

(Virtual) T08P05 / Bringing Law (back) in: Contributions of the Law and Public Policy Approach to Public Policy Analysis

Topic : T08 / POLICY DESIGN, POLICY ANALYSIS, POLICY CAPACITY

Chair : Isabela Ruiz (Université Panthéon-Assas (Paris II))

Second Chair : Maria Paula Bucci (Universidade de São Paulo)

Third Chair : Gabriela Azevedo Campos Sales (Universidade de São Paulo)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

This panel starts from the assumption that legal knowledge provides crucial contributions to the multidisciplinary analysis of public policies, both from descriptive and prescriptive perspectives.

The law and public policy (LPP) approach focuses on the role of law and legal experts in public policies, recognizing the theoretical, methodological, and empirical relevance of legal issues in policy formulation, implementation, evaluation, and control. Current scholarship in this field emphasizes three main analytical dimensions: 1) substantive law, focused on studying the institutionalization of rights and the organizational dimensions of policies; 2) legal control mechanisms exercised by judicial and oversight bodies; and 3) the interaction with legal disciplines to develop innovative categories for structured legal operations.

Descriptive analyses of public policies are enriched by technical understanding of the normative frameworks that shape policies, as laws materialize decisions and procedures that constitute public policies. The LPP approach particularly values discussions on: the State's role in public policies; relations between State and civil society in policy-building processes; the interplay between legal and political elements; and the importance of institutional contexts in decision-making and legal innovations. We are particularly interested in studies describing elements of sectoral policy arrangements, whether focused on substantive law (such as education, health, social assistance, public security, environment, and culture), on the legal control of public policies by the Judiciary, the Public Prosecutor's Office, Audit Courts, and comptrollers, or on the interaction between public policy issues and legal disciplines (constitutional, administrative, tax, procedural, criminal law, among others).

Understanding these processes enables the development of learning repertoires that could be replicated across contexts, sectors, and government levels. This approach emphasizes activities related to institutional engineering and policy design, particularly focusing on how different legal-institutional arrangements influence policy outcomes.

Research Questions:

1. What legal elements ensure the sustainability and resilience of public policies in unfavorable political contexts?
2. How does law shape the coordination of government agents in federal contexts?
3. What is law's role in coordinating governmental and non-governmental agents in governance contexts?
4. Which regulatory instruments best address the challenges of multi-level governance in public policies?

The central hypothesis is that policy success - measured through outcomes, organizational processes, and democratic legitimacy - is significantly determined by legal-institutional arrangements. These arrangements vary in their normative flexibility, hierarchical levels, and stakeholder participation in policy processes.

The panel aims to strengthen the interface between law and public policy analysis through three main objectives: (1) enhancing legal experts' participation in academic discussions of public policy; (2) fostering theoretical and practical knowledge accumulation in the field; and (3) building an academic network focused on this intersection, promoting experience sharing and future collaborations.

CALL FOR PAPERS

Dear researcher/practitioner,

If you are an academic or policy practitioner interested in legal issues involved in the formulation, solution design, implementation, evaluation, and control of public policies, you are invited to submit your paper to this law and public policy approach panel.

We accept theoretical, methodological, or empirical papers on the following topics:

- Descriptive policy analysis: research that uses analytical approaches to specific public policies, and describes aspects of their institutional arrangement, focusing on the legal element and the relationship between law and politics in a particular public policy, sectoral policy, or from a comparative perspective. We are particularly interested in studies describing elements of sectoral policy arrangements, whether focused on substantive law (such as education, health, social assistance, public security, environment, and culture), on the legal control of public policies by the Judiciary, the Public Prosecutor's Office, Audit Courts, and comptrollers, or on the interaction between public policy issues and legal disciplines (constitutional, administrative, tax, procedural, criminal law, among others).

- Prescriptive policy analysis: research focused on recommending, formulating, and designing policy solutions for public problems. We are particularly interested in the following analytical approaches: public policy evaluation, legislative evaluation, evidence-based policy analysis, institutional learning, and prescriptive approaches addressing cross-cutting and intersectional themes.

- The interaction between law, politics, and public administration in specific public policies, federal entities, individual countries, or from a comparative perspective. Topics of particular interest include: relations between law and politics, law and public administration, regulatory issues, judicial control of public policies, participatory and social control processes, legal instruments for federative coordination, law and governance, gender issues and social justice, human rights, research and teaching on law and public policies.

The topics listed above are only suggestions of interest. This call for papers is open to other themes, as long as they are related to the role of law, norms, procedures, institutions, and legal relationships in public policies.

In addition to encouraging the production and accumulation of theoretical and practical knowledge on law and public policy, this panel aims to strengthen a network of academics and professionals interested in the connection between law and public policies, with a focus on sharing experiences, building closer ties, and establishing contacts for future academic collaborations.

The panel will be in an online format.

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Session 1

Wednesday, July 2nd 18:00 to 22:15 (Virtual 1)

(Virtual) Law and Public Policy in Illiberal Times: Crafting a LLP Approach for Democratic Resilience

Ivan Ribeiro (Universidade Federal de São Paulo)

Maria Paula Bucci (Universidade de São Paulo)

(Virtual) Seafront areas Project: the Brazilian model of federative and participatory management to regulate the sustainable use and occupation of its seafront areas

Fernanda Vick (Federal University of São Paulo)

(Virtual) Comparative Analysis of Greenwashing Frameworks: Consumer Assumptions and Regulatory Approaches

N. Jansen Calamita (National University of Singapore)

Ryan Wong (University of Westminster)

(Virtual) The Construction of Structuring Systems for Public Policies in Brazil: Contributions from the Law and Public Policy Approach

Gabriela Azevedo Campos Sales (Universidade de São Paulo)

Maria Paula Bucci (Universidade de São Paulo)

(Virtual) State Capacities and Public Urban Passenger Transportation Policies in Rio de Janeiro: Legal Instruments and the Challenge of Building Resilient and Innovative Institutional Arrangements in a Context of Contractualization

Valmir Rodrigues Junior (Universidade Federal do Rio de Janeiro)

Emiliano Brunet (Universidade Federal do Rio de Janeiro)

(Virtual) LEGAL GUIDELINES FOR PUBLIC POLICY PLANNING: STATE OF THE ART OF SOCIAL ASSISTANCE

Mariane Lübke (Centro Universitário Curitiba - Unicuritiba)