



"Papel criador do intérprete" x 'papel criativo do intérprete': dois casos paradigmáticos do ativismo judicial à brasileira do Supremo Tribunal Federal [

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text (article)

Analítica

Before a case of apparent role of the Judiciary and the expansion of its power, we eventually face a deleterious conduct practiced by the judges, which is the "invention" of law according to their personal convictions. Disguised under "judicial activism", this harmful way is evident even in Constitutional Courts, which become away from their original premise of guarding the Constitution and call for a real "invention" of law, based on an unjustifiable discretion, used to make up this improper creativity, which forms a "self power of decision". This article aims to present some of the decisions of the Brazilian Supreme Court, based on those same characteristics, and also differentiate "creating role" from "creative role" of the interpreter

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