



Teoria das nulidades processuais: Interpretação conforme a Constituição (Portuguese Edition)

Débora Carvalho Fioratto

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Depois da promulgação da Constituição da República Federativa do Brasil de 1988, o contexto se modifica, necessitando que as nulidades processuais e o processo fossem revisitados para uma interpretação constitucionalmente adequada. Nesse sentido, as nulidades devem deixar de ser instrumento de chicana (decorrente do liberalismo processual) ou, mesmo instrumento ?corretivo? do juiz (próprio da socialização processual) para ? a partir da complementaridade entre a teoria procedimentalista de Habermas, a teoria do processo como procedimento em contraditório e a teoria constitucionalista ? se adequarem ao Estado Democrático de Direito.

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