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Legislative policy in Brazil: limits and possibilities

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Legislative Policy in Brazil: Limits and Possibilities



Is there room for better legislation and regulation in Brazil? How to increase the quality of rules issued there? Is it possible to improve the process of drafting legislation and the assessment of regulatory options? Assuming that legislative-regulatory policies – comprising tools, instruments and methodologies aimed at upgrading legal quality and performance – are widespread in developed and developing countries, this thesis debates how to develop a better legislative-regulatory policy in Brazil, bearing in mind local context does matter.

In this co-guided thesis developed at Law Faculties of Leiden University and São Paulo University, the reader finds a debate about the enlargement of goal-oriented and instrumental features of the legal act, as well as a comprehensive assessment of regulatory policies in Europe and US. Given the current abundance of legislative-regulatory policy elements, including the recent behavioral-approach instruments such as nudges and choice architecture, the text comes up with a functional proposal for a new policy framework. Reader also finds a critical description of contemporary lawmaking and rulemaking in Brazil. The thesis closes with a proposal of a new Brazilian legislative-regulatory policy, considering limits and possibilities for *ex ante* and *ex post* evaluation.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'The Legitimacy and Effectiveness of Law & Governance in a World of Multilevel Jurisdictions'.

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