LUMEN ET VIRTUS
ISSN: 2177-2789

ANALYSIS OF THE EFFECTIVENESS OF PROTECTIVE MEASURES IN REDUCING THE RECURRENCE OF VIOLENCE AGAINST WOMEN

https://doi.org/10.56238/levv16n47-068

Submitted on: 03/21/2025 **Publication date:** 04/21/2025

Ana Clara de Oliveira Peixoto[1] and Clóvis Marques Dias Júnior[2]

ABSTRACT

The present study analyzes the problem of violence against women, focusing on the effectiveness of protective measures in reducing recidivism. The research seeks to understand how these mechanisms contribute to the protection of victims and the prevention of new aggressions. Thus, the problem investigated revolves around the effectiveness of these measures in ensuring security and strengthening women's rights. The main objective is to evaluate the functionality and identify the mechanisms in its application. For this, a methodological approach is adopted based on a literature review and data analysis on the subject. The research examines the impacts on reducing aggression and building an efficient protection network. The results obtained indicate that the proper implementation of protective measures can reduce cases of recidivism, however, structural challenges such as the lack of supervision and institutional support compromise their effectiveness. It is concluded that the improvement of these mechanisms is essential to ensure a longer lasting protection, thus promoting a more equitable and safe society for victims.

Keywords: Violence against women. Recidivism. ‘.

[1]Undergraduate student
E-mail: anac49505@gmail.com
[2]Advisor Professor, Doctorate student in Law (CEUB). Master in Teacher Training in Educational Practices (UFMA). Specialist in Constitutional Law, Public Management and Criminal Procedure IESMA/Unisulma.
E-mail: clovisjrs@gmail.com

INTRODUCTION

This article deals with the importance of applying protective measures to reduce the recurrence of violence against women, when analyzing the rates of violence in the Brazilian family context, the influence of cultural, historical and religious factors that, over time, contributed to the perpetuation of these practices is perceived.

Violence against women is a structural and persistent problem that affects several societies around the world, representing a serious violation of human rights. In Brazil, despite legislative advances, such as the Maria da Penha Law (Law No. 11,340/2006), the recurrence of domestic violence continues to be a challenge for the victim protection system. In view of this scenario, some protective measures were instituted as an essential instrument to safeguard the physical and psychological integrity of women in vulnerable situations.

Following this perspective, the legal justification for the study is based on Brazilian legislation, including the Brazilian Penal Code, the Maria da Penha Law (Law No. 11.340/2006) and among others as the Reference Center for Women's Care and the Special Women's Police Station.

Among the key concepts addressed in the research, Violence against women stands out, types or definitions such as physical, psychological, patrimonial among others, as well as emergency protective measures such as removal of the aggressor, prohibition of contact, suspension of possession of weapons, etc. The recurrence of domestic violence, the factors and monitoring challenges that contribute to recidivism and Alternatives and improvements in the protection system such as the use of technologies for the safety of women. victims (Dias, 2014).

The justification for choosing this theme lies in the need to follow paths that allow clarifying the effectiveness and applicability of special laws in reducing violence against women, thus identifying the factors that contribute or facilitate the recurrence of these practices, therefore, it is necessary to question: **What is the effectiveness and applicability of these laws to combat violence against women today or to what extent do such measures inhibit recidivism?** It is believed that this analysis provides concrete reflections on the condition and role of women in society today, examining the conflict between legislation and criminal practice and indicating possible failures in the application and supervision of these protective actions for victims of violence.

In this context, the present study aims to analyze the conditions of implementation for the effectiveness of protective measures in reducing the recurrence of violence against women, based on jurisprudence, scientific articles, bibliographic research and other related

subjects. The research seeks to understand the impact of judicial decisions on the application of these measures, investigating how current legislation and the interpretation of the courts have influenced the protection of victims and the accountability of aggressors.

The research is a methodology in the qualitative approach, as it aims to present the study in order to visualize the reality of the organization, facilitating the understanding of the meaning of the information collected. Thus, we sought a basis in the legislation and in different authors to establish correlations and offer a more elucidative point of view. For this, the procedure of bibliographic research was mainly used, also supported by exploratory research, based on the use of materials already prepared, such as books, websites, scientific works published on the internet and electronic scientific journals, using the hypothetical-deductive method.

THE IMPACT OF PSYCHOLOGICAL VIOLENCE ON THE WELL-BEING OF VICTIMS

Psychological violence against women is an alarming issue that affects millions of women around the world. The identification of psychological violence is the first step for victims to understand and report this type of abuse. According to Professor Antônio de Pádua Serafim, from the Institute of Psychology of the University of São Paulo, this violence manifests itself through disrespectful verbalizations, humiliation, intimidation and even death threats, usually present in relationships where there is some kind of power involved. Despite its serious consequences for the mental health and well-being of victims, this type of abuse often goes unnoticed by society, marked by invisibility and lack of recognition, this form of violence is as harmful as physical (Serafim, 2023).

In view of this scenario, the main purpose of this topic is to present the concepts and general aspects related to the central themes addressed in this chapter: 'violence', the 'domestic and family nucleus' and the main actors involved in this context, the 'victim' and the 'aggressor', highlighting the urgency of discussing psychological violence against women, in addition to identifying its different forms and impacts, emphasizing the need for an effective and comprehensive response by society and responsible authorities.

The relevance of this study is unquestionable, although there are advances in awareness about physical violence, psychological violence is still often ignored, and this silence contributes to the maintenance of the cycle of abuse and suffering, preventing victims from receiving the essential support and protection to break with this reality (Serafim, 2023).

In addition, it is essential to understand that psychological violence often precedes physical violence, establishing an environment of fear and control over the victim, so

recognizing and combating this type of aggression is essential not only to ensure the safety and rights of women in society, but also to break the cycle of violence that can be perpetuated between generations.

Among the various forms of abuse to which a woman can be subjected, psychological violence is one of the most subtle and devastating. Without leaving visible physical marks, it settles slowly and silently, and, in many cases, the woman takes time to recognize herself as a victim. As of September 2023, almost 12 thousand cases of psychological violence were pending across the country. Giving visibility to abuses against women is part of the National Council of Justice's (CNJ) awareness effort through the 21 Days of Activism for the End of Violence against Women and Cartoons against Violence campaigns.

Therefore, she believes that the identification of abuses, especially the most subtle ones, involves self-knowledge and, above all, respect for oneself, the visual artist Cecilia Braga, creator of the illustration that represents psychological violence in the Cartoons against Violence campaign, states that:

> It is necessary to know what bothers you and impose limits, believe in them with faith that it is for your well-being. If the partner doesn't know how to deal with it, it's a sign that the relationship won't work out. If there is neglect and mockery, contempt, that's where psychological violence inhabits. The abuser makes the partner doubt herself (Braga, 2023).

Such an investigation is essential, because among its main characteristics are the constant use of words, attitudes or behaviors that aim to diminish, control, intimidate or manipulate the victim. This can manifest itself through frequent criticism, humiliation, threats, emotional blackmail, social isolation, control of friendships, routines, and even the clothes the victim wears.

In addition, psychological violence often involves the reversal of blame, in which the aggressor makes the victim feel responsible for the conflicts or for their own suffering, economic and financial dependence also contributes significantly to the permanence in this cycle, especially when the victim does not have the autonomy to support herself or her children (Dias, 2014).

These behaviors cause profound damage to the victim's self-esteem, mental health, and sense of identity, who can develop anxiety, depression, and even post-traumatic stress disorder. Highlighting the importance of typifying this crime is essential to ensure that it is legally recognized and fought effectively, allowing victims to have access to protection and justice mechanisms, as provided for in article 147-B of the Penal Code:

> Article 147-B. Causing emotional damage to women that harms them and disturbs their full development or that aims to degrade or control their actions, behaviors, beliefs and decisions, through threat, embarrassment, humiliation, manipulation, isolation, blackmail, ridicule, limitation of the right to come and go or any other means that cause damage to their psychological health and self-determination (Brasil, 2021).

With this, it is legally recognized that psychological violence is not restricted only to the private and relational sphere, but constitutes a criminal act that must be fought by the State. This legal recognition allows not only to punish the aggressor, but also to legitimize the victim's pain, which is often discredited or silenced.

It is interesting to note that with this, it reveals this machismo, this misogyny, this gender hierarchy that makes many men feel authorized to practice this type of violence. And women, in turn, had fewer resources or were less prepared to face this type of violence, suffering embarrassment, humiliation, manipulation, isolation, blackmail, ridicule, and so on (Gomes, 2023).

As identified above, this theme not only raises awareness about the seriousness of the problem, but also offers relevant information on the subject and subtly explains this reality of many women, by addressing psychological violence in depth, it is hoped that this study will bring information that contributes to understanding, promoting the empowerment of victims.

THE MARIA DA PENHA LAW AND ITS IMPORTANCE IN THE BRAZILIAN LEGAL SYSTEM

At the beginning of the studies on the Maria da Penha Law, an excerpt from the book written by Maria da Penha Fernandes, in her work *Sobrevivi... I can tell* you, which travels through the story of struggle and determination of a woman who fought for her life and for justice:

> Domestic violence against women follows a cycle, duly proven, which is characterized by the "request for forgiveness" that the aggressor makes to the victim, promising that it will never happen again. at this stage, the woman is pampered by her partner and starts to believe that violence will no longer happen, it was in one of these moments of hope that I became pregnant, once again, with our third daughter (Fernandez, 2010).

The situation exposed above portrays the lives of many women around the country, silenced

and underreported by those who should protect, love and care for them. This paragraph provides an analysis of an even more silent and dangerous violence, which does

not leave physical marks, but which causes significant and irreversible trauma to the victims, as provided for in article 5 of the Maria da Penha Law (Brasil, 2023):

> For the purposes of this Law, domestic and family violence against women is defined as any action or omission based on gender that causes death, injury, physical, sexual or psychological suffering, and moral or property damage:
> I - Within the scope of the domestic unit, understood as the space for the permanent coexistence of people, with or without family ties, including those sporadically aggregated;
> II - Within the family, understood as the community formed by individuals who are or consider themselves related, united by natural ties, by affinity or by express will;
> III - in any intimate relationship of affection, in which the aggressor lives or has lived with the offended party, regardless of cohabitation.
> Sole Paragraph. The personal relationships listed in this article are independent of sexual orientation (Brasil, 2023).

The Federal Constitution promulgated in 1988, in its article 226, § 8, already provided for the elaboration of instruments to eliminate forms of discrimination against violence against women. Furthermore, it was a long road of international treaties, until an exclusive law for this purpose was created only with Ordinary Law No. 11,340/06, popularly known as the Maria da Penha Law, that violence against women ceased to be a topic for academic purposes and gender equality agendas to become socially known.

This legislation is a milestone in the sense of protection and guarantee of women's rights, as it created protection measures that did not exist, with the objective of combating family violence against women, this legislation modified paragraph 9 of article 129 of the Brazilian Penal Code, allowing the arrest of aggressors in the act in the domestic or family environment, in addition, it made it possible to decree preventive detention, increased the time of imprisonment and restricted the application of alternative sentences (Dias, 2014).

Several innovations brought by the Maria da Penha Law stand out, such as the inapplicability of Law 9.099/95, the recognition of domestic violence as a violation of human rights and the creation of Courts for Domestic and Family Violence against Women, with jurisdiction in both the civil and criminal spheres. In addition, specialized police services were implemented, such as the Women's Police Stations (Piovesan, 2012).

The Act aims to ensure that any individual accused of committing a crime related to domestic and family violence against women is held legally responsible, regardless of the severity of the sentence provided. Even if the initial sentence is replaced by a measure restricting rights, this can be converted into imprisonment in case of unjustified non-compliance, therefore, conceptualizing this approach, an excerpt from a questionnaire made to the author Maria da Penha Fernandes is pointed out, which says:

> The main purpose of the law is not to punish men, as many say. The aggressor man must be punished. In addition to protecting women from domestic violence, and

> warning them that they have rights. **The aggressor needs to understand that the woman is a person.** (Fernandes, 2016).

As seen earlier, violence against women can manifest itself in different ways, however, it is essential to highlight that these forms of violence are often interconnected and can coexist in an abusive relationship. In this context, women can suffer from insults and curses (verbal violence) to social isolation and emotional blackmail (psychological violence), and may, in extreme cases, be a victim of femicide.

Before the enactment of the Maria da Penha Law, Law No. 10,455/2002 already provided, within the scope of the Special Courts, the possibility for the judge to determine, as a precautionary measure, the removal of the aggressor from the home, domicile or place of coexistence with the victim, in cases of domestic violence (Brasil, 2002).

Subsequently, Law No. 10,886/2004 introduced into the legal system the criminal type of domestic violence, characterized by the practice of bodily injury against an ascendant, descendant, sibling, spouse, partner or person with whom the agent lives or has lived, or even when cohabitation, domestic or hospitality relationships are used. However, the penalty provided for this crime was from 6 (six) months to 1 (one) year of detention (BRASIL, 2004), which framed it as a crime of lesser offensive potential, subject to the application of the Law of Special Courts and the limitations of effectiveness resulting therefrom.

In this context, Brazil still lacked specific and effective legislation to prevent and punish violence against women, failing to give effect to international treaties on women's human rights and denying, in practice, the full realization of the fundamental rights to equality and dignity of the human person in the domestic and family environment. With the enactment of the Maria da Penha Law, it was observed, in the context of the diffuse control of constitutionality, the manifestation of several state magistrates in the sense of rejecting its application, on the grounds that the rule would violate the principle of equality between men and women enshrined in the Federal Constitution. In view of the uproar surrounding the compatibility of the law with the constitutional order, the Presidency of the Republic filed Declaratory Action of Constitutionality (ADC) No. 19 with the Federal Supreme Court, with the aim of obtaining a definitive pronouncement as to its conformity with the precepts of the Magna Carta (Brasil, 2012).

Judging the action in February 2012, together with the Declaratory Action of Unconstitutionality No. 4424, proposed by the Attorney General of the Republic, the STF analyzed positive discrimination based on gender and other points of the law that modified its procedure. The decision was amended as follows:

> DOMESTIC VIOLENCE – LAW NO. 11,340/06 – MALE AND FEMALE GENDERS – DIFFERENTIAL TREATMENT. Article 1 of Law No. 11,340/06 arises, from the angle of the differential treatment between the genders – woman and man – harmonious with the Federal Constitution, in what is necessary to protect the physical and moral peculiarities of women and Brazilian culture.
>
> JURISDICTION – DOMESTIC VIOLENCE – LAW NO. 11,340/06 – COURTS OF DOMESTIC AND FAMILY VIOLENCE AGAINST WOMEN. Article 33 of Law No. 11,340/06, in what reveals the convenience of creating courts for domestic and family violence against women, does not imply usurpation of the normative competence of the states regarding the judicial organization itself.
>
> DOMESTIC AND FAMILY VIOLENCE AGAINST WOMEN – RULE – LAW NO. 9,099/95 – REMOVAL. Article 41 of Law No. 11,340/06, which sets aside Law No. 9,099/95 in crimes of domestic violence against women, is in line with the provisions of paragraph 8 of article 226 of the Charter of the Republic, which provides for the obligation of the State to adopt mechanisms that curb violence in the context of family relationships.
> Rapporteur: Justice MARCO AURÉLIO. Judgment on: 02/09/2012 (BRASIL, 2012, p. 1-2)

In that judgment, the vote of Justice Cármen Lúcia deserves special mention, who opted for an approach that was not only technical, but also marked by personal reflections as a woman. The minister recalled situations experienced throughout her career, such as participation in trials in which it was common to accept the thesis of "defense of honor" as a justification for femicide. He also reported having witnessed a delegate say: "Did it hit? But was the woman his? So, nothing to be done" (Brasil, 2012).

During the trial, the minister pointed out that, in the tribune, it was argued that domestic and family violence, as it occurs in the context of affective relationships, should be treated as a private problem, restricted to the domestic sphere. In her dissent, the minister stated that, in situations of violence, one cannot speak of a relationship of affectivity, but rather of a relationship of power, where there is a dispute to establish who exercises dominion over the other (BRASIL, 2012). In the minister's speeches:

> Wherever there is, as long as there is, a woman suffering violence at this moment, anywhere on this planet, I feel violated. As long as there are situations of violence, we have to have the treatment to make laws like this, which are affirmative policies, which make us overcome - not to guarantee the equality of one of us: judges, lawyers, senators, deputies, public servants - but equalization, the dynamics of equality, so that one day we may not need to prove that we need to be here because, Being a woman, so much would not be "normal". And I say this, because someone thinks that, sometimes, a judge of this Court does not suffer prejudice. Lie! Suffers! She doesn't suffer the same as all women, others suffer more than me. But they suffer. There are those who think that this is not a woman's place, as a certain person once told me without knowing that I was one of those: "But, also, there are even women there" (BRASIL, 2012, p. 45).

In view of this, it is concluded that the anti-woman problem is a problem that still needs to be urgently improved, which, despite the advances of society in the twenty-first

century, continues to be a subject surrounded by taboos. In this context, it is essential to invest in prevention, awareness, and support for victims. The enactment of the Maria da Penha Law, therefore, was fundamental not only to define and typify the various forms of violence, but also to broaden the understanding of the phenomenon of domestic violence against women and its forms of prevention, ensuring that all human rights are guaranteed and respected.

Thus, the Maria da Penha Law, when interpreted in the light of the Constitution, consolidated the understanding that crimes committed with domestic and family violence against women are excluded from the application of the Law of Special Courts (Law No. 9,099/95), even when the maximum sentence does not exceed 2 years. In addition, the Court established the position that all bodily injuries, even those of a light or culpable nature, committed in the context of domestic relations, constitute a crime of unconditional criminal action, allowing the initiation of criminal prosecution regardless of the victim's representation. In this way, the Maria da Penha Law plays a crucial role in the protection of women, promoting the effectiveness of public policies and raising awareness about domestic violence, aiming to guarantee fundamental rights and human dignity.

THE APPLICATION OF PROTECTIVE MEASURES IN THE SEARCH FOR RECURRENCE OF VIOLENCE

The Maria da Penha Law and the effectiveness of protective measures is a topic that has been widely discussed in Brazil in recent times, considering that every day several women are victims of some type of violence, needing to be supported according to the protective instruments pointed out by Law 11.340/2006. Thus, it is a subject that requires study for a better understanding of the criminal type and the application of the aforementioned law. Brazil has created mechanisms to combat these types of crimes. It is a subject that already existed before the application of the aforementioned law, however, it is currently possible.

The recurrence of violence against women is one of the main obstacles to the effectiveness of public policies to combat gender violence. Although there are important legal frameworks, it is observed that many aggressors commit the same acts even after the application of protective measures. The poem from the book *A Lei Maria da Penha Em Cordel* written by the author Tião Simpátia portrays that:

> *Every woman has the right*
> *Living without violence*
> *It's true, it's in the law.*
> *That has a lot of efficiency*
> *To punish the aggressor*

The excerpt quoted above only reinforces the existence of a legal framework aimed at the protection of women. However, the persistence of violence shows that law enforcement alone is not enough. It is necessary to strengthen intersectoral policies that promote both the reception and monitoring of victims and the accountability and re-education of aggressors, as a way to break the continuous cycle of violence.

In view of this, the effectiveness of the protective measures of the Maria da Penha Law and its applicability, and situations in which there is recurrence of domestic violence, will be studied. It is undeniable that the Maria da Penha Law represents a huge social advance, however, there is still a long way to go for violence against women to be effectively reduced (Dias, 2014).

Digging deeper, the Atlas of Violence 2023, published by Ipea, reveals alarming data on violence against women in Brazil. In 2022, more than 144 thousand women were victims of violence, with emphasis on rape cases, which occurred every 46 minutes in the country. Domestic and intrafamily violence accounted for 65.2% of the notifications, evidencing the persistence of this problem. In addition, the survey highlights that the homicide rate for black women increased by 0.5% between 2020 and 2021, while for non-black women there was a reduction of 2.8%. These data reinforce the urgency of effective public policies to combat gender and racial violence in the country (IPEA, 2023).

The survey carried out by the DataSenado Institute, released in 2023, brought to light alarming data on violence against women in Brazil. Approximately 30% of Brazilian women have suffered some type of domestic or family violence, especially physical violence, which affects 76% of the victims. The survey also revealed a worrying underreporting, with up to 61% of cases not being registered. In addition, most women (75%) show little knowledge about the Maria da Penha Law, which seeks to combat domestic violence. Violence is even more intense among black women, who face conditions of vulnerability related to living with aggressors and low income. These data reflect the urgent need for more effective actions to combat gender-based violence in the country. (Brazil, 2023)

Since 2006, with the enactment of Law No. 11,340, known as the Maria da Penha Law, emergency protective measures aimed at protecting women in situations of violence have been instituted, as well as mechanisms to welcome victims. However, such measures have not proven to be fully effective in reversing the current scenario of domestic violence, demonstrating the need for improvement in their application and enforcement.

It is essential to ensure the physical, emotional and psychological integrity of women, aiming, above all, to prevent new situations of violence. The protective measures provided for in this law are fundamental instruments in this protection process, consolidating themselves as central pieces in the fight against domestic and family violence (Brasil, 2006).

For the confrontation of violence to be effective, it is essential that the victim is properly welcomed and guided, with specialized attention and adequate follow-up. The total separation of the couple, when applicable, must be conducted safely, in order to avoid the recurrence of aggression. In addition, it is the right of women to have access to effective measures that guarantee the distance from the aggressor, as a way of preserving their integrity and reestablishing their autonomy (Gomes; Nader, 2015).

Despite the advances provided by the Maria da Penha Law, cases of non-compliance with protective measures are still recurrent. Several factors contribute to this scenario, including the absence of effective punishment for aggressors, failures in police action, gaps in the judicial system and, in some cases, women's lack of knowledge about their own rights (Martins; Franklin, 2009).

Initially, non-compliance with protective measures was not typified as an autonomous crime, leaving as alternatives the decree of preventive detention, the application of fines or the activation of the police force. However, in order to strengthen the protection of women, Law No. 13,641 was sanctioned in 2018, which included in the legal system the crime of non-compliance with an emergency protective measure. The new legislation establishes a prison sentence that can vary from three months to two years, contributing to the accountability of the aggressor and the effectiveness of protective measures (Silva, 2019).

In addition, the legislation provides that, depending on the severity of the specific case, the judge may adopt other protective measures classified as urgent. Among these measures, the referral of the victim and their dependents to official protection programs or specialized care stands out; the authorization for the return of the victim and his dependents to the home, after the aggressor is removed; and, also, the determination of the removal of the victim herself from the home, without prejudice to her rights related to patrimonial assets, custody of children and the receipt of alimony. It should be noted that the magistrate may request, whenever he deems necessary, the support of the police force to ensure compliance with the established protective measures (Ramos, 2018).

In addition to the Maria da Penha Law, other legal instruments were created with the aim of expanding protection for women victims of violence. Among them, Law No.

12,737/2012, known as the Carolina Dieckmann Law, stands out, which typifies as a crime the invasion of electronic devices with the intention of obtaining, tampering with, or destroying personal data without authorization. This legislation arose after the leak of intimate photos of actress Carolina Dieckmann, who had her email hacked (Quintino, 2012), and its main purpose is to combat virtual crimes.

Another important milestone is Law No. 12,845/2013, popularly called the Next Minute Law, which ensures immediate and humanized care for victims of sexual violence, through the Unified Health System (SUS). This rule guarantees access to medical, psychological, and social assistance, preventive exams, and information on victims' rights (Lima, 2021). The law also promoted relevant changes in the statute of limitations related to sexual crimes against children and adolescents, determining that the statute of limitations begins only after the victim reaches the age of majority, extending the period for reporting to up to twenty years, which provides victims with more time to seek justice.

Finally, Law No. 13,104/2015 stands out, which introduced the crime of femicide into the Brazilian legal system, qualifying homicide when it is committed against a woman for reasons of the condition of the female sex. However, it is important to note that not every homicide of a woman is considered femicide; For example, cases of manslaughter or robbery do not fall into this category. The penalty for femicide is imprisonment from 12 to 30 years, and may be aggravated if the crime is committed against minors under 14 years of age, over 60 years of age, people with disabilities, during pregnancy or in the three months after childbirth, as well as in the presence of a descendant or ascendant of the victim — whether this presence is physical or virtual (Bianchini, 2016).

The Maria da Penha Law, in its general provisions, establishes emergency protective measures aimed at the protection of women in situations of domestic and family violence. As provided for in article 18, the judge has a period of 48 hours to analyze the request made by the victim, and may, within this period, grant any of the protection mechanisms provided for in the rule, such as:

> Article 18. Upon receipt of the file with the request of the offended party, it will be up to the judge, within 48 (forty-eight) hours:
>
> I – To hear the file and the request and to decide on emergency protective measures;
> II – To determine the referral of the aggrieved party to the legal aid body, when applicable, including for the filing of an action for legal separation, divorce, annulment of marriage or dissolution of stable union before the competent court;
> III – to communicate to the Public Prosecutor's Office so that it may adopt the appropriate measures;
> IV – To determine the immediate seizure of a firearm in the possession of the aggressor. (Brazil, 2006)

Like the aforementioned article, article 19 of the Maria da Penha Law also provides that the Public Prosecutor's Office, or the offended party herself, may request the application of protective measures, as well as request the review of those already granted, in cases of domestic and family violence:

> Article 19. Emergency protective measures may be granted by the judge, at the request of the Public Prosecutor's Office or at the request of the offended party.
> Paragraph 1 - Emergency protective measures may be granted immediately, regardless of the hearing of the parties and the manifestation of the Public Prosecutor's Office, which must be promptly communicated.
> Paragraph 2 - Emergency protective measures shall be applied separately or cumulatively, and may be replaced at any time by others of greater effectiveness, whenever the rights recognized in this Law are threatened or violated.
> Paragraph 3 - The judge, at the request of the Public Prosecutor's Office or at the request of the aggrieved party, may grant new emergency protective measures or review those already granted, if he deems it necessary for the protection of the aggrieved party, her family members and her property, after hearing the Public Prosecutor's Office (Brasil, 2006).

This article sought to analyze how the Maria da Penha Law has been applied in the fight against domestic violence, considering the context from its enactment to the present day. Over these 18 years, significant changes have been promoted with the aim of ensuring greater protection for women and punishing the violent conduct of aggressors more effectively.

The law, in its 46 articles, provides for a series of measures that can and should be adopted in the event of domestic violence, such as the granting of emergency protective measures, the removal of the aggressor from the home, preventive detention and other mechanisms that aim to ensure the safety of the victim. However, its effectiveness still faces obstacles, mainly due to the slowness of the judicial system and the lack of physical, professional and financial structure of the competent bodies. Such factors compromise the full protection that the law proposes to offer.

Although the Maria da Penha Law represented a legal and social milestone, its application still faces structural and cultural challenges. The permanence of patriarchal values rooted in society hinders the effectiveness of public policies to combat violence against women, contributing to the recurrence of these cases. In this context, it is highlighted that protective measures are essential tools to contain the repetition of violence, especially when applied quickly and accompanied by continuous support to the victim. Thus, although it has not eradicated the problem, Law 11.340/2006 continues to be a fundamental instrument in the struggle to guarantee women's rights and in the construction of a more just and egalitarian society.

CONCLUSION

Domestic violence affects people from different social classes and ethnicities, and is not exclusive to individuals with lower purchasing power. This is because the macho culture is present in all layers of society. There are reports of violence both between anonymous people and between public figures and famous artists. Since the dawn of society, there has been a gender inequality that privileges men in several aspects, while women have been imposed a role of submission.

Throughout this work, we sought to understand the effectiveness of emergency protective measures in reducing the recurrence of violence against women Currently, the analysis revealed that, although the Maria da Penha Law represents a fundamental legal framework in the fight against gender violence, its practical application still needs to improve on paper.

Therefore, the media play a fundamental role in the fight against domestic violence, by bringing to the public several cases of this type of crime, generating social indignation and encouraging compliance with the law. Over time, women have been overcoming gender inequalities that, for many years, have limited their individual freedom and access to fundamental rights. One of the initial steps was the recognition of the human rights essential to life, also granted to women.

The Maria da Penha Law emerged modifying the Brazilian judiciary, preparing Brazil to face any type of domestic violence. There were modifications, such as the court specialized in this type of crime, considered special mechanisms to better serve the victims, among other changes.

The hypothesis that protective measures could function as an efficient instrument for preventing recidivism was partially confirmed: when applied quickly, accompanied by effective supervision and multidisciplinary support for victims, they present positive results. However, this is not the prevailing reality. What is observed, in practice, is a system permeated by slowness, institutional unpreparedness, absence of continuous monitoring and lack of articulation between the responsible agencies.

Critically, it is perceived that the protection granted to women is more linked to the individual effort of certain professionals and institutions than to a solid and functional system. The absence of structural investment, both in human and technological resources, compromises the preventive role of protective measures and exposes victims to constant risks. In many cases, these measures are seen as symbolic solutions, which legitimize a formal response from the state, but which, in reality, fail to offer concrete security.

In addition, legal discourse often disregards the sociocultural factors that perpetuate domestic violence. The justice system still operates under a patriarchal logic, which blames the victim, naturalizes violence and relativizes the severity of abuses, especially those of a psychological nature. The late recognition of psychological violence as a crime illustrates well the structural resistance to the expansion of protection to women.

Therefore, the effectiveness of protective measures must be evaluated not only by their legal provision or number of concessions, but mainly by their ability to promote real changes in women's lives. Despite the challenges pointed out, it is possible to glimpse concrete advances when there is institutional commitment, investment in public policies and integrated action between the Judiciary, civil society and the protection network. The strengthening of these measures, combined with social awareness and training of the professionals involved, points to a safer and fairer future for all women. The hope lies precisely in the possibility of transforming legislation into a truly effective tool for protection and dignity. The challenge is not only legal, but also political, social and cultural. The protection of women, in order to be effective, needs to be a concrete priority of the State and society as a whole.

REFERENCES

BIANCHINI, Alice (2016). Is the qualifier of femicide of an Objective or Subjective Nature? Available at: https://www.tjse.jus.br/portaldamulher/arquivos/documentos/artigos/feminicidio.pdf. Accessed on: 15 Apr. 2025.

BRAZIL. NATIONAL COUNCIL OF JUSTICE. Silent and brutal, psychological violence affects thousands of women in Brazil. Portal CNJ, 6 dez. 2023. Available at: https://www.cnj.jus.br/silenciosa-e-brutal-violencia-psicologica-atinge-milhares-de-mulheres-no-brasil/. Accessed on: 15 Apr. 2025.

BRAZIL. Law No. 12,845, of August 1, 2013. Provides for the mandatory and comprehensive care of people in situations of sexual violence. Federal Official Gazette: section 1, Brasília, DF, 2 ago. 2013. Available at: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/l12845.htm. Accessed on: 15 Apr. 2025

BRAZIL. Law No. 13,104, of March 9, 2015. Amends the Penal Code to include femicide as a qualifying circumstance for the crime of homicide. Federal Official Gazette: section 1, Brasília, DF, 10 mar. 2015. Available at: http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13104.htm. Accessed on: 15 Apr. 2025.

BRAZIL. National Survey of Violence against Women – DataSenado 2023. DataSenado Institute. Available at: https://www12.senado.leg.br/institucional/datasenado/publicacaodatasenado?id=pesquisa-nacional-de-violencia-contra-a-mulher-datasenado-2023. Accessed on: 16 Apr. 2025.

CERQUEIRA, Daniel; MATOS, Mariana Vieira Martins; MARTINS, Ana Paula Antunes; PINTO JUNIOR, Jony. Evaluating the effectiveness of the Maria da Penha Law. Text for Discussion No. 2048. Brasília: Institute of Applied Economic Research (IPEA), 2015. Available at: https://www.econstor.eu/handle/10419/121603. Accessed on: 17 mar. 2025.

NATIONAL COUNCIL OF JUSTICE – CNJ. Violence against Women. Brasília, DF: CNJ, [n.d.]. Available at: https://www.cnj.jus.br/programas-e-acoes/violencia-contra-a-mulher/. Accessed on: 16 Apr. 2025.

DIAS, Paula Regina Pereira dos Santos Marques. Domestic and family violence against women and the effectiveness of the Maria da Penha Law in justice: an analysis of the application of emergency protective measures in the city of Imperatriz-MA. 2014. 176 f. Dissertation (Master's Degree in Human Sciences) – Pontifical Catholic University of Goiás, Goiânia, 2014. Available at: https://tede2.pucgoias.edu.br/handle/tede/2705. Accessed on: 17 mar. 2025.

GOMES, Antônio C.; NADER, Michele. Family violence against women and the treatment of the aggressor through psychotherapeutic methods. Revista UNIFAMMA13.2, 2015. Accessed on: 15 Apr. 2025.

MARIA DA PENHA INSTITUTE. (2018). Myths of domestic violence. Available at: https://www.institutomariadapenha.org.br/violencia-domestica/o-que-e-violencia-

domestica.html#:~:text=De%20acordo%20com%20o%20art,e%20dano%20moral%20ou%20patrimonial%E2%80%9D. Accessed on: 15 Apr. 2025.

IPEA – INSTITUTE OF APPLIED ECONOMIC RESEARCH. Atlas 2023: Violence against Women. Brasília, DF: Ipea, 2023. Available at: https://www.ipea.gov.br/atlasviolencia/publicacoes/276/atlas-2023-violencia-contra-mulher. Accessed on: 16 Apr. 2025.

LIMA, Glaucia. Vulnerability increases the risk of violence against black women, points out DataSenado. 24 Nov. 2024. Available at: https://glaucialima.com/2024/11/24/vulnerabilidade-aumenta-risco-de-violencia-contra-mulher-negra-aponta-datasenado/?utm_source=chatgpt.com. Accessed on: 16 Apr. 2025.

LIMA, Rudson. (2021). State Department of Health guides the population on the "Next Minute Law" for victims of sexual violence. Available at: https://www.saude.ms.gov.br/secretaria-de-estado-de-saude-orienta-populacao-sobre-lei-do-minuto-seguinte-para-vitimas-de-violencia-sexual/. Accessed on: 15 Apr. 2025.

LOBATO DE ALMEIDA, C., & Andrade Ferreira, K. C. (2021). Domestic and family violence against women in the light of the Maria da Penha Law. CEAP Multidisciplinary Scientific Journal, 3(2), 9. Retrieved from http://periodicos.ceap.br:80/index.php/rcmc/article/view/92 Accessed on: 16 Apr. 2025.

PACHECO, Indiara Cavalcante. The (in)effectiveness of emergency protective measures Maria da Penha Law. 2015. Available at: <http://www.conteudojuridico.com.br/artigo,a-ineficacia-das-
-Emergency Protective Measures-Maria-de-Penha Law, 53427.html>. Accessed on: 17 mar. 2025.

QUINTINO, Eudes. (2012). The new Carolina Dieckmann Law. Available at: https://eudesquintino.jusbrasil.com.br/artigos/121823244/a-nova-lei-carolina-dieckmann. Accessed on: 15 Apr. 2025.

RAMOS, Karina Almeida. The (in)effectiveness of the emergency protective measures of the Maria da Penha Law: a study in the Court of Domestic and Family Violence Against Women of Ouro Preto/MG. 2021. 63 f. Monograph (Graduation in Law) – Federal University of Ouro Preto, Ouro Preto, 2021. Available at: http://monografias.ufop.br/handle/35400000/6004. Accessed on: 15 Apr. 2025.

REIS, J. M., & Teixeira, N. C. (2022). MARIA DA PENHA LAW AND THE EFFECTIVENESS OF MARIA DA PENHA PROTECTIVE MEASURES. Ibero-American Journal of Humanities, Sciences, and Education, 8(11), 1309–1328. https://doi.org/10.51891/rease.v8i11.7724. Accessed on: 15 Apr. 2025.

RESENDE, Gisele Silva Lira de; VASCONCELOS, Claudivina Campos; Domestic violence: the applicability and effectiveness of protective measures as an instrument to prevent and combat recidivism in the District of Barra do Garças - MT. Direito em Debate, Ijuí, v. 27, n. 49, p. 117-137, jan./jun. 2018. Available at: https://pdfs.semanticscholar.org/52bd/bf857dbde0d4c339a40720d5762fa375f7aa.pdf. Accessed on: 17 mar. 2025.

FEDERAL SENATE. National Survey of Violence against Women – DataSenado 2023. Brasília, DF: Federal Senate, 2023. Available at: https://www12.senado.leg.br/institucional/datasenado/publicacaodatasenado?id=pesquisa-nacional-de-violencia-contra-a-mulher-datasenado-2023. Accessed on: 16 Apr. 2025.

SOUZA, Beatriz P.; SANTOS, Jurandir J. Domestic violence – "Maria da Penha" Law: Solution or another palliative measure? Integrated Colleges "Antônio Eufrásio de Toledo". Presidente Prudente Law School. Presidente Prudente/ SP, 2008. Accessed on: 15 Apr. 2025.

COURT OF JUSTICE OF MARANHÃO – TJMA. CNJ launches new panel to monitor cases of violence against women in court. São Luís, MA: TJMA, 10 mar. 2025. Available at: https://www.tjma.jus.br/midia/tjma/noticia/516879/cnj-lanca-novo-painel-para-monitorar-processos-de-violencia-contra-a-mulher-na-justica. Accessed on: 16 Apr. 2025.

85% of black women victims of violence live with an aggressor, according to DataSenado. 25 Nov. 2024. Available at: https://vermelho.org.br/2024/11/25/datasenado-85-das-mulheres-negras-vitimas-de-violencia-vivem-com-agressor/. Accessed on: 16 Apr. 2025.