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Norm cited in: [3861 sentences](#) , [105 Doctrines](#) , [3 forms](#) , [4 administrative resolutions](#) , [53 news](#)

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

CHAPTER I

of the general provisions

Articles 1 to 4

ARTICLE 1

The Public Prosecutor's Office is a permanent institution, essential to the jurisdictional function of the State, responsible for defending the legal order, the democratic regime and unavailable social and individual interests.

Single paragraph. The Public Ministry's institutional principles are unity, indivisibility and functional independence.

Article cited in: [43 sentences](#) , [2 doctrines](#) , [a notice](#)

ARTICLE 2

Complementary law, called the Organic Law of the Public Ministry, whose initiative is available to the Attorneys General of Justice of the States, will establish, within the scope of each of these federative units, specific rules of organization, attributions and statute of the respective Public Ministry.

Single paragraph. The organization, attributions and statute of the Public Ministry of the Federal District and Territories will be object of the Organic Law of the Public Ministry of the Union.

Article cited in: [6 sentences](#) , [a doctrine](#)

ARTICLE 3

The Public Prosecutor's Office is guaranteed functional, administrative and financial autonomy, and is especially responsible for:

I - practice proper management acts;

II - perform acts and decide on the functional and administrative situation of the personnel, active and inactive, of the career and of the auxiliary services, organized in proper tables;

III - prepare their payrolls and issue the relevant statements;

IV - acquire goods and hire services, carrying out the respective accounting;

V - propose to the Legislative Power the creation and extinction of positions, as well as the establishment and readjustment of the salaries of its members;

VI - propose to the Legislative Power the creation and extinction of the positions of its auxiliary services, as well as the establishment and readjustment of the salaries of its servants;

VII - provide the initial positions of the career and auxiliary services, as well as in cases of removal, promotion and other forms of derived provision;

VIII - to edit acts of retirement, exoneration and others that imply vacancy of positions and career and auxiliary services, as well as those of availability of members of the Public Ministry and its servants;

IX - organize its secretariats and auxiliary services of the Attorney General's Offices and Prosecutors' Offices;

X - compose its management bodies;

XI - prepare its internal regulations;

XII - exercise other powers arising therefrom.

Sole paragraph The decisions of the Public Ministry based on its functional, administrative and financial autonomy, in compliance with legal formalities, are fully effective and immediately enforceable, except for the constitutional competence of the Judiciary and the Court of Auditors.

Article cited in: [5 sentences](#) , [a doctrine](#)

ARTICLE 4

The Public Ministry will prepare its budget proposal within the limits established in the Budget Guidelines Law, forwarding it directly to the State Governor, who will submit it to the Legislative Power.

§ 1 The resources corresponding to its own and global budget allocations, including supplementary and special credits, will be delivered to it by the 20th of each month, without being linked to any type of expense.

§ 2 The accounting, financial, budgetary, operational and patrimonial inspection of the Public Prosecutor's Office, regarding the legality, legitimacy, economy, application of appropriations and own resources and waiver of revenues, will be exercised by the Legislative Power, through external control and by the control system established in the Organic Law.

Article cited in: [2 sentences](#)

CHAPTER II

From the organization of the public ministry

Articles 5 to 8

SECTION I

of the management bodies

Articles 5 and 6

ARTICLE 5

The organs of the Superior Administration of the Public Ministry are:

- I - the Attorney General's Office;
- II - the College of Prosecutors;
- III - the Superior Council of the Public Ministry;
- IV - the General Office of the Public Prosecutor's Office.

Article cited in: [18 sentences](#)

ARTICLE 6

The following are also administrative bodies of the Public Prosecutor's Office:

- I - the Attorney General's Offices;
- II - the Public Prosecutor's Office.

Article cited in: [209 sentences](#) ,[3 doctrines](#) ,[a notice](#)

SECTION II

Executing bodies

Article 7

ARTICLE 7

The organs of execution of the Public Prosecutor's Office are:

- I - the Attorney General of Justice;
- II - the Superior Council of the Public Ministry;
- III - the Attorneys of Justice;
- IV - the Prosecutors of Justice.

Article cited in: [5 sentences](#) ,[a doctrine](#)

SECTION III

of Organs auxiliary organs

Article 8

ARTICLE 8

The following are auxiliary bodies of the Public Ministry, in addition to others created by the Organic Law:

- I - the Operational Support Centers;
- II - the Competition Commission;
- III - the Center for Studies and Functional Improvement;
- IV - the administrative support bodies;

V - the interns.

Article cited in: [24 sentences](#) ,[2 doctrines](#)

CHAPTER III

of the management bodies

Articles 9 to 24

SECTION I

From the Attorney General's Office

Articles 9 to 11

ARTICLE 9

The Public Prosecutors' Offices of the States will form a triple list, among members of the career, in the form of the respective law, to choose their Attorney General, who will be appointed by the Chief of the Executive Power, for a two-year term, with one reappointment being permitted, observing the same procedure.

§ 1 The election of the triple list will be made by means of a plurinomial vote of all the members of the career.

§ 2 The dismissal of the Attorney General of Justice, on the initiative of the College of Attorneys, must be preceded by authorization of one third of the members of the Legislative Assembly.

§ 3 In the case of removals and impediments, the Attorney General of Justice will be substituted in accordance with the Organic Law.

§ 4 If the Chief of the Executive Branch does not appoint the Attorney General, within fifteen days following receipt of the triple list, the most voted member of the Public Prosecutor's Office will automatically be invested in the position to exercise the mandate.

Article cited in: [7 sentences](#)

ARTICLE 10

It is incumbent upon the Attorney General of Justice:

- I - exercise the leadership of the Public Ministry, representing it judicially and extrajudicially;
- II - integrate, as a natural member, and preside over the College of Prosecutors and the Superior Council of the Public Ministry;
- III - submit to the College of Attorneys for Justice the proposals for the creation and extinction of positions and auxiliary services and the annual budget;
- IV - forward to the Legislative Power bills initiated by the Public Ministry;
- V - perform acts and decide on issues related to the general administration and budget execution of the Public Ministry;
- VI - provide the initial positions of the career and auxiliary services, as well as in cases of removal, promotion, call-up and other forms of derived provision;
- VII - edit acts of retirement, exoneration and others that result in vacancy of career positions or auxiliary services and acts of availability of members of the Public Ministry and its servants;
- VIII - delegate its administrative functions;
- IX - appoint members of the Public Prosecutor's Office to:
 - to exercise the duties of manager of the Operational Support Centers;
 - occupy a position of trust with the bodies of the Higher Administration;
 - to integrate state bodies related to its area of activity;
 - file a complaint or propose a public civil action in the event of non-confirmation of the filing of a police or civil investigation, as well as any pieces of information;
 - follow up on a police investigation or investigative diligence, with the choice of the member of the Public Prosecutor's Office with attribution to, in theory, officiate in the deed, according to the ordinary rules for the distribution of services;
 - ensure the continuity of services, in case of vacancy, temporary removal, absence, impediment or suspicion of a position holder, or with his/her consent;
 - by exceptional and reasoned act, perform the procedural functions assigned to another member of the institution, submitting its decision in advance to the Superior Council of the Public Ministry;
 - to officiate before the Electoral Court of first instance, or with the Regional Electoral

Attorney, when requested by him;

X - settle conflicts of attributions between members of the Public Prosecutor's Office, designating who should officiate in the deed;

XI - decide on disciplinary proceedings against a member of the Public Ministry, applying the appropriate sanctions;

XII - issue recommendations, without a normative nature, to the Public Prosecutor's Office, for the performance of their functions;

XIII - forward to the Presidents of the Courts the sextuple lists referred to in [arts. 94](#) , caput, and 104, sole paragraph, item II, of [the Federal Constitution](#) ;

XIV - exercise other duties provided for by law.

Article cited in: [64 sentences](#) , [2 doctrines](#)

ARTICLE 11

The Attorney General of Justice may have in his Office, in the exercise of a position of trust, Prosecutors or Prosecutors of Justice of the highest rank or category, designated by him.

Article cited in: [6 sentences](#) , [a doctrine](#)

SECTION II

From the College of Prosecutors

Articles 12 and 13

ARTICLE 12

The College of Public Prosecutors is made up of all Public Prosecutors and is responsible for:

I - give an opinion, at the request of the Attorney General or a quarter of its members, on matters relating to the autonomy of the Public Ministry, as well as on other matters of institutional interest;

II - propose to the Attorney General of Justice the creation of positions and auxiliary services, changes in the Organic Law and measures related to the performance of institutional functions;

III - to approve the annual budget proposal of the Public Ministry, prepared by the Attorney

General's Office, as well as the projects for the creation of positions and auxiliary services;

IV - propose to the Legislative Power the dismissal of the Attorney General, by the vote of two thirds of its members and on the initiative of the absolute majority of its members in case of abuse of power, incompatible conduct or serious omission in the duties of the position, ensured broad defense;

V - to elect the General Inspector of the Public Ministry;

VI - dismiss the Corregidor-General of the Public Ministry, by the vote of two thirds of its members, in case of abuse of power, incompatible conduct or serious omission in the duties of the position, by representation of the Attorney General of Justice or the majority of his members, full defense assured;

VII - recommend to the General Inspector of the Public Prosecutor's Office the initiation of an administrative disciplinary procedure against a member of the Public Prosecutor's Office;

VIII - judge appeal against decision:

- of lifetime, or not, of a member of the Public Ministry;
- conviction in an administrative disciplinary procedure;
- rendered in a complaint about the general framework of seniority;
- availability and removal of a member of the Public Ministry, for reasons of public interest;
- of refusal provided for in § 3 of art. 15 of this law;

IX - decide on a request for review of disciplinary administrative procedure;

X - decide, on the initiative of a quarter of its members or the Attorney General of Justice, that the latter file a civil action for the decree of loss of the position of lifetime member of the Public Prosecutor's Office in the cases provided for in this Law;

XI - review, upon request of a legitimate interested party, under the terms of the Organic Law, a decision to file a police investigation or pieces of information determined by the Attorney General of Justice, in the cases of its original attribution;

XII - prepare its internal regulations;

XIII - perform other attributions conferred by law.

Single paragraph. The decisions of the College of Prosecutors of Justice will be motivated and published, by extract, except in legal cases of secrecy or by deliberation of the majority of its

members.

Article cited in: [11 sentences](#) , [a doctrine](#)

ARTICLE 13

In order to exercise the duties of the College of Prosecutors with a number greater than forty Prosecutors, a Special Body may be constituted, whose composition and number of members shall be determined by the Organic Law.

Single paragraph. The provisions of this article do not apply to the cases provided for in items I, IV, V and VI of the previous article, as well as to other attributions to be granted to the entire College of Prosecutors by the Organic Law.

Article cited in: [3 sentences](#)

SECTION III

From the Superior Council of the Public Ministry

Articles 14 and 15

ARTICLE 14

Organic Law of each Public Prosecutor's Office shall provide for the composition, ineligibility and terms of its termination, tenure and duration of the term of office of the members of the Superior Council of the Public Prosecution Service, respecting the following provisions:

I - the Superior Council will have as natural members only the Attorney General of Justice and the Corregidor General of the Public Ministry;

II - only Prosecutors who are not away from their careers are eligible;

III - the voter may vote for each one of the eligible candidates up to the number of positions placed in the election, in accordance with the state supplementary law.

Article cited in: [3 sentences](#)

ARTICLE 15

The Superior Council of the Public Ministry is responsible for:

I - prepare the six-fold lists referred to in [arts. 94](#) , caput and 104, sole paragraph, II, of [the Federal Constitution](#) ;

II - indicate to the Attorney General of Justice, in a triple list, the candidates for removal or promotion by merit;

III - elect, in accordance with the Organic Law, the members of the Public Prosecutor's Office who will form part of the Career Admission Competition Commission;

IV - indicate the name of the oldest member of the Public Ministry for removal or promotion due to seniority;

V - appointing the Attorney General of Justice Prosecutors to be substituted by summons;

VI - approve requests for removal by exchange between members of the Public Ministry;

VII - decide on the lifetime of members of the Public Ministry;

VIII - determine, by a vote of two thirds of its members, the availability or removal of members of the Public Prosecutor's Office, in the public interest, ensuring full defense;

IX - approve the general seniority framework of the Public Ministry and decide on complaints made in this regard;

X - suggest to the Attorney General the issue of recommendations, without binding character, to the Public Ministry bodies for the performance of their functions and the adoption of convenient measures to improve the services;

XI - authorize the removal of a member of the Public Ministry to attend a course or seminar for improvement and study, in the country or abroad;

XII - prepare its internal regulations;

XIII - exercise other duties provided for by law.

§ 1 The decisions of the Superior Council of the Public Ministry will be motivated and published, by extract, except in legal cases of secrecy or by deliberation of the majority of its members.

§ 2 The removal and voluntary promotion by seniority and merit, as well as the summons, will depend on the prior written expression of the interested party.

§ 3 In the appointment by seniority, the Superior Council of the Public Prosecutor's Office may only refuse the most senior member of the Public Prosecutor's Office by the vote of two thirds of its members, according to its own procedure, the vote being repeated until the appointment is fixed, after the judgment of any appeal filed based on subparagraph and item VIII of art. 12 of this law.

Article cited in: [9 sentences](#)

SECTION IV

Inspector General of the Public Ministry

Articles 16 to 18

ARTICLE 16

The Corregidor General of the Public Ministry will be elected by the College of Prosecutors, from among the Prosecutors of Justice, for a two-year term, with one reappointment being permitted, subject to the same procedure.

Single paragraph. The Corregidor General of the Public Ministry is a natural member of the College of Prosecutors of Justice and of the Superior Council of the Public Ministry.

Article cited in: [3 sentences](#)

ARTICLE 17

The General Office of the Public Prosecutor's Office is the body that guides and monitors the functional activities and conduct of the members of the Public Prosecutor's Office, and is responsible, among other things, for:

I - carry out corrections and inspections;

II - carry out inspections at the Attorney General's Offices, sending a report reserved to the College of Attorneys for Justice;

III - to propose to the Superior Council of the Public Ministry, in the form of the Organic Law, the non-lifetime of a member of the Public Ministry;

IV - make recommendations, without binding character, to the enforcement agency;

V - to institute, ex officio or at the instigation of the other bodies of the Superior Administration of the Public Prosecutor's Office, disciplinary proceedings against a member of the institution, presiding over it and applying the appropriate administrative sanctions, in the form of the Organic Law;

VI - forward to the Attorney General of Justice the disciplinary administrative proceedings that, according to the Organic Law, it is up to him to decide;

VII - forward to the other bodies of the Superior Administration of the Public Ministry information necessary for the performance of its attributions;

VIII - submit to the Attorney General of Justice, in the first fortnight of February, a report with statistical data on the activities of the Attorney General's Offices and Public Prosecutors' Offices, relative to the previous year.

Article cited in: [23 sentences](#)

ARTICLE 18

The Corregidor General of the Public Ministry will be advised by Prosecutors of the highest rank or category, appointed by him and appointed by the Attorney General of Justice.

Single paragraph. If the General Prosecutor of Justice refuses to appoint the Public Prosecutors appointed to him, the Corregidor General of the Public Prosecutor's Office may submit the nomination for deliberation by the College of Prosecutors.

Article cited in: [34 sentences](#), [a doctrine](#), [a notice](#)

SECTION V

From prosecutors' offices

Articles 19 to 22

ARTICLE 19

The Public Prosecutor's Offices are administrative bodies of the Public Prosecutor's Office, with the positions of Prosecutor of Justice and auxiliary services necessary for the performance of the functions entrusted to them by the Organic Law.

§ 1 The presence of a Public Prosecutor is mandatory in the judgment sessions of the processes of the respective Public Prosecutor's Office.

§ 2º The Prosecutors of Justice will carry out permanent inspection of the services of the Prosecutors of Justice in the records in which they officiate, sending their reports to the General Corregedoria of the Public Ministry.

Article cited in: [4 sentences](#)

ARTICLE 20

The Public Prosecutors of the Civil and Criminal Public Prosecutors' Offices, who work with the same Court, will meet to establish legal guidelines, without binding character, forwarding them to the General Prosecutor of Justice.

Article cited in: [4 sentences](#)

ARTICLE 21

The internal division of the services of the Public Prosecutor's Offices will be subject to objective criteria defined by the College of Prosecutors, which aim at the equitable distribution of processes by lot, observing, for this purpose, the proportionality rules, especially the alternation established according to the of the nature, volume and kind of the deeds.

Single paragraph. The rule of this article will not apply only in cases in which the Public Prosecutors define, consensually, according to their own criteria, the internal division of services.

Article cited in: [5 sentences](#)

ARTICLE 22

The Attorney General's Office is responsible, in the form of the Organic Law, among other attributions:

I - choose the Public Prosecutor responsible for the administrative services of the Public Prosecutor's Office;

II - propose to the Attorney General the vacation schedule of its members;

III - request the Attorney General of Justice, in the event of a leave of absence from the Attorney General's office or removal from his duties with the Attorney General's Office, to summon a Public Prosecutor of the highest rank or category to replace him.

Article cited in: [4 sentences](#)

SECTION VI

From prosecutors

Articles 23 and 24

ARTICLE 23

The Public Prosecutor's Offices are administrative bodies of the Public Prosecutor's Office with at least one position of Promoter of Justice and auxiliary services necessary for the performance of the functions entrusted to them by the Organic Law.

§ 1 The Public Prosecutor's Office may be judicial or extrajudicial, specialized, general or cumulative.

§ 2 The attributions of the Public Prosecutor's Offices and the positions of the Public Prosecutors who form part of them shall be established by means of a proposal by the Attorney General of Justice, approved by the College of Attorneys for Justice.

§ 3 The exclusion, inclusion or other modification in the attributions of the Public Prosecutor's Offices or the positions of the Public Prosecutors who form part of it shall be carried out upon a proposal by the Attorney General of Justice, approved by an absolute majority of the College of Attorneys.

Article cited in: [5 sentences](#) , [a doctrine](#)

ARTICLE 24

The General Prosecutor of Justice may, with the agreement of the regular Prosecutor, appoint another Prosecutor to function in a specific task, assigned to the former.

Article cited in: [9 sentences](#) , [a doctrine](#)

CHAPTER IV

Functions of enforcement bodies

Articles 25 to 32

SECTION I

Of the general functions

Articles 25 to 28

ARTICLE 25

In addition to the functions provided for in the Federal and State Constitutions, in the Organic

Law and in other laws, the Public Ministry is also responsible for:

I - propose action for the unconstitutionality of state or municipal laws or normative acts, in view of the State Constitution;

II - promote the representation of unconstitutionality for the purpose of State intervention in the Municipalities;

III - privately promote public criminal action, in accordance with the law;

IV - promote civil investigation and public civil action, in accordance with the law:

-for the protection, prevention and repair of damages caused to the environment, to the consumer, to goods and rights of artistic, aesthetic, historical, tourist and scenic value, and to other diffuse, collective and individual interests that are unavailable and homogeneous;

-for the annulment or declaration of nullity of acts harmful to the public patrimony or to the administrative morality of the State or Municipality, of their indirect or foundational administrations or of private entities in which they participate;

V - to manifest itself in proceedings in which its presence is mandatory by law and, also, whenever intervention is appropriate, to ensure the exercise of its institutional functions, regardless of the phase or degree of jurisdiction in which the proceedings are found;

VI - exercise the supervision of prison establishments and those that house the elderly, minors, incapable people or people with disabilities;

VII - to resolve on the participation in state bodies for the defense of the environment, including work, consumer, penal and penitentiary policy and other areas related to its area of activity;

VIII - to file a court, ex officio, to hold public money managers responsible for having been convicted by courts and accounting councils;

IX - file appeals with the Federal Supreme Court and the Superior Court of Justice;

X - Veto;

XI - Veto.

Single paragraph. It is forbidden to exercise the functions of the Public Prosecutor's Office to people who are strangers to it, under penalty of nullity of the act performed.

Article cited in: [559 sentences](#) , [10 Doctrines](#) , [a form](#)

ARTICLE 26

In the exercise of its functions, the Public Prosecutor's Office may:

I - initiate civil investigations and other relevant administrative measures and procedures and, to instruct them:

- issue notices to collect statements or clarifications and, in case of unjustified non-attendance, request coercive conduct, including by the Civil or Military Police, subject to the prerogatives provided for by law;

- request information, expert examinations and documents from federal, state and municipal authorities, as well as from bodies and entities of the direct, indirect or foundational administration, of any of the Powers of the Union, the States, the Federal District and the Municipalities;

- promote inspections and investigative steps with the authorities, bodies and entities referred to in the previous paragraph;

II - request information and documents from private entities, to instruct procedures or processes in which it officiates;

III - request the competent authority to initiate an investigation or appropriate administrative procedure;

IV - request investigative steps and the initiation of a police inquiry and a military police inquiry, in compliance with the provisions of [art. 129, item VIII](#) , of [the Federal Constitution](#) , and may accompany them;

V - perform executive administrative acts of a preparatory nature;

VI - publicize the non-disciplinary administrative procedures to be instituted and the measures adopted;

VII - to suggest to the competent Power the edition of norms and the alteration of the legislation in force, as well as the adoption of proposed measures, destined to the prevention and control of the crime;

VIII - to manifest itself at any stage of the proceedings, accepting the request of the judge, the party or on its own initiative, when it understands that there is an interest in question that justifies the intervention.

§ 1 The notifications and requests provided for in this article, when addressed to the State Governor, members of the Legislative Power and the judges, shall be forwarded by the Attorney

General of Justice.

§ 2 The member of the Public Prosecutor's Office will be responsible for the improper use of the information and documents requested, including in legal cases of secrecy.

§ 3 The requests made by the Public Ministry to the authorities, bodies and entities of the direct, indirect or foundational Public Administration, of any of the Powers of the Union, the States, the Federal District and the Municipalities, will be fulfilled free of charge.

§ 4 The absence from work, due to compliance with the notification or request, in the form of item I of this article, does not authorize salary or salary deduction, considering its effective exercise, for all purposes, upon written proof of the member of the Public ministry.

§ 5 Every representation or petition made to the Public Prosecutor's Office will be distributed among the members of the institution who have the authority to appreciate it, observing the criteria established by the College of Prosecutors.

Article cited in: [103 sentences](#) , [10 Doctrines](#) , [4 administrative resolutions](#) , [3 news](#)

ARTICLE 27

It is up to the Public Prosecutor's Office to defend the rights guaranteed in the Federal and State Constitutions, whenever it takes care to guarantee their respect:

I - by state or municipal powers;

II - by the bodies of the State or Municipal Public Administration, directly or indirectly;

III - by state or municipal public service concessionaires and permit holders;

IV - by entities that perform another function delegated by the State or Municipality or perform service of public relevance.

Single paragraph. In the exercise of the attributions referred to in this article, the Public Prosecutor's Office, among other measures, is responsible for:

I - receive news of irregularities, petitions or complaints of any nature, promote the appropriate investigations that are their own and provide them with adequate solutions;

II - ensure the speed and rationalization of administrative procedures;

III - to proceed, within thirty days, to the news of irregularities, petitions or complaints referred to in item I;

IV - promote public hearings and issue annual or special reports and recommendations addressed to the bodies and entities mentioned in the caput of this article, requesting from the

addressee their adequate and immediate disclosure, as well as a written response.

Article cited in: [10 sentences](#) , [2 doctrines](#) , [a notice](#)

ARTICLE 28

vetoed.

Article cited in: [3 sentences](#)

SECTION II

From the Attorney General

Article 29

ARTICLE 29

In addition to the attributions provided for in the Federal and State Constitutions, in the Organic Law and in other laws, it is incumbent upon the Attorney General of Justice to:

I - represent the local Courts for unconstitutionality of state or municipal laws or normative acts, in view of the State Constitution;

II - represent for the purposes of State intervention in the Municipality, with the objective of ensuring compliance with the principles indicated in the State Constitution or providing for the execution of law, order or judicial decision;

III - represent the Public Ministry in the plenary sessions of the Courts;

IV - Veto;

V - file a criminal action originating in the Courts, officiating therein;

VI - to officiate in the processes of original competence of the Courts, within the limits established in the Organic Law;

VII - determine the filing of representation, news of crime, pieces of information, conclusion of parliamentary inquiry commissions or police investigation, in the cases of its legal attributions;

VIII - exercise the attributions of [art. 129, II](#) and III, of [the Federal Constitution](#) , when the claimed authority is the Governor of the State, the President of the Legislative Assembly or the Presidents of Courts, as well as when against them, due to an act practiced by reason of their functions, the

competent action;

IX - delegate to a member of the Public Prosecutor's Office its functions of enforcement agency.

Article cited in: [54 sentences](#) , [2 doctrines](#) , [a notice](#)

SECTION III

From the Superior Council of the Public Ministry

Article 30

ARTICLE 30

It is incumbent upon the Superior Council of the Public Ministry to review the filing of a civil investigation, in accordance with the law.

Article cited in: [5 sentences](#)

SECTION IV

From the prosecutors

Article 31

ARTICLE 31

It is incumbent upon the Attorneys of Justice to exercise their duties before the Courts, provided that they are not entrusted to the Attorney General of Justice, and even by delegation of the latter.

Article cited in: [127 sentences](#)

SECTION V

From the prosecutors

Article 32

ARTICLE 32

In addition to other functions committed in the Federal and State Constitutions, in the Organic Law and other laws, it is incumbent upon the Prosecutors of Justice, within their spheres of attribution:

I - file habeas corpus and writ of mandamus and request partial correction, including before the competent local Courts;

II - attend to any of the people, taking the appropriate measures;

III - to officiate before the Electoral Court of first instance, with the attributions of the Electoral Public Prosecutor's Office provided for in the Organic Law of the Federal Public Prosecutor's Office that are relevant, in addition to others established in the electoral and party legislation.

Article cited in: [31 sentences](#)

CHAPTER V

of Organs auxiliary organs

Articles 33 to 37

SECTION I

From operational support centers

Article 33

ARTICLE 33

The Operational Support Centers are auxiliary bodies of the Public Ministry's functional activity, and they are responsible, under the Organic Law:

I - encourage integration and exchange between enforcement bodies that operate in the same area of activity and that have common attributions;

II - send technical-legal information, without binding character, to the bodies linked to its activity;

III - establish permanent exchanges with public or private entities or bodies that work in similar areas, in order to obtain the specialized technical elements necessary for the performance of

their functions;

IV - send, annually, to the Attorney General of Justice a report on the activities of the Public Ministry in relation to its areas of attribution;

V - to perform other functions compatible with its purposes, being prohibited the exercise of any activity of enforcement agency, as well as the issuance of normative acts addressed to them.

Article cited in: [a sentence](#)

SECTION II

From the tender committee

Article 34

ARTICLE 34

The Tender Commission, an auxiliary body of a transitory nature, is responsible for carrying out the selection of candidates for entry into the Public Prosecutor's Office, in accordance with the Organic Law and observing [art. 129, § 3](#), of [the Federal Constitution](#).

Sole Paragraph - The Organic Law will define the criterion for choosing the President of the Career Admission Competition Commission, whose other members will be elected in accordance with art. 15, item III, of this Law.

SECTION III

From the Center for Studies and Functional Improvement

Article 35

ARTICLE 35

The Center for Studies and Functional Improvement is an auxiliary body of the Public Prosecutor's Office designed to hold courses, seminars, congresses, symposia, research, activities, studies and publications aimed at the professional and cultural improvement of the institution's members, its assistants and employees, as well as the best execution of its services and rationalization of its material resources.

Single paragraph. The Organic Law will establish the organization, functioning and other attributions of the Center for Studies and Functional Improvement.

Article cited in: [2 sentences](#)

SECTION IV

Administrative support bodies

Article 36

ARTICLE 36

Law initiated by the Attorney General of Justice will regulate the auxiliary administrative support bodies and services, organized in their own career framework, with positions that meet their peculiarities and the needs of the administration and functional activities.

Article cited in: [a sentence](#)

SECTION V

of the interns

Article 37

ARTICLE 37

The Public Prosecutor's interns, assistants to the Public Prosecutors' Offices, will be appointed by the Attorney General of Justice, for a period not exceeding three years.

Single paragraph. The Organic Law will regulate the selection, investiture, prohibitions and dismissal of interns, who will be students of the last three years of the Bachelor of Law course, from official or recognized schools.

Article cited in: [147 sentences](#)

CHAPTER VI

The guarantees and prerogatives of members of the public

prosecutor

Articles 38 to 42

ARTICLE 38

Members of the Public Ministry are subject to a special legal regime and have the following guarantees:

I - lifetime, after two years of exercise, not being able to lose the position except by a final court decision;

II - irremovability, except for reasons of public interest;

III - irreducibility of salaries, observing, in terms of remuneration, the provisions of [the Federal Constitution](#) .

§ 1 The lifetime member of the Public Prosecutor's Office will only lose the position by a final and unappealable judicial decision, rendered in its own civil action, in the following cases:

I - practice of a crime incompatible with the exercise of the position, after a final and unappealable court decision;

II - practice of law;

III - abandonment of the position for a period exceeding thirty consecutive days.

§ 2 The civil action for the decree of loss of office will be proposed by the Attorney General of Justice before the local Court of Justice, after authorization of the College of Prosecutors, in the form of the Organic Law.

Article cited in: [17 sentences](#) , [2 doctrines](#) , [a notice](#)

ARTICLE 39

In the event of the extinction of the enforcement body, of the District or change of the headquarters of the Public Prosecutor's Office, the Public Prosecutor will be able to move to another Public Prosecutor's Office of the same rank or category, or obtain availability with full salaries and time counting. of service as if on duty.

§ 1 The member of the Public Prosecutor's Office on paid availability will remain subject to the constitutional prohibitions and will be classified in a special framework, providing the vacancy that occurs.

§ 2º Availability, in the cases provided for in the caput of this article, grants the member of the Public Prosecutor's Office the right to receive full salaries and benefits and to count the time of service as if he were in office.

Article cited in: [3 sentences](#) ,[a doctrine](#)

ARTICLE 40

The prerogatives of members of the Public Prosecutor's Office, in addition to others provided for in the Organic Law, are:

I - be heard, as a witness or victim, in any process or inquiry, on a day, time and place previously agreed with the Judge or the competent authority;

II - be subject to subpoena or summons to appear, only if issued by the judicial authority or by a body of the Superior Administration of the competent Public Prosecutor's Office, except in constitutional cases;

III - be arrested only by written court order, except in the act of a non-bailable crime, in which case the authority will, within a maximum period of twenty-four hours, communicate and present the member of the Public Prosecutor's Office to the Attorney General of Justice;

IV - be prosecuted and judged originally by the Court of Justice of its State, in common crimes and of responsibility, except for constitutional exceptions;

V - be placed in custody or taken to house arrest or to the special room of the General Staff, by order and at the disposal of the competent Court, when subject to arrest before the final judgment;

VI - have ensured the right of access, rectification and completion of data and information related to their person, existing in the bodies of the institution, in accordance with the Organic Law.

Article cited in: [50 sentences](#) ,[2 doctrines](#) ,[a form](#)

ARTICLE 41

The following are the prerogatives of members of the Public Ministry, in the exercise of their function, in addition to others provided for in the Organic Law:

I - receive the same legal and protocol treatment given to the members of the Judiciary with whom they act;

II - not be indicted in a police investigation, in compliance with the provisions of the sole paragraph of this article;

III - review the records after distribution to the Panels or Chambers and intervene in the trial sessions, for oral support or clarification of matters of fact;

IV - receive a personal summons in any process and degree of jurisdiction, through the delivery of the documents with a view;

V - enjoy inviolability for the opinions expressed or for the content of their procedural manifestations or procedures, within the limits of their functional independence;

VI - enter and transit freely:

-in the courtrooms, even beyond the limits that separate the part reserved for Magistrates;

-in the rooms and premises of hearings, secretariats, notary offices, notaries, offices of justice, including public records, police stations and establishment of collective internment;

-in any public or private place, except for the constitutional guarantee of inviolability of domicile;

VII - examine, in any Court or Tribunal, records of completed or ongoing cases, even if concluded to the authority, being able to copy parts and take notes;

VIII - examine, in any police department, records of flagrante delicto or investigation, completed or in progress, even if concluded to the authority, being able to copy pieces and take notes;

IX - have access to the arrested accused, at any time, even when his incommunicado detention has been decreed;

X - wear the vestments and the private insignia of the Public Prosecutor's Office;

XI - take a seat to the right of the Judges of the first instance or of the President of the Court, Chamber or Panel.

Single paragraph. When, in the course of the investigation, there is evidence of the practice of a criminal offense by a member of the Public Prosecutor's Office, the police, civil or military authority shall immediately forward, under penalty of liability, the respective records to the Attorney General of Justice, who will be responsible for proceed with the investigation.

Article cited in: [599 sentences](#) , [8 Doctrines](#) , [a form](#) , [5 news](#)

ARTICLE 42

Members of the Public Prosecutor's Office will have a working card, issued in accordance with the Organic Law, valid throughout the national territory as an identity card, and carrying a

weapon, regardless, in this case, of any formal act of license or authorization.

Article cited in: [a news](#)

CHAPTER VII

Duties and prohibitions of public prosecutors

Articles 43 and 44

ARTICLE 43

The duties of members of the Public Prosecutor's Office, in addition to others provided for by law, are:

- I - keep public and private conduct unblemished;
- II - to care for the prestige of Justice, for its prerogatives and for the dignity of its functions;
- III - indicate the legal basis of its procedural pronouncements, preparing a report in its final or appeal;
- IV - comply with procedural deadlines;
- V - attend judicial acts, when their presence is mandatory or convenient;
- VI - perform, with zeal and promptness, their functions;
- VII - declare themselves suspected or prevented, under the terms of the law;
- VIII - adopt, within the limits of its attributions, the appropriate measures in the face of the irregularity of which it has knowledge or that occurs in the services under its responsibility;
- IX - treat with civility the parties, witnesses, officials and auxiliaries of Justice;
- X - reside, if the holder, in the respective District;
- XI - provide information requested by the bodies of the institution;
- XII - identify itself in its functional manifestations;
- XIII - assist interested parties, at any time, in urgent cases;
- XIV - to accept, at the administrative level, the decisions of the organs of the Superior

Administration of the Public Prosecutor's Office.

Article cited in: [11 sentences](#), [4 doctrines](#)

ARTICLE 44

The following restrictions apply to members of the Public Ministry:

I - receive, in any capacity and under any pretext, fees, percentages or procedural costs;

II - practice law;

III - to trade or participate in a commercial company, except as a quotaholder or shareholder;

IV - exercise, even if available, any other public function, except for teaching;

V - carry out political-party activity, except for membership and the exceptions provided for by law.

Single paragraph. For the purposes of item IV of this article, the activities carried out in state bodies related to the area of action of the Public Prosecutor's Office, in a Center for the Study and Improvement of the Public Prosecutor's Office, in class representation entities and the exercise of positions of confidence in its management and auxiliary bodies.

Article cited in: [17 sentences](#), [2 doctrines](#), [a notice](#)

CHAPTER VIII

Salaries, benefits and rights

Articles 45 to 58

ARTICLE 45

The member of the Public Prosecutor's Office, summoned or designated for replacement, will be entitled to the difference in salary between his position and the one he occupies.

ARTICLE 46

The review of the remuneration of members of the Public Ministry will be carried out in accordance with state law.

Article cited in: [a sentence](#)

ARTICLE 47

The salaries of the members of the Public Prosecutor's Office shall be fixed with a difference not exceeding ten percent from one rank or category to another, or from the highest rank for the position of Attorney General of Justice, with a guarantee to the Attorneys of Justice of not less than ninety-five percent of the salaries assigned to the Attorney General.

Article cited in: [a sentence](#)

ARTICLE 48

The remuneration of the members of the Public Prosecutor's Offices of the States will observe, as a maximum limit, the amounts perceived as remuneration, in kind, in any Title, by the members of the local Judiciary.

ARTICLE 49

The salaries of the Attorney General of Justice, in each State, for the purposes of the provisions of [§ 1 of art. 39 of the Federal Constitution](#) , will keep equivalence with the salaries of the Judges of the Courts of Justice.

Article cited in: [3 sentences](#)

ARTICLE 50

In addition to the salaries, the following advantages may be granted to a member of the Public Prosecutor's Office, under the terms of the law:

I - subsistence allowance, for transportation and moving expenses;

II - housing allowance, in the Jurisdictions where there is no decent official residence for the member of the Public Prosecutor's Office;

III - family allowance;

IV - per diem;

V - allowance for representation of the Public Prosecutor's Office;

VI - bonus for the provision of service to the Electoral Justice, equivalent to that due to the Magistrate before whom to officiate;

VII - bonus for the provision of service to the Labor Court, in the Judiciary where there is no Board of Conciliation and Judgment;

VIII - additional bonus per year of service, levied on the basic salary and representation allowance, subject to the provisions of § 3 of this article and [item XIV of art. 37 of the Federal Constitution](#) ;

IX - bonus for the effective exercise in a District of difficult provision, as defined and indicated in law or in an act of the Attorney General of Justice;

X - bonus for the cumulative exercise of positions or functions;

XI - representation allowance for the exercise of management or trust positions with the bodies of the Higher Administration;

XII - other advantages provided for by law, including those granted to public servants in general.

§ 1 The social rights provided for in [art. 7](#) , items VIII, XII, XVII, XVIII and XIX, of [the Federal Constitution](#) .

§ 2nd, for the purpose of retirement, availability and additional for length of service, the time of practice of law, up to a maximum of fifteen years, shall be computed.

§ 3rd. For all purposes, the fee for representing the Public Prosecutor's Office constitutes a portion of the salaries.

Article cited in: [55 sentences](#)

ARTICLE 51

The right to annual, collective and individual vacations, of the member of the Public Prosecutor's Office, will be equal to that of the Magistrates, the Organic Law regulating its concession and applying the provisions of [art. 7](#) , item XVII, of [the Federal Constitution](#) .

Article cited in: [5 sentences](#)

ARTICLE 52

License will be granted:

I - for health treatment;

II - due to illness of a member of the family;

III - to the pregnant woman;

IV - paternity;

V - in a special character;

VI - for marriage, up to eight days;

VII - for mourning, due to the death of the spouse, ascendant, descendant, brothers, in-laws, daughters-in-law and sons-in-law, up to eight days;

VIII - in other cases provided for by law.

Single paragraph. The Organic Law will regulate the licenses referred to in this article, and the member of the Public Ministry, in these situations, cannot exercise any of his functions.

Article cited in: [7 sentences](#)

ARTICLE 53

For all legal purposes, except for lifetime, the days on which the member of the Public Prosecutor's Office is away from their duties are considered as effective, for all legal purposes:

I - the license provided for in the previous article;

II - on vacation;

III - courses or seminars for improvement and studies, in the country or abroad, with a maximum duration of two years and with prior authorization from the Superior Council of the Public Ministry;

IV - period of transit;

V - of paid availability, except for promotion, in case of removal resulting from punishment;

VI - appointment of the Attorney General of Justice to:

-carrying out an activity of relevance to the institution;

-direction of the Center for Studies and Functional Improvement of the Public Ministry;

VII - the exercise of positions or functions of direction of a representative association of the class,

in the form of the Organic Law;

VIII - exercising the activities provided for in the sole paragraph of art. 44 of this law;

IX - other hypotheses defined by law.

Article cited in: [4 sentences](#)

ARTICLE 54

The member of the Public Prosecutor's Office will be retired, with full pay, compulsorily, due to disability or at seventy years of age, and, optionally, after thirty years of service, after five years of effective exercise in the career.

ARTICLE 55

Retirement earnings, which will correspond to the totality of salaries received in active service, for any title, will be reviewed in the same proportion and on the same date, whenever the remuneration of active members of the Public Prosecutor's Office is modified, also being extended to inactive any benefits or advantages later granted to those, including when resulting from the transformation or reclassification of the position or function in which the retirement took place.

Single paragraph. The earnings of retired members of the Public Prosecutor's Office will be paid at the same time as the salaries of the members of the Public Prosecutor's Office in activity, appearing on the payroll issued by the Public Prosecutor's Office.

Article cited in: [2 sentences](#)

ARTICLE 56

The pension for death, equal to the totality of salaries or earnings received by active or inactive members of the Public Ministry, will be readjusted on the same date and proportionately.

Single paragraph. The mandatory pension will not prevent the receipt of benefits arising from a voluntary contribution to any social security entity.

Article cited in: [2 sentences](#)

ARTICLE 57

The surviving spouse and, failing that, the heirs or dependents of a member of the Public Ministry, even if retired or available, will be paid the funeral allowance, in an amount equal to one month of wages or earnings received by the deceased.

ARTICLE 58

For the purposes of this Chapter, the companion is equivalent to the wife, under the terms of the law.

Article cited in: [a sentence](#)

CHAPTER IX

of the career

Articles 59 to 68

ARTICLE 59

Entry into the initial positions of the career will depend on prior approval in a public competition of tests and Titles, organized and carried out by the Attorney General's Office, with the participation of the Brazilian Bar Association.

§ 1 It is mandatory to open the entrance examination when the number of vacancies reaches one fifth of the initial positions in the career.

§ 2 The successful candidate will be assured of the appointment and choice of the position, according to the order of classification in the competition.

§ 3 The requirements for entering the career are, among others established by the Organic Law:

I - be Brazilian;

II - have completed a Bachelor's degree in Law, at an official or recognized school;

III - be even with the military service;

IV - be in enjoyment of political rights.

§ 4 The nominated candidate must present, at the time of his inauguration, a declaration of his assets and make a commitment to correctly perform the duties of the position and to comply with the Constitution and the laws.

ARTICLE 60

The functional exercise of a member of the Public Prosecutor's Office is suspended, until the final judgment, when, before the expiration of the two-year period, there is a challenge to his/her lifetime.

§ 1 The Organic Law will regulate the contestation procedure, and it is up to the Superior Council of the Public Prosecutor's Office to decide, within a maximum period of sixty days, on the non-lifetime and to the College of Prosecutors, within thirty days, any appeal.

§ 2 During the processing of the impugnation procedure, the member of the Public Prosecutor's Office will receive full salaries, counting for all purposes the time of suspension of the functional exercise, in the case of lifetime.

Article cited in: [5 sentences](#) , [a notice](#)

ARTICLE 61

The Organic Law will regulate the regime of removal and promotion of members of the Public Ministry, observing the following principles:

I - voluntary promotion, by seniority and merit, alternately, from one rank or category and from the highest rank or rank to the position of Public Prosecutor, applying, by similarity, the provisions of [art. 93](#) , items III and VI, of [the Federal Constitution](#) ;

II - the seniority in the rank and the merit for the performance of the member of the Public Ministry throughout the career will be determined, with prevalence of objective criteria, taking into account their conduct, hard work and dedication in the exercise of the position, promptness and security in their procedural manifestations, the number of times they have already participated in lists, as well as the frequency and use in official, or recognized, improvement courses;

III - mandatory promotion of the Public Prosecutor who appears for three consecutive times or five alternate times in the merit list;

IV - the promotion by merit presupposes two years of exercise in the respective rank or category and the Prosecutor integrates the first fifth part of the seniority list, unless there is no one with such requirements who accepts the vacant post, or when the limited number of members of the Public Ministry make it impossible to form a triple list;

V - the merit list will result from the three most voted names, provided that a majority of votes is obtained, proceeding, in order to reach it, to as many votes as necessary, firstly examining the names of the remainder of the previous list;

VI - in the absence of mandatory promotion, the choice will be made by the member of the Public Prosecutor's Office with the most votes, observing the order of the scrutiny, prevailing, in the event of a tie, the seniority in the rank or category, unless the Superior Council prefers to delegate the competence to the Attorney General of Justice.

Article cited in: [a sentence](#)

ARTICLE 62

Once the vacancy for removal or promotion is verified, the Superior Council of the Public Ministry will issue, within a maximum period of sixty days, a notice to fill the position, unless it has not yet been installed.

Article cited in: [2 sentences](#), [a doctrine](#), [a notice](#)

ARTICLE 63

For each vacancy destined to be filled by removal or promotion, a separate notice will be issued, successively, with the indication of the position corresponding to the vacancy to be filled.

Article cited in: [a news](#)

ARTICLE 64

Removal by exchange between members of the Public Prosecutor's Office of the same rank or category will be allowed, observing, in addition to the provisions of the Organic Law:

- I - written and joint request, made by both applicants;
- II - renewal of removal by exchange only allowed after two years have elapsed;
- III - that removal by exchange does not entitle the holder to a subsistence allowance.

ARTICLE 65

The Organic Law may provide for replacement by summons, in the event of a leave of absence of the holder of a career position or removal from their duties at the Attorney's Office or Public Prosecutor's Office, only members of the Public Ministry may be summoned.

Article cited in: [2 sentences](#)

ARTICLE 66

The reinstatement, which will result from a final judgment, is the return of the member of the Public Prosecutor's Office to the position, with reimbursement of the salaries and advantages left unnoticed due to the removal, including the counting of the time of service.

§ 1. If the position to which the member of the Public Prosecutor's Office will be reinstated is filled, its occupant will become available until further use.

§ 2 The reinstated member of the Public Prosecutor's Office will be submitted to a medical inspection and, if considered incapable, will be compulsorily retired, with the advantages to which he would be entitled if the reinstatement is effective.

ARTICLE 67

The reversal will take place at the time in which the member of the Public Prosecutor's Office retired, in a vacancy to be filled by the criterion of merit, observing the legal requirements.

ARTICLE 68

The use is the return of the member of the Public Ministry in availability for the functional exercise.

§ 1 The member of the Public Prosecutor's Office will be used in the executive body he occupied when made available, unless he accepts another of the same rank or category, or if he is promoted.

§ 2º Upon returning to activity, the member of the Public Prosecutor's Office will be subject to medical inspection and, if judged incapable, will be compulsorily retired, with the advantages to which he would be entitled if he returned.

CHAPTER X

Of the final and transitional provisions

Articles 69 to 84

ARTICLE 69

The Public Prosecutor's Offices of the States will adapt their salary tables to the provisions of this Law, with a view to reviewing the remuneration of their members and servants.

ARTICLE 70

The bonus for the provision of service to the Electoral Justice is established, as provided for in art. 50, VI, of this Law.

Article cited in: [12 sentences](#)

ARTICLE 71

vetoed.

ARTICLE 72

A member or employee of the Public Prosecutor's Office is prohibited from maintaining, under his or her immediate leadership, in a position of trust, a spouse, partner, or relative up to the second civil degree.

Article cited in: [a sentence](#)

ARTICLE 73

To exercise their functions before the Electoral Justice, at the request of the Attorney General of the Republic, the members of the Public Ministry of the State will be appointed, if applicable, by the respective Attorney General of Justice.

§ 1 In the absence of designation, exclusively for electoral services, in the form of the caput of this article, the Electoral Promoter will be the member of the local Public Ministry who officiates before the Court responsible for those services.

§ 2 In the event of a justifiable impediment or refusal, the Attorney General of Justice shall appoint a substitute.

Article cited in: [30 sentences](#)

ARTICLE 74

For the purposes of the provisions of art. [104, sole paragraph, item II](#) , of [the Federal Constitution](#) and observing the provisions of art. 15, item I, of this Law, the sixfold list of members of the Public Ministry will be organized by the Superior Council of each Public Ministry of the States.

Article cited in: [2 sentences](#)

ARTICLE 75

It is incumbent upon the Attorney General of Justice, after hearing the Superior Council of the Public Ministry, to authorize the removal from the career of a member of the Public Ministry who has exercised the option referred to in art. 29, § 3, of the Transitional Constitutional Provisions Act, to hold a position, job or function of equivalent or higher level in the Direct or Indirect Administration.

Single paragraph. The period of absence from the career established in this article will be considered effective exercise, for all legal purposes, except for removal or promotion due to merit.

ARTICLE 76

The Attorney General's Office shall propose, within one year of the enactment of this Law, the creation or transformation of positions corresponding to functions not assigned to existing positions.

Single paragraph. Prosecutors who perform the functions provided for in this article will be granted preference in the removal contest.

ARTICLE 77

Within the scope of the Public Prosecutor's Office, for the purposes of the provisions of [art. 37, item XI](#) , of [the Federal Constitution](#) , the amounts received in cash, in any title, by the Attorney General of Justice are established as remuneration limit.

Article cited in: [2 sentences](#)

ARTICLE 78

The Public Ministry may enter into agreements with associations of institution members with a view to maintaining assistance and cultural services to its members.

Article cited in: [6 sentences](#)

ARTICLE 79

The provisions of arts. 57 and 58 of this Law shall apply, as of its publication, to earnings and pensions previously granted, not generating financial effects prior to its effectiveness.

Article cited in: [3 sentences](#)

ARTICLE 80

Subsidiarily, the rules of the Organic Law of the Public Ministry of the Union apply to the Public Prosecutor's Offices of the States.

Article cited in: [30 sentences](#), [4 doctrines](#), [a notice](#)

ARTICLE 81

The States will adapt the organization of their Public Ministry to the precepts of this law, within a period of one hundred and twenty days from its publication.

Article cited in: [5 sentences](#)

ARTICLE 82

December 14th will be considered "National Day of the Public Ministry".

Article cited in: [2 sentences](#)

ARTICLE 83

This law enters into force on the date of its publication.

ARTICLE 84

Provisions to the contrary are hereby revoked.

Brasília, February 12, 1993, 172nd of Independence and 105th of the Republic.

ITAMAR FRANCO

Maurício Correa

Article cited in: [A Doctrine](#)