

Consented Bodily Injury and Its Legal Limits in Combat Sports under Brazilian Law

DIOGO WETTL GOMES ASSINGER

Federal Police of Brazil

Abstract- This study examines the legal limits of consent in combat sports, analyzing when bodily harm is legally justified. It reviews rules, out-of-bound conduct, and minors' participation to clarify how consent legitimizes harm within ethical and legal boundaries.

Keywords: *Consented Bodily Harm; Combat Sports; Criminal Liability; Civil Liability; Consent; Minors; Law.*

I. INTRODUCTION

Combat sports hold a prominent place in the global sporting landscape, both for their historical tradition and their contemporary social relevance. Disciplines such as boxing, Muay Thai, judo, jiu-jitsu, karate, and many others, while differing in philosophy, technique, and rules, share a common element: the potential for physical injury. In some, such as boxing or Muay Thai, bodily injury is inherent to practice, being expected and accepted as part of the dynamics of combat. In others, such as judo and jiu-jitsu, the rules aim to prevent harm, so that injuries usually constitute accidents rather than natural consequences of competition.

This reality raises an important legal question: to what extent can a participant's consent exclude the unlawfulness of conduct that causes bodily injury? Under Brazilian criminal law, bodily injury is defined in Article 129 of the Penal Code as any offense against the physical integrity or health of another person. The general rule is its punishment, except in cases where the law allows justifications or defenses, among which is the debate regarding the victim's consent and the lawful exercise of a right.

The analysis of this topic carries academic, social, and legal significance. Academically, it contributes to interdisciplinary reflection among law, sport, and health, fostering new studies on the relationship between criminal norms and sporting practices. Socially, the research is justified by the growing popularity of combat sports and the potential impact of judicial decisions on athletes, federations, and practitioners in general. Legally, the study is

necessary to precisely delineate the scope of criminal responsibility in such cases, avoiding both impunity for excessive conduct and undue criminalization of legitimate sporting practices.

Moreover, the increasing global popularity of combat sports, combined with the participation of athletes of diverse nationalities in events held across different countries, raises complex issues regarding criminal and civil liability for excessive conduct or serious errors during competitions. Although the rules of each discipline define acceptable conduct, the variety of laws and legal systems across nations creates uncertainty for athletes and organizations. In this context, this article explores the importance of legal awareness for combat sport practitioners, analyzing liability for damages and excesses in Brazil—a topic of particular relevance given the frequency of events in the country and the lack of American publications on the subject.

The primary objective of this article is to analyze the legal limits of consented bodily injury in combat sports, seeking to answer the guiding question: to what extent is consented bodily injury acceptable under Brazilian criminal law? To this end, a methodology of bibliographic review and legislative and jurisprudential analysis will be adopted, focusing on Brazilian law and relevant precedents.

II. METHODS

The present research is qualitative in nature, with an exploratory and descriptive approach, focused on the legal analysis of consented bodily injury in combat sports. The study is structured around a bibliographic review and an analysis of relevant legislation and case law.

For the bibliographic review, doctrinal works in Brazilian criminal and civil law, scientific articles published in specialized journals, and academic productions were consulted to address the interface between sport and legal liability. In parallel, legal

texts were examined, particularly the Brazilian Penal Code (Art. 129), the Child and Adolescent Statute, the Civil Code, as well as other applicable regulations.

The case law analysis focused on two central decisions, one Brazilian and one U.S., involving bodily injuries in contexts related to combat sports. The selection of these cases considered thematic relevance, the timeliness of the decisions, and their contribution to understanding the limits of consent as justification or defense against unlawfulness.

Thus, this study does not aim to present statistical data or field research, but rather to provide a critical reflection based on normative and doctrinal sources, with the goal of delineating the legal boundaries of consented bodily injury in sports practice.

III. THEORETICAL FRAMEWORK

3.1 CONCEPT OF BODILY INJURY IN CRIMINAL LAW AND THE EXCLUSION APPLICABLE TO INJURIES IN COMBAT SPORTS

The Brazilian Penal Code, in Articles 129 and following, defines bodily injury as any offense against the physical integrity or health of another person. This crime can occur in different forms: intentional (*dolosa*), when there is intent to cause harm, or negligent/unintentional (*culposa*), when the injury results from imprudence, negligence, or lack of skill.

The majority of legal scholarship holds that sports practice, particularly in combat sports, constitutes a context in which bodily injury, although foreseeable, generally does not constitute a crime, as it occurs within a socially accepted and regulated framework. In this regard, Luiz Regis Prado and Rogério Greco argue that injuries resulting from consented sports activities may be classified as regular exercise of a right, under Article 23, III, of the Penal Code, serving as an exclusion of unlawfulness or illegality, given that the legal system recognizes the legitimacy of sporting activity.

Thus, in martial arts and combat sports such as boxing and Muay Thai, where physical contact and the possibility of injury are inherent to the competitive dynamic, an athlete's conduct causing physical harm to an opponent, provided it occurs

within the rules of the sport, is considered socially acceptable, generally excluding the unlawfulness of the act.

Furthermore, physical integrity is not an absolutely unavailable legal right. In certain situations, valid consent by the holder of the right renders the act lawful, as occurs in medical and cosmetic procedures, the application of piercings, or the performance of tattoos, where minor bodily injuries may occur without constituting a crime. This conclusion is reinforced by the fact that minor bodily injury is a public-action offense conditional on complaint (Law 9.099/1995, Art. 88), meaning criminal proceedings only begin upon the victim's manifestation. Therefore, it can be asserted that physical integrity is relatively available, allowing consent to exclude unlawfulness without rendering the legal right entirely unrestricted.

3.2 CONSENT OF THE INJURED PARTY

It is important to note that consent of the injured party is not explicitly listed as an exclusion of unlawfulness in the Brazilian Penal Code. Therefore, it is considered a supra-legal cause for excluding unlawfulness, recognized by legal scholarship in specific circumstances.

In practice, consent may operate in two ways:

- When dissent is addressed in the criminal statute, consent acts as an exclusion of criminality, preventing the act from constituting a crime at all (for example, in crimes against the sexual dignity of competent adults, where consent negates the very existence of a criminal offense).
- When the right in question is available to the injured party, consent may be accepted as an exclusion of unlawfulness, legitimizing the conduct even if not expressly provided for by law.

In combat sports, the acceptance of the inherent risks of sporting practice by competitors functions as a valid manifestation of consent, legitimizing injuries that occur within the established rules, with legal justification grounded in the regular exercise of a right, as provided in Article 23, III of the Penal Code. Outside this context, for instance, in violent acts that exceed the limits of the sport, consent ceases to apply, and criminal liability may be recognized.

3.3 CONDUCT OUTSIDE THE RULES OF THE SPORT

The exclusion of unlawfulness is valid only within the limits established by the rules of the sport and the competition regulations. Any conduct that exceeds these boundaries is no longer protected by the acceptance of the inherent risk of the sporting activity and constitutes unlawful behavior.

A classic example includes strikes intentionally delivered after the referee has stopped the match, or assaults using prohibited means, such as headbutts, elbow strikes to sensitive areas (when forbidden by the rules), or deliberate attacks outside the context of the fight. In such cases, the legal permissive cannot be invoked, as it applies solely to actions foreseen and accepted within the competition.

Brazilian criminal doctrine recognizes that sporting practice cannot be used as a shield for abusive or violent behavior that exceeds the consented risk. In these situations, an athlete who exceeds the established limits may be held responsible for the excess, whether as a crime of bodily injury, intentional or negligent, or even for more serious crimes such as attempted or completed homicide, depending on the circumstances.

It is important to distinguish between injuries that occur as a natural result of the sport and those arising from unsportsmanlike or intentionally violent conduct. In this way, criminal law serves as a mechanism to restrain abuse without indiscriminately criminalizing legitimate sporting activity.

3.4 ACTS OF PHYSICAL AGGRESSION IN COMBAT SPORTS: PHYSICAL ASSAULT OUTSIDE THE RULES OF THE SPORT, BUT WITHOUT CAUSING BODILY INJURY

Under Brazilian law, physical aggression that does not result in injury may be classified as *vias de fato*, provided for in Article 21 of Decree-Law No. 3,688/1941 (Law of Criminal Misdemeanors). This conduct, although not causing significant bodily harm, constitutes an offense against the victim's physical integrity and is punishable as a misdemeanor.

In the context of combat sports, any aggression occurring outside the rules of the sport should be analyzed from two perspectives:

1. If the aggression causes bodily injury, Article 129 of the Brazilian Penal Code applies, holding the perpetrator responsible for the crime of bodily injury, which may be intentional (*dolosa*) or negligent (*culposa*), depending on the intent and circumstances of the case.

2. If the deliberate aggression does not cause bodily injury but exceeds the sport's rules, the conduct may, in principle, be punishable as *vias de fato* under Article 21 of the Law of Criminal Misdemeanors. This occurs when there is unjustified or intentional physical contact that does not produce damage but violates the opponent's physical integrity or dignity.

This distinction is important because it reinforces that sporting practice does not create automatic legal immunity. Even when physical contact is expected within the rules of the sport, any action exceeding the regulatory limits can generate criminal liability, either as a crime of bodily injury or a misdemeanor, depending on the outcome produced.

3.5 DISTINCTION BETWEEN ACCIDENTAL INJURY AND INTENTIONAL AGGRESSION

The distinction between accidental injuries, which may occur within or outside the rules of the sport, and intentional aggressions that exceed the limits of sporting practice, is little explored in jurisprudence. In cases of intentional aggression outside the rules of the sport, even if occurring during athletic practice, the claim of regular exercise of a legal right is insufficient to exclude illegality, rendering the conduct punishable.

Conversely, in cases of accidental injuries, legal resolution requires a more detailed analysis, first differentiating whether the injury occurred within or outside the rules of the sport:

- Injuries occurring within the rules, even if accidental, do not require special treatment and may fall under the exclusion of illegality provided by the regular exercise of a right, as the conduct is socially legitimized by the sporting context. It should be noted, however, that civil liability may still apply in cases of apparent negligence, recklessness, or lack of skill.
- Accidental injuries occurring outside the rules (for example, the application of a prohibited move due to inattention or lack of knowledge) represent a less clear situation. Although

jurisprudence and doctrine rarely address this topic, it seems reasonable to admit the possibility of criminal liability for negligent bodily injury, as well as potential subsequent civil compensation, given that the agent exceeded the regulatory limits of sporting practice, when they should not have done so.

3.6 THE INVOLVEMENT OF MINORS IN COMBAT SPORTS: LEGAL AND ETHICAL ASPECTS

The participation of minors in combat sports requires special attention from both legal and ethical perspectives, as it involves individuals who may be considered fully or relatively incapable under the Brazilian Civil Code (Arts. 3, 4, 5, and 6). Children under 12 years old are deemed absolutely incapable for certain civil acts, whereas adolescents between 12 and 18 years old possess relative incapacity, making participation in certain activities subject to authorization from their legal guardians.

Legal guardian consent is therefore a necessary condition for minors to engage in combat sports. In disciplines such as judo and jiu-jitsu, where bodily injury is not expected and generally occurs accidentally, the legal guardian authorizes participation, assuming the minimal inherent risk and trusting in the enforcement of safety rules. Conversely, in sports like boxing and Muay Thai, where bodily injury is an integral and inseparable part of the sport, legal guardian consent acquires a more complex ethical and legal dimension, as it involves acceptance of the risk of physical harm.

This situation creates an apparent legal tension with Law No. 13,010/2014, known as the “Anti-Spanking Law,” which prohibits physical punishment and cruel or degrading treatment of children and adolescents. While the law seeks to protect minors from violence perpetrated by parents, it is recognized that parental authority can authorize participation in sports activities where injuries are anticipated as part of the sport.

Potential measures to resolve this incongruity include:

- Mandatory use of protective equipment;
- Limitation of intensity and type of contact for specific age groups;
- Restriction of formal competition for very young children, allowing only controlled training;

- Oversight by federations and clubs to ensure compliance with safety rules and accident prevention. Additionally, the Brazilian Child and Adolescent Statute (ECA, Law No. 8,069/1990) emphasizes that all activities undertaken by children and adolescents must preserve their physical and moral integrity (Arts. 4, 5, and 7), guaranteeing the right to safety and protection from unnecessary risks. In this regard, the ECA does not prohibit minors from practicing combat sports but requires that their physical integrity be safeguarded.

Thus, harmonizing sports practice with the principles of comprehensive protection established under Brazilian law requires adequate supervision, injury prevention measures, and the legal guardian’s informed consent.

3.7 CIVIL AND CRIMINAL LIABILITY FOR DAMAGES CAUSED BY MINORS IN THE CONTEXT OF COMBAT SPORTS

Under Brazilian law, civil liability for acts committed by children (under 12 years old) and adolescents (12 to under 18 years old) is primarily governed by the Civil Code and the Child and Adolescent Statute (ECA).

Article 932, I, of the Civil Code establishes that parents are responsible for unlawful acts committed by their minor children who are under their authority and in their company. Article 933 complements this provision, stating that such liability is objective—that is, it does not depend on parental fault—requiring only proof of damage and a causal link between the minor’s conduct and the harm suffered by the victim.

Additionally, Article 928 of the Civil Code provides a specific rule for legally incapable individuals, stipulating that if they do not have civilly responsible guardians, or if those guardians cannot afford compensation, the incapable individual may be held liable for damages caused, provided they have sufficient assets. This is an exceptional and subsidiary measure, as the general rule is the liability of parents or legal guardians.

Statement 40, approved during the I Civil Law Congress, further clarifies: “Statement No. 40. Art. 928: the incapable person may be held liable for damages they cause in a subsidiary or exceptional manner, as the principal debtor, in cases of restitution owed by adolescents who commit infractions,

pursuant to Article 116 of the Child and Adolescent Statute, within the scope of the socio-educational measures provided therein.”

In criminal law, the framework is different. According to Article 104 of the ECA, minors under 18 are criminally non-imputable and are subject to the rules of the special legislation. Children under 12 (Art. 2 of the ECA) cannot be subjected to socio-educational measures and are only subject to protective measures (Art. 101 of the ECA). Adolescents aged 12 to under 18 can be held responsible for delinquent acts through socio-educational measures, as provided in Art. 112 of the ECA, including warnings, obligation to repair damages, community service, supervised freedom, and detention.

Thus, civil liability exists independently of criminal imputability: even if a child or adolescent cannot be held criminally responsible, the duty of civil reparation remains, primarily attributable to the parents or guardians and subsidiarily to the minor, as established in Article 928 of the Civil Code.

3.8 CIVIL LIABILITY OF PARTICIPANTS IN COMBAT SPORTS

3.8.1 GENERAL RULE: CIVIL LIABILITY UNDER THE BRAZILIAN CIVIL CODE

In Brazil, civil liability is governed by Articles 186 and 927 of the Civil Code. Article 186 establishes the general rule, stating that *“anyone who, through voluntary action or omission, negligence, or recklessness, violates a right and causes harm to another, even if exclusively moral, commits an unlawful act.”*

Article 927 further provides that *“anyone who, by an unlawful act, causes harm to another is obliged to repair it.”* Liability is generally subjective, when based on fault, or objective, when arising from the activity performed.

This follows the theory of fault, according to which civil liability depends on proving the agent’s fault, encompassing both intentional wrongdoing (*dolo*) and fault in the strict sense, which may manifest as recklessness, negligence, or lack of skill.

However, it is important to note that the regular exercise of a right does not constitute an unlawful act

and, generally, excludes the duty to compensate. As Tartuce observes, Article 188, I, of the Civil Code provides that *“an act performed in the regular exercise of a recognized right does not constitute an unlawful act.”* This is one of the most debated exclusions of the duty to indemnify in Brazilian jurisprudence.

3.8.2 THEORY OF RISK

The sole paragraph of Article 927 of the Brazilian Civil Code establishes objective liability, independent of fault, for activities that, by their nature, pose a risk to the rights of others. This is known as the *theory of risk*.

Doctrine subdivides this theory into several modalities, of which the following distinctions are relevant for the present article: Created Risk, when the agent is responsible for generating the risk; Activity Risk (or Professional Risk), when the activity itself inherently creates risks for third parties; and Profit-Risk (or Risk-Benefit), applied in situations where the risk arises from the exploitation of a profitable activity.

Thus, both profit-generating martial arts academies and federations organized as non-profit associations may be held liable for damages resulting from their core activities, based either on profit-risk (risk-benefit), created risk, or activity risk.

This differentiation is important because sports federations and confederations are often organized as non-profit associations under Article 53 of the Civil Code, a feature that can directly influence the scope of their civil liability. Part of the doctrine holds that the theory of risk applies only when an economic activity is conducted for profit. However, the absence of profit does not automatically exempt the entity from civil liability.

3.8.3 CIVIL LIABILITY OF SPORTS ENTITIES AND PROFESSIONALS

Martial arts academies, federations, and instructors play a central role in preventing and managing the inherent risks of combat sports, which generates specific liabilities in the event of injury. From a civil law perspective, liability may be subjective, arising from negligence, imprudence, or lack of skill (Article 186 of the Civil Code), or objective, when the activity is considered risky or when the Consumer Defense Code applies (Article 14 of the CDC). In the case of

academies and federations, often classified as service providers, liability tends to be objective, as it suffices to demonstrate damage and causal nexus to trigger the obligation to indemnify.

Professionals, such as instructors and coaches, are subjectively liable when they act recklessly or exceed the inherent risks of the sport, unnecessarily increasing the likelihood of injury (Law 8.078/1990, Art. 14, §4). In Brazil, in the *Rui Fernandes* case, the Superior Court of Justice (STJ) applied the Consumer Defense Code to hold a judo academy responsible for an accident that left an athlete quadriplegic, reinforcing the understanding that the provision of sports services requires appropriate safety standards.

Federations, although often non-profit, may also be held civilly liable when they fail to supervise competitions or neglect safety rules, under the theory of created risk (Article 927, sole paragraph, Civil Code), even considering that part of the doctrine applies the theory only when the activity has economic ends.

This reasoning is reflected in the recent General Sports Law (Law No. 14.597/2023, Arts. 2, XVI, and 84, VI), which establishes safety as a fundamental principle in sports practice and mandates that event-organizing entities contract life and accident insurance to cover risks faced by athletes and coaches.

Contractual exclusion of liability is not admitted in agreements with academies, especially when these seek to disclaim any obligation regarding safety or damage repair. Such clauses are considered abusive and null under the Consumer Defense Code (Art. 51, IV, CDC), with the objective liability of the legal entity providing the service prevailing.

In summary, the civil liability of entities and professionals in combat sports arises not only from the natural risk of the activity but primarily from the need to prevent the amplification of such risks through abusive, reckless, or non-compliant conduct. Thus, when damage exceeds the limits of the consented risk, the obligation to indemnify arises, whether on the part of the academy, the federation, or the instructor.

3.8.4 BRAZIL: RUI FERNANDES CASE

In the sports context, particularly in martial arts academies and schools, the Superior Court of Justice (STJ) applied the Consumer Defense Code (Law No. 8.078/1990) in the case of Rui Nuno Nunes Fernandes, an athlete who became quadriplegic due to an accident at a judo academy. Article 14 of the CDC establishes the strict liability of service providers for damages caused to consumers, regardless of fault, when the service is not provided adequately.

3.8.5 UNITED STATES: JACK GREENER CASE

In the United States, in 2018, Jack Greener, a beginner jiu-jitsu student, suffered a catastrophic injury during a sparring session at Del Mar Jiu Jitsu Club in California. His instructor, Francisco Iturralde, known as "Sinistro," applied a technique that resulted in cervical fractures and quadriplegia. In 2023, a San Diego jury awarded Greener \$46,475,112.33 in damages. After appeals, the California Supreme Court upheld the decision, and with post-judgment interest, the total compensation exceeded \$56 million.

The \$56 million award was attributed to both the jiu-jitsu instructor, Francisco Iturralde, and the Del Mar Jiu Jitsu Club, owned by M. Phelps, Inc. The academy was also held vicariously liable, meaning it was responsible for the acts of its instructors. The court rejected the defense that the injury was an inherent risk of the sport, applying the doctrine of primary assumption of risk—which holds that participants voluntarily accept obvious and inherent risks—only when such risks are evident and knowingly accepted by participants.

The court concluded that the instructor recklessly increased the risks beyond those inherent to the sport, acting with awareness of the probability of causing harm, though without intent to do so. This decision establishes a significant precedent regarding the liability of instructors and academies in cases of reckless conduct.

3.9 COMBAT SPORTS AND RISK OF INJURY

In striking martial arts such as boxing, Muay Thai, taekwondo, and karate, the most frequent injuries affect the head and face, including concussions, lacerations, contusions, and epistaxis (nosebleeds); the hands and wrists, particularly fractures and sprains resulting from direct impacts; and the thorax

and abdomen, where contusions and soft tissue injuries are common. The predominant nature of these injuries is associated with craniofacial trauma and upper limb damage, resulting from impact strikes such as punches, kicks, and knees. Specifically, in boxing, concussions and head trauma are more prevalent, while in Muay Thai, injuries to the lower limbs, especially shins and knees, are more frequent.

In grappling martial arts, such as judo, jiu-jitsu, and wrestling, the most common injuries involve the shoulders and knees, including sprains, dislocations, and ligament ruptures, such as the anterior cruciate ligament (ACL). Muscle strains and spinal disc injuries in the cervical and lumbar regions are also frequent, as are sprains and dislocations of the elbows and fingers, often associated with joint locks and twisting maneuvers. In this group, joint and soft tissue injuries predominate, resulting from throws, falls, and submission techniques. Judo shows a higher incidence of shoulder and knee injuries, particularly from throws and falls; in jiu-jitsu, knee, elbow, and spinal injuries are more common, often related to submission techniques; and wrestling exhibits a high rate of knee and shoulder injuries, along with skin abrasions.

Comparatively, striking martial arts exhibit acute, traumatic injuries primarily affecting the head, face, and hands, while grappling arts predominantly involve joint and ligament injuries, with higher incidence in the shoulders, knees, and spine.

The first analyzed study, *Epidemiology of Injuries in Martial Arts: A Narrative Review* by Fábio Paes Leme, emphasizes that age directly influences both the prevalence and severity of injuries. In children and adolescents, joint injuries in the knees, shoulders, and elbows predominate, typically resulting from poorly executed falls or technical errors related to physical immaturity. These injuries are generally less severe than those found in adults. In adults, there is a higher incidence of cumulative musculoskeletal injuries, such as strains, sprains, and ligament ruptures. In striking sports, such as boxing and Muay Thai, concussions and craniofacial traumas are more frequent, indicating that age influences both the type and intensity of injury.

The second study, *Injuries in Marital Arts: An Overview of Systematic Reviews*, further reinforces that age is a significant risk factor for specific types

of injuries. Among children and adolescents, there is greater vulnerability to growth plate and joint injuries, particularly in grappling disciplines such as judo and wrestling. In adults, chronic injuries related to functional overload are more prevalent, especially in the shoulders, knees, and lower back. Additionally, the study highlights that concussions and head traumas are notably present in adult practitioners of boxing and MMA, whereas in children and adolescents, such occurrences are less frequent due to stricter regulations and restrictions on high-risk strikes, such as knockouts.

IV. RESULTS

The analysis demonstrates that the practice of combat sports inherently involves the risk of bodily injury, whose legal consequences depend directly on the context in which they occur and the observance of applicable rules and valid consent. The findings confirm that the participant's consent, or in the case of minors, the consent of a legal guardian, plays a central role in the legal legitimacy of injuries sustained during sports practice. In combat sports, consent functions as acknowledgment of the inherent risks of the discipline, yet its legitimacy derives directly from the exercise of a regular right under Article 23, III of the Brazilian Penal Code, serving as an exclusion of unlawfulness or illegality—especially for injuries occurring within the established rules. However, such consent is not absolute: actions that exceed regulatory limits or are reckless cannot be justified merely by the acceptance of risk.

The research shows that Brazilian criminal law distinguishes between injuries occurring within sport rules and those occurring outside them:

- Injuries within sport rules: Considered foreseeable and socially accepted, they are covered by the exercise of a regular right, generally excluding criminal unlawfulness. Nonetheless, civil liability may still arise in cases of negligence, recklessness, or incompetence.
- Injuries outside the rules or intentionally exceeding limits: May constitute either intentional or negligent bodily injury, subject to both criminal and civil liability.
- Physical aggression without bodily injury: May be classified as assault under the Law of Penal Contraventions, reinforcing that any violent conduct

beyond regulatory limits generates legal responsibility.

The study highlights that the involvement of children and adolescents in combat sports requires explicit consent from their guardians, with attention to safety rules and risk proportionality. Guardian consent should be exercised within reasonable standards, considering:

- The intensity of allowed physical contact;
- Mandatory use of protective equipment;
- Limitation of formal competitions for younger age groups;
- Supervision and oversight by federations and clubs.

The analysis indicates that civil liability for acts committed by minors remains applicable even in the absence of criminal imputability, with reparations owed primarily by legal guardians or, subsidiarily, by the minor themselves. Furthermore, criminal and civil responsibility may extend to parents if they permit participation that exceeds reasonable limits.

The research also demonstrates that civil liability can extend to institutions, and both criminal and civil liability may apply to professionals involved in combat sports when causing harm to minors. Academies and clubs engaging in commercial activity bear objective liability under the Consumer Protection Code (Article 14), requiring only proof of damage and causal link. Under the Civil Code, liability is generally subjective (Article 186), with objective liability applying only in cases under Article 927, sole paragraph, when the activity involves special risk. Nonprofit associations or entities are often interpreted more restrictively by scholars, limiting risk theory application to profit-generating activities, referred to as *risk-benefit*. Nonetheless, such entities are not exempt from liability, being accountable when negligence or fault is demonstrated. In any case, the absence of profit does not relieve them of the obligation to implement effective safety measures for participants.

Professionals, including instructors and coaches, are criminally liable in cases of intentional or negligent conduct, particularly when exceeding sport rules, and are subject to civil liability for damages caused to students. They must adopt safety measures, provide adequate supervision, and comply with the regulatory standards of the sport.

The research indicates that civil and criminal liability depends on the nature of the conduct and the capacity of the participant. Cases such as Jack Greener in the United States demonstrate that, even when inherent risk exists, reckless or negligent behavior by instructors and academies can result in substantial compensation. Similar precedents exist in Brazil, where injuries occurring in combat sports have been deemed compensable.

Overall, the study underscores the necessity of rule adherence, proper supervision, and compliance with safety standards to avoid civil liability for individuals and legal entities, as well as potential criminal liability for physical persons, whether for negligent or intentional offenses. In summary, the research demonstrates that consent, when exercised knowingly and within reasonable standards, legitimizes injuries in combat sports but does not eliminate criminal or civil liability in cases of excess, recklessness, negligence, or intentional aggression.

V. DISCUSSION

The analysis of the results suggests that, although combat sports inherently involve the risk of bodily injury, the valid consent of the participant or, in the case of minors, the legal guardian, is a central factor in determining the legal legitimacy of injuries sustained. Injuries occurring within the rules of the sport, even when accidental, tend to be socially and legally accepted, except in cases where recklessness, negligence, or incompetence is evident. Conversely, conduct that exceeds these limits constitutes grounds for civil or criminal liability.

When comparing these findings with legal doctrine and judicial decisions, it is evident that Brazilian law, while not leaving such cases entirely unresolved, lacks a clear and organized framework for the various situations involving consented injuries in combat sports. The objective is not to address every possible scenario—which would be impossible given the diversity of modalities and contexts—but to provide guidance regarding general nuances and their legal consequences. Jurisprudence remains limited, reinforcing the need for interpretation based on principles of reasonableness, the exercise of regular rights, and the comprehensive protection of minors.

From a practical perspective, the results highlight the need for informed consent policies in academies and

competitions, ensuring that athletes and guardians understand the risks and legal implications of participation. Requiring the signing of mandatory consent forms, similar to existing medical certificates, can formalize this understanding, enhancing the legal and ethical security of instructors, federations, and regulatory bodies.

Regarding existing gaps, there is a notable absence of specific legislation clearly defining civil and criminal responsibility in cases of injuries in combat sports, particularly involving minors. While the minor's own consent does not replace the authorization of the legal guardian, it has ethical and practical relevance: very young children, for example, should not be subjected to matches in which injury is an expected outcome (e.g., Muay Thai or boxing without protective equipment) against their will, as this could constitute a situation analogous to exploitation or human fighting. Even at early ages, attention must be paid to the minor's willingness to participate, emphasizing the need for adequate supervision and the comprehensive protection mandated by the Brazilian Child and Adolescent Statute (ECA).

VI. CONCLUSION

All sports present characteristic injuries associated with their practice; however, in combat sports, these injuries assume a particular significance. Unlike modalities in which physical contact is only occasional, in combat sports, especially those based on striking and traumatic techniques, such as boxing and Muay Thai, injuries are expected and inherent to the dynamics of the activity. This reality makes it essential to differentiate between damages that constitute the natural risk of the sport, accepted and tolerated under its rules, and those that exceed the limits of regular practice.

The analysis of civil and criminal liability in Brazilian combat sports highlights the need for awareness among athletes, coaches, and organizing entities. Incidents occurring during competitions, often considered routine accidents, may have serious legal implications, ranging from civil actions for damages to criminal charges. The absence of a unified international standard for liability in cases of excessive conduct in combat sports underscores the importance of understanding local legal norms as a key factor for the safety and career of athletes. This study, therefore, aims to serve as an initial guide to

understanding the legal risks inherent to this practice, contributing to safer and more informed participation in combat sports.

Whereas in other sports physical aggression is clearly identifiable as conduct subject to civil and criminal liability, in combat sports the dividing line is more subtle and complex. Identifying what constitutes a "natural" injury in combat versus unlawful behavior requires careful consideration of factors such as whether the conduct occurred within or outside the rules, whether the injury was intentional or accidental, whether the technique was applied correctly or incorrectly, and factors related to the age and legal capacity of the participants, including the responsibility of legal guardians or institutions promoting the practice.

Thus, understanding the nature of injuries in combat sports cannot be reduced solely to the observation of physical harm but must necessarily involve evaluation of the context in which the injury occurred, compliance with the rules of the modality, and the legal capacity of those involved. Only through this distinction is it possible to fairly establish the limits between the inherent, consented risk of the sport and situations in which civil or criminal liability arises.

The analysis demonstrated that, although combat sports carry an inherent risk of physical injury, legal limits exist regarding consented bodily harm, even if these limits are not fully systematized in Brazilian legislation and jurisprudence. As a general rule, the participant's consent within the rules of the modality functions as an exclusion of civil and criminal liability, supported by the exercise of a regular legal right. However, any conduct that exceeds these limits, whether intentional or negligent, exposes the agent to civil and/or criminal responsibility, demonstrating that the sport does not operate above the law.

Legal limits on consented bodily injury do not permit violent or cruel practices outside the bounds of civility. Even high-contact modalities or those with few restrictions, such as Mixed Martial Arts (MMA), are subject to supervision, safety regulations, and constitutional principles, especially the principle of human dignity, precluding legal permissiveness for cruel conduct. In the case of minors, participation depends on the authorization of legal guardians, with

attention to reasonableness, supervision, and protective measures.

This research contributed to systematizing and clarifying the various forms of liability arising from combat sports practice, addressing adult and minor athletes, instructors, coaches, and institutions, with clear distinctions between acts within and outside the rules, accidental versus intentional acts, negligent, reckless, or incompetent conduct, and between profit and non-profit institutions.

For future research, it is recommended to conduct an in-depth analysis of emerging cases in both domestic and comparative jurisprudence to consolidate understanding and provide stronger foundations for judicial decisions, as well as studies exploring the practical application of informed consent policies and injury prevention measures, promoting greater legal and sporting safety.

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Diogo Assinger is a Federal Police officer and attorney, serving as a Personal Defense Instructor for the Federal Police. He holds a black belt in Judo, is a Jiu-Jitsu instructor, former freestyle wrestling athlete, with experience in Muay Thai and other disciplines. He is a member of the International Association of Directors of Law Enforcement Standards and Training (IADLEST) and ASIS International. He is a former employee of the Specialized Federal Judiciary. Currently, he is pursuing an MBA in Public Security Management at the University of Brasília (UnB). He works and writes in the areas of martial arts, self-defense, police work, and law.

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