VICE OF INITIATIVE AND LEGISLATIVE POWER IN THE FEDERAL DISTRICT: POLITICS IN THE APPROPRIATION OF LEGISLATIVE AGENDAS

https://doi.org/10.56238/sevened2024.037-187

Gilson Aires de Menezes Júnior[1].

ABSTRACT

The phenomenon of appropriation of the agenda can have great consequences for the effectiveness of citizens' rights, by affecting the effectiveness and credibility of legislative action. In this vein, the articulation between the Legislative and Executive branches seems to show signs of validation of propositions with a flagrant defect of unconstitutionality, whether at the stage of the processing of the proposal or at the time of the veto of the Executive branch. This article, prepared with the aim of analyzing theoretical and practical issues of the Legislative power of the Federal District, will address the verification of this phenomenon, analyzing its causes, effects and consequences, as a way to broaden the debate.

Keywords: Appropriation of the agenda. Citizens' rights. Legislative action. Articulation between the powers. District Legislative House.

[1] Email: gilsonmjr.adv@gmail.com

INTRODUCTION

The Legislative Process was developed around specific conceptions and rules that highlight the functions of each branch of the republic and, consequently, the limits of creativity with regard to the matter to be analyzed by the respective Legislative House. The conception of typical and atypical functions of each branch is envisioned, with the function of legislating being proper to the Legislative Branch.

Another typical function of the Legislative Branch is to represent the people, the nation. The Legislature's performance goes beyond the powers of legislating and supervising the application of public resources. It is up to him, for example, to debate important issues, which often do not necessarily result in the insertion of a new norm in the Legal System or in an inspection of a certain entity or public agent, which denotes an inherent performance in the exercise of parliamentary activity (SANTOS; GRANDSON; CARNEIRO, 2021). In the exercise of the typical function of the Legislative Branch, in the eagerness to defend the flags, ideas and ideals of parliament, "deliberate unconstitutionalities" arise, with a flagrant defect of form.

For the purposes of this article, "deliberate unconstitutionalities" are the initiatives of parliamentarians tainted with a flagrant defect of form, to the point of being able to presume that the political agent knew of the unconstitutionality and, even so, proposed the project.

In the same line of ideas, could the parliamentarian present Unconstitutional proposals due to a defect of form to gauge political gain with his electorate? If the law must obey material and formal aspects, how can the parliamentarian start the legislative process with a latent formal defect? While the material defect deals with the content of the rule, the formal defect concerns the rules of the legislative process. The approach to this theme is pertinent in the field of separation of competences between powers. This approach to the control of norms is particularly pertinent to the field of separation of powers.

It is unequivocal that Unconstitutionality has consequences for the credibility and effectiveness of the Legislative Branch's performance.

This is because, according to Hans Kelsen's theoretical elaboration, the Constitution is situated as the supreme law of the State, when it was linked to normativist positivism and reached its culmination (KELSEN, 1979). A scaling of norms is asserted by means of a formal structure, the basis of validity at the top of the legal order.

> "The Legal Order is not a system of legal norms ordered on the same plane, situated next to each other, but is a staggered construction of different layers or levels of legal norms. Its unity is the product of the connection of dependence that results from the fact that the validity of one norm, which has been produced in accordance with another, rests on this other norm, whose production, in turn, is determined by another; and so on, until finally abiding by the fundamental norm –

> presupposed. The fundamental norm – hypothetical, in these terms – is, therefore, the **ultimate foundation of validity** that constitutes the unity of this creative interconnection". (KELSEN, 1979. p. 310.)

In this sense, Paulo Bonavides expresses that the matter contained in the Constitution enjoys the guarantee and the superior value that the Constitutional text confers on it, which certainly would not happen if it had been deferred to the Ordinary Legislation. "Grafted onto its normative body, the Constitutional matter refers to the basic or institutional elements of political organization" (BONAVIDES, 2019. p. 81).

According to the teachings of Celso Ribeiro Bastos, in turn, the formal meaning of the Constitution refers to the set of Legislative Norms, which, because they are produced within a more solemn and difficult Legislative Process, are distinguished from non-constitutional norms. Unlike the material meaning, the formal Constitution is not limited to understanding the behavioral reality of society; it aims only at the existence of a text approved in accordance with state sovereignty, which gives it its structure and determines fundamental rights (BASTOS, 1999, p. 46).

The protagonism of the Executive Branch in relation to parliament brings the idea that the relations of the State *versus* society need to be configured according to some agendas of priorities, particularly as a result of the primary functions of each branch as well as democratic constitutionalism. The Constitution has a configuration of centrality in the legal system, a fact that transmits to Parliament its duty to legislate according to the Magna Carta and in the light of the current order.

In these terms, the work of the district parliamentarian to link his exercise of representation to the electorate becomes an intrinsic challenge, requiring him to carry out multiple strategies. In this sense, some practices have been observed that even contradict the legal dictates.

In general terms, in the eagerness to legislate, parliamentarians go beyond formal aspects and present purposeful unconstitutionalities, in the aspect of the intelligent intention of the deputy to see the interference of the district executive power provoked to remedy the formal defect of the rule. This data is reflected in national jurisprudence, which is often limited to examining merely formal aspects, which repeatedly lead laws to unconstitutionality.

It so happens that, in this way, behind a deliberate unconstitutionality, the strategy of bargaining and appropriation of the matter by the Executive Branch is born. This is because the democratic arrangements capable of understanding the relationship between the powers and the new expectations regarding the activity of the parliamentarian in relation to society, make him, on several occasions, dare to deliberate something in disagreement with

the constitutional text, with regard to competence, to, in the future, negotiate the participation of the Executive Branch to remedy the defect of the initiative. This is where the phenomenon of the appropriation of the agenda is born, which is essential to clarify some peculiarities of the political system of the Federal District, in order to follow the banners that the Congressman defends and the evolution of society.

In this context, the article in question aims to assess whether the possible existence of the phenomenon of appropriation of the legislative agenda within the scope of the Legislative Branch of the Federal District would run in favor of the practice of approving propositions with flagrant formal defects. We found in the work the scientific freedom capable of harboring the phenomenon of appropriation in the fruit of the legislative work of the Legislative Chamber of the Federal District. Scientific thinking marks this work in a peculiar way, since it is observed that there is a scarcity of approaches on the subject within the scope of the Legislative Branch of the Federal District.

The phenomenon of appropriation of the agenda will permeate a critical view, with a view to demonstrating that deliberate unconstitutionalities seek to remedy the vice by the competent power, respecting discretion and typical competence. We assume that, in such situations, there is a proposal to be bargained and debated by the parties, with the objective of meeting the wishes of the parliamentarian and society.

This article deals with the phenomenon of agenda appropriation in the federative entity of the Federal District, which has its peculiarities and specific characteristics, as it cumulates both state and municipal legislative functions. Within the scope of the Legislative Power of the Federal District, pursuant to article 63, item I and § 1, of the internal regulations of the Legislative Chamber of the Federal District[2], it is incumbent upon the Constitution and Justice Commission to examine the admissibility of propositions in general as to constitutionality, legality, legality, regimentality, legislative technique and wording, allowing the analysis of the propositions according to the legal norms in force and in accordance with the interpretations of the national courts.

In other words, in the District Legislative Branch the thesis of Constitutional supremacy prevails, since all Infra-constitutional rules derive their basis of validity from the text of the constitution. The objective of constitutional supremacy is to harmonize the system and bring unity, with the constitutional charter being the supreme norm of the legal system. Although it is endowed with the supremacy of the Constitution, there is no lack of choices with deliberate defects that are not exempted, *a posteriori,* from veto by the

[2] https://biblioteca.cl.df.gov.br/dspace/bitstream/123456789/1933/1/Texto%20atualiz.%20at%C3%A9%2021-8-2017

Executive Branch or reexamination by the Judiciary. For this reason, in the course of the research, in addition to the pertinent Constitutional considerations, analogical and disparate aspects on the subject are presented.

It is intended, in this way, not only to bring the view under the constitutional aspect of the legislative process of the Federal District, but also to demonstrate that, without losing the autonomy and independence of each power, a systemic study is required to assess the existence of the phenomenon of appropriation. In addition, the present work does not aim to analyze what is culpable or doubtful Unconstitutionality. The core of the study is to analyze the existence of the appropriation of the agenda in what is unconstitutional to the point of being able to presume that the political agent knew about the Unconstitutionality and even so proposed the project. For this, the filter of the cases analyzed are the projects of initiative of a parliamentarian with a flagrant defect of competence and with a veto by the Executive branch.

We have chosen as a plan of investigation and analysis the Constitution of the Federative Republic of Brazil in force, the Organic Law of the Federal District and the Internal Regulations of the Legislative Chamber. This methodological approach is capable of observing the subject in a systemic way, considering that the core of the study is the Legislative Branch of the Federal District, which has its own peculiarities and characteristics.

The general objective is the study of the phenomenon within the scope of the Legislative Branch of the Federal District. By investigating this phenomenon never before studied in the Legislative Branch of the Federal District, the work contributes to identifying the reasons for proposals with purposeful Unconstitutionalities with initiative defect.

In this sense, the specific objectives of this article concern: collating cases of deliberate Unconstitutionality; expose cases of incidence of the phenomenon of Appropriation of the Agenda in the Legislative Branch of the Federal District; understand the phenomenon in the Legislative Branch of the Federal District; identify the possible causes of propositions with initiative bias.

In this vein, as a presupposition, we critically affirm that the appropriation of the legislative agenda by the executive branch does not find an obstacle in the 1988 constitution and does not break with the typical functions of each branch, in order to guarantee the priorities of each government with regard to the importance of legislative demands.

As a research question, we asked whether the Appropriation of the Agenda would be a phenomenon used to remedy the deliberate unconstitutionalities, and, consequently, to politically value the parliamentary performance of the CLDF?

To answer the research question, we tracked cases of appropriation of the agenda in the CLDF system and, based on them, we identified the deliberate use of the defect of initiative, in an effort to see an appropriation of the proposal by the executive branch.

In this line of ideas, the approach to the theme is justified by the fact that there are no studies on the subject within the scope of the Legislative Branch of the Federal District. As a logical consequence, we will weave studies on real cases in a way that admits the importance of the phenomenon for society.

As for the methodology adopted, the study starts from the collection of real cases of the Legislative Power of the Federal District, analyzing the occurrences in a qualitative way, that is, from these propositions were critically analyzed, argumentative lines developed on the phenomenon of appropriation, in the light of the constitutional order.

In the conclusion, the essence of the argumentation presented in the course of the work is summarized, indicating the main results of the investigation.

THE PHENOMENON OF APPROPRIATION OF THE AGENDA

In Brazil, the Executive Branch has the peculiarity of preparing its own legislative proposals. On the other hand, it is observed that initiatives by parliamentarians attract the attention of the Government, which intervenes in this specific agenda, presenting a proposal that meets their preferences, combined with the articulation of the text in progress in the legislative house.

Let's see the opinion of Silveira e Silva e Araujo:

> In Brazil, "the Executive Branch has a wide range of power resources, de jure and de facto, making it unequivocal predominance in the initiative of legislative proposals for state management and the conduct of public policies. This effect seems to be linked to the period of authoritarian government of the military (1964-1985), as well as to the apparent passivity of the Legislature, which needs to maintain cordial relations with an Executive, which holds several resources of power." (ARAÚJO and SILVA, 2012; SILVA and ARAÚJO, 2013).

In this relationship between the powers, it is important to highlight the direct or indirect participation of parliamentarians for the approval of legislative initiatives. It will be interesting to note that, in its atypical function, the Executive Branch also drafts laws, taking for itself, on several occasions, proposals from the Legislative Branch. This is where the phenomenon of Appropriation of the Agenda arises.

This phenomenon brings to the Executive Branch the possibility of articulating and bargaining for proposals initiated by parliamentarians. In view of this fact, in an attempt to benefit from the phenomenon of appropriation, parliamentarians propose "Purposeful Unconstitutionalities" due to a defect of initiative, either in the search for promising agendas or in order to draw attention to a certain demand that should be initiated by the Executive Branch.

Let us see Silveira e Silva's understanding:

> Appropriation occurs when the Executive relies on bills in progress in Congress, as well as on the content of the debates and other by-products of the ongoing legislative process, to prepare and present its own propositions, incorporating additional elements to the legislative agenda, and in some cases preventing the development of the agenda under debate in Parliament (ARAÚJO, SILVA, 2012; SILVA, ARAÚJO, 2013).

The appropriation can be carried out by proposals similar to those of the parliamentarians, or even identical. When analyzing the theme, one asks: what would be the governor's interest in appropriating projects in progress in the Legislative Branch of the Federal District? This question is not easy to answer in the face of the existence of internal and external factors that contribute to the existence of the phenomenon of Appropriation.

Among these factors, one is of important importance. It is when appropriation appears as a measure that pleases the authoring parliamentarian and the Executive Branch. In these cases, we may be facing a negotiation between the powers, bargaining, payment of a political favor, etc.

J.J. Canotilho (2003) states that the political function:

> [...] It may take the form of legislative or regulatory acts, guidelines or instructions in global or sectoral plans, acts of military command, information and proposals for the appointment of officials or chairpersons of bodies.

In the hypothesis of the phenomenon of appropriation, the Executive chooses to present a bill of its authorship. With this, the Governor also becomes the protagonist of a certain proposal. It can be seen that appropriation is a coalition strategy between the powers, in the form of the hypothesis of articulating and bargaining demands with both the government base and the opposition.

The legislative agenda may be promising, with positive repercussions for the Executive Branch, or the agenda may threaten political interests, a perception that is called the risk control agenda. The first portrays political gain for the Executive Branch, the second, demands a hypothesis of control.

Within the scope of the Legislative Branch of the Federal District, the Governor is the most interested in the agenda and its consequences, whether positive or negative. The control of the agenda defines the priorities of each government. Let us see Silveira e Silva's opinion on the phenomenon within the scope of the Federal Legislative Branch:

> The priorities depend on the interactive game between the Executive and the Legislative Branches and the level of influence of the internal government in decisions, whether of the Presidency, of the cabinet position that proposed the Agenda, or even of other parties in the coalition. Different priorities also determine different treatments between the government agendas that transit concomitantly in Congress (ARAÚJO, SILVA, 2012; SILVA, ARAÚJO, 2013).

Therefore, appropriation is a strategy with the intention of articulating with the Legislative Branch and persuading it, without taking into account whether the parliamentarian is from the opposition or from the government base. By appropriating projects from the base, the Executive strengthens the government in the Legislative House. On the other hand, by appropriating opposition projects, the Executive avoids criticism and attacks from the opposition, as the proposal becomes a Government initiative.

In the understanding of Silveira e Silva e Araujo,

> "The Executive strategically exploits the tools at its disposal to control and approve its legislative agenda, and this is derived from the way the Executive-Legislative relationship is approached, that is, by the empirically verifiable connections between the formation of a coalition government and the pattern of performance of the agenda setters in the Legislature. Even observing that the performance of the Legislative occurs under strong restrictions, it is far from being negligible, also presenting its forms of restriction on the action of the Executive". (ARAÚJO and SILVA, 2012; SILVA and ARAÚJO, 2013).[3]

We will study this phenomenon in the sphere of the Legislative Branch of the Federal District, in order to understand the reason for its existence, what are its advantages for political agents and how is the behavior of the Executive Branch when faced with a parliamentary initiative that is within its competence.

The object of study, even if relevant and important to the society of the Federal District, is still unexplored in the academic field. This fact demonstrates the importance of scrutinizing the proposed theme.

It is interesting to note that, with a strong Executive Branch, it is important to observe the necessary measures for political gain before parliamentarians, who plead for "appropriate" Bills to do politics in favor of their defenses, flags and interests.

Even so, the study of appropriation clarifies the interposition of "deliberate unconstitutionalities" while these are justified, either by the possibility of appropriation by

[3] Ditto

the Executive Branch, or to force a legislative action within the competence of the Government.

Reiterating what was stated in the introduction and, for the purposes of this work, "deliberate unconstitutionalities" are the initiatives of parliamentarians tainted with a flagrant defect of form, to the point of being able to presume that the political agent knew about the Unconstitutionality and still proposed the project.

Nevertheless, the appropriation of the proposal can take place at the time of the veto, for which there is an interest of the governor to remedy the defect of initiative and forward a new proposal to parliament. This form of negotiation between the powers can demonstrate a combination with the Legislative House, a factor that gives rise to a new discussion on a certain agenda, with its consequent resumption of the political game.

Let us look at Silveira e Silva's understanding: "My argument is that the veto as a vehicle for carrying out appropriation can be understood by the nature and characteristics of the agenda in question, which leads to the strategic action of the Executive and the reaction of the Legislative"[4].

The gains with the appropriation can occur in the field of the ruling and opposition parliamentarians, as well as in the scope of the Executive Branch, which needs to negotiate support with the deputies to see its agendas approved.

Despite the existence of appropriation and the aforementioned purposeful Unconstitutionalities, the final fruit, the Law, is not unambiguous. The Law, as *Clèmerson Merlin Clève teaches,*

> [...] can be used with several different meanings. The term is used to designate any legal norm, no matter through which instrument it is conveyed; sometimes it is used to designate only legal norms clothed with some attributes, such as justice or generality; sometimes it is used to designate only the legal norms voted by parliament; sometimes it is used in the sense of a legal order[5].

In Clèmerson's definition Merlin Clève*,* "Law, therefore, in the contemporary State, is defined by its (extended) origin and by its form. No longer because of its content or the characteristic of generality".[6]

Despite the distribution of competences among the powers, as demonstrated, it cannot be disregarded that the objective of the Legislative Process is the Law, over which the attributions that the Constitution grants them will be undertaken and consummated.

---

[4] Silveira e Silva the appropriation of the legislative agenda as a third way to the presidential veto power, 2018.
[5] Legislative activity of the Executive Branch in the contemporary State and in the 1988 Constitution. São Paulo: Revista dos Tribunais, 2000, p. 61-62.
[6] CLÈVE, Clèmerson Merlin. Legislative activity of the Executive Branch in the contemporary State and in the 1988 Constitution, São Paulo: Revista dos Tribunais, 2000, p. 67

After defining the phenomenon of appropriation of the agenda, it is worth noting that we will now study the modality of appropriation by veto, the field that concentrates the field research of this article.

APPROPRIATION BY VETO

The Law is born with the sanction that is a prerequisite for its existence, unless it is vetoed and the veto rejected[7]..."

"The word veto comes from the Latin *vetare*, whose meaning is to prohibit, veto, oppose" (MOTTA, 2017, p. 639).

The veto, in the current conception, originated in the thought of Montesquieu – pointed out in his famous work The Spirit of Laws – who inscribed it as a prerogative attributed to the Executive Branch as a participant in the Legislative elaboration (SILVA, 2017, p.222).

José Afonso da Silva discusses the interest of the Executive Branch in vetoing a bill:

> Basically, the veto is an instrument of control of legislation not only from the point of view of constitutionality but also of interests, content of the bill.
> [...] There is, here, the possibility of harmonizing the exercise of the veto power with the exercise of the power of governmental legislative initiative. This, as we have seen, constitutes an instrument for the action of a political program, a government program. It happens that, through the initiative of the parliamentarian and the power to amend, bills are adopted in parliament, inadequate or incompatible with the government program, which, converted into law, imply a deviation or disturbing element of the government plan. The veto, in this case, acts as a corrective factor according to the government's ideology, in an attempt to prevent such laws from dismantling its programming. (SILVA, 2017, p. p.223-224).

In the conception of Dyrley da Cunha Junior, veto is the formal, express and motivated disagreement of the Executive with the Bill approved in the Legislature, as it understands it to be unconstitutional or contrary to the public interest. In the system of *checks and balances*, or checks and balances, the veto stems from the Power of the Chief Executive to prevent unconstitutional proposals or proposals contrary to the public interest, approved by the Legislature, from becoming laws. "It is a Constitutional measure to contain and bar any abuses and excesses of the Legislative Branch" (JUNIOR, 2019, p. 967).

The veto "is always expressed, and there is no tacit veto because, after the 15 working days without manifestation, it is presumed that the project has been tacitly sanctioned[8]".

[7] SILVA, José Afonso da. Course on positive constitutional law. 23 ed.. São Paulo: Malheiros, 2004, p. 525.)
[8] CARVALHO, Kildare Gonçalves. Legislative technique. Belo Horizonte: Del Rey, 1993, p. 92

The veto can be total, when it falls on the entirety of the project, and partial, when it affects the full text of an article, paragraph, item or subparagraph. Once a certain bill is vetoed by the governor, it is up to the CLDF to consider the veto and deliberate on the overturn.

"The veto is relative. That is, it does not absolutely block the progress of the project[9]."

If there is a partial veto, the vetoed part will go through the stages set out above, since the partial veto – and this is a particularity of Brazilian Law – only requires the reexamination of the vetoed part, while the rest of the bill, which is sanctioned, must be enacted and enters into force after publication, even before the reconsideration of the vetoed part (art. 66, § 5, of the FC).[10]

The author Sylvio Motta defines veto as "the way that the Executive has to reject a project already approved by the Legislative Branch, which is justified due to the interconnected relationship between the powers of the State, allowing for reciprocal control between them" (MOTTA, 2018, p. 639).

Within the scope of the Legislative Branch, the veto can be used as a way to restart the Legislative game, when the Governor himself prevents the approval of the proposal initiated in the Legislative Branch and presents his proposition on the matter.

Marcelo Novelino defines "as a veto the disagreement of the Head of the Executive Branch with the terms of the Bill" (NOVELINO, 2021, p. 711).

It is important to note that, sometimes, in the event that a certain proposition is vetoed, the Executive Branch sends a similar proposal to the Legislative House. This and other cases of veto fit into the phenomenon recently called appropriation, recently studied in the Brazilian literature[11].

To better understand the incidence of the Phenomenon of appropriation within the scope of the Legislative Branch of the Federal District, we illustrate the views on the institute of veto in figure 1 and, soon after, we bring the scenario of veto in the CLDF:

Figure 1: Views on the institute of veto

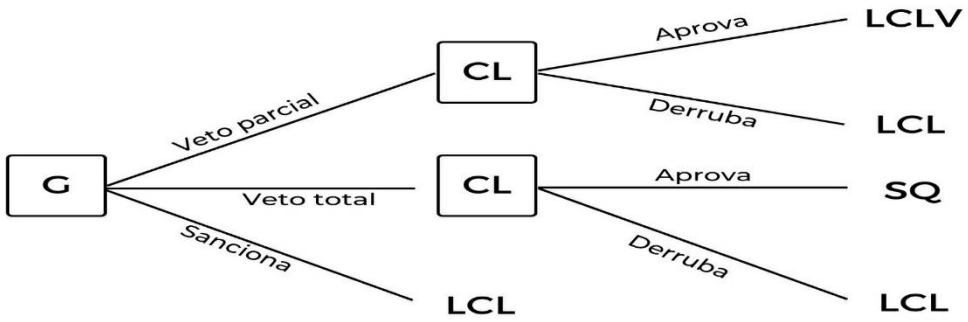
	Veto bargaining (Cameron)	Conditional Agenda Power (Tsebelis and German)	Veto with appropriation in Brazil
Formal Instruments	Veto	*Veto amendment* (merger of veto and new constitutionally provided proposition)	Veto + Presentation of a new proposition ("circumstantial fusion")

[9] SILVA, José Afonso da. Course on positive constitutional law. 23 ed.. São Paulo: Malheiros, 2004, p. 526.)
[10] FERREIRA FILHO, Manoel Gonçalves. Legislative process. 3 current ed. São Paulo: Saraiva, 1995, p. 219.
[11] SCOTT; SILVA. The appropriation of the legislative agenda as a third way to the presidential veto power, 2018.

Negotiation	Negotiation prior to the veto (the resumption of the legislative game occurs at the initiative of Congress)	Negotiation continues (it only ends when the Legislature votes on amendments presented by the Executive)	Negotiation after the veto (resumption of the legislative game at the initiative of the Executive)

Source: Silveira e Silva the appropriation of the legislative agenda as a third way to the presidential veto power, 2018 – based on Cameron (2000, 2019) and Tsebelis and Alemán (2005).

Figure 2: Scenario of the veto in the CLDF



Where:

G: Governor

CL: Legislative Chamber

SQ: Maintaining the Status quo

Lcl: CLDF initiative law sanctioned

Lclv: CLDF initiative law partially vetoed

Based on the aforementioned figure – that is, based on the veto procedure of the Legislative Branch of the Federal District, we seek to observe moments in which the Governor can use the veto to outline strategies in his favor.

The act of vetoing a certain proposition is the prerogative of the Executive Branch, which has the atypical function of legislating on certain matters. Nevertheless, the possibility of appropriation through veto makes it possible to assess its own characteristics, whether it is of interest on the part of the Executive Branch in the authorship of the proposal, or in the face of negotiations with the Legislative Branch.

In the Legislative House of the Federal District, there are initiatives by parliamentarians with the aim of attracting the Executive to the debate of proposals in a negative sense, in order to demonstrate to the people that the Executive Branch is omitting to legislate in that specific demand, a factor directly linked to the large number of vetoes on the agenda.

The adhesion of the head of the Executive Branch to the Bill approved by the Legislative Branch[12]" is of great relevance to the Legislative Process and transcribes the existence of the Law.

Within this veto dynamic, to which we must focus, in 2020, Deputy Reginaldo Sardinha proposed bill 1262 of 2020, which "Provides for the creation of the Octagonal Urban Park in the Administrative Region of the Southwest/Octagonal and provides other provisions".

At the time of the above Bill, the Government of the Federal District communicated to the Presidency of the Legislative Chamber of the Federal District the reasons for the total veto opposed to Bill No. 1,262, of 2020, which provides for the creation of the Octagonal Urban Park and provides for other provisions.

In his explanatory statement, the governor asserted that the proposition incurs in a formal defect of unconstitutionality, as it disrespects article 71, § 1, VI and VII, of the LODF,[13] according to which it is incumbent on the governor to initiate laws that provide for the use and occupation of land or alteration of district real estate.

He also added that the Court of Justice of the Federal District and Territories, on repeated occasions, has already decided for the formal unconstitutionality of laws authored by a parliamentarian that dealt with the creation of District Urban Parks on public properties.

Table 1: Bill for the creation of urban parks.

Exclusive competence of the Governor	Legislation Correspondence	Creation of parks: initiative of parliamentarian	
Initiative of laws that provide for the use and occupation of land or alteration of district real estate	District Arts. 71, § 1º, VI and VII from LODF Arts. 3, XI, 52 and 100, VI and 321 from LODF.	Bill No. 1,262, of 2020. (Deputy Reginaldo Sardinha). Veto of the Executive Branch (Defect of initiative).	Overturning the CLDF veto Law 6997 of 2021 (Law in force).

It can be seen that, even in the face of the arguments of the Executive's veto, the parliamentarians decided to overturn the veto, a fact that resulted in the entry into force of law 6997 of 2021[14], which creates the Octagonal Urban Park and provides other provisions. In this case, there is no incidence of appropriation, since the CLDF and the Governor did not have an understanding and agreement on the vetoed proposal. On the other hand, the

[12] SILVA, José Afonso da. Course on positive constitutional law. 23 ed.. São Paulo: Malheiros, 2004, p. 525.
[13] https://conteudojuridico.com.br/consulta/leis%20a%20comentar/8195/lodf-art-71-das-leis
[14] https://www.sinj.df.gov.br/sinj/Norma/73e2b465219d4e5e83a8d22d2c63b496/Lei_6997_2021.html

Legislative Chamber chose to revoke the Governor's veto, even though the existence of the initiative defect persists.

However, despite the governor's veto, there is no impediment to a future appropriation of this agenda by the Executive Branch, because, as stated in the veto, it is up to the governor to initiate laws that provide for the use and occupation of land or alteration of district real estate.

It is true that this was not the only case of creation of a park by parliamentary initiative with a veto by the local Executive Branch due to a defect in the initiative. In the same dynamic as the veto, Deputy João Cardoso proposed Bill No. 983 of 2020, which creates the Mangueiral Ecological Park in the Administrative Region of the Botanical Garden – RA XXVI. It is essential to say, for the topics that we will deal with below, that the proposal was vetoed for the same reason as the case mentioned in table 1, that is, defect of initiative.

Table 2: Bill for the creation of urban parks.

Exclusive competence of the Governor	Legislation Correspondence	Creation of parks: initiative of parliamentarian	
Initiative of laws that provide for the use and occupation of land or alteration of district real estate	District Arts. 71, § 1º, VI and VII from LODF Arts. 3, XI, 52 and 100, VI and 321 from LODF.	Bill No. 983, of 2020. (Deputy João Cardoso). Veto of the Executive Branch (Defect of initiative).	Overturning the CLDF veto Law 6995 of 2021 (Law in force).

In this case, the parliamentarians also chose to overturn the veto of the Executive Branch, a fact that led to the entry into force of law 6995 of 2021[15], which creates the Mangueiral Ecological Park in the Administrava Jardim Botânico Region – RA XXVI.

From our approach, the incidence of deliberate unconstitutionality sometimes generates action by the Executive Branch to remedy the defect and a restart of the legislative game, a fact that results in appropriation by veto. As a rule, the veto signals the completion of a legislative process. On the other hand, in the case of the appropriation of the agenda, the veto means a new beginning, a preparatory act to restart the discussion of a certain vetoed matter.

This is a differentiated strategy of the Brazilian Chief Executive, which can be inserted, by alternative means, to what Tsebelis and Alemán call *conditional* agenda-setting *power* (ALEMÁN; TSEBELIS, 2005).

[15] https://www.sinj.df.gov.br/sinj/Norma/42cde85a375141c18eeec4c5d25a1e46/Lei_6995_09_12_2021.html

APPROPRIATION OF THE AGENDA AS AN INSTRUMENT OF CONSTITUTIONAL SANITATION

The mechanisms used by the State to ensure that its Laws are complied with (*enforcement of law*) is a recurring theme over time. Several authors have focused on the matter. In less recent history, the contributions of Montesquieu (1996), Beccaria (1999) and Bentham (1996) can be cited. In the near past, there is the manuscript by Gary Becker (1968), which has influenced several authors since then.

Polinsky and Shavell point out that there are "four public choices normally made regarding the repression of transgressors of the Laws". The first choice concerns the type of assumption adopted by the State to attribute responsibility to a certain citizen for non-compliance with a rule of law, whether the assumption of strict liability or the basis of subjective liability. The second point to be considered is "whether the sanction will be monetary or non-monetary, or whether there will be a mixture of the two types of sanction". The third choice to be made, according to the authors, concerns the *quantum* of the penalty. And the fourth and no less important public choice concerns the "probability of detecting and effectively punishing transgressors". This last variable is directly related to the amount of resources that the State is willing to employ to find and effectively punish those who break the law.

All four public choices mentioned by Polinsky and Shavell directly influence the expected return of the transgressor, that is, the profit that the agent takes from non-compliance with the law.

Although the four variables mentioned above are equally important, in the field of the Legislative Process, the benefit of the legislative initiative that is unconstitutional due to a defect of initiative is to the benefit of the parliamentarian himself, who stands out as the author of the idea, this time, in joint processing with the competent power, the Executive Branch.

However, it is important to note that there is no point in the Unconstitutional initiative due to a defect in form if there is no probability of appropriation of the idea by the Executive Branch, precisely because it is the competent subject to initiate certain propositions.

Thus, the capacity of a given state system to guarantee a higher or lower rate of initiative defect will depend, in principle, on the correlation between the Executive and the Legislative Branches.

In 2022, the amendment of Complementary Law No. 840, of December 23, 2011[16], which provides for the legal regime of civil servants in the Federal District, municipalities and district public foundations, is being debated in Parliament. Complementary Bill 113 of 2022, authored by the Executive Branch, is embodied in 3 (three) articles, which are:

Article 1 establishes that:

> Article 1 The following items are added to article 152 of Complementary Law No. 840, of December 23, 2011:
> VI – position in commission or function of trust of an organ of the Judiciary located in the Federal District;
> VII - executive position of professional class bodies, when elected by peers for a mandate of the federal or regional agency representing the professional class."

Article 2 establishes that:

> Article 2 The following item is added to Article 157 of Complementary Law No. 840, of December 23, 2011:
> VI – requisition from the Governor's Office.

Afterwards, article 3 follows, which provides for the clause of validity and publication of the rule. The big point is that, in the justification of the proposition, the Executive Branch argues that the aforementioned changes were declared unconstitutional by the local Court, since they originate from Amendments by Parliamentarians and not by the exclusive initiative of the Executive Branch. The following are excerpts from the project's justification:

> It should be noted that the changes proposed in article 152 of Complementary Law No. 840/2011 were the subject of Complementary Law No. 964/2020, which was declared unconstitutional by the Court of Justice of the Federal District and Territories, in the Direct Action of Unconstitutionality 0744824- 36.2020.8.07.0000, due to a defect in the initiative, since they originated from parliamentary amendments to a Complementary Bill initiated by the Executive Branch.

In other words, having verified the importance of the idea of the parliamentarians and the consequent declaration of Unconstitutionality due to a defect of form, the Governor forwarded Complementary Bill 113 of 2022 to the Legislative House, so that the legislation comes into force in the legal system with the remediation of the defect once detected by the Judiciary.

In the case under analysis, after a deliberate unconstitutionality due to a defect of initiative and the granting of the declaration of unconstitutionality by the TJDFT, the governor appropriated the rule to see the legislation generate effects in the legal system of the Federal District.

[16]http://www.fazenda.df.gov.br/aplicacoes/legislacao/legislacao/TelaSaidaDocumento.cfm?txtNumero=840&txtAno=2011&txtTipo=4&txtParte

In the field of budgeting, a well-debated tool in the Legislative Branch of the Federal District is the financial administrative decentralization programs. In several years, the CLDF has come across this type of proposal initiated by a sitting parliamentarian. The case Bill No. 260 of 2015, authored by Deputy Cristiano Araújo, deserves to be highlighted for being the first of budgetary matters initiated and appropriated by the Executive Branch – the so-called PDAF.

This proposition was initiated in 2015 by parliamentarian Cristiano Araújo, a proposal that aims to strengthen democratic management through financial autonomy in the school units of the public school network of the Federal District and its regional schools.

Entering into the content of the proposition, the Parliamentarian clarifies that financial decentralization aims to support and promote more autonomy to decentralized units – the executive bodies – to provide greater efficiency and effectiveness in their internal procedures, reducing bureaucracy and strengthening managerial public administration in the school units of the public education network of the Federal District.

In this sense, the proposition is commendable, as it institutes not only the decentralization of resources, but also the mechanisms to control the use of resources, such as the obligation of accountability.

It so happens that, by establishing that the PDAF will have a transfer of resources to the executing unit (art. 2), and defining rules regarding the amount that must be transferred (art. 5 and 6), the above-mentioned Bill restricts the freedom of the head of the Executive Branch to prepare the Budget Law. It is explained.

Under the terms of the Federal Constitution, article 165, belonging to Title VI – Taxation and Budget, Chapter II – Public Finances, Section II – Budgets, it is incumbent upon the Executive Branch to initiate budget items[17]:

The Organic Law of the Federal District – LODF, in turn, in arts. 71, § 1, V, 100, XVI, and 149, applying the principle of constitutional symmetry, **confers the same prerogatives on the Governor of the Federal District**[18]:

Thus, the proposition under examination, of parliamentary initiative**,** when deliberating on budgetary matters and respective rules on the amount to be allocated, violates the governor's private initiative established in the aforementioned provisions, since, if approved, it would oblige the Executive Branch to include budgetary appropriations for the program in question.

[17] https://www.camara.leg.br/internet/comissao/index/mista/orca/Legisla_CMO/const_fed.html
[18]http://www.fazenda.df.gov.br/aplicacoes/legislacao/legislacao/TelaSaidaDocumento.cfm?txtNumero=0&txtAno=0&txtTipo=290&txtParte=.

Table 5: Administrative and financial decentralisation programmes

Exclusive competence of the Governor	Legislation Correspondence	Attributions of initiative of the Executive Branch	
Multi-year plan, annual budget and budget guidelines	District arts. 71, § 1, V, 100, XVI and 149 of the LODF National Article 165, belonging to Title VI – Taxation and the Budget of the Federal Constitution	To send to the Legislative Chamber bills related to the multi-year plan, budget guidelines, annual budget, public debt and credit operations;	Art. 100, LODF in XVI

It should be noted that the obligation to allocate resources to the PDAF, as proposed by Bill 260 of 2015, hinders the Public Budget, which, as found in the National Treasury Fiscal Report, already has a low level of freedom:

> Since the Federal Constitution of 1988, the Brazilian public budget has been undergoing an intense process of plastering, resulting from the spread of mandatory expenditures and constitutional and legal transfers, rules for indexation of expenditures, mandatory minimum application of resources in some sectors and the creation of revenues linked to certain expenditures, which limits the State's ability to carry out public policies and reallocate resources to meet goals Tax.

Thus, by guaranteeing budgetary resources, the Bill under analysis imposes new budget rules, invades the exclusive competence of the head of the Executive Branch and restricts district budget planning, thus conflicting with the constitutional norms regarding budget pieces.

There is case law of the Federal Supreme Court (STF) in this regard, as can be seen in Direct Action of Unconstitutionality No. 1,144 (ADI No. 1,144/RS):[19]

> SUMMARY: DIRECT ACTION OF UNCONSTITUTIONALITY. LAW NO. 10.238/94 OF THE STATE OF RIO GRANDE DO SUL. INSTITUTION OF THE STATE PUBLIC LIGHTING PROGRAM, AIMED AT MUNICIPALITIES. CREATION OF A BOARD TO ADMINISTER THE PROGRAM. LAW OF PARLIAMENTARY INITIATIVE. VIOLATION OF ARTICLE 61, § 1, ITEM II, PARAGRAPH "E", OF THE CONSTITUTION OF BRAZIL.
> 1. Defect of initiative, since the bill was presented by a parliamentarian, although it deals with a typical matter of Administration.
> 2. The normative text created a new body in the state Public Administration, the Board of Directors, composed, among others, of two Secretaries of State, in addition to entailing a burden for the Member State. Affront to the provisions of article 61, § 1, item II, paragraph "e" of the Constitution of Brazil.
> 3. The normative text, by restricting the initiative for the preparation of the budget law, collides with the provisions of article 165, item III, of the 1988 Constitution.

[19] https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=7100290

> 4. The declaration of unconstitutionality of articles 2 and 3 of the attacked law implies their emptying. The declaration of unconstitutionality of its other precepts is made by dragging.
> 5. Request upheld to declare the unconstitutionality of Law No. 10,238/94 of the State of Rio Grande do Sul. (Emphasis added)

In the judgment of the aforementioned ADI, the reporting judge, Justice Eros Grau, adduces in his vote that the institution of a State Public Lighting Program consisting of its own budget appropriations, by the Law of parliamentary initiative, in a manner similar to what is stated in the Bill under analysis, collides with the provisions of article 165, item III, of the Federal Constitution, which assigns to the Executive Branch the initiative of the Annual Budget Bill.

In other words, if the proposal were processed only on the initiative of the authoring parliamentarian, it would be inadmissible both by the COEF, article 64, II and § 2, of the RICLDF, as well as by the CCJ, under the terms of article 63, I of the RICLDF[20].

However, to remedy the defect of initiative, in 2017, the Executive Branch presented to the CLDF Bill 1674 of 2017, which establishes the Administrative and Financial Decentralization Program (PDAF) and provides for its application and execution in school units and in the regional schools of the public school network of the Federal District. It can be seen that the new Bill deals with the same matter that was initiated by parliamentarian Cristiano Araújo, in this case, Bill No. 260 of 2015.

After a new proposal was initiated by the Executive Branch, the CLDF granted joint processing of the projects, providing remediation of the initiative defect, a fact that resulted in Law No. 6,023, of December 18, 2017[21], authored by Deputy Cristiano Araújo and the Executive Branch, which instituted the Administrative and Financial Decentralization Program (PDAF) in the public school system of the Federal District.

The Law had repercussions in the Schools of the Federal District, as the principles of administrative, financial and pedagogical decentralization of the schools unite the actors of the school community to align the demands of the school community, with the objective of identifying local problems and proposing their perspectives for solutions.

The repercussion of the PDAF Legislation generated positive effects in the local news, let's see some publications on the subject:

> The resources of the Administrative and Financial Decentralization Program (Pdaf) are being used by the Department of Education in the renovation of six schools in Taguatinga. Secretary Leandro Cruz was at the works this week.
> One of the works visited is the construction of the Integrated Teaching Center 10 (CEI 10), which has already received R$ 500 thousand in resources. "We are facing

[20] https://www.cl.df.gov.br/documents/10162/3945302/Comiss%C3%A3o+de+Economia.pdf
[21]https://www.sinj.df.gov.br/sinj/DetalhesDeNorma.aspx?id_norma=b1020cf205f648a8b7a625c238a7d1eb

> historical problems in the Taguatinga region and the entire Federal District, changing the game in education and strengthening public, free and quality education," said Leandro Cruz.
> The regional coordinator of Education of Taguatinga, Murilo Marconi Rodrigues, reinforced: "The importance of the works in the area of education in Taguatinga is to better serve the school community as a whole, to expand the offer to several students[22]".

According to the website of the Department of Education, in 2020, an amount of R$ 210 million was reserved for the allocation of PDAF resources:

> More than R$ 210 million transformed, for the better, the structures of public schools in the Federal District in 2020. The amount is the sum of the funds from parliamentary amendments and the cash of the Department of Education destined to the Administrative and Financial Decentralization Program (Pdaf).
> For the first time, the regular installments were paid on time and, to make it better, all the districts helped to pay for the repairs. The year ended with 100% execution of the amounts committed[23].

The above case was a typical case of Appropriation of Agenda in which the Executive Branch remedies the defect of the parliamentarian's initiative, which we also call "purposeful unconstitutionality", to give technical, legal and political feasibility to the rule.

From now on, after specific clarifications on the phenomenon of appropriation, appropriation by veto and appropriation as an instrument of constitutional reorganization, we will proceed to make final considerations about the result of the study with regard to the phenomenon of appropriation.

RESULT OF THE STUDY ON THE PHENOMENON OF APPROPRIATION

Regarding the result of the study, it is reached the conception of the uncontroversial existence of the phenomenon of appropriation of the Legislative Agenda in the Legislative Power of the District. The incidence of the phenomenon consisted of the analysis of the cases indicated in the content of the study.

The tripartition of Powers aims at social harmony and Legal Security. Throughout the study, it is clear that an Unconstitutional initiative due to initiative defect does not always have the objective of legislating in the sphere of another power. This is because the Legislative Branch reflects social desires, as it represents society. The Legislative Chamber must reproduce the aspirations of the people, in various ways, even with the protocol of projects with a flagrant defect of initiative.

The article addressed a topic still unexplored in the field of the relationship between the powers of the Federal District. In the course of the research, we noticed the contribution

[22]https://jornaldebrasilia.com.br/brasilia/recursos-do-pdaf-melhoram-escolas-de-taguatinga/.
[23] https://www.educacao.df.gov.br/pdaf-39-superior-em-2020-e-o-maior-da-historia/

of parliamentarians and the interest of the Executive Branch in the approval of certain propositions. In the course of the research, it is noticeable that the Legislative Chamber must reproduce the aspirations of the people, respecting the tripartition of Powers and the competence of initiative.

Facing the study of the phenomenon brought us as triggering factors of Unconstitutionality of Laws, this time not due to the lack of knowledge of the Constitution by the Legislator, but as a form of political strategy. Unconstitutionality can be generated from several elements, even when the political agent intends to legislate for electoral purposes, whether in defense of a category of civil servants or an administrative region, a factor that can generate crises of governability or legal uncertainty.

Rogério Bastos Arantes explains that in crises of governability or legal uncertainty, the STF acts in the normative role of annulling norms of dubious constitutionality, because there is "tension between respect for the Constitution and the imperatives of government[24].

In view of this situation, it should be noted that the study of Appropriation provided an opportunity for a more cautious look at the work developed by the District Deputies, who sometimes file projects with a defect of competence to bring to light the interest of the voter in projects initiated by the government in a given legislative proposal. This factor elevates and values the activity of parliamentarians as a source of possible legislative innovation in the sphere of competence of the Executive Branch. Appropriation also presents itself as an interlocutor of the voice of society in the parliament of the Federal District, to the extent that the proposals are debated and reported in the press.

In this line of ideas, would the appropriation of the agenda be a phenomenon used to remedy deliberate unconstitutionalities, and, consequently, to politically value parliamentary action in the CLDF?

The answer to the question is of considerable relevance for the research, as it was a real verification of the deliberate unconstitutionalities, the parliamentary political action and the verification of the phenomenon of appropriation of the agenda. In this way, the verification of the phenomenon in the cases of appropriation investigated was improved, taking into account the initiatives of parliamentarians with deliberate unconstitutionalities.

In this way, the study addresses an unprecedented topic in the Legislative Branch of the Federal District and contributes to the discussion related to the phenomenon of Appropriation of the Agenda. The study indicates the relevance of the parliamentarian's activity in cases of Appropriation of the Legislative Agenda.

[24] ARANTES, Rogério Bastos. Judiciary and politics in Brazil. São Paulo: Educ/Fapesp/Idesp, 1997. p. 204.

REFERENCES

1. Arantes, R. B. (1997). Judiciário e política no Brasil. São Paulo: Idesp, Editora Sumaré, FAPESP, EDUC.

2. Araújo, S. M. V. G. de, & Silva, R. S. (2012). Apropriação da agenda do Legislativo: Como aferir esse fenômeno? Available at https://www2.senado.leg.br/bdsf/item/id/188904. Accessed on Dec. 2024.

3. Bastos, C. R. (1999). Curso de direito constitucional (20th ed.). São Paulo: Saraiva.

4. Beccaria, C. (1999). Dos delitos e das penas (J. Cretella Júnior, Trans.; 2nd ed.). São Paulo: Revista dos Tribunais.

5. Becker, G. S. (1968). Crime and punishment: An economic approach. The Journal of Political Economy, 76(2), 169-217. https://doi.org/10.1086/259394

6. Bonavides, P. (2019). Curso de direito constitucional (34th ed.). São Paulo: Malheiros.

7. Brasil. (1988). Constituição Federal de 1988. Available at https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed on Dec. 2024.

8. Brasil. (1960). Lei No 3.752, de 25 de janeiro de 2006. Dita normas para a convocação da Assembleia Constituinte do Estado da Guanabara e dá outras providências. Diário Oficial da União, 18, Apr. 1960, republicado em 19, Apr. 1960. Available at https://www.planalto.gov.br/ccivil_03/leis/1950-1969/l3752.htm#:~:text=L3752&text=LEI%20No%203.752%2C%20DE,Guanabara%20e%20da%20outras%20provid%C3%AAncias. Accessed on Dec. 2024.

9. Brasil. (1997). Lei 4492 de 15/07/2010. Define competência, regulamenta os serviços concernentes ao protesto de títulos e outros documentos de dívida e dá outras providências. Diário Oficial da União, 11, Sept. 1997. Available at https://www.planalto.gov.br/ccivil_03/leis/l9492.htm#:~:text=L9492&text=LEI%20N%C2%BA%209.492%2C%20DE%2010,d%C3%ADvida%20e%20d%C3%A1%20outras%20provid%C3%AAncias. Accessed on Dec. 2024.

10. Brasil. (1974). Lei 6129 de 07/03/2018. Dispõe sobre a transformação do Conselho Nacional de Pesquisas em Conselho Nacional de Desenvolvimento Cientifico e Tecnológico (CNPq) e dá outras providências. Diário Oficial da União, 7, Nov. 1974. Available at https://www.planalto.gov.br/ccivil_03/leis/1970-1979/l6129.htm#:~:text=Disp%C3%B5e%20sobre%20a%20transforma%C3%A7%C3%A3o%20do,CNPq)%20e%20d%C3%A1%20outras%20provid%C3%AAncias. Accessed on Dec. 2024.

11. Brasil. (1965). Lei nº 4.737, de 15 de julho de 1965. Institui o Código Eleitoral. Diário Oficial da União, Seção 1, 19, Jul. 1965, p. 6746. Available at https://www2.camara.leg.br/legin/fed/lei/1960-1969/lei-4737-15-julho-1965-356297-publicacaooriginal-1-pl.html. Accessed on Dec. 2024.

12. Canotilho, J. J. G. (2003). Direito Constitucional e teoria da constituição (7th ed.). Coimbra: Livraria Almedina.

13. Carvalho, K. G. (1993). Técnica Legislativa. Belo Horizonte: Del Rey.

14. Clève, C. M. (2000). Atividade legislativa do Poder Executivo no Estado contemporâneo e na Constituição de 1988. São Paulo: Revista dos Tribunais.

15. Costa, N. N. (2021). Direito Constitucional Brasileiro. Rio de Janeiro: Editora GZ.

16. Distrito Federal. (2017). Lei 6.023 de 18 de dezembro de 2017. Institui o Programa de Descentralização Administrativa e Financeira - PDAF e dispõe sobre sua aplicação e execução nas unidades escolares e nas regionais de ensino da rede pública de ensino do Distrito Federal. Available at https://www.sinj.df.gov.br/sinj/Norma/b1020cf205f648a8b7a625c238a7d1eb/Lei_6023_18_12_2017.html. Accessed on Dec. 2024.

17. Distrito Federal. (2021). Lei 6804 de 28/01/2021. Dispõe sobre o respeito ao uso do nome social nas lápides e nos atestados de óbito de travestis, mulheres transexuais, homens transexuais e demais pessoas trans e dá outras providências. Available at https://www.sinj.df.gov.br/sinj/Norma/d5f61dad7ca448f38f005187e50332d5/Lei_6804_28_01_2021.html#:~:text=LEI%20N%C2%BA%206.804%2C%20DE%2028%20DE%20JANEIRO%20DE%202021&text=Disp%C3%B5e%20sobre%20o%20respeito%20ao,trans%20e%20d%C3%A1%20outras%20provid%C3%AAncias. Accessed on Dec. 2024.

18. Distrito Federal. (2021). Lei 6997 de 09/12/2021. Dispõe sobre a criação do Parque Urbano Octogonal e dá outras providências. Available at https://www.sinj.df.gov.br/sinj/Norma/73e2b465219d4e5e83a8d22d2c63b496/Lei_6997_2021.html#:~:text=LEI%20N%C2%BA%206.997%2C%20DE%209%20DE%20DEZEMBRO%20DE%202021&text=Disp%C3%B5e%20sobre%20a%20cria%C3%A7%C3%A3o%20do,%C2%A7%206%C2%B0%20do%20art. Accessed on Dec. 2024.

19. Distrito Federal. (1996). Lei Complementar 13 de 03/09/1996. Regulamenta o art. 69 da Lei Orgânica, dispondo sobre a elaboração, redação, alteração e consolidação das leis do Distrito Federal. Available at https://www.sinj.df.gov.br/sinj/Norma/51842/Lei_Complementar_13_03_09_1996.html. Accessed on Dec. 2024.

20. Distrito Federal. (2011). Lei Complementar 840-11. Dispõe sobre o regime jurídico dos servidores públicos civis do Distrito Federal, das autarquias e das fundações públicas distritais. Available at https://www.sinj.df.gov.br/sinj/Norma/70196/Lei_Complementar_840_23_12_2011.ht. Accessed on Dec. 2024.

21. Distrito Federal. (1993). Lei Orgânica do DF - Texto Integral. Available at https://www.sinj.df.gov.br/sinj/Norma/66634/Lei_Org_nica__08_06_1993.html. Accessed on Dec. 2024.

22. Distrito Federal. (2018). Regimento interno da Câmara Legislativa do Distrito Federal (9th ed.). Brasília: Câmara Legislativa do Distrito Federal.

23. Ferreira Filho, M. G. (1995). Do processo legislativo (3rd ed.). São Paulo: Saraiva.

24. Jornal de Brasília (JBr). (2021). Recursos do PDAF melhoram escolas de Taguatinga. Available at https://jornaldebrasilia.com.br/brasilia/recursos-do-pdaf-melhoram-escolas-de-taguatinga/. Accessed on Dec. 2024.

25. JusBrasil. (2014). TJDFT declara inconstitucional lei que muda carreira do SLU. Available at https://www.jusbrasil.com.br/noticias/tjdft-declara-inconstitucional-lei-que-muda-carreira-do-slu/167031659. Accessed on Dec. 2024.

26. Kelsen, H. (1979). Teoria pura do Direito (J. B. Machado, Trans.; 4th ed.). Coimbra: Arménio Amado Ed.

27. Ministério Público (MP). (2022). Lei 7088 de 31/03/2022. Dispõe sobre a carreira Gestão de Resíduos Sólidos e dá outras providências. Available at https://www.mpdft.mp.br/portal/index.php/component/adi/?act=visualizar_processo&id=594#:~:text=LEI%20N%C2%BA%207.088%2C%20DE%2031%20DE%20MAR%C3%87O%20DE%202022&text=Disp%C3%B5e%20sobre%20a%20carreira%20Gest%C3%A3o,sanciono%20a%20seguinte%20Lei%3A%20Art. Accessed on Dec. 2024.

28. Montesquieu, C. L. de S. (1996). O espírito das leis (F. H. Cardoso, Trans.; 2nd ed.). São Paulo: Martins Fontes.

29. Moraes, A. (2019). Direito Constitucional (36th ed., rev., atualizada, ampliada). São Paulo: Atlas.

30. Motta, S. (2017). Direito Constitucional: Teoria, Jurisprudência e Questões (27th ed.). Belo Horizonte: Editora Método.

31. Novelino, M. (2021). Curso de Direito Constitucional (16th ed., rev., atualizada, ampliada). Salvador: Editora Jus PoDIVM.

32. Orlandi, Á. H., Reis, J. F. D., & Melo, O. S. de. (2017). Processo legislativo e funcionamento da Câmara Legislativa (4th ed.). Brasília: Câmara Legislativa do Distrito Federal.

33. Polinsky, A. M., & Shavell, S. (2008). Handbook of law and economics. Amsterdam: North-Holland.

34. Santos, L. C. A. dos, Netto, M. G. da N., & Carneiro, A. C. de S. (2021). Curso de regimento comum nacional (3rd ed.). Brasília: Edições Câmara.

35. Silva, J. A. da. (2004). Curso de direito constitucional positivo (23rd ed.). São Paulo: Malheiros, 525-526.

36. Silva, R. S., & Araújo, S. M. V. G. de. (2013). Apropriação da agenda do Legislativo: Como aferir esse fenômeno? Available at https://www2.senado.leg.br/bdsf/item/id/188904. Accessed on Dec. 2024.

37. Silva, R. S. e. (2014). Beyond Brazilian Coalition Presidentialism: The Appropriation of the Legislative Agenda. Brazilian Political Science Review, 8(3), 98-135. Available at http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1981-38212014000300098&lng=en&nrm=iso. Accessed on Dec. 2024.

38. Silva, R. S. e. (2018). A apropriação da agenda legislativa como terceira via para o poder de veto presidencial. Revista de informação legislativa: RIL, 55(217), 13-33. Available at http://www12.senado.leg.br/ril/edicoes/55/217/ril_v55_n217_p13. Accessed on Dec. 2024.