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POLITICAL PARTIES AND REPRESENTATIVE DEMOCRACY

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Abstract: It deals with representative democracy and political parties. It analyzes the contributions made by political parties to the maintenance of the democratic state. Through bibliographical research, it presents the historical and conceptual evolution of political parties and their functions. It relates the idea of democracy to the emergence of political parties. It highlights the contribution and strengthening of democracy through practical examples. It assesses the possible crisis between political parties. Examines the main reforms that have affected political parties. It presents the current political scenario. It concludes that parties have lost their essential purpose in society, since party leaders are distant from the real aspirations of the people, moving away from their democratic precepts. **Keywords:** Constitutional law. State organization. Political parties. Representative democracy. Political reform.

INTRODUCTION

According to Paulo Bonavides (2017), the word “party” in Latin has the meaning of “part”, so that a political party has the meaning of uniting the people around their desires. This is when we analyze democracy, which is a regime of the will of the people, formed daily by the demonstration of local interests, making it necessary for parties to emerge and act, whose role is to be an institution focused on mediating between the state and society.

Thus, there is a need to continually ponder the electoral model instituted in the country, analyzing the representative democratic regime reintroduced by the 1988 Constitution and whether it is still effective or if it has run out of steam. Since political parties are the trenches of democratic forces, there is currently an apparent discrediting of the idea of democracy and demoralization of the ideal of the current parties.

In this context, the research problem is to understand the importance of political parties in democracy and their contributions to Brazilian politics. The aim is to clarify and understand what a political party is, as well as its purpose, which is to contribute to the development and improvement of democracy and its role in Brazilian politics.

By analyzing democracy as a regime of the will of the people, which is formed daily by the demonstration of desires in public places, parties have the role of being an institution focused on mediating between the state and society. They therefore have the task of organizing and communicating to a certain political group, according to their inclinations and collaboration, while at the same time ensuring that demands reach the public debates of this group.

To this end, we need to look at the historical development of political parties in Brazil. This is followed by a study of the importance of political parties and their relationship with democracy. This is followed by an analysis of the current electoral reforms, ending with an evaluation of political parties in the current scenario and the opinion of voters.

To this end, a descriptive methodology was used, in the form of exploratory research, with the aim of analyzing the importance of Political Parties in democracy and their roles in Brazilian politics at a national level.

For the development of the research, the Constitution of the Republic (1988), the Organic Law of Political Parties (1995) and Laws No. 13,487/2017 and No. 13,488/2017, which constitute the so-called electoral reform, are used as primary sources.

Secondary sources include the works of Elita Dambros (2017), Ricardo Rodrigues Gama (2005) and Rômulo Guilherme Leitão (2015), among others.

THEORETICAL FRAMEWORK

HISTORICAL EVOLUTION

According to Ricardo Rodrigues Gama (2005) and authors such as Elita Dambros, Levi Hulse, Joice Luiza de Flores Matias Wagner, Marcelo Ricardo Colaço and Carolina Neris Bridi (2017), the cradle of political parties originated in Great Britain and their activities, which are consecrated by the participation of their members, remain today. In Brazil, political parties were only established during the Empire.

Political parties have approximately existed for more than 160 years, but it was only after the fall of Emperor Dom Pedro I through a coup in 1831, when the so-called First Reign ended, that parties took on their institutional function, since at that time they were merely currents of public opinion.

So in the 1824 Constitution, although the Constituent Assembly had been disbanded, the parties were already showing their connections around ideas. At first, the so-called “exalted” parties, which are those with a popular base; the “moderates”, which have conservative ideas and; the “restorers”, which are those thirsty for change. Since then, the parties have been given other names, such as the Conservative Party, which is a combination of the Moderates and the Restorationists, and the Progressive Party, which emerged in 1862.

After the Proclamation of the Republic in 1889, state republican parties emerged. In the Old Republic, the period between 1889 and 1930, there were five political parties: the Federalist Party, the Democratic Party, the Brazilian Republican Party, the Conservative Republican Party and the Liberator Party. Under these circumstances, the state parties became popular with various acronyms, such as the Democratic Party (of São Paulo), the Nationalist Party (of Minas Gerais), the Liberator Party (of Rio Grande do Sul) and so on.

Between 1930 and 1934, two new parties emerged: the Republican Party, which supported Júlio Prestes, and the Liberal Alliance, which supported Getúlio Vargas. In 1937, due to Getúlio Vargas' coup d'état and the installation of the Estado Novo, the parties were dissolved. However, in 1945, with the restoration of democracy, multipartyism was resumed and national parties began to form, such as the Social Democratic Party, the National Democratic Union, the Brazilian Labor Party, the Brazilian Communist Party, among others.

With the beginning of the military regime in 1964, party reform took place in 1965, with the advent of Institutional Act No. 2, promulgated on October 27, 1965 by the then President of the Republic Castelo Branco, which determined the end of the activities of the existing parties, instituting bipartisanship, that is, allowing only two party organizations to operate, namely the Brazilian Democratic Movement (MDB) and the National Renewal Alliance (ARENA).

In 1980, pluripartisanship was resumed, and the acronyms multiplied, as they have done to this day. Furthermore, with the inauguration of José Sarney as President of the Republic on March 15, 1985, the transitional phase between the military and democratic regimes came to an end.

Thus, with the 1988 Constitution of the Republic, the existence of pluripartisanship in the national system was ensured. This is a striking feature of democracy, since the purpose is to multiply centers of power, since the intention is not to use them to pursue personal interests, but to guarantee the formation of a free, just society that guarantees national development.

POLITICAL PARTIES AND THEIR RELATIONSHIP WITH DEMOCRACY

When analyzing the performance of political parties, based on the electoral sphere, their relationship with the establishment of democracy is essential. This is the moment when our political system obtains support, legitimacy and continuity.

According to Rômulo Guilherme Leitão (2015), political parties are essential figures for the functioning of the political system, since they act as representing groups capable of advising political agents to establish compromises and inducing political stability.

In this way, the relationship between the historical facts that Brazil has gone through until the consolidation of democracy exposes the way in which trust has been placed in party institutions between state and society relations, based on the value of order that recognizes them.

However, Brazilian democracy has deficits when it comes to political representation, and voters are disinterested and distrustful of politics and the political class, since the trend towards criminalization of political activity is becoming more evident every day. This is proven by the number of lawsuits against parliamentarians, mainly for corruption crimes.

Thus, when considering the centralized position of political parties and our party system, there are convictions about the bankruptcy or even the minimum ungovernability of the country's institutional system with regard to democracy in Brazil. On the other hand, there are those who argue that the Brazilian political system works, since there is stability with the Executive and cooperation with the Legislative, detecting a rationalization and harmony of the party system, as a result of a government coalition.

Thus, by observing the performance of political parties in episodes that can be considered as the consolidation of democracy in

the Brazilian system, it is shown that the moderating role of political parties in events that required political mediation, whether in the construction of a new regime, or in the rectification of courses at the beginning of the democratic regime or, also, in the stability and conservation of the new model.

In the National Constituent Assembly (1987/1988) it can be seen that the political parties were the main protagonists, since the party groups led the negotiations and votes in plenary and retained control of the constituent process. This work was carried out in an assembly forged between opposing groups and culminated in the drafting of the 1988 Constitution of the Republic, representing a major milestone in Brazil's democratic transition.

This demonstrates that a party system that was still in its infancy played an essential role in maintaining political stability, whether by acting as a negotiated solution between conservatives and progressives, or by encouraging the emergence of a new political force, which took place in the 1994 presidential elections, the year a representative was chosen and its relevant role in the country's democratic consolidation was consummated.

Another important action to highlight is the impeachment of Fernando Collor de Melo and the new transitional government of Itamar Franco, in which during the expectation of impeachment the parties provided support to the government, guaranteeing relative political stability, despite the crisis at the time, as well as extending these factors with the constitutional reform that was approaching and whose plebiscite was for the choice of the form and system of government that had been brought forward to April 1993.

By 76 votes to 2, the impeachment of the President of the Republic was approved on December 30, 1992. The President resigned from office on December 29, 1992, but the

effects of the conviction were determined, which in this case was disqualification from holding public office for a period of eight years, thus ending one of the most serious crises in the Brazilian regime since 1889.

However, the role of the parties is indisputable in sustaining Itamar's government in a new, unscheduled transition, and in this period we cannot underestimate the party system that was able to guarantee the removal of an elected president and the new transition without any departure from the constitutional rules in force, not to mention the role played by the National Congress, the Internal Revenue Service and the Federal Supreme Court.

Finally, these two moments show the importance of political parties in strengthening and consolidating the Brazilian democratic regime, in an environment of political freedom and diversity of opinions.

ELECTORAL REFORM

The Brazilian electoral system was created by the 1988 Constitution in a period of re-democratization, some procedures were re-established and are still in force today, such as direct elections for the positions of president, governor and senator, as well as multi-party politics, having only received a few changes over the years. The Constitution expressly guarantees political parties their autonomy in Article 17, which states:

Art. 17 The creation, merger, incorporation and extinction of political parties is free, with due regard for national sovereignty, the democratic regime, pluri-partisanship, the fundamental rights of the human person and the following precepts:

I - national character;

II - prohibition on receiving financial resources from or being subordinate to foreign entities or governments;

III - accountability to the electoral justice system;

IV - parliamentary functioning in accordance with the law.

§ Paragraph 1 - Political parties are guaranteed the autonomy to define their internal structure and establish rules on the choice, formation and duration of their permanent and provisional bodies and on their organization and functioning, and to adopt the criteria for choosing and the regime of their coalitions in majoritarian elections, which are prohibited in proportional elections, with no obligation to link candidates at national, state, district or municipal level, and their statutes must establish rules of party discipline and loyalty (BRASIL, 1988).

In addition, Law no. 9.096/1995, which governs political parties, establishes the purpose of parties in its *first* article:

Art. 1 The political party, a legal entity governed by private law, is intended to ensure, in the interests of the democratic regime, the authenticity of the representative system and to defend the fundamental rights defined in the Federal Constitution (BRASIL, 1995).

In this way, by establishing the obligation to be affiliated to a political party, this has encouraged the creation of new parties, as well as their merger, incorporation and extinction, ensuring and safeguarding national sovereignty, the functioning of the democratic regime, pluripartisanship and, above all, the fundamental rights of the human person, as well as observing national precepts.

However, an analysis over time reveals the need for reforms that keep pace with social development and current events. The aim of this research is therefore to expose the significant legislative changes, especially in relation to the democratic values that exist in electoral law.

Well then, with the justification of updating the electoral legislation, Laws No. 13,487/2017 and No. 13,488/2017 were sanctioned on October 6, 2017.

Present changes to various provisions in the Elections Law (Law No. 9.504/1997), the Political Parties Law (Law No. 9.096/1995) and the Electoral Code (Law No. 4.737/1965).

Among the main changes is the extinction of party propaganda time on radio and television, which means that political parties can no longer advertise during non-election periods, when the party's ideas are disseminated.

It had also been established that parties cannot receive financial contributions from certain individuals and legal entities, but this was modified in its sections, as established in the new wording of Law 9.096/95 in its article 31, which states:

Art. 31 The party is prohibited from receiving, directly or indirectly, in any form or under any pretext, any contribution or aid in the form of money or money's worth, including advertising of any kind, from:

I - foreign entity or government;

II - public entities and legal entities of any nature, with the exception of the appropriations referred to in Article 38 of this Law and those coming from the Special Campaign Financing Fund;

III - Repealed.

IV - union class entity;

V - individuals who hold a public office or position of free appointment and dismissal, or temporary public office or employment, with the exception of political party members (BRASIL, 1995).

In addition, Brazilian legislation already established the existence of a party fund with amounts earmarked for political parties, however, with the reform, a new one was created called the Special Campaign Financing Fund (FEFC), which will be maintained with public resources, this fund being made up of budget portions of the Union in an election year and will have its funds distributed to the parties by the TSE.

Another change is that party coalitions have only been abolished for the proportional system, i.e. for the elections of deputies and councillors. In the elections that work through the majority system, which is for president, senator, governor and mayor, the coalitions continue to apply.

In addition, according to Lilian Venturini (2017), the main impact will be on small parties, since a performance clause has been established (it will start with a requirement of 1.5% in 2018 and will gradually increase to 3% by 2030) with the aim of having fewer parties and also a simplification in the number of leaders in the relationship between the President of the Republic and the National Congress.

The reform also guaranteed more autonomy for political parties in terms of the creation and formation of governing bodies, internal democracy within political parties and the democratization of choices within parties. There is also a guarantee of full autonomy in relation to permanent or provisional duration.

Finally, these reforms present benefits and also restrictions for the performance of political parties, especially with regard to elections, which is where the public can most clearly observe their performance, but it should be emphasized that their activity is not restricted to the electoral period and the launching of candidacies.

RESEARCH AND DATA ANALYSIS

PARTIES AT THE NATIONAL LEVEL AND THEIR DEVIATION FROM THE GOAL OF DEMOCRACY

As explained above, political parties have played an important role in maintaining democratic stability and continuing to consolidate it, which is why democracy is the original purpose for the creation of political parties.

On the other hand, a contemporary analysis of the role of political parties in the democratic regime is relevant, given that there is currently a crisis in political representation that calls into question the legitimacy of political parties.

Thus, according to the Federal Public Prosecutor's Office of the State of Brasilia, one of the largest corruption and money laundering investigations in Brazil, which began in 2014 but is still ongoing, is Operation Car Wash. Initially, the case was to investigate a network of gas stations and lava jato that moved illicit funds, consequently the investigations were advanced to various criminal organizations.

As of March 2018, the Attorney General's Office had filed 28 petitions with the Supreme Court to open criminal investigations into 55 people, 49 of whom were holders of prerogative jurisdiction.

These appointees were members of or related to the political parties responsible for appointing directors at Petrobras. Thus, in the first case, political agents are investigated for misconduct in the civil area, while those who do not have prerogatives of forum are investigated in the criminal area.

of the Brazilian Democratic Movement Party. While in the Services department, which was occupied by Renato Duque between 2003 and 2012, appointed by the Workers' Party and, finally, in the International Directorate occupied between 2003 and 2008 by Nestor Cer-veró, appointed by the PMDB.

According to the arguments of the Attorney General's Office, these political groups operated in a criminal association, constantly, with co-participation in the practice of crimes, among which passive corruption and money laundering stand out. Fernando Baiano and João Vacari Neto carried out the schemes as financial operators on behalf of members of the PMDB and PT.

Thus, the involvement of political parties and their members in crimes of corruption and money laundering leads to the assertion that political parties have lost the original purpose for which they were created, since they no longer act for the benefit of the population or to strengthen democracy. On the contrary, they are seeking to enrich themselves, and the political system is now a financial market, acting according to the constitutional principles for which it was created.

DISCREDITABILITY FOR VOTERS

In addition to these necessary theoretical provisions on the origins, contributions and even the failure of political parties today, it is necessary to analyze the opinion of the Brazilian people with regard to democracy, political representation and, finally, parties.

Thus, according to the 2017 edition of "Latinobarómetro", a Chilean NGO created in 1995, which evaluates the moods of Latin Americans. Based on an analysis, they found that of the 18 countries surveyed, Brazilian democracy is the worst functioning.

The data shows that in Brazil around 13% of Brazilians questioned say they are satisfied with the way democracy works. According to



Figure 1 - Petrobras embezzlement scheme:

Source: Federal Public Prosecutor's Office (2018).

The investigation revealed that Paulo Roberto Costa occupied the Supply Department between 2004 and 2012, on the recommendation of the Progressive Party, with the support

the NGO's report, the figures are alarming: when asked whether the government acts for the good of all, only 3% of Brazilians agreed and the remaining 97% said that the government only acts for powerful groups.

On the other hand, when asked about trust in institutions in Brazil, the most trusted by the people is the Church with 69%; around 50% trust the Armed Forces; 34% the police; 27% the Judiciary; 25% the Electoral Justice; 11% Parliament; 8% the government as a non-personalized institution; and 7% the Political Parties.

Thus, an analysis of the results shows dissatisfaction with democracy, as well as the discrediting of citizens, putting the quality of democracy in doubt, resulting in a rejection of the role of institutions that should represent the population in the system (parties and parliament).

In the same vein, the data collected by FGV-DAPP (2017) will be analyzed below:

Síntese de confiança



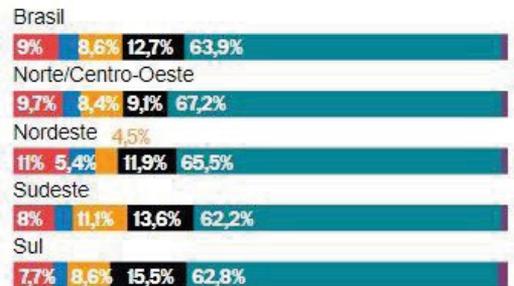
NO PRESIDENTE DA REPÚBLICA



NOS PARTIDOS

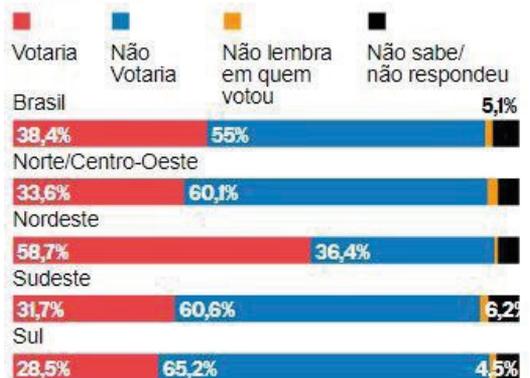


A política no Brasil impede que apareça um líder honesto e comprometido com mudanças para o povo?

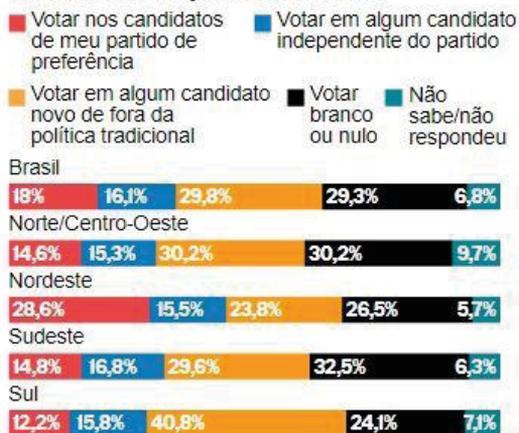


Caso o sr. tivesse a oportunidade, votaria ou não votaria nos mesmos candidatos em que votou nas últimas eleições para

PRESIDENTE



Nas próximas eleições, o sr. pretende:



Mais importante do que protestar nas ruas é votar nas eleições



Figure 2 - Survey data on Brazilian institutions.

Source: CARIELLO; GRILLO (2017).

Thus, one of the main reasons for this discredit and distrust is linked to the results of investigations into names in politics, including parties, involved in corruption.

In this way, the investigations must continue and transparently expose the reality of the schemes, as well as the deviations made by political agents who should act in favor of the collective interests, so that the population leaves its inertia in relation to the political system and acts in a definitive and strengthened way, because the power of a democracy is the people.

Given that the relationship between political parties and voters is a central element of the democratic ideal, however, as shown by the index there is no trust in party organizations or elected representatives.

Therefore, the current scenario presents a crisis of political institutions in which insecurity is generated, awakening in the population the desire for a democracy different from the current one.

CONCLUSION

The aim of the research was to analyze the importance of political parties in democracy and their contributions to Brazilian politics, as well as the maintenance of their purpose.

After the research carried out, it was possible to conclude that political parties are permanently linked to democracy, since it is through them that the exercise of political power is realized, through political representation, serving as an intermediary in the relations of the population and the political balance in the state.

However, parties have lost their essential purpose in society, since party leaders are far removed from the real aspirations of the people. Thus, despite having a clear democratic influence on the creation of political parties, they have moved away from their democratic precepts, especially with regard to their original purpose.

Furthermore, it is possible to see the need for changes in the Brazilian political system, as well as more effective participation by voters, since they have the power to choose their representatives. And finally, there is an urgent need for political parties to return to their precepts and once again play a leading role in political power between the state and the people, with a view to keeping up with new social, cultural and political trends and influencing public opinion in order to guide collective aspirations.

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