Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

Legal leadership and strategic management in the public sector: regulation, infrastructure, and social protection policies in Brazil.

Legal leadership and strategic management in the public sector: regulation, infrastructure, and social protection policies in Brazil

Legal leadership and strategic management in the public sector: regulation, infrastructure and social protection policies in Brazil

Priscilla Kelly de Sousa Machado Piretti

Summary

This article examines the role of legal leadership in contemporary public administration, with an emphasis on institutional environments that combine administrative regulation, contractual governance, organizational infrastructure, and social protection policies. It argues that the contribution of professionals with legal training goes beyond the formal control of legality, reaching the structuring of decisions, risk reduction, formalization of procedures, inter-institutional coordination, and the protection of the public interest in continuous and sensitive services (Bryson; Crosby; Bloomberg, 2014). A qualitative, bibliographic, and documentary research approach is adopted, anchored in the literature on public value, collaborative governance, and contract management in the public sector (Ansell and Gash, 2008; Brown, Potoski, and Van Slyke, 2006). Finally, it is argued that the rigid separation between legal technique and managerial capacity tends to produce sterile formalism or managerialism devoid of guarantees, both incompatible with the effectiveness of rights (Denhardt; Denhardt, 2003).

Keywords: public leadership; administrative regulation; state capacity; public contracts; social protection.

Abstract

This article examines the role of legally trained leadership in contemporary public administration, focusing on institutional environments where administrative regulation, contract governance, organizational infrastructure, and social protection policies intersect. It argues that legal expertise in the public sector goes beyond ex post compliance review, contributing to decision structuring, risk reduction, procedural formalization, inter-organizational coordination, and the protection of the public interest in continuous and high-stakes services (Bryson, Crosby, Bloomberg, 2014). The study relies on qualitative bibliographic and documentary research, drawing on scholarship on collaborative governance and public service contracting (Ansell; Gash, 2008; Brown; Potoski; Van Slyke, 2006). The findings suggest that an overly rigid separation between legal-technical work and managerial capacity fosters either sterile formalism or results-driven management detached from public guarantees, undermining the effectiveness of rights (Denhardt & Denhardt, 2003).

Keywords: public leadership; administrative regulation; state capacity; public contracting; social protection.

Introduction

In recent decades, public administration has ceased to operate solely through stable hierarchies and

It began to respond to problems of high interdependence, multiple decision-making centers, and pressure for...

responsiveness, in a scenario of intensified control mechanisms (Kettl, 2002). In this

Configuration and administrative decisions rarely boil down to "what to do": they require justification.

compatible with rights, coordination between bodies and implementation instruments that

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

uphold public accountability (Bryson; Crosby; Bloomberg, 2014).

In social protection policies, particularly when there is direct state responsibility for
For vulnerable populations, daily implementation depends on material and institutional infrastructure:
physical units, teams, protocols, information flows, records, supervision and interface with
control bodies and the justice system. Results, therefore, tend to be conditioned by
Organizational capabilities that translate normative purposes into continuous operations.
(Pressman; Wildavsky, 1973; O'Toole Jr., 2000).

This gives rise to an analytical and practical problem: the rigid separation between legal competence and
Managerial capacity can compromise implementation, contract management, and preservation of
Guarantees. Treating law merely as a formal barrier encourages shortcuts; reducing it to a "checklist"
Compliance wastes its potential to structure procedures and reduce risks.
institutional (Denhardt; Denhardt, 2003).

The research question is then formulated: **what is the role of legal knowledge in decision-making?**
Strategic decision-making in the public sector and how it can integrate internal regulation and contracts.
And what about social protection without falling into formalism or managerial voluntarism? The starting point is the hypothesis...
that legal leadership, understood as institutional capacity, acts as a mechanism
integrating legality, coordination, control, and effectiveness, aligning public values and
execution (Bryson; Crosby; Bloomberg, 2014).

The overall objective is to analyze this role in the contexts of administrative regulation and governance.
contractual, institutional infrastructure, and social protection policies in Brazil. Objectives include:
specifics: (i) discuss the contributions of legal education to complex public decisions; (ii)
examine the relationship between internal regulation, contractual governance and public interest; (iii) evaluate
the impacts of organizational infrastructure on effectiveness; and (iv) to make explicit the risks of dissociation.
between legal technique and managerial capacity.

Methodology

A qualitative, bibliographical, and documentary research approach was chosen, with an analytical review of...
national and international literature on public value, collaborative governance, capacity
Institutional and contract management in the public sector (Bryson; Crosby; Bloomberg, 2014; Ansell;
(Gash, 2008; Brown; Potoski; Van Slyke, 2006). The selection prioritizes authors who explain
coordination and implementation mechanisms in complex environments, where legitimacy
Decision traceability and traceability are components of institutional performance.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

As institutional context, the following are considered: structuring legal frameworks of the field of social protection (Brazil, 1988; Brazil, 1990; Brazil, 2012), avoiding the replacement of literature Scientific methods are based on normative exegesis. Case studies, interviews, and statistics are not used. primary. The analysis is developed through conceptual articulation and theoretical inference. controlled, that is, by the connection between constructs and recurring mechanisms described in the literature.

Theoretical basis

Public value, leadership and institutional capabilities

The notion of public value repositions the debate on government performance by emphasizing the plurality of values, democratic legitimacy and accountability, overcoming both the traditional public administration versus managerial reductions focused on narrow metrics. (Bryson; Crosby; Bloomberg, 2014).

In this context, public leadership is not limited to formal authority; it involves the framing of problems, coordination between institutions, building decisional coherence, and sustaining commitments in uncertain environments (Moore, 1995; Bryson, Crosby and Bloomberg, 2014). A The institutional dimension of leadership becomes relevant because results depend on arrangements. routines and coordination mechanisms, and not just financial resources or political intentions. (O'Toole Jr., 2000).

Collaborative governance and institutional design

When it comes to complex social policies, intersectorality and interorganizational networks are key. These issues are recurring, which requires governance capable of coordinating actors with differing interests, resources, and... distinct asymmetries. The literature on collaborative governance describes conditions and mechanisms supporting this type of arrangement: initial conditions, institutional design, facilitative leadership, face-to-face dialogue, trust and commitment (Ansell and Gash, 2008).

Collaboration, therefore, is not a spontaneous result of moral convergence. It depends on the architecture. decision-making: rules of participation, deliberation criteria, registration procedures and mechanisms of accountability. Without these mediations, collaboration tends to produce opacity and dispersion of responsibilities — an especially critical effect when decisions affect rights and integrity (Ansell; Gash, 2008).

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

Public contracts, institutions and markets

Contracting for public services requires balancing public values, institutions, and conditions.
market trends throughout the decision-making cycle. In the contractual governance approach, decisions regarding
"Make or buy," specification, and monitoring are all subject to trade-offs between efficiency,
equity, quality and control (Brown; Potoski; Van Slyke, 2006).
Furthermore, transaction costs, information asymmetries, and the risk of opportunism impose...
Administrative capacity requirements, especially in services that are difficult to measure. The function of
Law is not simply about limiting; it defines a repertoire of instruments, standards of accountability.
and monitoring conditions, directly influencing the quality of public delivery (Brown;
Potoski; Van Slyke, 2006; Williamson, 1985).

Critical analysis

Legal knowledge as a tool for structuring decisions and reducing risks.

Within public organizations, decision-making failures often stem less from the absence of...
based more on normative foundations than on the inability to convert a command into an operation.
verifiable. In this gap, legal knowledge adds value by organizing four dimensions:
Defining competencies and purposes; procedural modeling (who decides, how they decide,
how it records, how it reviews); distribution of responsibilities; and documentary production suitable for
to support control, learning and accountability (Kettl, 2002; Bryson, Crosby and Bloomberg, 2014).
With this, legal leadership ceases to act merely as an ex post "filter" and begins to form part of the
State decision-making infrastructure. Institutional risk reduction, in this context, depends on
Predictability and traceability: explicit criteria and consistent records make it difficult to...
arbitrariness, they support course correction and protect the public interest (Denhardt; Denhardt,
2003).

Internal regulation and contractual governance as a protective infrastructure.

Sub-legal instruments — ordinances, protocols, manuals, instructions — can act as
Institutional technologies for standardization and coordination, reducing undue variations and
stabilizing decisions in highly sensitive services. When well designed, these
These tools increase responsiveness without diluting accountability, precisely because

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

to make the criteria verifiable (Bryson; Crosby; Bloomberg, 2014; Ansell; Gash, 2008).

From a contractual standpoint, the contracting cycle presents challenges that go beyond the formal procedure.

Proper specification, plausible indicators, monitoring, and response to non-conformities.

They connect the contract to the protection of the public interest (Brown; Potoski; Van Slyke, 2006). In

In imperfect markets or in services that are difficult to measure, robust monitoring and...

Administrative capacity becomes even more crucial, as it increases transaction costs.

and increase the risks of opportunism (Williamson, 1985; Brown, Potoski and Van Slyke, 2006).

Organizational infrastructure and the effectiveness of social policies.

Between formulation and execution, routines, records, information flows, and supervision constitute the

Institutional infrastructure essential for administrative continuity. The literature of

Implementation demonstrates that the gap between objectives and results widens when multiple

Decision and coordination points are not governed by consistent arrangements (Pressman;

Wildavsky, 1973; O'Toole Jr., 2000).

In social protection services, the precariousness of this infrastructure produces cumulative effects:

It disrupts workflows, hinders control, increases legal uncertainty, and weakens guarantees.

execution, in this context, depends on material and organizational conditions that support it.

Predictability, control, and responsiveness. Qualified legal leadership contributes to...

to translate general duties and principles into administratively sustainable standards, without replacing the

management, but giving institutional form to public action (Kettl, 2002; Bryson, Crosby and

Bloomberg, 2014).

Risks of separating legal and managerial aspects

When legal technique remains isolated from management capacity, it tends to consolidate a

Defensive formalism: procedures geared more towards the self-protection of the apparatus than towards resolution.

of the public problem. Conversely, management detached from the legal framework can encourage

operational solutions that disregard due process, equal treatment, and

public justifiability, eroding legitimacy and increasing litigation (Denhardt; Denhardt,

2003).

Institutional integration, therefore, is the critical point. Public value and collaborative governance.

They depend simultaneously on coordination and legitimacy (Bryson; Crosby; Bloomberg, 2014;

Ansell; Gash, 2008). Public contracts require alignment between values, institutions, and markets.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

given the typical risks of asymmetry and opportunism (Brown; Potoski; Van Slyke, 2006; Williamson, 1985). Social protection demands predictability and responsiveness at a high level. which makes decision-making architecture an integral part of state performance (O'Toole Jr., 2000).

Discussion

Legal leadership can be understood as a **device for institutional integration** that It articulates public values, administrative instruments, and operational delivery conditions. Instead Instead of limiting itself to the role of subsequent legality control, its critical function becomes apparent when it acts... in converting normative purposes into stable decision-making and procedural arrangements, capable of To reduce uncertainty and sustain accountability in highly complex environments. This This shift is compatible with a public value-oriented governance perspective, which redefines government performance as the production of legitimately justifiable results. in pluralistic arenas, in which multiple values coexist and come into tension (Bryson; Crosby; Bloomberg, 2014).

The notion of public value illuminates a crucial point: **efficiency, by itself, is not a sufficient criterion.** **sufficient** to guide social policies, internal regulations, or contractual arrangements. Performance State governance simultaneously involves legality, fairness, responsiveness, transparency and democratic responsibility — dimensions that often come into trade-offs (Bryson; (Crosby; Bloomberg, 2014). Thus, legal leadership assumes a relevant role not by imposing "more formality," but by offering instruments for **public justification** and **delimitation of** **criteria,** making explicit how the administration weighs competing values and how it transforms This consideration leads to traceable decisions. The practical consequence is that the law, when well-founded, Once mobilized, it ceases to be merely a "boundary" and begins to act as **governance infrastructure.** guiding the consistency between decisions, procedures, and results.

This interpretation gains weight when one observes that complex public problems These issues are rarely resolved within the boundaries of a single body. The governance literature Collaboration demonstrates that coordination depends on institutional design and leadership. facilitator, in addition to specific interaction processes — building trust, commitment and shared understanding — and not simply the presence of multiple actors (Ansell; Gash, 2008). In this context, legal leadership contributes to organizing the “space for cooperation” by through **participation rules, decision flows, authorization criteria, registration standards** and **accountability mechanisms** that reduce ambiguity and prevent collaboration from becoming... convert it into diffuse informality.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

From this perspective, procedural formalization is not equivalent to unproductive bureaucratization. It is about...
This is part of an institutional response to the typical risk of networks: **the dispersion of responsibilities** and the
Decisional opacity. Collaborative governance can generate gains in coordination, but also...
Accountability can be diluted if there are no clear mechanisms for defining competencies and...
Record of decisions (Ansell; Gash, 2008). In social protection policies, this is particularly important.
Sensitive, as administrative decisions affect rights, integrity, and access to services. Leadership
In establishing internal rules, protocols, and documentation routines, the legal system acts as a counterweight to...
Fragmentation, providing institutional support for control, learning, and course correction.
In the contractual sphere, the robustness of the discussion requires recognizing that public contracts are not...
not only purchasing instruments, but also **governance arrangements** that articulate values.
publics, institutional constraints, and market conditions. Brown, Potoski, and Van Slyke (2006)
They demonstrate that contract management involves politically charged and normatively driven choices.
conditioned across three phases — provision decision, contract design, and monitoring.
— in which the manager needs to align efficiency, fairness, accountability, and quality of service.
(Brown; Potoski; Van Slyke, 2006). This implies that the “legal” aspect is not an appendix to the contract:
It structures the repertoire of clauses, the sanction mechanisms, the monitoring parameters, and the...
bases for accountability.
At the same time, the literature shows that formal compliance with the procedure does not guarantee
Performance. Effectiveness depends on administrative capabilities to specify obligations.
feasible, monitor results and respond to execution failures, especially in difficult-to-manage services.
measurement and in markets with information asymmetries (Brown; Potoski; Van Slyke, 2006).
Thus, effective legal leadership appears precisely at the intersection: when organizing the contract.
as a **risk reduction tool, linking regulatory design to** feasibility.
operational. In this context, the integration between legal and management ceases to be a preference and becomes
to be a condition for governance oriented towards the public interest.
From an institutional point of view, the discussion converges on a classic problem: administration.
Public discourse often oscillates between two deviations. On one hand, there is **defensive formalism,** in which the
The decision prioritizes institutional self-protection and accumulates procedures without a clear connection to the
On the one hand, there is delivery and learning. On the other hand, there is **narrow results-oriented managerialism,** where efficiency...
Operational efficiency is prioritized without adequate justification of trade-offs, with the risk of violations of
guarantees and loss of legitimacy (Bryson; Crosby; Bloomberg, 2014). The theoretical contribution
The three axes analyzed show that legal leadership can act as a mechanism for
Stabilization: allows decisions to be organized in a way that makes them simultaneously executable.
controllable and justifiable.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google
RCMOS – Multidisciplinary Scientific Journal The Knowledge.
ISSN: 2675-9128. São Paulo-SP.

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

This integrative function is also evident in the production of **institutional infrastructure.**
Protocols, manuals, registration procedures, decision-making flows, and intervention criteria —
often treated as “administrative details” — they form the core of the capability
The state's role is to sustain continuity and predictability. In highly complex environments, the
The absence of this infrastructure tends to increase improvisation, decisional variation, and risk.
legal. Conversely, when such instruments are designed in a consistent manner, they become
platforms for coordination, training, monitoring, and accountability, which reinforces the thesis of
legal leadership is directly related to the ability to implement and protect.
rights (Ansell; Gash, 2008; Brown; Potoski; Van Slyke, 2006).
Finally, it is worth clarifying an analytical implication: treating legal leadership as a mechanism.
Integrative doesn't mean reducing public policy to law. It means recognizing that, in States
In constitutional and complex social policies, **effectiveness depends on the quality of**
Institutional mediation between values and execution. This mediation is both legal and administrative.
At the same time, it involves deciding based on skills and principles, structuring procedures, documenting criteria,
and coordinating actors and contracts under real implementation conditions. That is...
capacity — and not an abstract “legal” position — that explains why certain organizations
They manage to preserve legality, improve performance, and reduce risks, while others...
They get lost between fragmented controls and improvised responses (Bryson; Crosby; Bloomberg, 2014).

Final considerations

It can be concluded that legal leadership in the public sector is not limited to normative interpretation nor to
Formal compliance control. In complex institutional environments, its most relevant role.
It manifests itself in the structuring of decisions, in the formalization of routines, in the coordination between actors,
in risk management and in strengthening accountability mechanisms — essential elements
in social protection policies and contract governance (Bryson; Crosby; Bloomberg, 2014;
Brown; Potoski; Van Slyke, 2006).
It is also shown that the rigid separation between legal technique and managerial capacity tends to
producing unproductive formalism or managerialism without guarantees, both of which are unfavorable to
effectiveness of rights (Denhardt; Denhardt, 2003). Institutional integration — through
Procedural design, robust documentation, and interorganizational coordination—this constitutes a
A practical condition for reconciling legality, responsiveness, control, and protection of interests.
public (Ansell; Gash, 2008; O'Toole Jr., 2000).

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Machine Translated by Google

Year VII, v.1 2026 | Submission: April 23, 2026 | Accepted: April 26, 2026 | Publication: April 29, 2026

References

ANSELL, C.; GASH, A. Collaborative Governance in Theory and Practice. *Journal of Public Administration Research and Theory,* vol. 18, no. 4, p. 543–571, 2008.

BRAZIL. Constitution of the Federative Republic of Brazil of 1988. Brasília, DF: Presidency of the Republic, 1988.

BRAZIL. Law No. 8,069, of July 13, 1990. Statute of the Child and Adolescent. Brasília, DF: Presidency of the Republic, 1990.

BRAZIL. Law No. 12,594, of January 18, 2012. National System of Socio-Educational Care (SINASE). Brasília, DF: Presidency of the Republic, 2012.

BROWN, T.L.; POTOSKI, M.; VAN SLYKE, DM Managing Public Service Contracts: Aligning Values, Institutions, and Markets. *Public Administration Review,* vol. 66, no. 3, p. 323–331, 2006.

BRYSON, JM; CROSBY, BC; BLOOMBERG, LL Public Value Governance: Moving beyond Traditional Public Administration and the New Public Management. *Public Administration Review,* vol. 74, no. 4, p. 445–456, 2014.

DENHARDT, JV; DENHARDT, RB *The New Public Service: Serving, Not Steering.* Armonk, NY: ME Sharpe, 2003.

KETTL, DF *The Transformation of Governance: Public Administration for Twenty-First Century America.* Baltimore: Johns Hopkins University Press, 2002.

MOORE, MH *Creating Public Value: Strategic Management in Government.* Cambridge, MA: Harvard University Press, 1995.

O'TOOLE JR., LJ Research on Policy Implementation: Assessment and Prospects. *Journal of Public Administration Research and Theory,* vol. 10, no. 2, p. 263–288, 2000.

PRESSMAN, JL; WILDAVSKY, A. *Implementation.* Berkeley: University of California Press, 1973.

WILLIAMSON, OE *The Economic Institutions of Capitalism.* New York: Free Press, 1985.

This article is published in open access under the Creative Commons Attribution license, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.