



CHAMBER OF DEPUTIES
Center for Documents and Information

LAW No. 8429, OF JUNE 2, 1992

provides for the applicable sanctions resulting from misconduct in public office, under the terms of Paragraph 4 of Article 37 of the Federal Constitution; and addresses other matters (Amendment with wording by Law No. 14230, of 10/25/2021)

I, the **PRESIDENT OF THE REPUBLIC**, hereby make known that the National Congress decrees and I sanction the following Law:

CHAPTER I
GENERAL PROVISIONS

Article 1. The liability system for misconduct in public office shall protect honesty in the organization of the State and in the exercise of its functions, as a way to ensure integrity of the public and social assets, under the terms of this Law. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

Sole Paragraph (Revoked by Law No. 14230, of 10/25/2021)

Paragraph 1. The intentional conduct as defined in Articles 9, 10 and 11 of this Law shall be considered acts of misconduct in public office, except for those provided for in special laws. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 2. The free and conscious will to reach the illegal result as defined in Articles 9, 10 and 11 of this Law shall be considered intent, regardless of the officer's willfulness. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 3. The mere fact of holding a public office or performing public duties, without evidence of intent to achieve illegal purposes, rules out liability for misconduct in public office. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 4. The constitutional principles of administrative law shall apply to the system of misconduct in public office provided for in this Law. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 5 Acts of misconduct violate honesty in the organization of the State and in the exercise of its functions and the integrity of the public and social assets of the Executive, Legislative and Judiciary Branches, as well as the direct and indirect administration, within the scope of the Union, the States, the Municipalities and the Federal District. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 6. Acts of misconduct against the assets of a private entity receiving subventions, benefits, tax or credit incentives from public or government entities, provided for in paragraph 5 of

this Article, are subject to the sanctions of this Law. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 7. Regardless of being part of the indirect administration, acts of misconduct against the assets of a private entity, to whose creation or funding the public treasury has contributed or contributes with its current assets or revenues, are subject to the sanctions of this Law. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 8. The action or omission resulting from divergence when interpreting the law, based on case law, shall not be considered misconduct, even when not taken into consideration later in the decisions taken by controlling bodies or courts of the Judiciary Power. (Paragraph included by Law No. 14230, of October 25, 2021)

Article 2. For the purposes of this Law, public officials shall be considered political officials, public servants and anyone who exercises, even if temporarily or without a salary, by election, appointment, designation, contracting or any other form of employment, a mandate, post, job or function in the entities referred to in Article 1 of this Law. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

Sole paragraph. Regarding funds coming from public origin, the sanctions provided for in this Law apply to the natural person or legal entity that enters into agreements, transfer contracts, management contracts, partnerships, cooperation agreements, or any equivalent administrative adjustment. (Sole paragraph added by Law No. 14230, of 10/25/2021)

Article 3. The provisions of this Law shall apply, whenever applicable, to those who, even if not public officials, induce or knowingly contribute to the practice of misconduct. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

Paragraph 1. Partners, shareholders, directors and employees of a private legal entity shall not be held liable for misconduct that may be imputed to the legal entity, except if there is proven participation and direct benefits, in which case they shall be held liable within the limits of their participation. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 2. The sanctions of this Law shall not apply to the legal entity in case the act of misconduct is also sanctioned as a harmful act against the public administration, as addressed in Law 12846, of August 1, 2013. (Paragraph added by Law No. 14230, of 10/25/2021)

Articles 4 to 6 (Revoked by Law No. 14230, of 10/25/2021)

Article 7. If there is evidence of an act of misconduct in public office, the authority learning of the facts shall file a complaint before the competent Public Prosecution Service, for the necessary measures to be taken. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

Sole Paragraph. (Revoked by Law No. 14230, of 10/25/2021)

Article 8. The person's successor or heir who causes damage to the public treasury or unlawfully enriches himself/herself is only subject to the obligation to repair the damages up to the limit of the value of the inheritance or assets transferred. (Article with wording by Law No. 14230, of 10/25/2021)

Article 8–A. The succession liability referred to in Article 8 of this Law shall also apply in the event of a contract amendment, transformation, incorporation, merger or corporate split-off.

Sole Paragraph. In the event of merger and incorporation, the liability of the successor company shall be restricted to the obligation of full compensation for the damage caused, up to the limit of the assets transferred, not being applicable the other penalties provided for in this Law

arising from acts and facts taking before the date of the merger or incorporation, except in the case of simulation or evident intent of fraud, duly proven. (Article added by Law No. 14230, of 10/25/2021)

CHAPTER II ACTS OF MISCONDUCT IN PUBLIC OFFICE

Section I Acts of Misconduct in Public Office resulting in Illicit Enrichment

Article 9. Any type of undue patrimonial advantage due to taking a position, exercising a mandate, function, job or activity in the entities referred to in Article 1 of this Law shall constitute an intentional act of misconduct in public office, and notably the following: (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

I – to receive, for oneself or a third party, money, movable or immovable assets, or any other direct or indirect economic advantage as a commission, percentage, bonus or gift from anyone who has a direct or indirect interest that may be affected or supported by action or omission resulting from the public official's duties;

II – to receive direct or indirect economic advantage to facilitate the acquisition, exchange or lease of movable or immovable assets, or the contracting of services by the entities referred to in Article 1 at a price above market value;

III – to receive direct or indirect economic advantage to facilitate the alienation, exchange or lease of a public asset or the rendering of services by a government entity at a price lower than the market value;

IV – to use, for private work or services, any movable assets, owned or available to any of the entities referred to in Article 1 of this Law, as well as the work of public servants, employees, or third parties contracted by these entities; (Item with wording by Law No. 14230, of 10/25/2021)

V – to receive direct or indirect economic advantage of any nature in order to tolerate the exploration or practice of gambling, prostitution, drug trafficking, smuggling, usury, or any other illegal activity, or to accept the promise of such advantage;

VI – to receive direct or indirect economic advantage of any nature in order to make a false statement about any technical data involving public works or any other services either about quantity, weight, measurement, quality or characteristics of goods or property supplied to any of the entities referred to in Article 1 of this Law; (Item with wording by Law No. 14230, of 10/25/2021)

VII – to gain, for oneself or a third party, when exercising a mandate, taking a position, job or public function, and because of them, assets of any nature, resulting from the acts described in the head provision of this Article, whose value is not proportional to the evolution of the assets or income of the public official, provided he/she demonstrates the lawfulness of the origin of such evolution; (Item with wording by Law No. 14230, of 10/25/2021)

VIII – to accept a job, commission, or carry out consulting or advisory activities for an individual or legal entity that has an interest that may be affected or protected by an action or omission resulting from the public official's duties during the activity;

IX – to receive economic advantage to mediate the release or application of public funds of any nature;

X – to receive direct or indirect economic advantage of any kind in order to omit an official act, measure or declaration to which the public official is subject to;

XI – to incorporate to one's wealth, by any means, goods, income, funds or amounts that are part of the assets of the entities mentioned in Article 1 of this Law;

XII – to use, for one's own benefit, assets, income, funds or amounts that are part of the assets of the entities mentioned in Article 1 of this Law.

Section II

Acts of Misconduct in Public Office that Cause Damage to the Treasury

Article 10. Any intentional action or omission that effectively and demonstrably causes asset loss, embezzlement, appropriation, misappropriation or dilapidation of assets of the entities mentioned in Article 1 of this Law shall be considered act of misconduct in public office, notably the following: (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

I – To facilitate or contribute, by any means, to the improper incorporation to the private estate, of a natural person or legal entity, of assets, income, funds or values that are part of the assets of the entities referred to in Article 1 of this Law; (Item with wording by Law No. 14230, of 10/25/2021)

II – to allow or contribute to a natural person or legal entity to use assets, income, funds or amounts that are part of the assets of the entities mentioned in Article 1 of this Law, without complying with the legal or regulatory formalities applicable to the agreements;

III – to donate to a natural person or legal entity, as well as to entities, even if with educational or assistance purposes, assets, income, funds or amounts that are part of the assets of any of the entities mentioned in Article 1 of this Law, without complying with the legal and regulatory formalities applicable to the agreements;

IV – to allow or facilitate the alienation, exchange or leasing of property that is part of the assets of any of the entities referred to in Article 1 of this Law, or the provision of services by them, for a price lower than the market price;

V – to allow or facilitate the acquisition, exchange or leasing of property or services at a price above market price;

VI – to carry out a financial operation without complying with the legal and regulatory norms or to accept an insufficient or illegitimate guarantee;

VII – to grant administrative or fiscal benefits without complying with the legal or regulatory formalities applicable to the agreements;

VIII – To rig a bid or selection process in order to enter into partnerships with non-profit entities, or to disregard the need for a bid or selection process, resulting in an effective loss of assets; (Item with wording by Law No. 14230, of 10/25/2021)

IX – to order or allow expenses not authorized by Law or regulation;

X – To act in an illegal manner with regard to tax and revenue collection, as well as with regard to the conservation of public assets; (Item with wording by Law No. 14230, of 10/25/2021)

XI – to release public funds without strict compliance with the pertinent rules, or to influence in any way their irregular investment;

XII – to allow, facilitate or contribute to the illicit enrichment of a third party;

XIII – to allow the use, for private work or services, of vehicles, machines, equipment or material of any nature, owned or available to any of the entities mentioned in Article 1 of this Law, as well as the work of public servants, employees or third parties contracted by such entities.

XIV – to enter into a contract or other agreement aiming to provide public services through associated management without complying with the formalities established by Law.

XV – to enter into a pro rata public consortium contract without sufficient and previous budget allocation, or without observing the formalities established by Law. (Item added by Law 11107, of 4/6/2005)

XVI – To facilitate or contribute with, in any way, the incorporation to the private patrimony of a natural person or legal entity, of public goods, revenue, funds or amounts transferred by the public administration to private entities through partnerships, without complying with the legal or regulatory formalities applicable to the agreements; (Added by Law No. 13019, of 7/31/2014, published in the DOU (Official Gazette) of 1/8/2014, effective 540 days after publication)

XVII – To allow or contribute to the use of public assets, revenue, funds or amounts

transferred by the public administration to a private entity through partnerships, without complying with the legal or regulatory formalities applicable to the agreements; (Item added by Law No. 13019, of 07/31/2014, published in the DOU on 1/8/2014, effective 540 days after publication)

XVIII – To enter into partnerships involving the public administration with private entities without complying with the legal or regulatory formalities applicable to the agreements; (Item added by Law No. 13019, dated 7/31/2014, published in the DOU on 1/8/2014, effective 540 days after publication)

XIX – To contribute with the illegal signing, inspection and review of the rendering of accounts of partnerships entered into by the public administration with private entities; (Item added by Law No. 13019, dated 07/31/2014, with new wording by Law No. 14230, dated 10/25/2021)

XX – To release funds from partnerships entered into by the public administration with private entities without strict compliance with the pertinent rules or to influence, in any way, the illegal investment of the funds. (Item added by Law No. 13019, of 07/31/2014, published in the DOU on 8/1/2014, effective 540 days after publication, with wording by Law No. 13.204, of 12/14/2015)

XXI – (Item added by Law No. 13019, of 7/31/2014, and revoked by Law No. 14230, of 10/25/2021)

XXII – To grant, invest or maintain a financial or tax benefit contrary to the provisions of the head provision and Paragraph 1 of Article 8–A of Supplementary Law No. 116, of July 31, 2003. (Item added by Law No. 14230, of 10/25/2021)

Paragraph 1. In cases which noncompliance with legal or regulatory formalities does not imply effective patrimonial loss, there will be no order for compensation, being forbidden the unjust enrichment of the entities mentioned in Article 1 of this Law. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 2. The mere patrimonial loss resulting from economic activity shall not lead to misconduct, except if there is evidence of the intentional act of misconduct. (Paragraph added by Law No. 14230, of 10/25/2021)

Section II–A

Acts of Misconduct in Public Office Resulting from Undue Granting or Investment of Financial or Tax Benefits

(Section added by Supplementary Law 157, of 12/29/2016, and revoked by Law 14230, of 10/25/2021)

Article 10–A. (Article added by Supplementary Law No. 157, of 12/29/2016, and revoked by Law No. 14230, of 10/25/2021)

Section III

Acts of Misconduct that Violate the Principles of Public Administration

Article 11. The intentional action or omission that violates the duties of honesty, impartiality and legality, defined as one of the following conducts, is considered act of misconduct that violates the principles of public administration: (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

I – (Revoked by Law No. 14230, of 10/25/2021)

II – (Revoked by Law No. 14230, of 10/25/2021)

III – To disclose a fact or circumstance of which they are aware due to their duties and that must remain secret, providing benefits by privileged information or putting at risk the security of

society and the State; (Item with wording by Law No. 14230, of 10/25/2021)

IV – To deny publicity to official acts, except when they are indispensable to the security of society and the State or in other cases established by Law; (Item with wording by Law No. 14230, of 10/25/2021)

V – To interfere, in violation of impartiality, the competitive nature of a public examination, call, or bidding procedure, in order to obtain direct or indirect benefits for oneself or for third parties; (Item with wording by Law No. 14230, of 10/25/2021)

VI – to fail to render accounts when mandatory aiming to hide irregularities, provided that the person has access to the means to do so (Item with wording by Law No. 14230, of 10/25/2021)

VII – to disclose or allow third parties to have access, before the respective official disclosure, to content of political or economic measures capable of affecting the price of merchandise, goods or services;

VIII – non-compliance with the rules related to the signing, inspection and approval of the accounts regarding partnerships entered into by the public administration with private entities; (Item added by Law No. 13019, of 7/31/2014, published in the DOU of 8/1/2014, effective 540 days after publication)

IX – (Item added by Law No. 13146, of 7/6/2015, and revoked by Law No. 14230, of 10/25/2021)

X – (Item added by Law No. 13650, of 4/11/2018 and revoked by Law 14230, of 10/25/2021)

XI – To appoint a spouse, partner or relative in a direct, collateral or by affinity line, up to the third degree, including, of the appointing authority or of a civil servant of the same legal entity appointed to a direction, management or advisory position, to perform a position of special adviser or position of trust or even to a paid special function in the direct and indirect public administration in any of the Powers of the Union, the States, the Federal District and the Municipalities, including the adjustment by means of reciprocal appointments; (Added by Law No. 14 230, of 10/25/2021)

XII – To carry out, within the public administration scope and with funds from the public treasury, publicity acts that violate the provisions of Paragraph 1, Article 37 of the Federal Constitution, aiming to promote unequivocal praise of the public official and to customize acts, programs, works, services or campaigns of public agencies. (Added by Law No. 14230, of 10/25/2021)

Paragraph 1. Under the terms of the United Nations Convention against Corruption, enacted by Decree 5687, of January 31, 2006, misconduct in public office, according to this Article, shall only be understood as such when there is evidence of the purpose of the public official, within the functional conduct, to obtain an undue advantage or benefit for oneself, a third party or an entity. (Paragraph added by Law 14230, of 10/25/2021)

Paragraph 2. The provisions of Paragraph 1 of this Article shall apply to any acts of misconduct in public office defined in this Law and in special laws and to any other special types of misconduct provided for by law. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 3. Functional conduct in the category referred to in this Article shall mean objective evidence of the illegal act in the exercise of public functions, indicating the constitutional, legal or infra-legal rules that have been violated. (Paragraph added by Law 14230/2002 of 10/25/2002)

Paragraph 4. The acts of misconduct addressed in this Article require relevant damage to the legal interest protected in order to be punishable and do not depend on the recognition of damage to the public treasury and unlawful enrichment of the public officials. (Paragraph added by Law 14230/2002 of 10/25/2002)

Paragraph 5. The mere appointment or political recommendation by the holders of elective mandates shall not be considered misconduct, being necessary the assessment of the officer's intent to carry out the illegal act. (Paragraph added by Law No. 14230, of 10/25/2021)

CHAPTER III PENALTIES

Article 12. Regardless of full compensation of the patrimonial damage, if effective, and the ordinary criminal, liability, civil and administrative sanctions provided for in the specific legislation, the person responsible for the act of misconduct is subject to the following penalties, which may be applied separately or cumulatively, according to the seriousness of the fact: (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

I – in the event of Article 9 of this Law, loss of assets or amounts illicitly added to the patrimony, loss of public office, suspension of political rights up to 14 (fourteen) years, payment of a civil fine equivalent to the amount of the patrimonial increase and prohibition to contract with the government or to receive direct or indirect tax or credit benefits or incentives even if through a legal entity of which the person is the major shareholder, for a period not exceeding 14 (fourteen) years

II – in the event of Article 10 of this Law, loss of assets or amounts illicitly added to the patrimony, if applicable, loss of public office, suspension of political rights for up to 12 (twelve) years, payment of a civil fine equivalent to the amount of the damage and prohibition to contract with the government or to receive direct or indirect benefits or tax or credit incentives, even through a legal entity of which the person is the major shareholder, for a period not exceeding 12 (twelve) years (Item with wording by Law No. 14230, of 10/25/2021)

III – in the event of Article 11 of this Law, payment of a civil fine of up to twenty-four (24) times the amount of the salary received by the officer and prohibition to contract with the government or to receive direct or indirect benefits or tax or credit incentives, even through a legal entity of which the person is the major shareholder, for a period not exceeding 4 (four) years (Item with wording by Law No. 14230, of 10/25/2021)

IV – (Item added by Supplementary Law No. 157, of 12/29/2016, and revoked by Law No. 14230, of 10/25/2021)

Sole Paragraph – (Revoked by Law No. 14230, of 10/25/2021)

Paragraph 1 The sanction of loss of public office, in the cases of items I and II in the head provision of this Article, affects only the position of same quality and nature that the public official or politician held with the government at the time the offense was committed. In the case of item I in the head provision of this Article, the judge may exceptionally extend it to the other positions, taking into account the circumstances of the case and the seriousness of the infraction.

Paragraph 2. The fine may be doubled if the judge considers that, in view of the defendant's economic situation, the amount calculated pursuant to items I, II and III of the head provision of this Article is ineffective for reproofing and preventing the act of misconduct. (Paragraph added by Law 14230, of 10/25/2021)

Paragraph 3. When holding the legal entity liable, the economic and social effects of the sanctions must be taken into account, in order to enable the maintenance of its activities. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 4. In exceptional cases and for relevant and duly justified reasons, the sanction of prohibition to contract with the government may be extended beyond the public entity injured by the misconduct, observing the economic and social impacts of the sanctions, in order to preserve the social function of the legal entity, as provided for in paragraph 3 of this Article. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 5. In the case of minor offenses to the legal assets protected by this Law, the sanction will be limited to the issuing of a fine, without prejudice to the compensation of the damage and loss of the amounts obtained, whenever applicable, pursuant to the head provision of this Article. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 6. If damage to public assets occurs, the compensation for the damage referred to in this Law shall deduct the compensation taking place in the criminal, civil and administrative instances involving the same facts. (Paragraph added by Law 14230/2002 of 10/25/2002)

Paragraph 7. The sanctions imposed to legal entities based on this Law and Law 12846, of August 1, 2013, shall observe the constitutional principle of *non bis in idem*.

Paragraph 8. The sanction of prohibition to contract with the government shall be included in the National List of Disqualified and Suspended Companies (CEIS) referred to in Law 12846 of August 1, 2013, with due regard for territorial limitations addressed in court decisions, as provided for in paragraph 4 of this Article. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 9. The sanctions provided for in this Article may only be imposed after conviction has become final and unappealable. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 10. For the purposes of counting the period of the sanction of suspension of political rights, the time interval between the appellate judgment and the date when the adverse judgment has become final and unappealable shall be retroactively counted. (Paragraph added by Law No. 14230, of 10/25/2021)

CHAPTER IV INCOME TAX RETURNS

Article 13. In order to be able to take office and start working, the public official shall submit an income tax return and a declaration of earnings of any nature, which had been submitted to the Special Bureau of the Brazilian Internal Revenue Service, to be filed with the competent personnel department. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

Paragraph 1. (Revoked by Law No. 14230, of 10/25/2021)

Paragraph 2. The assets declaration referred to in the head provision of this Article shall be updated annually and on the date the public official leaves his/her mandate, post, job or function (Paragraph with wording by Law No. 14230, of 10/25/2021)

Paragraph 3. A public official who refuses to submit the declaration of assets referred to in the head provision of this Article within the established period, or who submits a false declaration, shall be punished with the penalty of dismissal, without prejudice to other applicable penalties. (Paragraph with wording by Law No. 14230, of 10/25/2021)

Paragraph 4. (Revoked by Law No. 14230, of 10/25/2021)

CHAPTER V THE ADMINISTRATIVE PROCEDURE AND JUDICIAL PROCEEDINGS

Article 14. Any person may file a complaint before the competent administrative authority to initiate an investigation in order to investigate an act of misconduct.

Paragraph 1. The complaint, which shall be reduced to writing and signed, shall contain the complainant's identification, information on the fact and the wrongdoer, and indication of the evidence of which he/she might have knowledge.

Paragraph 2. The administrative authority shall reject the complaint, in a reasoned decision, if it does not contain the formalities established in Paragraph 1 of this Article. Rejection does not prevent a complaint before the Public Prosecution Service, under the terms of Article 22 of this Law.

Paragraph 3. Once the requirements for the complaint are met, the authority shall order the immediate investigation of the facts, observing the legislation that regulates the administrative disciplinary action applicable to the official. (Paragraph with wording by Law No. 14230, of 10/25/2021)

Article 15. The processing commission shall inform the Public Prosecution Service and the Court or Council of Accounts of the existence of an administrative procedure initiated to investigate the act of misconduct.

Sole Paragraph. The Public Prosecution Service or the Court or Council of Accounts may, at its request, designate a representative to monitor the administrative procedure.

Article 16. In the action for misconduct in public office, the restraint of the defendants' assets may be ordered, either before (preliminary) or during the action, aiming to guarantee full recovery of the public treasury or the equivalent to the wealth increase resulting from illicit enrichment. (Head provision of the Article with wording by Law No 14230, of 10/25/2021)

Paragraph 1. (Revoked by Law No. 14230, of 10/25/2021)

Paragraph 1–A. The request to restrain the assets referred to in the head provision of this Article may be made regardless of the complaint provided for in Article 7 of this Law. (Paragraph added by Law 14230 of 10/25/2021)

Paragraph 2. Whenever applicable, the request to restrain the assets referred to in the head provision of this Article shall include the investigation, the evaluation and the freezing of assets, bank accounts and financial investments held abroad by the defendant, pursuant to the law and international treaties. (Paragraph with wording by Law 14230/2002 of 10/25/2002)

Paragraph 3. The request to freeze the assets referred to in the head provision of this Article shall only be granted upon evidence in the specific case of danger of irreparable damage or risk to the useful result of the case, provided the judge is convinced of the likelihood of occurrence of the acts described in the complaint based on the respective elements of investigation, after hearing the defendant within 5 (five) days. (Paragraph added by Law 14230/2002, of 10/25/2021)

Paragraph 4. Restraint of assets may be ordered without prior hearing of the defendant, whenever the prior adversary proceeding may demonstrably hinder the effectiveness of the measure or there are other circumstances that recommend preliminary protection; urgency shall not be supposed. (Paragraph added by Law 14230/2002 of 10/25/2002)

Paragraph 5. If there is a joinder of defendants in the action, the sum of the amounts restrained cannot exceed the amount indicated in the complaint as damage to the public treasury or as illicit enrichment. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 6. The amount of the restrained assets shall consider the estimated damage indicated in the complaint, which may be replaced by adequate bond, bank guarantee or judicial guarantee insurance, at the defendant's request, as well as its adjustment during the production of evidence phase. (Paragraph added by Law 14230/2002 of 10/25/2021)

Paragraph 7. Restraint of assets regarding third parties shall depend on evidence of their effective contribution to the illicit acts or, when dealing with a legal entity, on the piercing of the corporate veil, to be processed pursuant to procedural law. (Paragraph added by Law 14230/2002 of 10/25/2002)

Paragraph 8. Whenever applicable, the preliminary injunction addressed in Law 13105, of March 16, 2015 (Code of Civil Procedure) shall apply to the restraint of assets provided for in this Law (Paragraph added by Law 14230/2002 of 10/25/2002)

Paragraph 9. An interlocutory appeal may be filed against the decision granting or dismissing the measure relating to the restraint of assets, pursuant to Law 13105, of March 16, 2015 (Code of Civil Procedure). (Paragraph added by Law No. 14230 of 10/25/2021)

Paragraph 10. The restraint of assets shall fall upon assets that guarantee full compensation of the damage to the public treasury, and shall not apply to amounts to be eventually applied as civil fines or over patrimonial increase resulting from legal activities. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 11. The order to restrain assets shall prioritize land vehicles, real estate, movable assets in general, livestock, ships and aircraft, shares and quotas of simple companies and corporations, precious stones and metals and, only in the absence of these, the freezing of bank accounts, in order to guarantee the defendant's subsistence and the maintenance of the corporate activity throughout the proceedings. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 12. The judge, when ruling on the request for restraint of the defendant's assets referred to in the head provision of this Article, shall observe the practical effects of the decision, prohibiting the adoption of a measure capable of causing damage to public services. (Paragraph added by Law 14230, of 10/25/2021)

Paragraph 13. It shall be prohibited to order restraint of assets of up to forty (40) minimum wages deposited in savings accounts, other financial investments or current accounts. (Paragraph added by Law 14230/2002, of 10/25/2021)

Paragraph 14. It shall be prohibited to order restraint of the defendant's family property, unless there is evidence that the property is the result of undue patrimonial advantage, as described in Article 9 of this Law. (Paragraph added by Law No. 14230, of 10/25/2021)

Article 17. The action for the enforcement of the sanctions addressed in this Law shall be brought by the Public Prosecution Service and shall follow the ordinary procedure provided for in Law No. 13105, of March 16, 2015 (Code of Civil Procedure), except for the provisions herein. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

Paragraph 1. (Revoked by Law No. 14230, of 10/25/2021)

Paragraph 2. (Revoked by Law No 14230 of 10/25/2021)

Paragraph 3. (Revoked by Law No. 14230, of 10/25/2021)

Paragraph 4. (Revoked by Law No. 14230, of 10/25/2021)

Paragraph 4–A The action referred to in the head provision of this Article must be filed before the court where the damage took place or where the damaged legal entity is located. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 5. The filing of the action referred to in the head provision of this Article shall establish the jurisdiction of the court by prevention for all other actions brought subsequently, which have the same cause of action or the same object. (Paragraph added by Provisional Measure No. 2180–35, of 8/24/2001, and with the new wording by Law 14230, of 10/25/2021)

Paragraph 6. The complaint shall observe the following: (Paragraph added by Provisional Measure No. 2225–45, of 9/4/2001, and with the new wording by Law No. 14230, of 10/25/2021)

I – it shall individualize the defendant's conduct and point out the minimum evidentiary elements that demonstrate the situations defined in Articles 9, 10 and 11 of this Law, as well as the probable cause to believe that the defendant committed the offense, unless it is impossible to do so provided due justification; (Paragraph added by Law No. 14230, of 10/25/2021)

II – it shall be supported by documents or reasons with sufficient evidence of the truthfulness of the facts and the imputed intent or with duly presented reasons of the impossibility of presenting any of such evidence, with due regard for the legislation in force, including the provisions of Articles 77 and 80 of Law No. 13105, of March 16, 2015 (Code of Civil Procedure). (Item added by Law No. 14230, of 10/25/2021)

Paragraph 6–A. The Public Prosecution Service may request the appropriate and necessary provisional remedies, pursuant to Articles 294 to 310 of Law No. 13105, of March 16, 2015 (Code of Civil Procedure). (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 6–B. The complaint shall be rejected in the cases provided for in Article 330 of Law 13105, of March 16, 2015 (Code of Civil Procedure), as well as when the requirements referred to in items I and II of Paragraph 6 of this Article are not fulfilled, or when the misconduct does not exist. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 7. If the complaint is in due form, the judge shall have it registered and shall order that the defendants be summoned to answer it within the ordinary period of 30 (thirty) days, which shall begin pursuant to Article 231 of Law 13105, of March 16, 2015 (Code of Civil Procedure). (Paragraph added by Provisional Measure No. 2225–45, of September 4, 2001, and with new wording by Law No. 14230, of October 25, 2021)

Paragraph 8. (Paragraph added by Provisional Measure No. 2225–45, of 9/4/2001, and revoked by Law No. 14230, of 10/25/2021)

Paragraph 9. (Paragraph added by Provisional Measure No. 2225–45, of 9/4/2001, and revoked by Law No. 14230, of 10/25/2021)

Paragraph 9–A. An interlocutory appeal shall be filed against a decision that rejects preliminary issues raised by the defendant in his/her answer. (Paragraph added by Law No. 14230 of 10/25/2021)

Paragraph 10. (Paragraph added by Provisional Measure No. 2225–45, of 9/4/2001, and revoked by Law No. 14230, of 10/25/2021)

Paragraph 10–A. If a consensual solution is possible, the parties may request the judge to interrupt the period for contesting for a period not longer than ninety (90) days. (Item added by Law No. 13964, of 12/24/2019, published in the Extra Edition of the DOU, of 12/24/2019, effective 30 days after publication)

Paragraph 10–B. After the contesting and, if applicable, after the plaintiff has been heard, the judge:

I – shall proceed to judgment according to the status of the case, observing non–existence of the misconduct;

II – may break up the joinder of parties, with a view to optimizing the evidentiary stage (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 10–C. After the Public Prosecution Service replies, the judge shall issue a decision in which he/she shall precisely describe the misconduct in public office imputed to the defendant, being forbidden to modify the main fact and the legal classification presented by the plaintiff. (Paragraph added by Law 14230, of 10/25/2021)

Paragraph 10–D. For each act of misconduct, only one type must necessarily be indicated among those provided for in Articles 9, 10 and 11 of this Law. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 10–E. After the decision referred to in Paragraph 10–C of this Article has been rendered, the parties shall be notified to specify the evidence they intend to produce. (Paragraph added by 14230, Law 10/25/2021)

Paragraph 10–F. A total or partial decision on the merits of the act of misconduct shall be null when:

I – it convicts the defendant for a type of misconduct other than the one defined in the complaint;

II – it convicts the defendant without the production of the evidence timely specified by him/her. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 11 At any moment during the proceedings, if lack of misconduct is verified, the judge shall find for the defendant. (Paragraph added by Provisional Measure 2225–45, of September 4, 2001, and with new wording by Law No. 14230, of 10/25/2021.

Paragraph 12. (Paragraph added by Provisional Measure No. 2225–45, of 9/4/2001, and revoked by Law No. 14230, of 10/25/2021)

Paragraph 13. (Paragraph added by Supplementary Law No. 157, of 12/29/2016, and revoked by Law No. 14230, of 10/25/2021)

Paragraph 14. Without prejudice to summoning the defendants, the interested legal entity shall be summoned, should it wish to intervene in the proceedings. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 15. If the charges involve piercing of the corporate veil, the rules provided for in Articles 133, 134, 135, 136 and 137 of Law No. 13105, of March 16, 2015 (Code of Civil Procedure) shall be observed. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 16. At any time, if the judge identifies the existence of illegalities or administrative irregularities to be corrected without the presence of all the requirements for the imposition of sanctions to the officers included as defendants, he/she may, in a reasoned decision, convert the action for misconduct in public office into a public civil action, regulated by Law No. 7347, of July 24, 1985. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 17. The decision to convert the action for misconduct into a public civil action may be appealed through an interlocutory appeal. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 18. The defendant shall be ensured the right to be questioned about the facts in the action, and his/her refusal or silence shall not imply confession. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 19. The following shall not apply to actions of misconduct in public office:

I – the presumption of veracity of the facts alleged by the plaintiff in case of default;

II – the imposition of the burden of proof on the defendant, pursuant to paragraphs 1 and 2 of Article 373 of Law 13105, of March 16, 2015 (Code of Civil Procedure);

III – the filing of more than one action for misconduct in public office for the same fact, being the National Council of the Public Prosecution Service responsible for settling conflicts of attributions between members of different Public Prosecution Services;

IV – the mandatory review of the sentence dismissing the case without merit resolution. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 20. The legal department issuing the legal opinion attesting the previous legality of the administrative acts practiced by the public official shall be obliged to defend him/her in court, should he/she be sued for misconduct in public office, until the decision becomes final and unappealable. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 21. The interlocutory decisions may be appealed through interlocutory appeals, including the decision that rejects preliminary issues raised by the defendant in his/her answer. (Paragraph added by Law No. 14230, of 10/25/2021)

Article 17–A. (VETOED in Law No. 13964, of 12/24/2019)

I – (VETOED in Law 13964, of 12/24/2019)

II – (VETOED in Law No. 13964, of 12/24/2019)

III – (VETOED in Law No. 13964, of 12/24/2019)

Paragraph 1. (VETOED in Law No. 13964, of 12/24/2019)

Paragraph 2. (VETOED in Law 13964, of 12/24/2019)

Paragraph 3. (VETOED in Law No 13964, of 12/24/2019)

Paragraph 4. (VETOED in Law No. 13964, of 12/24/2019)

Paragraph 5. (VETOED in Law No. 13964, of 12/24/2019)

Article 17–B. The Public Prosecution Service may, depending on the circumstances of the specific case, enter into a civil non–prosecution agreement, provided that it results in at least the following:

I – full compensation of the damage;

II – paying back the injured legal entity the undue advantage obtained, even if originating from private agents.

Paragraph 1. The execution of the agreement referred to in the head provision of this Article shall depend cumulatively on:

I – the hearing of the injured federative entity, at a moment before or after the filing of the action;

II – approval, within a period of up to 60 (sixty) days, by the competent Public Prosecution Service to review dismissal procedures of civil investigations, if prior to the filing of the action;

III – judicial homologation, regardless of whether the agreement takes place either before or after the action for misconduct is filed.

Paragraph 2. In any case, the execution of the agreement referred to in the head provision of this Article shall consider the legal personality of the agent, the nature, circumstances, seriousness and social repercussion of the act of misconduct, as well as the advantages to the public interest of a rapid solution to the case.

Paragraph 3. For the purposes of establishing the amount of the damage to be compensated, the competent Court of Accounts must be heard, which shall give its opinion, indicating the parameters used, within a period of 90 (ninety) days.

Paragraph 4. The agreement referred to in the head provision of this Article may be signed during the investigation to verify the illicit act, during the action for misconduct or when the sentence is enforced.

Paragraph 5. Negotiations for entering into the agreement referred to in the head provision of this Article shall take place between the Public Prosecution Service on the one side, and, on the other side, the investigated or defendant and his/her legal counsel.

Paragraph 6. The agreement referred to in the head provision of this Article may comprise the adoption of mechanisms and internal procedures for integrity, accounting and the encouragement of whistle-blowing and the effective enforcement of codes of ethics and conduct within the legal entity, if applicable, as well as other measures in favor of the public interest and good administrative practices.

Paragraph 7. In case of non-compliance with the agreement referred to in the head provision of this Article, the investigated or defendant shall be prevented from entering into a new agreement for a period of 5 (five) years, as of the time when the Public Prosecution Service becomes aware of the effective non-compliance. (Article added by Law No. 14230, of 10/25/2021)

Article 17–C. The sentence rendered in the proceedings referred to in this Law shall, in addition to complying with the provisions of Article 489 of Law No. 13105, of March 16, 2015 (Code of Civil Procedure):

I – indicate precisely the grounds that demonstrate the elements referred to in Articles 9, 10 and 11 of this Law, which cannot be supposed;

II – consider the practical consequences of the decision, whenever deciding based on abstract legal values;

III – consider the real obstacles and difficulties of the administrator and the demands of the public policies under his/her responsibility, without prejudice to the rights of the persons under the administration and the practical circumstances that have imposed, limited or conditioned the agent's action;

IV – consider, for the enforcement of sanctions, separately or cumulatively:

a) the principles of proportionality and reasonableness;

b) the nature, seriousness and impact of the offense committed;

c) the extent of the damage caused;

d) the patrimonial benefit obtained by the agent;

e) the aggravating or attenuating circumstances;

f) the agent's performance in mitigating the damages and the consequences resulting from his/her omissive or commissive conduct;

g) the agent's background;

V – when enforcing the sanctions, take into account the sentence relating to the same fact already imputed to the agent;

VI – when determining the penalties with regard to third parties, if that is the case, consider his/her specific performance, being prohibited to take into account actions or omissions in which they did not participate or from which they did not obtain undue financial advantage;

VII – indicate, when verifying the violation of principles, objective criteria that justify the imposition of sanctions.

Paragraph 1. Misconduct shall not be defined as such without being intentional.

Paragraph 2. In the event of interpleader, the conviction shall occur within the limit of the participation and direct benefits, joint and several liability being prohibited.

Paragraph 3. No remand shall be required in sentences provided for in this Law. (Article added by Law No. 14230, of 10/25/2021)

Article 17–D. The action for misconduct in public office is repressing, with a sanctioning nature, aiming at the enforcement of sanctions on a personal nature provided for in this Law, and it does not constitute a civil action. It is prohibited to file an action for misconduct aiming to control the legality of public policies and to protect public and social assets, the environment and other diffuse, collective and individual homogeneous interests.

Sole paragraph. Except for the provisions of this Law, the control of legality of public policies and the responsibility of public officials, including politicians, public and governmental entities, for damages to the environment, to the consumer, to goods and rights of artistic, aesthetic, historic, tourist and landscape value, to any other diffuse or collective interest, to the economic order, to the urban order, to the honor and dignity of racial, ethnic or religious groups and to the public and social heritage is subject to the terms of Law No. 7347 (Article added by Law No. 14230, of 10/25/2021)

Article 18. The sentence taking into account the actions provided for in Articles 9 and 10 of this Law shall convict the defendant to compensate the damages and the loss or reverse the goods and values illegally acquired, as the case may be, in favor of the legal entity injured by the illegal activity. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

Paragraph 1. Should liquidation of damages be necessary, the injured legal entity shall proceed with this order and the subsequent procedure to comply with the sentence referring to compensation of public assets or the loss or reversion of the assets. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 2. If the injured legal entity does not take the measures referred to in Paragraph 1 of this Article within 6 (six) months, as of the final and unappealable decision regarding the claim being granted, the Public Prosecution Service shall be responsible for proceeding with the respective liquidation of the damage and the execution of the sentence referring to compensation of the public assets or the loss or reversion of the assets, without prejudice to possible liability for the omission verified. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 3. For the purpose of determining the amount of compensation, the services effectively rendered shall be discounted. (Paragraph added by Law 14230, of 10/25/2021)

Paragraph 4. The judge may authorize a payment plan, in up to forty–eight (48) monthly inflation–linked installments, of the debt resulting from conviction for misconduct in public office, if the defendant demonstrates financial inability to pay the debt immediately.

Article 18–A. At the defendant’s request, during the sentence enforcement stage, the judge shall join eventual sanctions enforced with others already imposed in other proceedings, in view of the eventual continuity of the illegal act or the practice of several illegal acts, observing the following:

I – in the case of a continuous illegal act, the judge shall choose the highest sanction, increased by 1/3 (one third), or the sum of the penalties, whichever is more beneficial to the defendant;

II – in case of commission of new illegal acts by the same person, the judge shall add the penalties.

Sole Paragraph. The penalties of suspension of political rights and prohibition to contract or to receive fiscal or credit incentives from the government will observe the maximum limit of 20 (twenty) years. (Article added by Law No. 14230, of 10/25/2021)

CHAPTER VI CRIMINAL PROVISIONS

Article 19. It is a crime to file an action for misconduct against a public agent or third-party beneficiary, when the plaintiff knows he/she is innocent.

Penalty: detention from six to ten months and a fine.

Sole Paragraph: In addition to the penal sanction, the accuser is subject to compensation of the defendant for the material, moral or image damages he/she may have caused.

Article 20: The loss of public office and suspension of political rights shall only become effective with the final and unappealable conviction sentence.

Paragraph 1. The competent judicial authority may determine the removal of the public official from his position, job or function, without prejudice to his/her salary, when that is necessary for procedural investigation or to avoid the imminent practice of new illegal acts. (Sole paragraph transformed into Paragraph 1, with wording by Law No. 14230, of 10/25/2021)

Paragraph 2. The removal from office provided for in Paragraph 1 of this Article shall be of up to ninety (90) days, extended only once for the same term, by means of a reasoned decision. (Paragraph added by Law No. 14230, of 10/25/2021)

Article 21. The sanctions provided for in this Law shall not depend on:

I – the effective occurrence of damage to public assets, except for the penalty of compensation and the conducts provided for in Article 10 of this Law; (Item added by Law No. 14230, of 10/25/2021)

II – the approval or rejection of the accounts by the internal control body or by the Court or Council of Accounts.

Paragraph 1. The acts of the internal or external control agency shall be considered by the judge when they have served as grounds for the conduct of the public agent. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 2. The evidence produced before control bodies and the corresponding decisions shall be considered by the judge in his/her decision, without prejudice to the evaluation of the intent of the agent's conduct. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 3. The civil and criminal sentences shall produce effects in relation to the action for misconduct in public office when they conclude that there was no probable cause or that the defendant did not commit it. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 4. Criminal acquittal in an action that addresses the same facts, confirmed by an appellate decision, prevents the action referred to in this Law from proceeding, and there is inter communication between all the acquittal grounds provided for in Article 386 of Decree-law No. 3689, of October 3, 1941 (Code of Criminal Procedure). (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 5. Sanctions eventually enforced in other spheres shall be offset against the sanctions enforced under the terms of this Law. (Paragraph added by Law No. 14230, of

10/25/2021)

Article 22. To investigate any illegal act provided for in this Law, the Public Prosecution Service, on its own initiative, at the request of an administrative authority or by means of a complaint filed in accordance with the provisions of Article 14 of this Law, may initiate a civil investigation or similar investigative procedure and request the initiation of a police investigation. (Head Provision of the Article with wording by Law No. 14230, of 10/25/2021)

Sole paragraph. When verifying the illegal activities provided for in this Law, the party under investigation shall be ensured the opportunity to provide information in writing and to attach documents that prove his/her allegations and help clarify the facts. (Sole Paragraph added by Law No. 14230, of 10/25/2021)

CHAPTER VII THE STATUTE OF LIMITATIONS

Article 23. The action for the enforcement of the sanctions provided for in this Law prescribes in 8 (eight) years as of the day of the fact or, in the case of permanent violations, of the day in which the permanence ceased. (Head provision of the Article with wording by Law No. 14230, of 10/25/2021)

I – (Revoked by Law No. 14230, of 10/25/2021)

II – (Revoked by Law No. 14230, of 10/25/2021)

III – (Item added by Law No. 13019, of 07/31/2014, and Revoked by Law No. 14230, of 10/25/2010)

Paragraph 1. The opening of a civil investigation or administrative proceeding to investigate the illegal acts referred to in this Law suspends the statute of limitations for a maximum of one hundred and eighty (180) calendar days, and it shall resume running after its conclusion or, if the proceeding is not concluded, after the suspension period has elapsed. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 2. The civil investigation filed to investigate misconduct shall be concluded within 365 (three hundred and sixty-five) calendar days, extended only once for the same period, upon a reasoned act submitted for review to the competent instance of the Public Prosecution Service, as provided for in the respective organic law. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 3. Once the period provided for in Paragraph 2 of this Article expires, the action must be filed within 30 (thirty) days, if the civil investigation is not dismissed. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 4. The limitation period referred to in the head provision of this Article shall be interrupted:

I – by the filing of the action for misconduct;

II – by publication of the conviction sentence;

III – by the publication of a decision or an appellate decision of a Court of Justice or Federal Regional Court confirming a conviction or altering a judgment for defendant;

IV – by the publication of a decision or an appellate decision of the Superior Court of Justice that confirming a conviction or altering a judgment for defendant;

V – by the publication of a decision or an appellate decision of the Federal Supreme Court confirming a conviction or altering a judgment for defendant. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 5. Once the statute of limitation is interrupted, the period starts to run again from the day of the interruption, by half the period established in the head provision of this Article. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 6. The suspension and interruption of the statute of limitations is extended to all those who participated in the commission of the act of misconduct. (Paragraph added by Law No. 14230, of 10/25/2021)

Paragraph 7. In the event of joinder of actions for misconduct in the same proceedings, the suspension and interruption related to any of them extend to the others. (Paragraph added by Law No. 14230, of 10/25/2010)

Paragraph 8. The judge or the court, after hearing the Public Prosecution Service, shall, on their own initiative or at the request of the interested party, recognize the statute of limitations for sanctions and immediately declare it extinguished, if the period established in paragraph 5 of this Article has elapsed between the periods referred to in paragraph 4. (Paragraph added by Law No. 14230, of 10/25/2021)

Article 23–A. It is the government's duty to offer continuous training to public officials and politicians who work with the prevention or repression of acts of misconduct in public office. (Article added by Law No. 14230, of 10/25/2021)

Article 23–B. In the actions and settlements governed by this Law, there shall be no advance on costs, preparation, legal fees, expert fees and any other expenses.

Paragraph 1. In the event the claim is granted, the costs and other procedural expenses shall be paid at the end.

Paragraph 2. In the event the claim is denied on the grounds of bad faith, there shall be award of attorney's fees. (Article added by Law No. 14230/2002, of 10/25/2021)

Article 23–C. Acts that cause illicit enrichment, loss of assets, deviation, appropriation, wasting or dilapidation of public resources of political parties, or their foundations, shall be sued under the terms of Law No. 9096, of September 19, 1995. (Article added by Law No. 14230, of 10/25/2021)

CHAPTER VIII FINAL PROVISIONS

Article. 24. This Law shall enter into force on the date of its publication.

Article 25. Laws No. 3164, of June 1, 1957, and 3502 of December 21, 1958, and other provisions to the contrary are hereby revoked.

Rio de Janeiro, June 2, 1992; 171st Anniversary of the Independence and 104th Anniversary of the Republic.

FERNANDO COLLOR
Célio Borja