



# REVISTA DE INVESTIGAÇÕES CONSTITUCIONAIS

JOURNAL OF CONSTITUTIONAL RESEARCH

VOL. 11 | N. 1 | JANEIRO/ABRIL 2024 | ISSN 2359-5639



## RETRACTION\*

The editorial team of the Revista de Investigações Constitucionais/Journal of Constitutional Research, following the *Committee on Publication Ethics – COPE Retraction guidelines*<sup>1</sup> and the *SciELO – Guia para o registro, marcação e publicação de retratação*,<sup>2</sup> communicates the retraction of the article:

CARVALHO, Osvaldo Ferreira de. O sistema de direitos fundamentais e sua abertura na ordem constitucional brasileira. **Revista de Investigações Constitucionais**, Curitiba, vol. 9, n. 1, p. 137-172, jan./abr. 2022. DOI: 10.5380/rinc.v9i1.83825. Disponível em: <<https://doi.org/10.5380/rinc.v9i1.83825>>.

It was identified that the aforementioned article contains dozens of *ipsis litteris* transcriptions of paragraphs, without quotation marks and without indicating the appropriate reference in a footnote, from the following printed book authored by Luísa Cristina Pinto e Netto:

PINTO E NETTO, Luísa Cristina. **A abertura do sistema de direitos fundamentais do Estado Constitucional**. Curitiba: Editora Íthala, 2016.

Even though the aforementioned book appears in the list of references cited at the end of the article and appears in five footnotes, the article contains dozens of paragraphs that consist of literal transcriptions of the mentioned book, without quotation marks and without the respective attribution of authorship in a footnote.

In response to the journal's inquiry about what happened, the author Osvaldo Ferreira de Carvalho informed through electronic communication that he understood

\* Como citar esta retratação | *How to cite this retraction*: HACHEM, Daniel Wunder. Retraction. **Revista de Investigações Constitucionais**, Curitiba, vol. 11, n. 1, e230, jan./abr. 2024. DOI: 10.5380/rinc.v11i1.94614

<sup>1</sup> Committee on Publication Ethics – COPE Council. **COPE Retraction guidelines — English**. DOI: 10.24318/cope.2019.1.4. Disponível em: <<https://publicationethics.org/retraction-guidelines>>.

<sup>2</sup> SciELO. **Guia para o registro, marcação e publicação de retratação** [online]. SciELO, 2023 [novembro 2023]. Disponível em: <[https://wp.scielo.org/wp-content/uploads/guia\\_retratacao.pdf](https://wp.scielo.org/wp-content/uploads/guia_retratacao.pdf)>.

*ter afigurado atecnia nos fragmentos reportados pela não observância rigorosa às regras de publicação de trabalhos científicos tais como a necessidade do uso das aspas duplas, formatação da citação ao formar indevidamente parágrafos integrados e que vieram apresentar, pois, identidades lexicais ou de fragmentos literais, o que no caso específico não teve a intenção de que isso pudesse ocasionar indícios ou suspeita de plágio ao incorrer, pois, em crasso descuido de formatação e de citação, cujas inconsistências e claudicâncias (imperfeições) deveriam inexistir.*

After a thorough analysis of the situation, the editorial team of the Revista de Investigações Constitucionais/Journal of Constitutional Research concluded that the numerous literal transcriptions of paragraphs from the book mentioned above in the article in question, devoid of quotation marks and the appropriate indication of authorship in a footnote, constituted plagiarism of the work of Luísa Cristina Pinto and Netto.

It should be noted that, in the journal's **Ethics Policy and Guidelines for Good Practices in Publication**,<sup>3</sup> with which the authors claim to agree when submitting the article in the electronic system, the following duty is among the **Duties of Authors**:

- **Originality and Plagiarism:** *The authors should ensure that they have written entirely original works, and if the authors have used the work and/or words of others that this has been appropriately cited or quoted. Plagiarism in all its forms constitutes unethical publishing behavior and is unacceptable.*

Furthermore, among the **article submission conditions**<sup>4</sup> accepted by the authors as a requirement to be able to submit the article in the journal's electronic system, there is the following:

*The author states that, with the exception of the direct and indirect quotations clearly indicated and referenced, the article is of his/her authorship and therefore does not contain plagiarism. And also states that he/she is aware of the legal implications of the use of other authors material.*

For the reasons explained above, the Revista de Investigações Constitucionais/Journal of Constitutional Research reiterates its commitment to ethics and good editorial practices and announces the retraction of the aforementioned article.

**Prof. Dr. Daniel Wunder Hachem**  
Editor-in-Chief

<sup>3</sup> Available at: <<https://revistas.ufpr.br/rinc/about/editorialPolicies>>.

<sup>4</sup> Available at: <<https://revistas.ufpr.br/rinc/about/submissions#authorGuidelines>>.