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Summary
This article aimed to address the main aspects of the normative power granted to Regulatory Agencies, as well as discuss the possibility and advantages of social participation with regard to decisions taken by the Public Administration. From the analysis of several works that deal with the topic, brief conclusions were developed about the normative system of regulatory power.
Key words: Regulatory agencies. Normative Power. Social Participation.

Abstract
This article aimed to address the main aspects of the normative power conferred on regulatory agencies, as well as to discuss the possibility and advantages of social participation about decisions taken by the Public Administration. From the analysis of several works dealing with the topic, brief conclusions were developed on the normative system of regulatory power. **Keywords** : Regulatory Agencies. Normative Power. Social participation.

1. Introduction

Regulatory Agencies, special regime authorities, have the prerogative to issue standards to be applied to the regulated sector, through compliance with certain parameters, as further discussed in the following paragraphs. The divergence in doctrine regarding the constitutionality of this normative power will be addressed, with the majority position being for the possibility of legislative delegation to Regulatory Agencies, which the doctrine called delegalization.

Throughout the development of the theme, this article analyzes the provision in legislation for social participation in decision-making by the Public Administration, indicating the advantages of a democratic administration, with a consideration being made between the imperativeness of norms and legitimization through the participation of the regulated sector.

2 Theoretical foundation

2.1 Regulatory agencies: normative power and social participation in decision-making processes

Regulatory Agencies, legal entities governed by public law, are autonomous entities subject to a special legal regime, with greater autonomy in relation to other municipalities. In addition to greater autonomy, regulatory agencies enjoy normative, administrative and judicial power over the regulated sector, being able to execute and create normative acts, as well as resolve any existing conflicts. These special characteristics are based on degovernmentalization (or delegalization) and the need for greater speed in regulating certain sectors of society.

With regard to normative power within the scope of regulatory agencies, it is important to highlight that the doctrine differs regarding its constitutionality. This is because several authors understand that the attribution of editing abstract and generic norms goes beyond the competence of the Public Administration, being a typical function of the Legislative Branch, which could only be changed by express constitutional provision. Furthermore, part of the doctrine claims to constitute a true violation of the Principle of Separation of Powers, with the Public Administration having to exercise the power to issue laws only in the case of Delegated Laws or via Provisional Measure, as provided in the Federal Constitution.

On the other hand, the author José dos Santos Carvalho Filho, as well as several other renowned authors in the field of administrative law, defend the constitutionality of the normative power of Regulatory Agencies due to the occurrence of the phenomenon of so-called delegalization. According to the author, delegalization occurs when the legislator himself grants the regulatory power the competence to issue normative acts with the force of law, respecting the limits of normative power.

In particular, we can mention as limits to the normative power granted to Regulatory Agencies the respect for matters reserved for other branches of Public Administration, as well as compliance with the principle of legality and separation of powers.

It is noteworthy that the Public Administration, in general, has the power to issue normative acts endowed with imperativeness or coercion. This prerogative makes it possible to impose rules on individuals, regardless of their consent. In this sense, Regulatory Agencies, included in the concept of Public Administration, have

legitimacy, granted by the legislator himself, to issue regulatory acts that are mandatory for the regulated sector.

However, it is necessary to highlight that, despite the prerogative granted to Regulatory Agencies to issue normative acts with the force of law, the current model of administrative activity, with a view to the search for better efficiency, is based on consensuality, that is, a greater participation of those administered in decisions taken by the Public Power, such as, for example, holding public hearings with the regulated sector. Therefore, the use of mechanisms for joint action with individuals results in better performance on the part of the Public Administration.

The new law that provides for the management, organization, decision-making process and social control of Regulatory Agencies, Law No. 13,848 of 2019, brought several mechanisms that reinforce popular participation in decision-making by local authorities, among the main articles we can highlight:

> Art. 9 The drafts and proposals for changes to normative acts of general interest to economic agents, consumers or users of the services provided will be subject to public consultation, prior to decision-making by the board of directors or the collegiate board.
> § 1 Public consultation is the instrument to support decision-making through which society is consulted in advance, by sending criticisms, suggestions and contributions by any interested parties, on the proposed regulatory standard applicable to the agency's sector of activity. regulator.
> Art. 10. The regulatory agency, by collegial decision, may call a public hearing to form a judgment and make a decision on a matter considered relevant.
> § 1 The public hearing is the instrument to support decision-making through which oral expression is provided by anyone interested in a public session previously intended to debate relevant matters. (PLANALTO, 2019).

In this sense, decision-making and the consequent publication of normative acts must occur through joint action, and the expression of the will of the individual through instruments that enable this dialogue is essential. That is, joint action cannot be imposing, and must be a means through which those administered freely express their will, thus avoiding merely imposing action on the part of the State, privileging social participation.

It should be noted that, in addition to providing greater legitimacy to regulatory decisions, the presence of public interest in adopting consensuality and participation stands out, since this operating model aims to make administrative decisions more effective and enforceable. However, if the use of these participation instruments could harm

collective purpose, should not be used. In other words, the unilateral action of the Public Administration must take place in the hypothesis in which it is considered the most appropriate for the desired purpose.

Therefore, in view of all the above, there is a contrast between a system of authoritarian and unilateral action, due to the power of imperative granted to normative acts, and a system of joint action with individuals. This evolution that occurred in Administrative Law brought the Public Power and those administered closer together, which made administrative activities have greater popular participation and feasibility, thus favoring an efficient regulatory sector.

Final considerations

The emergence of standards that provide social participation in the regulatory and decision-making power of Regulatory Agencies positively influences the results sought by the Public Power, moving away from the idea of merely imperative and unilateral acts. The change in the operating model brought the individual closer to the State, resulting in the relativization of some prerogatives inherent to Public Administration.

It is concluded, therefore, that the State would not be harmed by popular participation, on the contrary, the manifestation of the administered, with regard to state activity, seeks the implementation of democratic constitutional values, attributing greater legitimacy to administrative decisions.

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