RCMOS – Revista Científica Multidisciplinar O Saber. ISSN: 2675-9128. São Paulo-SP.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

# The use of habeas corpus to identify inadequate reasoning in pretrial detention orders: an analysis of STJ case law after the Anti-Crime Package

*A utilização do habeas corpus para o reconhecimento de fundamentação inidônea na decretação da prisão preventiva: análise da jurisprudência do STJ após o Pacote Anticrime*

*La utilización del habeas corpus para reconocer una fundamentación inadecuada en la imposición de prisión preventiva: análisis de la jurisprudencia del STJ tras el Paquete Anticrimen*

Francisco Thomé Santos da Silva – Law Program, Pontifícia Universidade Luterano de Manaus
Advisor: Leandro Pereira Passos – leandro.passos@ulbra.br

Interdisciplinary undergraduate project submitted as a requirement for the bachelor's degree in Law at Pontifícia Universidade Luterano de Manaus. Manaus, October 2026.

**Abstract**

This article examines the use of habeas corpus to review the legality of pretrial detention orders, focusing on the recognition of inadequate reasoning by Brazil's Superior Court of Justice after Law No. 13.964/2019, known as the Anti-Crime Package. The study brings together criminal procedure legislation, legal scholarship and case law, considering the constitutional duty to give reasons for judicial decisions and the requirements laid down in Articles 312 and 315 of the Code of Criminal Procedure. Three judgments are examined concerning the insufficiency of generic justifications, the need to demonstrate a concrete danger arising from the defendant's release, and the limits on subsequently supplementing the grounds of a detention order. The analysis indicates that the abstract seriousness of an offense and the repetition of standardized arguments are insufficient to justify a pretrial restriction of liberty. It concludes that habeas corpus is an important instrument for identifying unlawful restraints and reviewing decisions that lack individualized reasoning, without precluding alternative pretrial measures or a new, duly reasoned detention order where legally appropriate.

**Keywords:** Habeas corpus. Pretrial detention. Reasoning of judicial decisions. Superior Court of Justice. Anti-Crime Package.

**Resumo**

Este artigo analisa a utilização do habeas corpus no controle da legalidade de decisões que decretam a prisão preventiva, com ênfase no reconhecimento de fundamentação inidônea pelo Superior Tribunal de Justiça após a Lei nº 13.964/2019, denominada Pacote Anticrime. A pesquisa articula o exame da legislação processual penal, da doutrina e da jurisprudência, considerando o dever constitucional de motivação das decisões judiciais e os requisitos previstos nos artigos 312 e 315 do Código de Processo Penal. São examinados três julgados relativos à insuficiência de justificativas genéricas, à necessidade de demonstração concreta do perigo decorrente da liberdade do acusado e aos limites da complementação posterior dos fundamentos do decreto prisional. A análise indica que a gravidade abstrata do delito e a reprodução de argumentos padronizados não bastam para justificar a restrição cautelar da liberdade. Conclui-se que o habeas corpus constitui instrumento relevante para reconhecer constrangimentos ilegais e controlar decisões carentes de motivação individualizada, sem afastar a possibilidade de medidas cautelares alternativas ou de nova custódia devidamente fundamentada, quando legalmente cabível.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

**Palavras-chave:** Habeas corpus. Prisão preventiva. Fundamentação das decisões judiciais. Superior Tribunal de Justiça. Pacote Anticrime.

**Resumen**
Este artículo analiza la utilización del habeas corpus para controlar la legalidad de las decisiones que ordenan prisión preventiva, con énfasis en el reconocimiento de una fundamentación inadecuada por el Superior Tribunal de Justicia de Brasil tras la Ley n.º 13.964/2019, denominada Paquete Anticrimen. La investigación articula el examen de la legislación procesal penal, la doctrina y la jurisprudencia, teniendo en cuenta el deber constitucional de motivar las decisiones judiciales y los requisitos previstos en los artículos 312 y 315 del Código de Proceso Penal. Se examinan tres fallos relativos a la insuficiencia de las justificaciones genéricas, la necesidad de demostrar un peligro concreto derivado de la libertad del acusado y los límites de la posterior complementación de los fundamentos de la orden de prisión. El análisis indica que la gravedad abstracta del delito y la reproducción de argumentos estandarizados no bastan para justificar la restricción cautelar de la libertad. Se concluye que el habeas corpus constituye un instrumento relevante para reconocer restricciones ilegales y controlar decisiones que carecen de motivación individualizada, sin excluir la posibilidad de medidas cautelares alternativas o de una nueva prisión debidamente fundamentada, cuando sea legalmente procedente.

**Palabras clave:** Habeas corpus. Prisión preventiva. Fundamentación de las decisiones judiciales. Superior Tribunal de Justicia. Paquete Anticrimen.

## 1. Introduction

The use of habeas corpus to review the legality of judicial decisions, particularly those concerning pretrial detention, is highly relevant in the Brazilian legal system. This study examines the reasoning of decisions that order pretrial detention, seeking to understand when that reasoning is inadequate, that is, when it lacks a concrete and sufficient justification. The issue is particularly important because of the need to preserve fundamental rights and safeguards, including individual liberty and due process of law.

Pretrial detention, as provided for in the Code of Criminal Procedure, is an exceptional precautionary measure that should be imposed only when strictly necessary and supported by adequate reasons. The enactment of Law No. 13.964/2019, known as the Anti-Crime Package, introduced significant changes to Brazil's criminal procedure system, strengthening the requirement for concrete reasoning in pretrial detention orders. In this context, habeas corpus is an essential legal instrument for challenging judicial decisions that fail to meet statutory requirements, helping to remedy unlawful acts and abuses.

Legal scholars have examined this issue, emphasizing the importance of reasoned judicial decisions as an essential element of a democratic state governed by the rule of law. According to Aury Lopes Jr. (2020), pretrial detention cannot be based on generic or abstract arguments; it requires concrete, individualized reasoning. Similarly, Guilherme de Souza Nucci

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

(2021) stresses that the absence of adequate reasoning constitutes an illegality that may be remedied through habeas corpus. Renato Brasileiro de Lima (2022), in turn, emphasizes that judicial review through this constitutional remedy is essential to ensuring the legality of decisions and the protection of fundamental rights.

The choice of the subject is justified by its social relevance, given that the unfair decree of the pretrial detention can lead to serious consequences for individual freedom, a fundamental right guaranteed by the Federal Constitution. In a social context marked by high rates of imprisonment, it becomes essential to analyze the mechanisms that guarantee protection against state abuses. In this sense, habeas corpus is presented as a fundamental instrument in the defense of citizens' rights, contributing to the reduction of arbitrary prisons and to the promotion of social justice.

Thus, the article is related to the analysis of how the Brazilian judicial system, especially the Superior Court of Justice of Justice, has dealt with cases in which the foundations of the decisions that decreet pretrial detention are questioned.

In the face of the amendments promoted by Law 13.964/2019 and the growing discussion on the need for adequate reasoning of judicial decisions, the following question arises: how has the Superior Court of Justice applied habeas corpus to recognize the inadequate reasoning in the decisions that decreet pretrial detention after the validity of the Anti-Crime Package?

It is part of the hypothesis that the Superior Court of Justice has adopted a more strict position regarding the requirement of concrete justification in the decisions that decrease the pretrial detention, especially after the entry into force of Law No. 13.964/2019. In this sense, habeas corpus is assumed to be effectively used as a legal control tool, enabling the recognition and correction of judicial decisions based on generic or inappropriate grounds.

Furthermore, the action of the STJ is considered to have contributed to the strengthening of the fundamental guarantees, especially with regard to the protection of individual freedom and the observance of the appropriate legal process, promoting greater rigor in the analysis of the requirements of pretrial detention.

As regards the objectives, this article aims to analyze the use of habeas corpus as a tool for the control of the legality of judicial decisions that decrease pretrial detention, especially in cases where the justification submitted by the judge is generic or insufficient. It is sought to understand the positioning of the Superior Court of Justice of Justice (STJ) after the

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

amendments promoted by Law no. 13.964/2019, considering the protection of individual freedom and the observance of constitutional guarantees.

The general objective is to analyze the application of habeas corpus by the Superior Court of Justice as an instrument of recognition of inappropriate justification in the decisions that decrease the pretrial detention, in light of the amendments introduced by Law No. 13.964/2019 and the consolidated jurisprudence after its validity.

With regard to the specific objectives, we have:

a) Analyze the changes introduced by Law No. 13.964/2019 (the Anti-Crime Package) to the statutory requirements for pretrial detention and the criteria governing the reasoning of judicial decisions;
b) Examine the legal provisions requiring concrete, individualized reasoning for pretrial detention orders, particularly Articles 312 and 315 of the Code of Criminal Procedure;
c) Investigate Superior Court of Justice case law after the entry into force of the Anti-Crime Package, identifying the criteria used to recognize inadequate reasoning in pretrial detention orders;
d) Examine how habeas corpus has been used to challenge pretrial detention orders that lack adequate reasoning, taking into account the Court's interpretations.

As for the methodology of the article, the research was done in an exploratory and descriptive manner. Exploratory for seeking greater understanding of the criteria used by the STJ to assess the foundations of the decisions that decreet pretrial detention. Description of presenting and examining the legal grounds adopted in the selected judgments, identifying the arguments used by the Court to recognize or remove the existence of appropriate grounds.

As for the methodological approach, it took place in a qualitative way, since the analysis will focus on the interpretation of the legal standards, the doctrinal positions and the foundations present in the courts, without the use of statistical procedures as the main axis of the research.

In relation to the methodological procedures, bibliographic and documentary research was carried out. The bibliographic research included legal books and scientific articles related to pretrial detention, habeas corpus, the duty of founding judicial decisions and the amendments promoted by the Anti-Crime Package. The documentary investigation covers the Federal Constitution of 1988, the Criminal Procedure Code, in particular Articles 312 and 315, the Law No. 13.964/2019 and the Superior Court of Justice judgments published after the entry into force of that law.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

The selection of the judgments was carried out through consultation on the official basis of the STJ jurisprudence, considering the relevance of the decisions with the subject of the investigation. The judges were given priority to consider the concrete grounds of pretrial detention, the lack of general justification and the use of habeas corpus as a control tool for the legality of caution.

The present study proposes to analyze the use of habeas corpus as a mechanism of recognition of the inappropriate reasoning in the imposition of pretrial detention, in light of current legislation and the jurisprudence of the higher courts. It is thus sought to contribute to the understanding of the importance of this instrument in the guarantee of fundamental rights and in the strengthening of the appropriate legal process in the Brazilian justice system.

## 1. Pretrial detention and the changes introduced by the Anti-Crime Package

Pretrial detention is an exceptional caution measure, the application of which requires compliance with the requirements provided for in criminal proceedings legislation and the presentation of concrete grounds that justify its need. In this context, Mr. Lopes (2024), addressing caution prisons and habeas corpus, discusses the importance of constitutional guarantees in the limitation of the power to punish the State and in the protection of individual freedom. With the entry into force of Law No. 13.964/2019, known as Anticrime Package, amendments to the Criminal Procedure Code, in particular Article 315, have been introduced, reinforcing the requirement of adequate reasoning of the judicial decisions that decreet or maintain pretrial detention.

Galvão (2025) also addresses the reasoning of judicial decisions in a study on the need to provide reasons in generic detention orders after the Anti-Crime Package. The author examines the importance of linking legal grounds to the specific circumstances of the case and avoiding decisions based on abstract or standardized justifications. This perspective relates to Article 93, item IX, of the Federal Constitution, which establishes the duty to give reasons for judicial decisions, and Article 315, paragraph 2, of the Code of Criminal Procedure, which sets out situations in which the reasoning is not considered adequate.

In front of this, the analysis of the Superior Court of Justice's jurisprudence (STJ) allows to investigate how these criteria are applied in practice, especially in habeas corpus trials that question the legality of pretrial detention because of the absence of appropriate justification. The investigation of the judgments enables identification of the arguments used by the Court to assess the validity of judicial decisions, as well as understanding the role of habeas corpus in

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

the protection of the right to freedom. Thus, the study articulates legislation, doctrinal production and jurisprudence, seeking to understand the criteria employed by the STJ after the Anti-Crime Package.

Pretrial detention is a precautionary measure provided for in the Brazilian Code of Criminal Procedure, imposed when the statutory requirements justify restricting liberty before a conviction becomes final. According to Lopes Jr. (2024), custodial precautionary measures must be understood as exceptional, since liberty is the rule in the Brazilian legal system. Their imposition therefore requires concrete reasoning and a demonstration of necessity; the abstract seriousness of the offense alone is insufficient.

In this context, Law No. 13.964/2019, known as the Anti-Crime Package, introduced significant changes to the criminal procedure system, including the criteria for ordering and giving reasons for pretrial detention. In particular, the new wording of Article 315 of the Code of Criminal Procedure establishes standards for the reasoning of judicial decisions and deems inadequate those that merely reproduce statutory provisions or use indeterminate legal concepts without explaining their relationship to the specific case. These requirements seek to strengthen scrutiny of decisions restricting individual liberty.

The requirement to give reasons is also supported by Article 93, item IX, of the Federal Constitution of 1988, under which judicial decisions must be reasoned, failing which they are null and void. Judicial reasoning makes it possible to understand why a judge ordered pretrial detention and enables the defense to challenge possible illegalities. Giving reasons must therefore go beyond a mere formality and demonstrate, on the basis of the concrete evidence in the case file, why the precautionary measure is necessary.

Analyzing the changes introduced by the Anti-Crime Package is therefore essential to understanding the statutory limits on pretrial detention and the criteria governing its application. The requirement for individualized reasoning helps protect liberty and prevent arbitrary decisions. Studying criminal procedure legislation and scholarship thus provides the foundation for investigating how the Superior Court of Justice applies these standards in habeas corpus cases concerning inadequate reasoning for pretrial detention.

## 2. The duty to give reasons for judicial decisions and the requirements for pretrial detention

The foundation of judicial decisions constitutes an essential guarantee of the Democratic State of Law, as it allows to understand the reasons that justify the judgments of the Judicial

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

Power. According to Nucci (2024), the application of criminal procedural standards must observe the constitutional guarantees and the legal limits imposed on state action. In this regard, the decree of pretrial detention requires adequate justification, based on the specific elements of the case, in order to demonstrate the need to restrict the freedom of the investigated or accused.

Article 312 of the Criminal Procedure Code establishes the assumptions and grounds for the imposition of the pretrial detention, requiring the presence of evidence of the existence of the crime, sufficient evidence of authenticity and demonstration of the danger generated by the convicted's state of freedom. In turn, Article 315 of the same legal code states that the decision which decrees, replaces or denies the pretrial detention is motivated and justified. After the amendments introduced by Law No. 13.964/2019, Article 315, § 2, went to specify situations in which a decision cannot be considered justified, such as the mere reproduction of standards without explanation of their relationship with the specific case.

In this context, Mr. Lopes (2024) It highlights the importance of understanding personal precautions in the light of processal guarantees and the presumption of innocence. The justification must prove the existence of elements that justify the precautionary measure, and it is not enough to generally invoke the severity of the offence or use arguments that could be applied indistintly to any proceedings. The individualized analysis of the circumstances allows to verify whether the pretrial detention meets the legal requirements and whether the restriction of freedom is duly justified.

Thus, the study of Articles 312 and 315 of the Criminal Procedure Code, together with the guarantee provided for in Article 93, Section IX, of the Federal Constitution, enables to understand the legal parameters used to assess the validity of the decisions that decreet pretrial detention. The observance of these provisions is essential for the analysis of possible illegalities and for judicial control through the habeas corpus. Thus, the investigation seeks to understand how these criteria are considered by the Superior Court of Justice in the assessment of decisions whose grounds are questioned by the defence.

## 3. Superior Court of Justice case law and the recognition of inadequate reasoning in pretrial detention orders

The jurisprudence plays an important role in the interpretation and application of criminal procedural standards, especially when fundamental rights such as individual freedom are discussed. by Lopes Jr. (2024), personal precautions must respect the constitutional and

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

legal limits, and the specific evidence of the reasons that justify the restriction of freedom is necessary. In this context, the analysis of the decisions of the Superior Court of Justice (STJ) allows to understand how the legal requirements of the pretrial detention are interpreted in the specific circumstances of each case.

With the entry into force of Law No. 13.964/2019, Article 315 of the Criminal Procedure Code established more specific criteria for the reasoning of judicial decisions, including the impossibility of using general justifications or simply reproducing legal instruments without explaining their relationship with the facts analyzed. These provisions are relevant for the control of the legality of the pretrial detentions, as they require the court to demonstrate the need for the measure on the basis of specific elements. In this way, the inappropriate reasoning may be identified when the decision does not provide sufficient individualized reasons to justify the restriction of freedom.

In this regard, the STJ's review of the jurisprudence should take into account the grounds presented in the judgments, taking into account the arguments used to maintain or remove pretrial detention. An example of a decision that could integrate this investigation is the Habeas Corpus No. 737.549/SP, judged by the Sixth Tower of the STJ on 6 December 2022, which addressed the need for concrete justification of the pretrial detention. The full consultation of the judgment allows to identify the legal criteria employed by the Court and assess their relationship with the requirements set out in the Criminal Procedure Code.

Therefore, the study of the judges of the STJ after the Anti-Crime Package enables investigation of how the Court applies the legal grounds and what elements it considers relevant to recognizing possible illegalities in the imposition of the pretrial detention. The comparison of different judgments also allows to identify similarities and differences in the adopted legal arguments. Thus, jurisprudential research contributes to understanding the practical application of procedural guarantees and the role of habeas corpus in the control of decisions that unnecessarily restrict individual freedom.

### 8.4 Analysis of Superior Court of Justice judgments concerning the reasoning for pretrial detention

The analysis of the jurisprudence of the Superior Court of Justice (STJ) allows to understand how the requirement of reasoning of judicial decisions is applied to cases of decrease of the pretrial detention after the publication of Law No. 13.964/2019, known as Anticrime Package. For this, three judges were selected to discuss the lack of general grounds,

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

the need for concrete demonstration of the danger arising from the freedom of the accused and the use of habeas corpus as a control tool for the legality of the caution.

The first judgment examined is Ordinary Appeal in Habeas Corpus No. 135.143/RS, decided by the STJ's Fifth Panel on October 6, 2020, with Justice Reynaldo Soares da Fonseca serving as rapporteur. The case concerned the pretrial detention of a defendant accused of drug trafficking. The detention order relied on generic arguments concerning the seriousness of the offense and its social effects, without explaining, in an individualized manner, why the defendant's release would pose a concrete risk. In reviewing the case, the STJ found that the reasoning was standardized and abstract, and therefore insufficient to justify such an extreme measure. The appeal was granted and pretrial detention revoked, subject to alternative pretrial measures to be determined by the lower court. This judgment demonstrates that the abstract seriousness of an offense alone is insufficient to justify pretrial detention: concrete grounds establishing its necessity must be presented (BRASIL, 2020).

The second judgment is Habeas Corpus No. 717.683/RS, decided by the STJ's Sixth Panel on March 22, 2022, with Justice Antonio Saldanha Palheiro serving as rapporteur. The proceedings concerned the pretrial detention of a defendant accused of drug trafficking and association for drug trafficking. According to the Court, the initial detention order merely acknowledged evidence that an offense had occurred and indications of the defendant's involvement, without identifying specific circumstances demonstrating the need for pretrial custody. Although the lower appellate court supplied additional information concerning the defendant's alleged involvement in criminal activity, the STJ held that grounds absent from the original detention order could not be added during the habeas corpus proceedings. The writ was therefore granted and the defendant's release ordered, without precluding a new detention order supported by concrete, current reasons or the imposition of alternative pretrial measures. The judgment shows that the legality of detention must be assessed on the basis of the reasons actually given by the authority that ordered it; a subsequent justification cannot cure an originally deficient decision (BRASIL, 2022a).

The third judgment is the Internal Appeal in Habeas Corpus No. 737.515/SP, heard by the STJ's Fifth Panel on June 7, 2022, with Justice Joel Ilan Paciornik serving as rapporteur. The case concerned the pretrial detention of a defendant accused of drug trafficking. Although the lower courts referred to evidence concerning the commission of the offense, the STJ found that the asserted need for detention relied on generic grounds relating to the abstract seriousness of the offense and the quantity of narcotics seized. The Court also considered that the amount

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

of drugs was not large and that the circumstances were insufficient to establish that such an extreme measure was indispensable. It therefore upheld the decision revoking pretrial detention and ordering alternative pretrial measures under Article 319 of the Code of Criminal Procedure. The internal appeal filed by the Federal Prosecution Service was dismissed. This judgment reinforces the need for individualized reasoning and for an assessment of the appropriateness and proportionality of pretrial detention in light of the specific circumstances of the case (BRASIL, 2022b).

## 4. Final considerations

A comparison of the three judgments shows that the STJ attaches importance to a concrete demonstration of the danger arising from the defendant's release, rejecting pretrial detention justified exclusively by generic references to the seriousness of the offense. The judgments also highlight the relevance of Articles 312 and 315 of the Code of Criminal Procedure, particularly the requirements for individualized reasoning and a demonstration that the precautionary measure is indispensable. In addition, Habeas Corpus No. 717.683/RS emphasizes that a reviewing court cannot remedy the absence of reasoning in a detention order by adding grounds that were not originally given.

The selected judgments help explain the role of habeas corpus in reviewing the legality of pretrial detention after the Anti-Crime Package. Where a judicial decision fails to present concrete, individualized grounds sufficient to justify a restriction of liberty, the STJ may find an unlawful restraint and revoke detention, without precluding alternative pretrial measures or a new, duly reasoned detention order where legally appropriate. The case law examined thus demonstrates the importance of the duty to give reasons as a safeguard against arbitrary restrictions on individual liberty.

## References

BRASIL. Constitution (1988). Constitution of the Federative Republic of Brazil. Brasília, DF: Senado Federal, 1988.

BRASIL. Decree-Law No. 3.689, of 3 October 1941. Code of Criminal Procedure. Brasília, DF: Presidência da República, 1941. Available at: http://www.planalto.gov.br. Accessed: 15 Jun. 2026.

BRASIL. Law No. 13.964, of 24 December 2019. Improves criminal and criminal procedure legislation. Brasília, DF: Presidência da República, 2019. Available at: http://www.planalto.gov.br. Accessed: 15 Jun. 2026.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.

**Ano VII, v.1 2026 | submissão: 13/11/2026 | aceito: 20/11/2026 | publicação: 25/11/2026**

BRASILEIRO, Renato. Manual of criminal procedure. 13. ed. Salvador: JusPodivm, 2025.

CAPEZ, Fernando. Course on criminal procedure. 31. ed. São Paulo: Saraiva Educação, 2024.

LOPES JR., Aury. Criminal procedure law. 22. ed. São Paulo: SaraivaJur, 2025.

MARCÃO, Renato. Course on criminal procedure. 11. ed. São Paulo: SaraivaJur, 2024.

NUCCI, Guilherme de Souza. Annotated Code of Criminal Procedure. 23. ed. Rio de Janeiro: Forense, 2024.

NUCCI, Guilherme de Souza. Manual of criminal procedure. 5. ed. Rio de Janeiro: Forense, 2024.

OLIVEIRA, Eugênio Pacelli de. Course on criminal procedure. 29. ed. São Paulo: Atlas, 2025.

RANGEL, Paulo. Criminal procedure law. 31. ed. Barueri: Atlas, 2024.

SUPERIOR TRIBUNAL DE JUSTIÇA (STJ). Habeas corpus and pretrial detention: selected judgments after Law No. 13.964/2019. Brasília, DF: STJ, 2026. Available at: https://www.stj.jus.br. Accessed: 15 Jun. 2026.

SUPERIOR TRIBUNAL DE JUSTIÇA (STJ). Case law in theses: pretrial detention and precautionary measures. Brasília, DF: STJ, 2025. Available at: https://www.stj.jus.br. Accessed: 15 Jun. 2026.

TÁVORA, Nestor; ALENCAR, Rosmar Rodrigues. Course on criminal procedure law. 19. ed. Salvador: JusPodivm, 2024.

Este é um artigo publicado em acesso aberto (Open Access) sob a licença CreativeCommons Attribution, que permite uso, distribuição e reprodução em qualquer meio, sem restrições desde que o trabalho original seja corretamente citado.