

The legal nature of environmental administrative responsibility by the Superior Court of Justice

 [rdai.com.br /ojs/index.php/rdai/article/view/202](http://rdai.com.br/ojs/index.php/rdai/article/view/202)

Carlos Henrique Almeida José e Azevedo Pontifical Catholic University of Minas Gerais (Belo Horizonte, Minas Gerais, Brazil) <https://orcid.org/0000-0001-6676-1660> 

DOI: <https://doi.org/10.48143/rdai/11.az>

Keyword: Public law, Administrative law, Environmental law, Administrative responsibility, Environmental administrative responsibility

resume

The purpose of this paper is to discuss the legal nature of environmental administrative responsibility according to the precedents of the Superior Court of Justice. It is noted that the Court has overcome its previous understanding that environmental administrative responsibility would be objective in nature, starting to align itself with the concept of subjective environmental administrative responsibility. Based on this observation, this paper aims to analyze such overruling, analyzing the key precedents that set it and the reasons that led the Court to change its understanding of the issue.

Author's biography

Carlos Henrique Almeida José e Azevedo, Pontifical Catholic University of Minas Gerais (Belo Horizonte, Minas Gerais, Brazil)

Specialist in Criminal Sciences at PUC / MG (2018). Specialist in Environmental and Mining Law from PUC / MG (2018). Bachelor of Laws from UFMG (2017). Lawyer. calmeidajose@hotmail.com

References

BUSTAMANTE, Thomas da Rosa. Theory of judicial precedent. São Paulo: Noeses, 2012.

CARVALHO, Kildare Gonçalves. Constitutional right. 7. ed. rev., ampl. and current. Belo Horizonte: Del Rey, 2001.

DIDIER JR., Freddie. Civil procedural law course. 13. ed. rev., ampl. and current. Salvador: JusPodivm, 2018. v. two.

DINO NETO, Nicolao; BELLO FILHO, Ney; DINO, Flávio. Environmental administrative crimes and offenses. 3. ed. rev. and current. Belo Horizonte: Del Rey, 2011.

FERNANDES, Bernardo Gonçalves. Constitutional law course. 5. ed. rev., ampl. and current. Salvador: JusPodivm, 2013.

JUSTEN FILHO, Marçal. Curso de direito administrativo. 11. ed. rev., atual e ampl. São Paulo: Revista das Tribunais, 2015.

MACHADO, Paulo Affonso Leme. Direito ambiental brasileiro. 29. ed. São Paulo: Malheiros, 2001.

MELLO, Celso Antônio Bandeira de. Curso de direito administrativo. 32. ed. rev., ampl. e atual. São Paulo: Malheiros, 2015.

NUCCI, Guilherme de Souza. Manual de direito penal. 12. ed. rev., atual e ampl. Rio de Janeiro: Forense, 2016.

SILVA, José Afonso da. Direito ambiental constitucional. 10. ed. rev. e atual. São Paulo: Malheiros, 2013.

SILVA, Romeu Faria Thomé da. Manual de direito ambiental. 7. ed. rev., atual. e ampl. Salvador: JusPodivm, 2017.

FERRAZ, S. Responsabilidade civil por dano ecológico. Revista de Direito Administrativo e Infraestrutura, v. 2, n. 4, p. 409-421, jan./mar. 2018.

<https://doi.org/10.48143/rdai/o4.sf2>

MARCHESAN, Ana Maria Moreira; STEIGLEDER, Annelise Monteiro; CAPPELLI, Sílvia. Direito ambiental. 5. ed. Porto Alegre: Verbo Jurídico, 2008.

Este periódico é licenciado por



(CC BY-NC-ND). A submissão e a publicação de artigos são gratuitos; avaliados por pares; o periódico utiliza o CrossCheck (antiplágio); e cumpre com o Guia dos Editores da COPE;

Committee on Publication Ethics, além das recomendações Elsevier e SciELO.

Confira as [Regras para a submissão e avaliação da RDA](#).