



"Impeachment" E O Supremo Tribunal Federal (Portuguese Edition)

Humberto Ribeiro Soares

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Após a ditadura militar presenciamos alguns movimentos pró-impeachment no Brasil, gerando uma ampla discussão sobre o tema e diferentes interpretações. Que justifica o impeachment ? Crime de responsabilidade, crime comum, outros crimes? Quem tem o poder de iniciar um processo de impeachment e a quem compete a decisão final? É importante entender que o impeachment é tema exclusivamente jurídico e que cabe ao Supremo Tribunal Federal a decisão final. Mas, qualquer cidadão do povo pode dar início ao processo. O livro apresenta inúmeras abordagens relevantes, como a consideração dos princípios constitucionais implícitos, no que alargam o elenco dos crimes de responsabilidade. E a de que a tipificação é fixada, tout court, pelo caput do art. 85 da CF/88, que dita que São crimes de responsabilidade os atos do Presidente da República que atentem contra a Constituição . O que significa dizer que os incisos I a VII pendurados a este caput têm natureza meramente exemplificativa, referencial (o Supremo já entendeu assim). Logo, é vasto o campo de parametricidade. Nele, os temas de descumprimento do orçamento, a corrupção, a improbidade administrativa, as promessas de campanha falsas etc. etc. Invocam-se lições de BOBBIO, SANTI ROMANO, CANOTILHO, KELSEN, SEABRA FAGUNDES, BANDEIRA DE MELLO, ENGLISH, VERDÚ, USERA, EMILIO BETTI e outros. Em resumo, os atos que ensejam o impeachment são todos, sem exceção, os que atentem contra a Constituição Federal , no dizer da Carta Magna (e ela é vasta), portanto, muitos mais do somente os daqueles incisos I a VII. Portanto, o panorama é muito diferente do que se anda divulgando. São comentados os acórdãos do Supremo nos casos Sarney e Collor. Humberto Ribeiro Soares, autor do livro, é advogado militante, Procurador do Estado do Rio de Janeiro aposentado, professor de Direito Constitucional, autor de outros livros e tem exercido vários cargos na Administração Pública. Outros livros de sua autoria: Direito Eleitoral Moderno (2002), O Art. 34 do ADT, Teto da EC 41, Hermenêutica Jurídica e outros.

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