

BRAZILIAN'S SUPREME COURT IN A DEMOCRATIC COUP D'ÉTAT

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Research Question: The stance of the Brazilian Federal Supreme Court (STF), during the 2022 electoral period, was heavily criticized by supporters, now defeated at the polls, of President Bolsonaro. From a block of decisions, the court was able to control the possibilities of political-electoral discourse, restricting the scope of protection of freedom of expression. The turning point in the institutional behavior took place when the current president began to attack the polls and put in check the reliability of the electoral process, a reason that proved to be sufficient for the STF to investigate him for “undemocratic acts”.

Purpose: Understanding the movements of the Brazilian constitutional court during the 2022 presidential elections.

Method: The measures adopted by the STF are characteristics of what Issacharoff (2007) read as a “fragile democracy”, in which the discourse during the electoral process needs to be linked to democratic achievement, where everything that contrasts with it is out of the possibility of the exercise of the right, on the grounds of guaranteeing the freedom to vote. Challenging the conventional view, Varol (2012) understands that there are measures usually used in authoritarian regimes that, sometimes, promote and help to develop the democracy game more and better than those typically used by the democratic system itself. The research proposes the dialogue between the authors.

Results: The research is able to demonstrate that, despite having taken authoritarian decisions, the court managed to contribute to guaranteeing the normality of the elections.

Organization: Debating the limits of the court's action, as well as the legitimacy of its decision-making is a key-element of the very possibility of the existence of a constitutional state, it impacts the work of judges, lawyers, prosecutors, and allows for better social scrutiny.

Society: Bolsonarism raised its tone against the court and reinforced questions about the legitimacy of the institutions and the voting process. The issue, however, is that Bolsonaro's campaign was largely based on fighting a democratically established system, in the same tone in which he attacked the human rights of minority groups. Understanding these complex dynamics of power in the social context, the impacts for future elections or even for the quality of the democracy game is an essential part of the contribution of this work.

Originality: It is correct to say that Bolsonaro was not able to conceive his re-election bid as

he would have liked, much of it due to a decision-making expansionism of the STF. The method employed does not necessarily see such a situation, even if it is atypical, as negative, as long as it enhances democracy.

Limitations / further research: reading the work is enough to identify one of the fields of action of the Judiciary, as well as informing only the 2022 elections, not taking care of the past.

Keywords: Brazilian's Supreme Court, Democratic Coup d'État, Elections, Bolsonaro.

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