


WHAT IS PUBLIC SAFETY?

 <https://doi.org/10.56238/arev7n1-090>

Submission date: 12/08/2024

Publication date: 01/08/2025

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ABSTRACT

Public safety, despite its undeniable importance for social cohesion, does not have a unified and widely used definition, especially because there are many meanings for this construct. In this sense, the objective of this paper is to discuss, in light of legislation and scientific literature, the difficulty of conceptualizing public safety and the consequences of this apparent semantic obscurity. This is a qualitative study, of the theoretical essay type, developed from a narrative review of literature. Through the research, it was found that the concept varies according to the worldview and pre-established moral codes, and the action does not require technical contours that support the reason, the mode, and the scope of professional praxis. Finally, a concept is proposed to guide reflections.

Keywords: Public Safety. Public Order. Social Order. Definition. Paradigms.

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INTRODUCTION

In his best-known work, "Leviathan - Or the Matter, Form, and Power of a Commonwealth Ecclesiastical and Civil", from 1651, Thomas Hobbes states that the primary function of the State (from the Latin status, to be firm) is to guarantee social peace, freeing man from the terrible yoke of living in a perennial state of nature where the law of the strongest prevails. According to the English philosopher, the State is the result of a contract between individuals and does not exist for itself; it is merely a means to an end, and the end is social peace (HOBBS, 2003).

The Legal State, therefore, opposes the State of Nature and must protect its citizens.

Recognizing that the original function of the State is to meet the security needs of society, this work has the mission of discussing the controversial meaning of public security and deepening the discussion about its organizational context, based on the theoretical and contextual premise that contemporary public security problems are classified, predominantly, as complex, in light of Dave Snowden's theory (1999).

To this end, it is essential to conceptualize what public security is. A definition that is far from obvious, that varies according to underlying ideologies, and that is not consensual in specialized doctrine.

As rightly pointed out by authors such as Costa and Lima (2014):

[...] different political and institutional positions interact so that public security is not limited to a single conceptual definition and is immersed in a field of disputes. It is less a theoretical concept and more an empirical and organizational field that structures institutions and social relations around the way the State manages order and social conflicts (COSTA; LIMA, 2014, p. 482).

This work, therefore, aims to discuss, in light of legislation and scientific literature, the difficulty of conceptualizing public security and the consequences of this semantic obscurity.

The work is divided into five sections. It begins with an introduction, contextualizing and justifying the relevance of a study on the concept of public security. The second section presents the methodology, which presents the methodological characteristics of this article. The third section then presents the conceptual framework of public safety, and the fourth section discusses the research. Finally, the fifth section presents the conclusion of the work.

METHOD

This study adopts a qualitative approach, specifically in the form of a theoretical essay, to explore and deepen the complexities underlying the conceptualization of the topic of public safety.

According to Denzin and Lincoln (2011), in their SAGE Handbook of Qualitative Research, qualitative research is a situated activity that transforms the world based on a set of interpretive material practices of a researcher located in the context studied.

They transform the world into a series of representations, including field notes, interviews, conversations, photographs, records, and reminders for the person. At this level, qualitative research involves an interpretive and naturalistic approach to the world. This means that qualitative researchers study things within their natural contexts, trying to understand, or interpret, phenomena in terms of the meanings that people attribute to them. (DENZIN; LINCOLN, 2011, free translation)

The theoretical essay, in turn, is a type of academic work that explores theories and concepts in depth, analyzing, criticizing, or constructing ideas, instead of conducting new empirical research. In the words of Meneghetti (2011, p. 331), it is an important “resource for expanding interdisciplinarity and promoting the construction of knowledge through intersubjective relationships”.

Thus, the methodology used involves a narrative review of the literature, allowing a critical and systematic analysis of different perspectives and views present in legislation and academic literature.

A distinctive characteristic of this study is the lack of delimitation of temporal or spatial scope, aiming to cover a wide range of perspectives, conceptions, and developments, not only over time, but also considering different contexts.

The choice of the theoretical approach is based on the intention of deepening the conceptual understanding of public security. The theoretical nature of the study allows for a critical analysis of the composition, divergences, ambiguities, and evolutions of the definitions and conceptions of public safety, taking into account the contributions of theorists, academics and experts over time.

According to Creswell (2014), qualitative research, with a focus on the narrative inquiry approach, is a type of research that seeks to understand the meanings that individuals or groups attribute to a social or human problem. It is based on assumptions and interpretative/theoretical structures that guide the study of the research problems.

To study this problem, the researchers Qualitative researchers use a qualitative approach to inquiry, collecting data in a natural context that is sensitive to the people and places being studied, and analyzing the data in a way that is both inductive and deductive and establishes patterns or themes. The final report or presentation includes the voices of the participants, the researcher's reflection, a complex description and interpretation of the problem, and its contribution to the literature or a call for change. (CRESWELL, 2014)

It is worth noting that, due to the theoretical nature and the absence of empirical data collection involving human beings, the need for approval by an ethics committee was waived.

However, it is worth noting that the ethical relevance of the discussions and conclusions of this theoretical essay is not neglected, since it contributes to critical and in-depth reflection on a topic of social and academic relevance, such as public safety.

CONCEPTUAL FRAMEWORK OF PUBLIC SAFETY

It is common for definitions of public safety to be linked to a certain sense of protection against risks, which derives from the word "safety" itself, which dictionaries translate as the quality of something free from danger. In this sense, Andrade, Reis, and Sanches (2022) point out that.

The term "safety" refers to the idea of a situation in which there is no risk. However, the complete elimination of all risks is impossible, since uncertainty is present in different human aspects, such as the safety of facilities, processes, the environment, social, operational, and strategic, among others. In effect, safety becomes a commitment to relative protection from exposure to risks. (ANDRADE; REIS; SANCHES, 2022).

An important lesson is presented by Rodrigues (2012), when he states that safety is not something fixed or tangible, but rather a condition that generates effects, such as feelings of being protected and free from worries. It is the feeling of being safe from physical harm.

In this sense, the Copenhagen School developed a definition of security that involves the process of "securitization". This process includes other aspects, being driven by actors who can articulate discourses that situate individuals, groups, and problems within the scope of security, making them susceptible to emergency and urgent measures for their resolution (TANNO, 2003).

Thus, the expression public security ("pubblica sicurezza") is often used to describe, in the context of laws, public discussions, and popular opinion, a condition of tranquility and

peace in people's lives. This condition is considered a central responsibility of the national government and the criminal justice system associated with it (SELMINI, 2005).

Defining public security is imperative, after all, these definitions will serve as a guideline for the activities of the agencies responsible for enforcing the law (LIMA; SILVA; OLIVEIRA, 2013).

There are many definitions of public security, but little consensus on them. For example, it is transcribed: "Public security is a guarantee of public order" (MOREIRA NETO, 1991, p.14); It is the "integrated and optimized set involving instruments of coercion, justice, defense of rights, health and social" (COSTA, 2010); It is "an articulated process, characterized by the involvement of institutional and social interdependence, [implemented by] mechanisms and strategies of social control and confrontation of violence and crime, rationalizing the tools of punishment" (CARVALHO; SILVA, 2011).

Some authors present quite pragmatic definitions, such as Souza and Albuquerque (2017, p. 93) who teach that "public security can be understood as an objective to be pursued by the institutional public security system". It is worth noting that these authors, like Moreira Neto (1998), bring a concept of security that is opposed to that of risk. A useful definition that is compatible with the vernacular, but which poses to the interpreter the need to define which risks are targeted by the public security agenda.

If there are any risks, for example, a single ministry or secretariat would be enough to direct all state action, the super-ministry of public security. On the other hand, if they are very specific risks, there is a risk of a simplistic approach that disregards the complexity and multi-causality of the problems that threaten social peace.

The concept of public security is therefore constructed through its opponent: risk. It seems clear that risks, in turn, are defined according to specific contexts. The absolute absence of risks, however, is an illusion, since we live in society, the ultimate space of the unexpected and the chaotic. In the words of Moreira Neto (1998), it is a concept that is always relative.

To say that someone or something is safe is equivalent to stating that they are guaranteed against everything that, predictably, could oppose them. There is no guarantee; so there is no secret absolute security. It will always be presented as a relative concept, the product of the comparison between foreseeable risks and possible guarantees. (MOREIRA NETO, 1998, p. 91)

However, as well argued by Fabretti (2014, p. 12), there is a problem with the definitions focused on the risk-security binomial. The author, using Luhmann's theory, explains that:

"the concept of security - as a concept opposed to risk, is emptied of content, serving exclusively as a 'concept-reflection'.

The fact is that the promise of security of the Modern State, a promise that underpinned its genesis, was never fully fulfilled, because, since absolute security is an illusion, insecurity has always been present. But in contemporary society, mainly due to the events of the last century – Hobsbawm called it the bloody century – this feeling is much more acute and uncomfortable (FABRETTI, 2014, p.1)

It seems, therefore, that the current strategy is to define security through its negative (risk), that is, by what it is not. However, it is necessary to go further and detail in more detail which risks should be the target of public security.

There is no doubt that clear and intelligible concepts provide better guidance, avoiding omissions and arbitrariness. If the choice is to conceptualize security through the concept of risks, the definition of public security must indicate, at the very least, which risks should be governed and controlled.

To help clarify the issue, one can invoke the UN Human Development Program, which classified the possible risks to human safety and defined seven main types of security (UNDP, 1994): i) economic; ii) food; iii) health; iv) environmental; v) community; vi) political; and vii) personal. These are complementary types of security that together form what is currently called human security.

One possibility, which for now is perhaps the most appropriate, is to associate public security with the concept of personal security, as Fabretti (2014, p. 9) does. However, the concept of personal security is directly linked to the risk of physical violence, which would greatly limit the scope of public security. Not all criminal and administrative offenses involve violence.

According to the UN:

Perhaps no other aspect of human security is as vital to people as security against physical violence. In poor and rich nations alike, human life is increasingly threatened by sudden and unpredictable violence. Threats take many forms: threats from the state (physical torture); threats from other states (war); threats from other groups of people (ethnic tension); threats from individuals or gangs against other individuals or gangs (crime, street violence); threats directed against women (rape, domestic violence); threats directed at children based on their vulnerability and dependence (child abuse); threats to oneself (suicide, drug use). (UNDP, 1994, free translation)

In Brazil, Law 13.675/2018, which regulates the organization and functioning of the bodies responsible for public security, creates the National Policy for Public Security and

Social Defense - PNSPDS and institutes the Unified Public Security System - SUSP reinforces the existence of this complexity by stating in its art. 22, § 1º that public security must consider “a broad social context, encompassing other areas of public services, such as education, health, leisure, and culture, respecting the attributions and purposes of each area of public service” (BRASIL, 2018, p.6).

From this perspective, another line of definition, which gains particular importance, is the legal one, which serves as another theoretical brick in the construction of a coherent sense of public security.

The constituent legislator is defined, in art. 144 of the 1988 constitution, public safety as being (a) a duty of the State, (b) a right, and (c) a responsibility of all, further stating that it is intended to preserve (i) public order and (ii) the safety of people and property. He recorded this in the caput of article 144 and did not go into further details. It is transcribed as follows:

Art. 144. Public safety, a duty of the State, a right and responsibility of all, is exercised to preserve public order and the safety of people and property, through the following agencies: (our emphasis)

I - Federal Police;

II - Federal Highway Police;

III - Federal Railway Police;

IV - Civil Police;

V - Military Police and Military Fire Departments.

VI - Federal, State, and District Penal Police. (BRAZIL, 1988)

This is a general definition, of a plastic nature, as expected in a constitutional text, which points to important elements of the concept, such as public order and protection against personal and property risks. However, considering that the current constitution is classified by jurists as being of the analytical type (BONAVIDES, 2019; MORAES, 2015), one would expect greater attention to the limits and directions of the police subsystem.

Although important, the definition of the constituent is not enough to answer more operational questions. Art. 144 of the Federal Constitution of 1988 is more concerned with defining the attributions of the institutions responsible for public security than with conceptualizing it properly.

Considered this way, the lesson of Attorney Diogo de Figueiredo Moreira Neto on the issues that a definition of public security should ideally have becomes particularly useful. He lists four questions to be answered by public security:

- a) What is guaranteed? (value)
- b) Who guarantees (author of the guarantee)
- c) Against whom (or against what) is it guaranteed (danger)
- d) With what is it guaranteed (guarantee factor) (MOREIRA NETO, 1998, p.91)

Trying to answer each of these items, the author advances and proposes the following answers: a) what is guaranteed, what is the protected value? The ineffable value of peaceful coexistence. b) Who guarantees? The State, since it has the monopoly of force. c) Against whom, or against what is it guaranteed, and what are the dangers? Against disturbances of peaceful coexistence. d) With what is it guaranteed, what is the guarantee factor? Through the administrative exercise of the police power (MOREIRA NETO, 1998, p.91).

However, according to the content of the CF/88, there is another problem, the definition of public security is conditioned by the definition of public order and personal and property safety. Lima, Silva, and Oliveira (2013) warn us about this:

In the 50 years that the topic has been in force, there has been no effective case law in the jurisdictional activity regarding the concept of "public order". Some decisions seek a conceptualization of the topic, without, however, establishing a cohesive value judgment on the subject (LIMA; SILVA; OLIVEIRA, 2013, p.78).

As Lima, Sinhoretto and Bueno (2015, p.126) also teach us, public safety and public order are definitions under construction, and there is "no clear definition of the limits and meanings of such concepts in Brazilian legislation, case law, and doctrine". The authors continue and state that the meanings for these constructs end up being constructed in everyday practice to legitimize and justify specific positions and actions. The fact is that the absence of a concept of public order that is clear and appropriate to the current social order is astonishing.

This reinforces that defining public safety is a complex task, after all, there are many aspects involved: there is much discussion about what constitutes public order and about what risks are posed by the aforementioned safety of people and property. Even so, these two elements are the central core of the concept of public safety. As stated, this concept

must always be interpreted through the lens of human dignity (Art. 1, III, Federal Constitution/1988), a corollary of the entire legal system (SILVA, 2019).

Regarding the breadth of the concept of human dignity, the following words are transcribed by Professor Emeritus José Afonso da Silva:

Human dignity is a supreme value that encompasses the content of all fundamental human rights, starting with the right to life. "Conceived as a unifying constitutional reference for all fundamental rights [observe Gomes Canotilho and Vital Moreira], the concept of human dignity requires a densification of values that takes into account its broad normative-constitutional meaning and not any a priori idea of man, and the meaning of human dignity cannot be reduced to the defense of traditional personal rights, forgetting it in the case of social rights, or invoking it to construct an individual 'core theory of personality', ignoring it when it comes to guaranteeing the bases of human existence". It follows that the economic order must aim to ensure a dignified existence for all (art. 170), the social order will aim to achieve social justice (art. 193), education, the development of the person and their preparation for the exercise of citizenship (art. 205), etc., not as mere formal statements, but as indicators of the effective normative content of human dignity. (SILVA, 2019, p. 107)

In this same sense, the minister of the Supreme Federal Court, Alexandre de Moraes:

The dignity of the human person: grants unity to fundamental rights and guarantees, which are inherent to human personalities. This foundation rejects the idea of the predominance of transpersonalist conceptions of State and Nation. To the detriment of individual freedom. Dignity is a spiritual and moral value inherent to the person, which manifests itself singularly in the conscious and responsible self-determination of one's own life and which brings with it the claim to respect from other people, constituting an invulnerable minimum that every legal statute must ensure, so that, only exceptionally, limitations may be made to the exercise of fundamental rights, but always without disregarding the necessary esteem that deserves all people as human beings (MORAES, 2015).

Therefore, human dignity and public safety are inseparable concepts. The first underpins the second, which in turn enhances the first.

Furthermore, recognizing that violence is contingent and context-dependent (SILVA, 2021), it is possible to affirm that public safety is a system: (i) inseparable from the social framework (SOARES, 2006); (ii) political-legal, as it has a constitutional nature (BRASIL, 1988); (iii) intersectoral and interfederative (Law 13.675/2018) aimed at the protection (prevention, repression, resocialization, social defense) of people and property; (iv) that promotes, according to the paradigm of citizen security, fundamental rights (FABRETTI, 2014).

It is explained that public security must be understood as intersectoral, as it articulates multiple actors (public and private) who are endowed with varied competencies, as well as, articulates multiple agendas, such as “health, family planning, education, work, social assistance, social security, culture, sports, and leisure” (Art.24, II, Law 13.675/2018). It is also classified as interfederative, since it brings together, at a multilevel, the federal government, the twenty-six states, the Federal District, and the municipalities (Art.9, §1º and §2º, Law 13.675/2018).

Regarding this multidimensionality of public security, Soares (2006) stands out:

If the problem of violent crime is necessarily multidimensional, the approach faithful to this complexity will lead us to the elaboration of policies appropriate to this complexity, that is, sensitive to multidimensionality. [...] The complexity of the problem will require intersectoral policies, capable of addressing the various dimensions that make up criminal violence. Policies in tune with the multidimensionality of the phenomena are multisectoral or intersectoral policies (SOARES, 2006, p.96).

DISCUSSION

The lack of clarity about what public safety is is one of the obstacles to accurately addressing the issue. This conceptual obscurity implies, from what has been observed, two movements. First, the agents who work in the area do not have uniform clarity about the structure of the construct, thus not making it possible to adopt the same technical language. This means that public safety becomes a diffuse concept that varies according to the worldview and moral codes. The limits and directions become subjective issues for the interpreter's judgment: what is public safety? Is it ensuring the rigor of law and order? Is it excluding ethical transgressors from social coexistence? Is it promoting inclusion and citizenship? Is it protecting people from risks? From what risks? Etc. Thus, it is possible to see that identifying where public security begins and ends is not an easy task.

The second movement, which arose from the conceptual imprecision of public security, implies that many agents who should act in the area do not do so adequately, as they are not aware of the contours of the issue in question in their work portfolios. An example of this is the issue of drug trafficking, supply and demand. Is it a public security problem? Is it a public health problem? If so, why do federal entities have difficulty implementing efficient health policies on the subject and why are police forces so far removed from this agenda?

The possible responses to the two movements mentioned are diverse and, as mentioned, depending on the participant's understanding of what public security is. They

currently involve different paradigms and worldviews that guide the matter. It is clear that, due to the lack of clarity about what public security means, the responses are established in the pluralized intersubjective field. For now, what lessons can be undeniably drawn from a definition of public safety? Answers: a) first, public safety is the duty of the State (Art. 144, CF/1988) which, to this end, establishes organizations aimed at protecting people, property and public order, a concept, as seen, that can be controversial; b) public safety is a fundamental right (Art. 6, CF/1988), therefore, imprescriptible, inalienable, universal; c) third, it is everyone's responsibility (Art. 144, CF/1988), that is, progressively, public safety ceases to be a pure state activity. The text, from what can be observed, expands citizenship and guides the formation of networks with the private sector and civil society. The constitutional tripod (BRAZIL, 1988), duty-right-responsibility, leads to the understanding of public safety as a complex protection network. A network of many actors and many agendas. The limits of this protection network are not clearly defined and continue to be subject to the cuts of government ideologies and programs that can expand or restrict the scope of public security and its execution, according to the political agenda or the occasion. The meaning of public safety, in practice, has been shaped in a decentralized manner by the agents of the system in their respective attributions.

This decentralization and lack of uniformity can be a problem for the efficiency of the network if there is no clarity and unity of purposes established in an organized and centralized manner. According to Soares (2019), the absence of a national integrating agent, with powers that bind the federated entities, is a strong mark of the federalist model of public safety in Brazil. Soares (2019) does not believe that the Unified Public Safety System - SUSP has the necessary legal structure to change this scenario.

For now, given the lack of more precise definitions of public safety, it is essential that the network of organizations that operate in the area appropriate, at least, the explicit core of the constitutional text, a legal minimum, those elements over which the State clearly cannot avoid acting. This hard core is extracted from the caput art. 144 of the Federal Constitution of 1988, which in turn must be interpreted in light of the above constitutional principle of human dignity (art. 1, III, Federal Constitution of 1988).

This legal minimum is: (i) the preservation of public order and (ii) the safety of people and property. Two multifaceted elements that, as well explained by Oliveira et al (2013), cited by Almeida (2021), are comprehensive and involve more than traditional policing; they involve a range of social policies.

[...] public safety is no longer an exclusively police problem and has advanced into the field of social policies, thus discussing the role of the State in light of its limits and possibilities (OLIVEIRA et. al., 2013, apud Almeida, 2021, p.26)

Thus, from all of the above, it can be seen that it is an everyday practice that has operationalized the concept of public safety and its co-dependents (public order and safety), giving it great fungibility. This is problematic, especially for logistics, which “recommends that a word be found to express a concept as clearly as possible” (LIMA; SILVA; OLIVEIRA, 2013, p.79), which is not the case here.

CONCLUSION

Public safety is a complex issue, the difficulties of analysis of which begin with the absence of a more precise conceptualization of the construct, and this confusion of concepts brings important theoretical and practical implications.

In fact, to date, there is no unanimous conceptualization in the literature that fully clarifies its guidelines and scope. This was to be expected since it is a social construct whose supporting philosophical paradigms are undergoing rapid reform.

The relevance of the conceptualization of the term public security is imperative since it will serve as a guide for public policies and actions of the agencies responsible for enforcing the law.

A possible path is to associate public security with the concept of social order which, according to the 1988 constituent legislator, aims at well-being and social justice (BRASIL, 1988), that is, it encompasses the protection of individual and collective interests, which the State must promote through the existence of a democratic and civic legal order. This includes, in the field of public order, the guarantee of personal and property security, the promotion of human rights, justice, etc. In short, public security is not about merely maintaining the status quo (order); it implies action in the search for higher levels of citizenship.

Other important aspects to be considered in a possible definition involve the need for the construct to understand the intersectoral quality of public security, for a clear performance by stakeholders, and inter-federative, for multilevel cooperation with federal, state, and municipal convergence.

In other words, a definition of public security must recognize the multidimensional complexity of the topic, therefore contemplating a network morphology of organizations, so that in it, and through it, there is an orientation of intersectoral policies and actions.

Therefore, without the intention of exhausting the topic or offering a final and immutable definition, for this work Public Security is a social and organizational system aimed at the protection of people and property, composed of networks of diversified actors anchored in the State, which must act in an efficient, collaborative, fair and equitable manner, using all humanly possible resources to improve the social order.

Finally, future studies are suggested to investigate which paradigms are currently being materialized by national and international security programs and policies.

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