


Constitutional Theory of State Enterprises – 1st. Part

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This study examined the controversy over the constitutionality of Law 13,303/16, called the “Statute of State Enterprises”. It was concluded, at first, that the starting point of this controversy lies in the very understanding of the study of Law as a technical or scientific study. Afterwards, it is concluded that the correct understanding of state-owned companies emphasizes the state aspect and not on the business aspect. The understanding of the legal regime of state-owned companies went through three phases: submission to private law; submission to public and private law with dichotomy of regimes; unification of regimes. It was proposed to enter a fourth phase: the form of state-owned company is only valid for exploiters of economic activity. The others are counterfeits of autarchy.

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