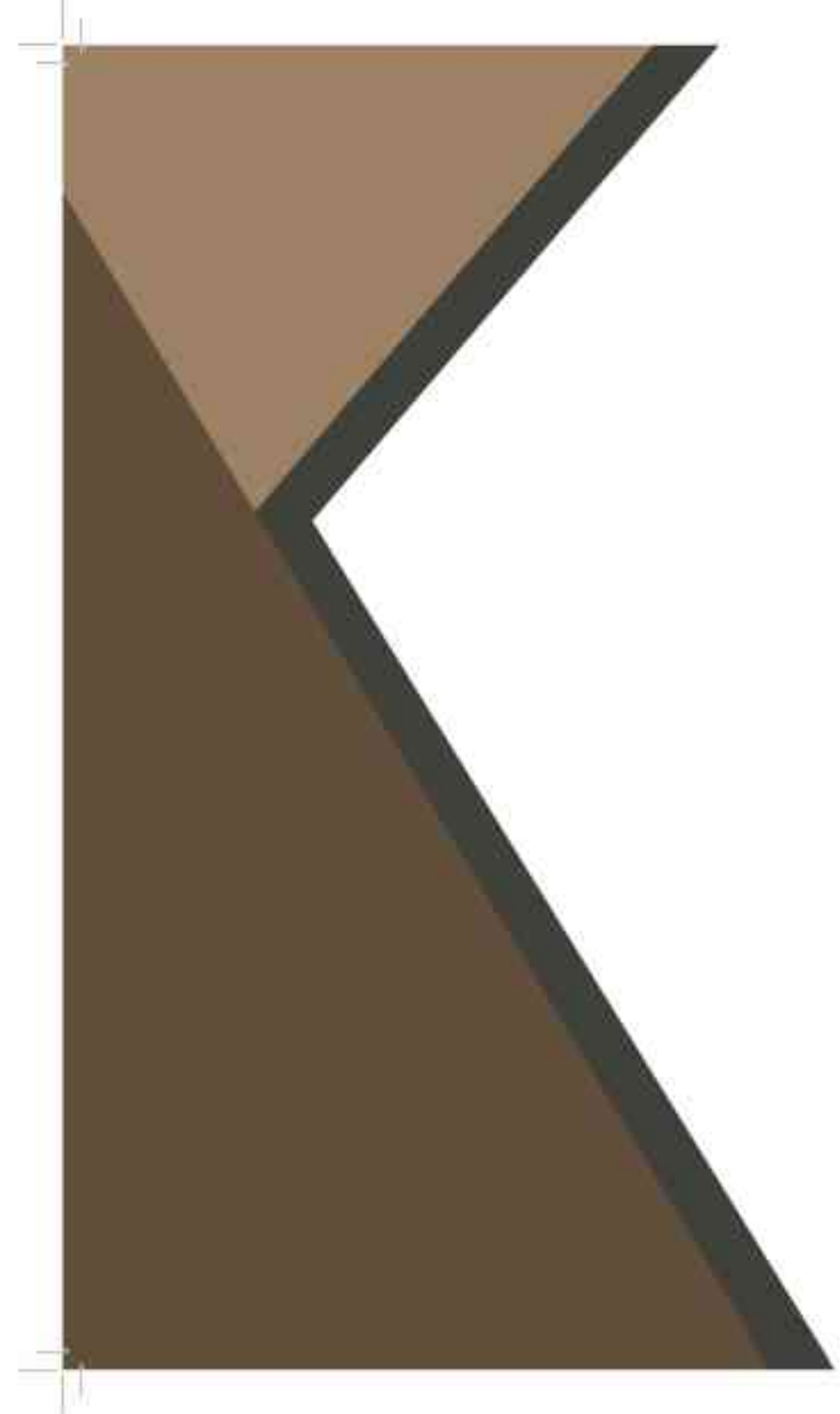




Edited by

Gustavo Silveira Siqueira
Gisela Sampaio da Cruz Guedes

Graduate Program UERJ Law School



*“Education is the most powerful weapon which
you can use to change the world.”*

Nelson Mandela



Summary

Foreword	11
Civil Law	15
History, fundamentals and perspectives of Civil-constitutional Law methodology	17
Criminal Law.....	53
Historical Overview of the Crime of Calumnious Denunciation	55
Public Law	73
Social rights in Courts: Addressing Contemporary Critiques	75
Legal dogmatics and interdisciplinarity: paths towards a useful dialogue	105

Procedure Law 127

Presentation of the Procedural Law Research Line of the State
University of Rio de Janeiro's Stricto Sensu Graduate Program 129

Labor and Social Security..... 145

Labor and Social Security: autonomy at the intersection 147

Business Enterprises and Economic Activities 173

Business Enterprises and Economic Activities 175

The Proprietary Limitations for Essential Patents and FRAND

Licensing: Legal Peculiarities to Technological Access 209

Public Finance, Taxation, and Development 269

The Illusion of Neutral Interpretation in Tax Law 271

The Tax Jurisdiction Conflict between ICMS and ISS and the
Taxation of Software 293

The Crisis of the Budgetary Balance Principle 311

Tax Reform and Tax Simplicity/ Complexity 327

Legal Teory 349

What is legal history? The Fazenda da Posse Project and legal
experiences over time 351

Ethics of Alterity and Ethics of Liberation: basic foundations for
an understanding from the perspective of the subject
of social injustice 359

Expropriation and legal violence 387

Internacional Law 409

City Law 413



Foreword

The Graduate Program in Law at Rio de Janeiro State University (PPGD-UERJ) was established in 1991 with an interdisciplinary focus. Since its inception, the program has served as a dynamic forum for research and debate, bringing together faculty and students from diverse academic backgrounds and areas of expertise.

Now firmly established as one of Brazil's leading graduate law programs, with international recognition and influence, PPGD-UERJ has embraced cultural and geographic diversity within its tradition of interdisciplinary scholarship. The program attracts students from every state in Brazil and has played a signi-

ficant role in shaping the country's legal academia. In the state of Rio de Janeiro, for instance, all master's and doctoral law programs—whether at public or private institutions—include former PPGD-UERJ students among their faculty.

In the 21st century, one of the greatest challenges for Brazilian academia is internationalization, and PPGD-UERJ has enthusiastically taken up the financial supports offered by the Brazilian government. Each year, faculty and students participate in international conferences, publish research in multiple languages, and welcome scholars from around the world. The program has built strong academic ties across continents, establishing a network of legal scholarship around the globe.

This book, designed primarily for an international audience, reflects PPGD-UERJ's commitment to global engagement. Its aim is to showcase some of the key theories and research currently being developed in Brazil. A pioneering initiative in the country, this volume serves as both a catalog and a platform for sharing the program's academic output with a wider audience.

While many faculty and student publications are already available in English, this book brings together the essence of the program in a single, freely accessible volume—both in print and online—made possible through CAPES funding. We believe this project marks a significant step in the internationalization of Brazilian legal research.

If internationalization is about ensuring that Brazilian scholarship is cited and discussed beyond our borders, then we believe

this book will spark interest and foster meaningful dialogue on the research being conducted at PPGD-UERJ.

We are convinced that Brazilian legal scholarship—particularly the work produced within PPGD-UERJ—can contribute to debate around the world on a range of critical issues. This book embodies that conviction and reflects our commitment to producing knowledge with international impact.

Rio de Janeiro, December 1, 2024.

Gustavo Silveira Siqueira
Gisela Sampaio da Cruz Guedes