security for all citizens. The constitutionally appropriate solution does not lie in
neither unrestricted prohibition nor indiscriminate liberalization, but the construction of a model.
A regulatory framework that, while respecting objective criteria of proportionality, allows citizens full
exercising their fundamental rights without relinquishing the necessary collective protection of order.
public. For future research, comparative analysis with regulatory models is recommended.
adopted in consolidated democracies, as well as longitudinal studies that assess the impact
specific to the normative fluctuations regarding armed crime rates in different
Brazilian regions.

REFERENCES

BRAZIL. **Constitution of the Federative Republic of Brazil of 1988.** Brasília, Federal Senate, 1988. Available at : https://www.planalto.gov.br/ccivil_03/constituicao/constituicaocompilado.htm. Accessed on: May 10, 2026.

BRAZIL. **Law No. 10,826, of December 22, 2003.** Official Gazette of the Federative Republic of Brazil, Brasília, Available at: https://www.planalto.gov.br/ccivil_03/Leis/2003/l10.826.htm. Accessed on: May 10, 2026.

BRAZIL. Supreme Federal Court (STF). **Direct Action of Unconstitutionality no. 3112/DF.** Law 10.826/2003. Disarmament Statute. Formal unconstitutionality dismissed. Invasion of the residual competence of the States. Non-occurrence [...] Applicants: Brazilian Labor Party (PTB), Association of Police Delegates of Brazil and National Confederation of Security Guards.
Rapporteur Justice Ellen Gracie. Judgment on May 2, 2007. Electronic Official Gazette, Brasília, 24. Available at https://portal.stf.jus.br/processos/detalhe.asp?incidente=2496053. Accessed on: April 23, 2026.

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BRAZIL. Supreme Federal Court (STF). **Direct Action of Unconstitutionality no. 7569/PR.** Ordinary Law No. 21,361/2023, of the State of Paraná. Recognition of the risk nature of the activity of collectors, shooters and hunters (CACs). [...]. Applicant: President of the Republic. Interested parties: Governor of the State of Paraná and Legislative Assembly of the State of Paraná. Rapporteur: Justice Cristiano Zanin. Judgment on April 4, 2024. Brasília: STF, 2024. Available at: https://portal.stf.jus.br/processos/detalhe.asp?incidente=6821082. Accessed on: April 21, 2026.

BRAZIL. Supreme Federal Court (STF). **Direct Action of Unconstitutionality no. 6.139/DF.** Constitutional Law and Administrative Law. Judicial review. Disarmament Statute. Interpretation in accordance with the Constitution. Acquisition of restricted firearms.
Extreme exceptionality. Authorization restricted to the interest of public safety. Decree No. 9,846, of June 25, 2019. Collectors, shooters, and hunters. Unconstitutionality. Action partially admitted and deemed admissible. Applicant: Brazilian Socialist Party — PSB.
Rapporteur: Justice Edson Fachin. Judgment on July 3, 2023. Brasília: STF, 2023. Available at: https://portal.stf.jus.br/processos/detalhe.asp?incidente=5698214. Accessed on: May 7, 2026.

BRAZIL. **Decree No. 9,847, of June 25, 2019.** Regulates Law No. 10,826, of December 22, 2003, to provide for the acquisition, registration, carrying, and sale of firearms and ammunition, and on the National Weapons System and the Military Weapons Management System. Official Gazette of the Union, Brasília, DF, June 25, 2019a. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/d9847.htm. Accessed on: May 6, 2026.

BRAZIL. **Decree No. 10,030, of September 30, 2019.** Approves the Regulation of Controlled Products. Brasilia: 2019b. Presidency of the Republic, Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/d10030.htm. Accessed on: May 7, 2026.

BRAZIL. **Decree No. 10,627, of February 12, 2021.** Amends Annex I to Decree No. 10,030, of September 30, 2019, which approves the Regulation of Controlled Products. Brasília: Presidency of the Republic, 2021a. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/decreto/d10627.htm. Accessed on: May 7, 2026.

BRAZIL. **Decree No. 10,628, of February 12, 2021.** Amends Decree No. 9,845, of June 25, 2019, which regulates Law No. 10,826, of December 22, 2003, to provide for the acquisition, registration, and possession of firearms and ammunition. Brasília: Presidency of the Republic, 2021b. Available at https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/decreto/d10628.htm. Accessed on: May 7, 2026.

BRAZIL. **Decree No. 11,615, of July 21,** 2023. Regulates Law No. 10,826, of December 22, 2003, to establish rules and procedures relating to the acquisition, registration, possession, carrying, registration and national marketing of firearms, ammunition and accessories, to regulate the activities of exceptional hunting, subsistence hunting, sport shooting and collection of firearms, ammunition and accessories, to regulate the operation of sport shooting entities and to provide for the structuring of the National Weapons System - Sinarm. Official Gazette of the Union, DF, 2023. https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/d11615.htm. Accessed on: May 6, 2026.
from the Brasilia, 21 July. Available in:

BRAZIL. Ministry of Justice and Public Security. Secretariat of Social Communication. **More than**

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Machine Translated by Google

Year VII, v.1 2026 | Submission: 05/14/2026 | Accepted: 05/17/2026 | Publication: 05/20/2026

2,300 firearms seized by federal agencies in the state of Rio de Janeiro in 16 months. Brasília , June 20, 2024. Available at: https://www.gov.br/secom/pt-br/assuntos/noticias-regionalizadas/apreensao-de-armas-de-fogo/mais-de-2-3-mil-armas-de-fogo-sao-apreendidas-por-orgaos-federais-no-estado-do-rio-de-janeiro-em-16-meses. Accessed on: May 7, 2026.

BARROSO, Luís R. **Course on Contemporary Constitutional Law** - 13th edition 2025. 13th ed. Rio de Janeiro: SRV, 2025. E-book. p.33. ISBN 9788553626861. Available at: https://integrada.minhabiblioteca.com.br/reader/books/9788553626861/. Accessed on: May 10, 2026.

CERQUEIRA, Daniel et al. **Atlas of Violence 2025.** Brasília, DF: Institute for Applied Economic Research (Ipea); Brazilian Forum on Public Security (FBSP), 2025. Available at: https://repositorio.ipea.gov.br/. Accessed on: April 21, 2026.

Brazilian Forum on Public Security. **19th Brazilian Yearbook on Public Security.** São Paulo: Brazilian Forum on Public Security, 2025. Available at: https://forumseguranca.org.br/publicacoes/anuario-brasileiro-de-seguranca-publica/. Accessed on: April 21, 2026.

GLINA, Nathan. **Public security: right and duty.** São Paulo: Almedina, 2020. E-book. p.42. Available at: https://integrada.minhabiblioteca.com.br/reader/books/9786556270944/. Accessed on: April 21, 2026.

LOPES, Bruna. Rifles and anti-aircraft machine guns seized in operation against gangs in Rio de Janeiro. **CNN Brazil,** São Paulo, May 6, 2026. Available in: https://www.cnnbrasil.com.br/nacional/sudeste/rj/fuzis-e-metralhadora-antiaerea-sao-apreendidos-em-acao-contra-faccoes-no-rj/. Accessed on: May 7, 2026.

MORAES, Alexandre de. Constitutional Law. 39th ed. São Paulo: Atlas, 2023.

SAPORI, Luís F.; SOARES, Gláucio Ary D. **Why is violence growing in Brazil?** São Paulo: Autêntica Editora, 2014. E-book. pp. 27–30. Available in: https://integrada.minhabiblioteca.com.br/reader/books/9786586040289/. Accessed on: April 21, 2026.

ZARUR, George de Cerqueira Leite. Firearms and citizenship. **ASLEGIS Notebooks,** v. 8, n. 26, p. 101–104, May/June 2005. Brasília: Association of Legislative and Budget and Financial Oversight Consultants of Deputies. from the Chamber of the Deputies Available in: https://bd.camara.leg.br/bd/items/90274349-f835-4cb8-96d6-b1f3014a1471. Accessed on: April 21, 2026.

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