




ELECTORAL POLITICAL RIGHTS AND THE IMPORTANCE OF VOTING IN THE LIGHT OF THE BRAZILIAN LEGAL SYSTEM

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ABSTRACT

The article "Electoral Political Rights and the Importance of Voting in the Light of the Legal System" analyzes the evolution of electoral political rights in Brazil and in the world, highlighting the relevance of voting in the legitimation of democratic institutions and popular sovereignty. With a historical-constitutional approach, the study reviews the trajectory of political rights, from Antiquity to the present day, focusing on the expansion of political participation, including women, illiterates and young people. In Brazil, the 1988 Constitution consolidated universal and direct suffrage, strengthening representative democracy. However, the article identifies contemporary challenges, such as crises of representation, political disinterest, and corruption, which affect the quality of democracy. The use of technologies, such as electronic voting machines, is highlighted as an important innovation to ensure transparency and security in elections. The text concludes that, despite the advances, it is crucial to promote political education and electoral awareness to ensure the critical and informed exercise of political rights. Proposals for reform in the legal system, with an emphasis on civic education and digital citizenship, are presented as solutions to address these challenges and strengthen democracy. The active and conscious participation of citizens, especially young people, is seen as essential for the consolidation of a robust and inclusive democratic system.

Keywords: Citizenship. 1988 Constitution. Democracy.



INTRODUCTION

Electoral political rights represent the backbone of modern democracies, an achievement that reflects the long historical evolution of human societies and their struggle for popular participation in political decisions. From the earliest trials of political participation in Ancient Greece to the complex democracies of the twenty-first century, these rights play a central role in the legitimacy of governmental institutions and the expression of popular sovereignty. In Brazil, this trajectory is marked by moments of exclusion, such as the census vote in the colonial period, and by advances that culminated in the 1988 Constitution, which consolidated universal suffrage and other fundamental political rights.

The recognition of political rights, especially the right to vote and to be voted for, is not only a reflection of a democratic state, but a structuring element of citizenship. Voting, as the maximum expression of popular sovereignty, guarantees that power emanates from the people, as provided for in article 1, sole paragraph, of the Federal Constitution of 1988. In addition to consolidating popular participation, these rights seek to ensure the representativeness and legitimacy of political institutions, preserving social justice and political pluralism, principles that underpin the Brazilian democratic order.

In this context, the present work aims to analyze the evolution of electoral political rights in Brazil and in the world, addressing their historical roots, the process of expansion and universalization of these rights, and the contemporary challenges faced for the effective consolidation of democracy. The study also explores the technological and legal innovations that have contributed to strengthening the transparency and fairness of elections, as well as the proposals for reforms necessary to ensure inclusive and conscious political participation. The analysis of the constitutional foundations that govern these rights is central to understanding how the Brazilian legal system protects and promotes the political participation of all citizens, reflecting the ideals of equality and justice that sustain the Democratic Rule of Law.

FOUNDATIONS OF ELECTORAL POLITICAL RIGHTS IN BRAZIL AND THE WORLD THE EVOLUTION OF POLITICAL RIGHTS IN HISTORY

Political rights are a historical achievement that accompanies the evolution of human societies and are closely linked to the development of political institutions and the struggle for popular participation in decision-making processes. From early civilizations to contemporary democracies, these rights, which include the right to vote, to run for office, and to participate directly in the formation of laws and governments, have been shaped by social, economic, and cultural changes. The evolution of political rights reveals a long path



of disputes for power, recognition of individual and collective freedoms, and the construction of more inclusive governance systems.

Antiquity: the first notions of political participation

The first conceptions of political participation can be traced back to ancient civilizations, although with very restrictive structures. In Ancient Greece, especially in the city-state of Athens, the concept of direct democracy was born. By the fifth century B.C., Athenian citizens (only free men born in Athens) could participate directly in political decisions in the *Ekklesia*, the popular assembly that decided on laws and public policies. Although limited to a small portion of the population, this experience was fundamental for the development of the ideas of citizenship and political participation (Finley, 1983).

On the other hand, the Roman Republic (509-27 BC) established a model of political representation, where citizens elected representatives (senators and magistrates) to make decisions on their behalf. However, this participation was also restricted to freemen and landowners. Political power in Rome was hierarchical, with an aristocratic elite controlling the Senate, which limited real popular participation (Mommsen, 1992).

These examples show that, from the beginning, political rights were restricted to privileged groups such as men, landowners, or nobles, leaving much of the population without any political representation.

Middle Ages: limited participation and monarchical power

During the Middle Ages, political rights virtually disappeared for the majority of the European population, with the centralization of power in the hands of the monarchy and feudal nobility. The feudal system was characterized by a rigid structure of vassalage, in which the king held supreme power, and the political participation of ordinary individuals was non-existent. In this context, the emergence of magna cartas and similar documents represented a modest advance in political rights, although limited to the nobility.

An important example is the Magna Carta of 1215, in England. Although it did not create a true democracy, this document forced King John to consult with the barons before imposing new taxes, setting a precedent for the limitation of royal power and, in the long run, for the creation of parliamentary institutions (Clark, 2013). The Magna Carta is often seen as the beginning of the process that led to the development of political rights and the strengthening of the English parliament.



Enlightenment and revolutions: suffrage as a fundamental right

The real turning point for political rights came with the Enlightenment in the eighteenth century, which brought a number of new concepts about individual rights, equality, and popular sovereignty. Thinkers such as John Locke, Jean-Jacques Rousseau, and Montesquieu challenged the divine right of kings and proposed that legitimate power resides in the people. Montesquieu, in *The Spirit of the Laws* (1748), defended the separation of powers, which would become a pillar of modern democracies (Montesquieu, 1996).

These ideas were catalysts for the great revolutions of the period, particularly the American Revolution (1776) and the French Revolution (1789). The 1776 U.S. Declaration of Independence, inspired by Enlightenment ideas, proclaimed that "all men are created equal" and that government derives its legitimate power from the "consent of the governed" (Locke, 1690). Soon after, the United States Constitution, ratified in 1787, introduced a system of representative government and the concept of political rights as part of the fundamental rights of citizens.

The French Revolution brought even more strength to the notion of political rights, with the Declaration of the Rights of Man and of the Citizen (1789), which affirmed the right of every citizen to participate directly or through representatives in the elaboration of laws. This was the first time that the concept of universal male suffrage was formally discussed, although it would not be fully implemented until decades later (Hunt, 2007).

These revolutions not only marked the end of absolutism, but also began the struggle for the universalization of political rights, particularly the right to vote. However, universal suffrage was still a distant idea. In the eighteenth and nineteenth centuries, most political systems limited the vote to white men, landowners, or taxpayers.

Nineteenth and twentieth centuries: the struggle for universal suffrage

The nineteenth century was marked by a constant struggle to expand political rights. In many European countries and in the Americas, the right to vote was gradually extended to include men without property, urban workers, and in some cases, former slaves. An important example was the Electoral Reform in England with the *Reform Act* of 1832, which extended the right to vote to a significant part of the middle class, although suffrage was still far from universal (Evans, 1994).

In the late nineteenth and early twentieth centuries, the struggle for women's political rights gained momentum. Suffragette movements, such as the one led by Emmeline Pankhurst in the United Kingdom, demanded that suffrage be extended to women. After



decades of mobilization and resistance, women's suffrage was conquered in several countries, such as the United States in 1920, with the 19th Amendment to the Constitution, and Brazil in 1932 (Schulman, 2002).

Twentieth and twenty-first centuries: political rights in an era of democracies

After World War II, the world witnessed a wave of democratization and the consolidation of political rights as part of fundamental human rights. The Universal Declaration of Human Rights of 1948, in its article 21, establishes that "every human being has the right to participate in the government of his country, directly or through freely chosen representatives" (UN, 1948, p 4). This statement reflects the universalization of the principle that political rights are inseparable from human dignity and social justice.

The twentieth century also saw the end of colonialism and the creation of new democracies in former colonies in Africa and Asia. However, the struggle for political rights continues in many parts of the world, where authoritarian regimes or fragile democracies still restrict political participation.

THE EVOLUTION OF ELECTORAL POLITICAL RIGHTS IN BRAZIL

ANALYSIS OF THE MAIN PHASES OF THE EVOLUTION OF ELECTORAL POLITICAL RIGHTS IN BRAZIL FROM THE COLONIAL PERIOD TO THE PRESENT DAY

The evolution of electoral political rights in Brazil has gone through different phases from the colonial period, characterized by the exclusion of the majority of the population, to the present day, with the strengthening of democracy. During Colonial Brazil, voting was census-based, restricted to white men who owned land, and there was no electoral system per se (Freire, 2017). The first Constitution, of 1824, maintained these limitations, but introduced a model of indirect and census elections (Bonavides, 2008). It was only with the 1934 Constitution that a significant advance was made, including women's and secret voting. Since the 1988 Constitution, Brazil has enshrined an inclusive democratic system, guaranteeing universal and mandatory suffrage for those over 18 years of age and optional for illiterate people, young people between 16 and 17 years of age, and seniors over 70 years of age (Silva, 2019). This process reflects a continuous movement of expansion of political rights, following the development of Brazilian democratic institutions.

RIGHT TO VOTE BEFORE THE EMERGENCE OF THE 1988 CONSTITUTION

During the imperial period in Brazil, two fundamental issues marked the debate on political representation: the authenticity of the vote and the electoral question. These



themes, although influenced by partisan interests, were less impacted by the monarch's interference. Between 1821 and 1881, the year in which the Saraiva Law was enacted, the country adopted the census vote and a two-round electoral system for the choice of deputies and senators. This model represented an advance compared to the systems of Portugal and Spain, which required four shifts. However, voter turnout was extremely limited, covering only about 1% of the population. As Afonso Arinos points out in his work *The Chamber of Deputies – Historical Synthesis*, this restriction on the right to vote was common in many democracies of the time.

Brazilian historians and sociologists, such as Afonso Arinos, highlight the limitation of the number of voters in Brazil during the nineteenth century, showing that, in 1881, with a population of approximately 12 million people, only about 150 thousand citizens had the right to vote, which demonstrates the significant restriction of the electorate. However, Afonso Arinos (1978) points out that this was a common practice at the time, since the universalization of the vote only occurred in the twentieth century, and the right to vote for women in Brazil was only recognized in 1934.

POLITICAL RIGHTS IN THE 1988 CONSTITUTION

Discussion on how the 1988 Constitution consolidated electoral political rights, with emphasis on the right to vote

The Federal Constitution of 1988 consolidated electoral political rights in Brazil, reaffirming and expanding the right to vote as a fundamental expression of popular sovereignty. In article 14, the Constitution establishes universal, direct and secret suffrage, as a basic rule, guaranteeing the right to vote to all citizens over 18 years of age and allowing it to illiterate people, young people between 16 and 17 years old, and elderly people over 70 years old. This provision represented a significant expansion of popular participation, compared to the limitations imposed by previous regimes. As Silva (2019, p. 421) points out, "the 1988 Constitution raised the vote to the level of a fundamental right, indispensable for the consolidation of the Democratic Rule of Law".

In addition, the Constitution also advanced by restricting the revocation of political rights only in cases expressly provided for, such as absolute civil incapacity or final criminal conviction, according to article 15. Such protection prevents electoral rights from being arbitrarily suppressed, strengthening representative democracy (Moraes, 2020). The inclusion of voting for young people from the age of 16 was also a relevant innovation, expanding access to the ballot box and promoting greater political inclusion (Bonavides, 2018).



The 1988 Constitution, therefore, consolidated voting as a fundamental right, protecting it against arbitrariness and expanding its accessibility, ensuring a more inclusive and representative political participation.

Political rights are those that enable popular participation in the formation of the will of the State, giving the citizen the ability to vote (active political right) and to be voted for (passive political right). In other words, political law can be active or passive.

José Afonso da Silva reminds us that:

The concepts of active political right and passive political right should not be confused with positive political rights and negative political rights, since 'the former refer to the norms that ensure participation in the electoral political process, voting or being voted for, involving, therefore, the active and passive modalities [...]'. The second group consists of norms that prevent this action and has its core in ineligibility. Enlistment is an essential condition for the exercise of active and passive political rights. Enlistment is the act by which the person registers with the Electoral Court, acquiring the voter card and qualifying for the full exercise of citizenship rights. (SILVA, 2019, p. 347).

Under the terms of article 14, § 1, CF, the exercise of the active political right (right to vote) arises for Brazilians born or naturalized as follows:

a) Enlistment and optional voting:

- over 16 and under 18 years old;
- Illiterate;
- over 70 years old.

b) Enlistment and compulsory voting:

- Over 18 years old and under 70 years old.

The article is based on the awareness of voting and especially the importance of the voter card. In theory, the different forms of a voter and their real importance in social development,

Political rights are those that enable popular participation in the formation of the will of the State, giving the citizen the ability to vote (active political right) and to be voted for (passive political right). In other words, political law can be active or passive.

CONSTITUTIONAL PRINCIPLES GOVERNING POLITICAL RIGHTS

Exploration of principles such as popular sovereignty, citizenship and political pluralism that underlie electoral rights in Brazil

Political rights in Brazil are governed by fundamental constitutional principles that ensure the legitimacy of the electoral process and popular participation. Popular sovereignty, provided for in article 1, sole paragraph, of the 1988 Constitution, establishes that "all power emanates from the people", which is exercised through the vote and its



elected representatives, which is the basis for the right to suffrage as an expression of the collective will (Silva, 2019). Another essential principle is that of citizenship, also provided for in Article 1, which gives citizens the right to actively participate in political life, including the right to vote and be voted for. Political pluralism, in turn, ensures the diversity of opinions and political parties, promoting a democratic environment, where different ideologies can coexist and compete electorally (Moraes, 2020). These principles, interconnected, ensure that the electoral process is legitimate, inclusive and representative of social plurality, consolidating Brazilian democracy.

VOTING AS AN EXPRESSION OF POPULAR SOVEREIGNTY

Reflection on voting as the main instrument for expressing the will of the people in the choice of representatives

Voting is the main instrument for the manifestation of popular sovereignty and citizenship, being the most concrete expression of the power that emanates from the people in a democracy. In Brazil, the Federal Constitution of 1988 guarantees the right to vote, enshrining universal, direct, secret, and periodic suffrage as the means by which citizens choose their representatives for elective positions and, thus, directly influence the definition of public policies and the direction of the nation (Silva, 2019). According to the Constitution, voting is not only a right, but also a civic duty, which goes beyond the simple choice between candidates. As Bonavides (2018, p. 357) points out, "to vote is to exercise the sovereign power to legitimize democratic institutions and control political power". Through voting, citizens not only choose their representatives, but also participate in the process of overseeing government actions, contributing to the effective legitimacy of the democratic system. This act strengthens the social contract, insofar as political power must be exercised in the name of the people and for their benefit, reaffirming that "all power emanates from the people" (art. 1, sole paragraph, CF/88). Therefore, the vote acquires centrality in the maintenance and renewal of democracy, because it is through it that the legitimacy of the State and its institutions is built.

On May 7, 2015, Law No. 13,120 was instituted, which decrees June 26 as the National Day of Awareness of the 1st Vote. This date was chosen in memory of the March of the Hundred Thousand, which took place in 1968. In June of that year, thousands of demonstrators occupied Avenida Rio Branco, in downtown Rio de Janeiro, to fight against the military dictatorship and defend democracy. More specifically, it was a protest against the violence practiced by the police against students. The action was organized by the student movement and the march was attended by many young people, intellectuals,



workers, liberal professionals and religious people. The main demand of the demonstration was the reestablishment of democratic practices, the suspension of censorship of the press and the granting of more funds for education.

History - voting at age 16

The only ones who could vote until then in Brazil were men over 25 years old and who had a certain financial condition. Women's participation in the country's politics was only ensured by the Electoral Code in 1932 and a few years later, the installation of the Estado Novo and the suspension of elections in Brazil were carried out.

The electoral system returned after the end of the Vargas Era. However, in the years 1964 to 1985, the military dictatorship was implemented in the country, with indirect elections and censorship of freedom of expression. The regime lasted until the political opening in 1985.

On March 2, 1988, numerous young people filled the National Assembly asking for "vote at 16!". Groups such as the Brazilian Union of Secondary Students (UBES) and the National Union of Students (UNE) put pressure on society and parliamentarians, until the amendment was approved by the constituent deputies. There were 355 votes, with 98 against and 38 abstentions. Popular sovereignty shall be exercised by universal suffrage and by direct and secret vote, with equal value for all, and, under the terms of the law, through: I - plebiscite; II - referendum; III - popular initiative. (BRAZIL, 1988).

In the work *Curso de Direito Constitucional (Constitutional Law Course)*, Gilmar Mendes highlights that voting is the main instrument through which citizens exercise their sovereignty, actively participating in the formation of the political will of the State. The author stresses that voting is not only a right, but an essential manifestation of citizenship, through which the people delegate power to their representatives, materializing the principle of popular sovereignty. Thus, voting guarantees the legitimacy of the democratic system, promoting political representation and the renewal of power, ensuring that the will of the people is reflected in government decisions. In this way, the act of voting is directly linked to the exercise of citizenship, being the means by which citizens influence the conduct of the State and participate in the management of collective interests.

THE INFLUENCE OF MORAL VALUES ON THE EXERCISE OF POLITICAL RIGHTS

Political rights, especially the right to vote, are intrinsically linked to the cultural and moral values of a society. Voting, in addition to being a civic obligation, represents an ethical choice that reflects the values that the voter wants to see represented in



government. Alexis de Tocqueville, in his work *Democracy in America*, analyzed how Christianity and notions of liberty were intertwined in the American mentality of the nineteenth century, highlighting:

Americans combine the notion of Christianity and freedom in such a way in their minds that it is impossible to make them conceive of one without the other. (TOCQUEVILLE, 2005, p. 53).

Tocqueville noted that in the United States, religion not only coexisted with democracy, but acted as a moral foundation that underpinned the exercise of political freedom. He noted that Christianity encouraged the practice of virtues such as responsibility, justice, and commitment to the common good, which were essential for democratic participation. The act of voting, therefore, was understood as an expression of these moral values, which guided the decisions of citizens in the electoral process.

This concept of intertwining religion and political participation can be expanded to other democratic societies. Although the Brazilian State is secular, as provided for in article 19 of the Federal Constitution of 1988, the influence of moral values, often with religious roots, is still perceptible in the political behavior of voters. Studies on the Brazilian electorate, such as the one carried out by Pierucci and Prandi (2000), show that religious beliefs shape the way many citizens engage politically, especially with regard to the choice of candidates who represent these moral values.

Moreover, the relationship between morality and political rights is not limited to religion alone. Secular values also play a key role in shaping political choices. As John Rawls argues, in *A Theory of Justice*, a just society must be guided by ethical principles that guarantee equal opportunities and respect for fundamental rights (Rawls, 2002). These ethical principles directly influence the way citizens perceive and exercise their political rights, including voting.

Thus, the exercise of the vote in a democracy goes beyond the simple choice of candidates or proposals. It is a manifestation of the moral and ethical convictions of each voter, which reflects their vision of justice, equality and the common good. Robert Dahl, in his work *On Democracy*, reinforces the importance of an active and morally conscious citizenry for the maintenance of democracy:

Democracy cannot be sustained without citizens who are willing to participate actively in political and social life, guided by values that promote the common good. (DAHL, 2001, p. 103).



LEGITIMACY OF DEMOCRATIC INSTITUTIONS

Analysis of the role of voting in the legitimacy of institutions and in the strengthening of the democratic system

Voting plays a crucial role in the legitimization of democratic institutions, being the main means by which the people grant authority and legitimacy to their elected representatives. In a representative democracy, such as Brazil's, free and periodic elections are the mechanism by which society expresses its trust in the institutions and political actors that integrate them (Silva, 2019). When voting, the citizen delegates power to the rulers, authorizing them to exercise leadership and public management functions on behalf of the collectivity. This process of delegation legitimizes the exercise of power, because, as Bonavides (2018, p. 362) states, "the vote is the direct and sovereign manifestation of the popular will". In this way, the vote becomes the central pillar of the entire democratic institutional structure, ensuring that state power is not imposed, but granted by the people.

In addition, the act of voting works as a mechanism of social and political control, allowing citizens to evaluate the performance of their representatives. According to Moraes (2020, p. 404), voting "not only legitimizes the authority of elected officials, but also promotes political responsibility, by enabling the replacement of those who do not fulfill their commitments". Thus, voting guarantees the continuity of public trust in institutions, to the extent that they reflect and respond to the demands of society, reaffirming the democratic essence of power.

Gilmar Ferreira Mendes points out that the Brazilian Constitution defines the exercise of popular sovereignty by universal suffrage and by direct and secret vote, enabling the organization and control of the state's will by citizens. In addition, the law provides for the use of plebiscites, referenda and popular initiatives as mechanisms for direct participation (Mendes, 2014).

In the introduction, the author discusses the importance of political rights for the democratic regime, explaining that "political rights form the basis of the democratic regime". These rights encompass the "right to participate in the political process as a whole, the right to universal suffrage and to periodic, free, direct, secret and equal voting" (Mendes, 2005, p. 701).



Conscious voting and political participation: discussion on the importance of conscious voting and the impact of active voter participation on the quality of democracy

Conscious voting is defined as the act of voting in an informed and critical manner, taking into account not only campaign promises, but also the candidates' history, proposals, and ethical conduct. This type of vote is crucial to ensure that voters choose representatives who are committed to democratic values and the common good. As Silva (2020) points out, the conscious voter has a fundamental role in choosing representatives who genuinely express the interests of society, thus contributing to avoid the permanence of politicians who may be corrupt or inefficient. On the other hand, the absence of adequate information and the dissemination of disinformation can result in the election of candidates who do not faithfully represent the wishes of the population. Conscious voting is also directly linked to political education, which plays a key role in the formation of critical voters. According to Costa (2018), political education is essential to ensure that voters understand their responsibilities and the effect of their choices on the functioning of the democratic system. Thus, a politically educated population tends to recognize candidates who are committed to social welfare and avoid those associated with corrupt practices. Political participation goes beyond the act of voting; It involves the constant monitoring of the activities of elected representatives, participation in public debates, demonstrations, and the use of mechanisms such as plebiscites and referenda. Oliveira (2019) points out that a solid democracy requires the active and constant participation of citizens, who have the duty to supervise their representatives to ensure that political decisions are compatible with the popular will. In this way, participatory democracy becomes essential in promoting a more just and equitable society.

The quality of democracy is intrinsically linked to the level of citizen involvement in political processes. When voters participate actively and informedly, they not only choose better representatives, but also ensure that those representatives are held accountable for their actions. Continued participation is essential for transparency and *accountability* in government. Nobre (2021) observes that, in the absence of active participation by the population, democracy runs the risk of becoming vulnerable, subject to corruption and the influence of private interests. Conscious voting and active participation result in a more robust and transparent democratic system.

A politically engaged population has greater power to push for structural reforms and public policies that benefit society as a whole, rather than particular interests. Almeida (2022) argues that conscious voting plays a crucial role in preventing the so-called "protest



vote", in which voters opt for candidates without genuine commitment to politics, only as a way to express dissatisfaction with the system. This behavior, according to the author, can intensify institutional crises and increase distrust in democratic institutions. When citizens vote consciously and are actively involved in the political process, there is an improvement in representativeness and, consequently, in the quality of political decisions.

CONTEMPORARY CHALLENGES OF ELECTORAL POLITICAL RIGHTS

CRISES OF REPRESENTATIVENESS AND POLITICAL DISINTEREST

Study of the crises of representativeness in Brazil and their implications for electoral participation

Crises of representation in Brazil have been a constant in recent years, with profound impacts on electoral participation and the legitimacy of democratic institutions. The population's discontent with their representatives, combined with a growing feeling that politicians do not reflect the desires of society, has generated a scenario of apathy and political disinterest, especially among young people.

In the democratic context, representativeness is essential to ensure that the interests and demands of the population are met. However, in Brazil, there is a growing distance between voters and their representatives, generating what many scholars call a crisis of representation. According to Vieira (2019), this crisis occurs when there is a loss of confidence of voters in political institutions and in the ability of representatives to act in favor of collective interests. This phenomenon is visible in popular demonstrations and in the increase in the number of null and blank votes in elections, reflecting a disenchantment with the electoral process.

Political disinterest is another face of the crisis of representation. Polls indicate that discontent with politics directly affects voter turnout. In Brazil, the number of abstentions in elections has increased significantly. As Almeida (2020) observes, where the increase in electoral abstention is a clear reflection of the apathy and disinterest of citizens in relation to politics. This apathy is particularly pronounced among young people, who feel disconnected from parties and disbelieving in the possibility of real change through voting.

This political disinterest, combined with the lack of trust in institutions, ends up weakening democracy. This generates a vicious cycle in which the lack of representativeness reduces participation, and low participation further weakens representativeness, deepening the democratic crisis.



CORRUPTION AND ELECTORAL TRANSPARENCY

Analysis of the impacts of corruption on the electoral process and the measures adopted to ensure the transparency and fairness of the elections

Corruption in the electoral process is one of the greatest challenges to the integrity of democracies, as it undermines the legitimacy of elections and weakens public trust in institutions. In Brazil, the practice of vote buying, the abuse of economic and political power, and the misuse of the media are examples of how corruption can distort the popular will and favor private interests to the detriment of the common good (Mendes, 2020). To combat these problems and ensure electoral transparency, several measures were implemented, such as the Clean Record Law (Complementary Law No. 135/2010), which prevents the candidacy of politicians convicted of serious crimes, and the rigorous performance of the Superior Electoral Court (TSE) in the inspection of electoral campaigns and accounts. In addition, the use of the electronic ballot box, implemented in 1996, has been fundamental to increase security and transparency in the vote counting process, minimizing fraud (Silva, 2019). Electoral transparency, along with the fight against corruption, is essential to ensure that the democratic process faithfully reflects the will of voters and to strengthen the Democratic Rule of Law.

According to Graziela Tanaka (2011), campaign coordinator at Avaaz.org. in Brazil, "some people even said that the Ficha Limpa campaign was the first major popular mobilization for a political issue since the movement of the "painted faces" who called for the impeachment of then-president Fernando Collor de Mello."

The study by Bugarin and Bugarin (2013) discusses the possibility of offering pecuniary rewards to citizens who help in the recovery of misappropriated public resources, based on the Incentive Theory. According to this theory, agents need motivation to perform tasks that involve costs, either through positive incentives, such as rewards, or negative incentives, such as punishments. The article argues that the financial benefit would encourage citizens to engage in the control of corruption, compensating for personal costs, such as time and risks involved in reporting (Bugarin, 2013).

The model developed by the authors demonstrates that, without these incentives, citizens tend to avoid denouncing corrupt practices, as the personal costs outweigh the benefits, which are shared by society as a whole (Bugarin, 2013).



DECENTRALIZATION

Decentralization has not only the effect of conferring a part of government on the people, but also gives them a taste for government, and makes it easier to use. (TOCQUEVILLE, 2005, p. 107).

The decentralization of power, as praised by Alexis de Tocqueville in *Democracy in America*, is one of the central elements for strengthening a robust democracy. He observes that, in the United States, decentralization not only confers a part of the government on the people, but also "provides a taste for government, and makes it easier to use" (TOCQUEVILLE, 2005, p. 107). This point highlights how decentralization, by bringing political decisions closer to the common citizen, strengthens democratic institutions by promoting a more active and engaged participation of the population in public affairs.

In Tocqueville's analysis, decentralization is essential because it allows citizens to have greater control over local government, making politics more accessible and relevant to their everyday lives. This mechanism, according to him, is responsible for creating a vibrant political culture, in which individuals feel an integral part of the decision-making process. As Dahl (1997) explains, this proximity between rulers and governed increases the sense of belonging and civic responsibility, which is crucial for the legitimacy and sustainability of any democratic system. Decentralization, therefore, is not just a technical division of power, but a tool to encourage political involvement.

The importance of decentralization in promoting democracy was later deepened by other theorists. Robert Putnam (1993), in his work *Community and Democracy*, argues that the effectiveness of democratic institutions is directly related to the degree of civic participation. Putnam, by studying the differences between northern and southern Italy, demonstrates that regions with greater decentralization and local participation have more effective governments and more functioning democracies. The proximity between the citizen and the local public administration promotes mutual trust and civic engagement, strengthening the social and political fabric of a nation.

LEGAL MECHANISMS FOR THE PROTECTION AND PROMOTION OF ELECTORAL RIGHTS

ELECTORAL NORMS AND CONSTITUTIONAL GUARANTEES

Exploration of the main norms of the legal system that guarantee and protect electoral political rights

Political rights are fundamental for the construction and strengthening of democracy. In Brazil, these rights are mainly outlined in the Federal Constitution of 1988, in its article



14, which establishes the principle of popular sovereignty through universal, **direct and secret suffrage**. This article defines that "popular sovereignty shall be exercised by universal suffrage and by direct and secret vote, with equal value for all, under the terms of the law" (BRASIL, 1988, p. 21). In this way, voting is one of the main mechanisms for citizen participation in the political process, ensuring the expression of popular will.

In addition, the Constitution ensures the ineligibility of certain categories, as a means of guaranteeing morality and probity in the electoral process, according to article 14, paragraph 9. Article 15, in turn, ensures that political rights are protected and can only be suspended in exceptional circumstances, such as in cases of final and unappealable criminal conviction, absolute civil incapacity, or conviction for administrative improbity (BRASIL, 1988).

The Electoral Code (Law No. 4,737/1965) is the main normative instrument that regulates the electoral process in Brazil. This code, together with complementary legislation, such as the Law of Ineligibilities (Complementary Law No. 64/1990) and the Elections Law (Law No. 9,504/1997), forms the legal framework that guarantees the regularity of the electoral process.

Law No. 9,504/1997, for example, details rules on the holding of elections, campaign financing, and electoral propaganda. This legislation aims to ensure equality between candidates and ensure the transparency of the electoral process. Vieira (2019) points out that Brazilian electoral legislation is essential to protect the integrity of elections, by establishing specific rules that aim to prevent abuses of economic and political power. In addition, the Clean Record Law (Complementary Law No. 135/2010) introduced important ineligibility criteria, aimed at barring the candidacy of individuals convicted of serious crimes. This law seeks to promote ethics in politics and prevent people involved in corruption or other crimes from running for public office.

CITIZENSHIP EDUCATION AND ELECTORAL AWARENESS

Discussion on the importance of citizenship education and electoral awareness programs

Citizenship education is an ongoing process that involves the transmission of knowledge about civil, political, and social rights and duties. This education aims to enable citizens to understand the functioning of democratic institutions and to be able to participate consciously in decisions that affect the collectivity. According to Costa (2018), a politically educated citizen not only exercises the right to vote in a more critical way, but also actively participates in other forms of social control, such as the inspection of their representatives.



In addition, citizenship education promotes values such as respect for diversity, equal rights, and the importance of the common good. In the electoral context, this means that voters will be more attentive to the candidates' proposals, their political platforms and their ethical history, avoiding choices motivated by disinformation or manipulation.

Electoral awareness programs aim to inform citizens about the electoral process, the eligibility criteria, the consequences of voting, and the importance of choosing representatives carefully. These programs are often conducted by bodies such as the Superior Electoral Court (TSE) and civil society organizations, which seek to encourage political participation in a responsible manner.

A notable example in Brazil is the "Conscious Voting" program, promoted by the TSE in partnership with several educational institutions, which aims to provide detailed information about the electoral system, the functions of the positions in dispute, and the importance of popular participation. Initiatives like this seek to combat political disinterest and electoral alienation, promoting a culture of more active and informed participation.

The relationship between political education and the quality of democracy is undeniable. As Nobre (2021) discusses, citizenship education and electoral awareness programs are fundamental for the development of a solid democracy, in which citizens have the necessary tools to make informed and responsible decisions. When voters are educated and aware, there is a significant reduction in practices that undermine democracy, such as protest voting, uninformed voting, and voting motivated by *fake news*.

Electoral awareness is also a powerful tool for promoting political inclusion. It ensures that all segments of society, especially those historically marginalized, such as women, youth, and ethnic minorities, have access to information about the electoral process and their political rights. In this sense, political education is a democratizing factor, as it reduces the barriers that prevent the full participation of all citizens in the electoral process.

FUTURE PERSPECTIVES AND SOLUTIONS FOR STRENGTHENING DEMOCRACY INNOVATIONS IN THE ELECTORAL SYSTEM

Analysis of technological and legal innovations that can contribute to the improvement of the Brazilian electoral system

Technological and legal innovations in the Brazilian electoral system have been fundamental to ensure greater transparency, security, and efficiency in the voting process. The implementation of the electronic ballot box, for example, is a milestone in the country's electoral system, being internationally recognized for reducing fraud and speeding up the



counting of votes. As highlighted by José Jairo Gomes, in his work *Electoral Law*, the computerization of the electoral process represents a crucial advance in the reliability and speed of elections, consolidating the principle of popular sovereignty with greater precision. In addition, recent discussions on the implementation of auditable voting mechanisms and the use of *blockchain* point to new possibilities to further ensure the integrity of electoral elections.

In the legislative field, the Clean Record Law (Complementary Law No. 135/2010) is another significant innovation, mentioned by Adriano Soares da Costa, in *Electoral Law and Democracy*, by reinforcing control over the eligibility of candidates, promoting greater fairness in the electoral process and increasing the confidence of voters in the democratic system. These innovations show the importance of continuously updating the legal and technological apparatus of the electoral system, seeking to improve representativeness and electoral justice.

STRENGTHENING POPULAR PARTICIPATION

Reflection on ways to encourage active political participation of citizens and strengthen democracy

According to Maria Lourdes Cerquier-Manzini (2010), people tend to think of citizenship only in terms of the rights to be received, neglecting the fact that they themselves can be the agent of the existence of these rights. Individuals transfer to others the duties that fall to them, forgetting that they themselves are responsible for obtaining rights. If there are problems in their community, in their work, in the school, it is necessary that they organize themselves and know the ways and legal instruments of democracy to pressure the responsible bodies and be met in their demands, ensuring, in practice, the rights provided for in the constitution.

Incentive to young voters. In 2004, the TER's developed the Voter of the Future Program. The periodic initiative, in some regions, promotes the training of young people up to 17 years of age in political education, with the purpose of expanding and mobilizing this contingent of future voters to freely and consciously exercise the right to vote and be voted for.

Another important initiative of the TSE aimed at this public is the opening of the electronic ballot box in schools and in the Court itself. Students from the Federal Institute of Brasília (IFB) were able to get to know the equipment up close inside and out. The activity also helped students understand how the electoral process takes place and the importance of combating disinformation. Students from several educational institutions have already



participated in the action, entitled "Inside the Ballot Box". Voting is a citizen act, and encouraging the exercise of citizenship is one of the missions of the Electoral Justice.

In Brazil, the first vote can already be cast from the age of 16 or 17, and is considered optional for this age group. Even though it is not mandatory for those under 18 years of age, voting is an instrument of popular participation in the country's destiny. Technological advances have made it much easier to obtain information about candidates, including to carry out voter registration (get the first voter card), which can be done over the internet.

PROPOSALS FOR REFORM AND IMPROVEMENT IN THE LEGAL SYSTEM

PRESENTATION OF PROPOSALS TO IMPROVE THE LEGAL SYSTEM IN FAVOR OF THE PROTECTION AND PROMOTION OF ELECTORAL POLITICAL RIGHTS.

Political education and digital citizenship

Political education is key to empowering young people to actively participate in democracy, understanding their role as conscious voters and citizens. The inclusion of programs that address topics such as the functioning of the electoral system, the structure of the three branches (Executive, Legislative and Judiciary) and the rights and duties of citizens allows for training that goes beyond the simple act of voting. This educational process must involve not only schools, but also digital platforms, where young people are more present.

Proposal

Include young people in political education programs that address topics such as the functioning of the electoral system, the structure of the three branches (Executive, Legislative, and Judiciary), and the rights and duties of citizens. This training should go beyond schools and include campaigns on social networks and digital platforms popular with young people.

Educator Paulo Freire argues that education is a political act and that individuals, when they become aware of their reality, become capable of transforming it (Freire, 2005). This vision of critical and participatory education is crucial for the development of active citizenship, where young people not only learn about politics, but understand its transformative power in society.

Disseminating educational content through short videos, infographics, *podcasts*, and interactive debates are an effective way to engage young audiences. In a study conducted by Souza and Lopes (2019) on the impact of digital media on political education, the



authors argue that young people feel more inclined to engage politically when information is transmitted in dynamic and interactive digital formats, such as short videos and online debates.

In addition, it is necessary to educate young people about digital citizenship, teaching them to identify misinformation and *fake news*. In a world where social media plays a central role in the exchange of political information, UNESCO stresses the need to "promote media and information literacy among young people, so as to empower them to deal with the growing volume of disinformation" (UNESCO, 2018). Digital education helps to build a critical youth, capable of verifying sources of information and understanding the social and political impacts of their interactions on the networks.

Objective

To empower young people to understand the electoral process, making them informed voters aware of the transformative power of their vote. As philosopher John Dewey has pointed out, "democracy needs educated citizens who can deliberate on public issues in a critical and reflective manner" (DEWEY, 1997). This objective is vital for strengthening democracy and ensuring that young people exercise their role as citizens actively and responsibly.

Encouraging civic education

The effective political participation of citizens is directly linked to their understanding of the functioning of democratic institutions and the political rights guaranteed by the Constitution. The lack of adequate civic education, especially in schools, is one of the main factors that prevents many voters from understanding the importance of their political rights and from actively participating in the electoral process. Thus, strengthening civic education is crucial to form citizens who are more aware and engaged in the exercise of their citizenship.

Proposal

The inclusion of mandatory subjects in the curriculum of elementary and secondary education, which address the functioning of democratic institutions, political rights and duties, and the importance of conscious voting, is an essential measure to reverse the scenario of low civic participation. These disciplines must be worked on continuously, allowing young people to develop a solid understanding of the importance of the democratic process throughout their education.



According to John Dewey, "Education is the process of renewing the meanings of experience, through transmission, partly accidental in the ordinary contact or dealings between adults and young people, and partly intentionally instituted to operate social continuity" (Dewey, 1959, p. 354). This quote reflects the idea that without an education that prepares citizens to actively participate in public life, democracy risks weakening. Thus, by inserting civic education as a mandatory part of the school curriculum, society ensures that future generations understand the importance of its role in strengthening democratic institutions.

In addition to formal disciplines, it is necessary to promote awareness programs in public and community spaces, such as neighborhood associations, unions, and churches, expanding the reach of civic education beyond schools. Boaventura de Sousa Santos argues that democracy is built not only in the formal field of politics, but also in everyday social interactions, where citizens exercise their citizenship in a practical way (Santos, 2007). This approach allows political awareness to be disseminated to a wider audience, including those already outside the school environment.

Experts in civic education argue that promoting a curriculum that values the understanding of politics is fundamental for the creation of more aware and active citizens in the democratic process (Almeida, 2021). Civic education is not limited to teaching the basics of politics but also seeks to foster a culture of participation, where voters understand that voting is a tool for social transformation.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) points out that "education for global citizenship aims to form citizens who are able to understand global issues, participate in democratic processes and make informed decisions for the well-being of society" (UNESCO, 2017). This view supports the idea that civic education, by preparing young people to understand politics in a broader context, not only strengthens democracy but also promotes social justice and equality.

Objective

The main objective of this proposal is to train the new generations to understand the importance of their active participation in politics and in the electoral process, ensuring that the exercise of the vote is done in a conscious and informed manner. The educator Paulo Freire (2005) is perhaps the one who most highlighted the transformative potential of education, since for him education alone would not transform the world, but people: they would have the capacity to transform their social reality. Civic education, in this sense, has

the potential to empower voters to use their political rights as tools for social transformation and strengthening democracy.

By creating better-informed and more engaged citizens, civic education also contributes to the reduction of political alienation and increased voter turnout, which is vital for the healthy functioning of a democracy. Therefore, the insertion of these disciplines and the promotion of awareness programs are essential steps to ensure that society continues to evolve democratically, with citizens aware of their roles and responsibilities.

Creation of programs to encourage youth voting

The participation of young people in the electoral process is essential to strengthen democracy and ensure that new generations actively contribute to the construction of the country's political future. However, the lack of interest and distancing of part of the youth in relation to politics are challenges that need to be faced. Establishing programs that encourage young people to get their voter registration card and vote, associating the act of voting with cultural and creative activities, is an effective strategy to engage this audience in a positive and engaged way.

Proposal

Creating a regional campaign aimed specifically at young audiences, with cultural events that include music, film and sports festivals, is a powerful way to connect young people to the topic of citizenship and politics. This type of approach can arouse young people's interest in politics, bringing the electoral process to a closer and more familiar context.

Boaventura de Sousa Santos defines that politics, when distant from the culture and daily expressions of citizens, becomes alien and uninteresting (Santos, 2010). Therefore, cultural events, which involve music, cinema and even sports, work as bridges between the universe of youth and citizenship, making politics more accessible and attractive.

The creation of essay, video and photography contests on democracy and political participation also stimulates the creative engagement of young people. UNESCO emphasizes the importance of young people's engagement in activities that stimulate creativity and critical thinking in relation to social and political problems. This reflects the need to form active and aware citizens about the issues that impact their communities and the world (UNESCO, 2017). These programs, when carried out in partnership with schools, universities, NGOs and digital influencers, enhance the dissemination of information and generate a positive impact on the political awareness of young people.



Objective

The main objective of this proposal is to stimulate young people's interest in politics and voting, associating electoral participation with cultural and creative activities. The campaign must use languages and platforms that resonate with young audiences, creating a space where they can discuss politics in a relaxed and meaningful way, the connection between culture and politics can be an effective way to awaken in young people the importance of their participation in the electoral process.

The proposal to include artistic expression contests, such as videos and photographs, in addition to stimulating creativity, offers young people the opportunity to reflect on the themes of democracy and citizenship in a visual and innovative way. This also encourages the use of social media as a platform for political dialogue, enhancing the reach and impact of the message.

By associating the electoral process with cultural and creative events, the goal is to make politics an active part of young people's daily lives, so that they do not see the act of voting as an obligation, but as an opportunity for social transformation and participation in the construction of a more democratic and inclusive future.

CONCLUSION

The evolution of electoral political rights reflects a dynamic and multifaceted historical process, which accompanies the development of democratic institutions and social struggles for greater inclusion and participation. From the first restricted forms of participation in ancient civilizations, through the transformations brought about by the Enlightenment and the revolutions of the eighteenth century, to the struggles for universal political rights in the nineteenth and twentieth centuries, the history of electoral rights is marked by significant advances, but also by continuous challenges.

In Brazil, the trajectory of electoral political rights follows a path similar to that of the large Western democracies, with a restricted and exclusionary beginning, which gradually expanded to include new groups, such as women, illiterate people and young people. The 1988 Constitution consolidated this process by guaranteeing universal suffrage and establishing norms that protect popular sovereignty, consolidating the Brazilian democratic system.

However, despite the advances, Brazil and the world face significant contemporary challenges, such as crises of representation, political disinterest, corruption, and the need for greater transparency in the electoral process. These problems highlight the need for



reforms that strengthen popular participation and ensure the fairness of the electoral process.

Proposals for strengthening democracy, such as political education, the promotion of digital citizenship, and the creation of incentives for youth participation, are essential to address these challenges. The use of technologies and innovations in the electoral system also emerges as a solution to ensure the integrity of the process and restore trust in democratic institutions.



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