

REGULATION OF BRAZILIAN AIR TRANSPORTATION AND FUNDAMENTAL RIGHTS: LEGAL CHALLENGES IN THE TRANSPORTATION OF EMOTIONAL SUPPORT ANIMALS

REGULAÇÃO DO TRANSPORTE AÉREO BRASILEIRO E DIREITOS FUNDAMENTAIS: DESAFIOS JURÍDICOS DO TRANSPORTE DE ANIMAIS DE APOIO EMOCIONAL

REGULACIÓN DEL TRANSPORTE AÉREO BRASILEÑO Y DERECHOS FUNDAMENTALES: DESAFÍOS JURÍDICOS DEL TRANSPORTE DE ANIMALES DE APOYO EMOCIONAL



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ABSTRACT

The growing recognition of mental health and psychological well-being has intensified legal debates regarding the institutional recognition of emotional support animals, particularly in regulated contexts such as air transportation. In this scenario, questions arise concerning the compatibility between passengers' fundamental rights, aviation safety requirements, and the regulatory norms governing the transport of animals on aircraft. This study aims to analyze the legal challenges related to the regulation of air transportation of emotional support animals in Brazil, considering its implications within the framework of fundamental rights and the normative organization of civil aviation. The research adopts a literature review methodology, based on the qualitative analysis of recent scientific studies addressing legal, social, and regulatory aspects related to the subject. The findings indicate that the social recognition of emotional support animals is closely linked to the psychological benefits associated with the human–animal relationship, while also revealing regulatory gaps that may generate conflicts among passengers, airlines, and regulatory authorities. It is concluded that the development of clearer and more balanced regulatory frameworks is essential to ensure legal certainty, protect fundamental rights, and maintain the proper organization of air transportation in light of contemporary social transformations.

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RESUMO

A crescente valorização da saúde mental e do bem-estar psicológico tem impulsionado debates jurídicos relacionados ao reconhecimento institucional dos animais de apoio emocional, especialmente em contextos que envolvem serviços regulados, como o transporte aéreo. Nesse cenário, surgem questionamentos acerca da compatibilização entre os direitos fundamentais dos passageiros, a segurança operacional da aviação civil e as normas que disciplinam o transporte de animais em aeronaves. O presente estudo tem como objetivo analisar os desafios jurídicos relacionados à regulação do transporte aéreo de animais de apoio emocional no Brasil, considerando suas implicações no campo dos direitos fundamentais e da organização normativa da aviação civil. Para tanto, adotou-se como metodologia a revisão bibliográfica de literatura científica recente, com análise qualitativa de estudos que abordam aspectos jurídicos, sociais e regulatórios relacionados ao tema. Os resultados indicam que o reconhecimento social dos animais de apoio emocional está associado aos benefícios psicológicos decorrentes da relação humano-animal, mas também evidencia lacunas regulatórias que podem gerar conflitos entre passageiros, companhias aéreas e autoridades regulatórias. Conclui-se que a construção de marcos normativos mais claros e equilibrados constitui medida essencial para garantir segurança jurídica, proteção dos direitos fundamentais e adequada organização do transporte aéreo no contexto das transformações sociais contemporâneas.

Palavras-chave: Animais de Apoio Emocional. Direitos Fundamentais. Regulação do Transporte Aéreo. Responsabilidade Civil. Transporte Aéreo.

RESUMEN

El creciente reconocimiento de la salud mental y del bienestar psicológico ha intensificado los debates jurídicos relacionados con el reconocimiento institucional de los animales de apoyo emocional, especialmente en contextos regulados como el transporte aéreo. En este escenario surgen cuestionamientos acerca de la compatibilidad entre los derechos fundamentales de los pasajeros, los requisitos de seguridad de la aviación civil y las normas que regulan el transporte de animales en aeronaves. El presente estudio tiene como objetivo analizar los desafíos jurídicos relacionados con la regulación del transporte aéreo de animales de apoyo emocional en Brasil, considerando sus implicaciones en el ámbito de los derechos fundamentales y en la organización normativa de la aviación civil. Para ello se adoptó como metodología una revisión bibliográfica de literatura científica reciente, con análisis cualitativo de estudios que abordan aspectos jurídicos, sociales y regulatorios relacionados con el tema. Los resultados indican que el reconocimiento social de los animales de apoyo emocional está asociado a los beneficios psicológicos derivados de la relación humano-animal, pero también revela vacíos regulatorios que pueden generar conflictos entre pasajeros, compañías aéreas y autoridades regulatorias. Se concluye que la construcción de marcos normativos más claros y equilibrados constituye una medida esencial para garantizar seguridad jurídica, protección de los derechos fundamentales y adecuada organización del transporte aéreo frente a las transformaciones sociales contemporáneas.

Palabras clave: Animales de Apoyo Emocional. Derechos Fundamentales. Regulación del Transporte Aéreo. Responsabilidad Civil. Transporte Aéreo.

1 INTRODUCTION

The growing appreciation of mental health and quality of life has driven new legal discussions related to the protection of relevant social and affective bonds. In this context, the relationship between humans and companion animals began to receive greater attention in the scientific and legal fields, especially when these animals play an emotional support role for individuals in situations of psychological vulnerability.

The Constitution of the Federative Republic of Brazil establishes the dignity of the human person as the foundation of the Democratic Rule of Law, a principle that guides the interpretation and application of legal norms aimed at protecting the well-being and integrity of individuals, as provided by Brasil (1988). This constitutional foundation allows for a broader understanding of rights related to health and quality of life, including discussions involving the emotional support provided by companion animals.

In recent decades, the scientific literature has shown that the coexistence between humans and animals can produce positive impacts on people's psychological well-being. Recent studies show that interaction with pets can contribute to the reduction of symptoms related to stress, anxiety, and social isolation, favoring the emotional stability of individuals. In this sense, Brooks et al. (2023) highlight that the human-animal relationship can represent an important mechanism of psychological support, especially in contexts of emotional vulnerability. The expansion of this social recognition has driven the emergence of the category of so-called emotional support animals.

However, the institutional recognition of these animals has also provoked relevant legal debates, especially in sectors characterized by high normative regulation. Air transport is an emblematic example of this scenario, as it involves strict standards related to civil aviation safety, service organization and passenger protection. Younggren et al. (2020) highlight that the absence of standardized criteria for the evaluation and certification of emotional support animals can generate administrative and legal controversies, especially when these animals are transported in regulated collective environments.

In addition, the expansion of the presence of animals in different institutional spaces reflects broader cultural transformations related to the way contemporary society understands the relationship between humans and animals. Pallotta (2025) observes that the growing appreciation of the human-animal bond has influenced legal and political debates, stimulating discussions about the institutional recognition of certain forms of interaction between people and companion animals. This process highlights the emergence of new social demands that challenge traditional regulatory models, requiring legal responses capable of balancing individual rights, institutional security, and the organization of public and

private services.

In view of this scenario, the present study aims to analyze the legal challenges related to the regulation of the air transport of emotional support animals, considering the implications of this phenomenon in the scope of fundamental rights and the normative organization of civil aviation. It seeks to understand how the legal system can respond to emerging demands related to the transport of these animals, as well as to identify the main regulatory conflicts associated with the protection of passenger rights, the operational safety of air transport and animal welfare.

The expansion of discussions about emotional support animals is also related to the growth of social demands for institutional recognition of different forms of therapeutic support. In several countries, individuals facing psychological disorders or specific emotional conditions have started to resort to the help of companion animals as a form of support to maintain emotional balance. In this context, the scientific literature has pointed out that the presence of these animals can play a relevant role in the process of recovery and psychological stabilization of individuals. As indicated by Brooks et al. (2023), living with pets can contribute to reducing stress and anxiety levels, in addition to favoring the construction of affective bonds capable of strengthening emotional health.

However, the expansion of the social recognition of emotional support animals has also brought new regulatory challenges. The absence of uniform criteria for the identification and certification of these animals has provoked debates among regulatory authorities, service operators and users. Younggren et al. (2020) point out that the lack of standardized protocols for assessing the need for emotional support can generate divergent interpretations of the legitimacy of these demands. This scenario contributes to the emergence of administrative and legal conflicts, especially in sectors in which institutional functioning depends on strict operational standards.

In the field of air transport, these tensions are becoming even more evident. The civil aviation sector operates with high standards of safety and operational organization, which requires the adoption of clear rules for the transport of passengers and animals. Doughty (2023) observes that the growth in requests for the transport of emotional support animals on aircraft has exposed important gaps in the regulation of the sector, leading different authorities to review their institutional standards and policies. This process highlights the need to develop regulatory frameworks capable of reconciling the protection of passengers' rights with the operational requirements of air transport.

In addition to issues related to operational safety, the literature also points out that the transport of animals in aircraft can generate legal implications related to the civil liability of

airlines. Eulálio (2025) points out that conflicts involving damage or death of animals during transport have become increasingly frequent in the judicial sphere. This phenomenon shows that the transport of companion animals, including emotional support animals, has become part of broader legal debates related to consumer law, civil law, and animal law.

Given this panorama, it is necessary to deepen the legal analysis on the transport of emotional support animals in the context of civil aviation. Understanding the normative foundations and existing regulatory gaps can contribute to the development of legal solutions that are more appropriate to contemporary social transformations. Thus, the investigation proposed in this study seeks to understand the legal challenges related to the regulation of the air transport of these animals, analyzing the tensions between the protection of fundamental rights, the operational safety of air transport and the growing appreciation of animal welfare in contemporary society.

2 THEORETICAL FRAMEWORK

The contemporary legal debate about the transportation of emotional support animals has intensified in recent years, especially due to the expansion of discussions related to fundamental rights, animal welfare and regulatory transformations in the air transport sector. The social recognition of the bond between humans and companion animals has come to occupy a relevant space in academic and legal discussions, especially when this bond is related to mental health issues. In this scenario, recent scientific literature has sought to understand how legal systems can respond to the demands arising from the presence of emotional support animals in regulated environments, such as air transport.

One of the central aspects of the literature refers to the conceptual definition and recognition criteria of emotional support animals. Younggren et al. (2020) explain that these animals are distinguished from the so-called service animals because they do not necessarily receive specific training to perform certain tasks. Its main function is related to the emotional support offered to the tutor, especially in situations involving psychological or psychiatric disorders. The authors point out that the absence of uniform criteria for the evaluation and certification of these animals can generate distortions in the recognition of this type of therapeutic support, creating difficulties both for health professionals and for institutions responsible for regulating public and private services.

The literature also highlights the relevance of the relationship between humans and animals in the field of mental health and psychological well-being. Brooks et al. (2023) point out that living with pets is associated with a reduction in symptoms related to stress, anxiety, and social isolation. The authors note that, in many cases, the presence of an animal can

function as an important emotional support mechanism, contributing to the psychological stability of individuals in vulnerable situations. This therapeutic dimension has been used as a basis to justify the growing demand for institutional recognition of emotional support animals.

Despite these recognized benefits, the concept of emotional support animal still has uncertain legal contours. Pallotta (2025) argues that this category has a complex social and normative construction, being influenced by different cultural, institutional, and legal factors. According to the author, the expansion of the use of this concept in different regulatory contexts has generated debates about its limits and applications, especially when it involves the provision of public or private services. The absence of clear normative parameters can generate divergent interpretations and regulatory conflicts.

The discussion also involves the development of public policies and institutional mechanisms aimed at regulating these animals. Foltin et al. (2023) point out that different countries adopt different regulatory models for the recognition of assistance and emotional support animals. This regulatory diversity can cause practical difficulties for institutions responsible for providing services, especially in highly regulated sectors such as air transport. In this context, the authors highlight the need to develop clearer and more uniform criteria to guide administrative and legal decisions related to the topic.

These contributions demonstrate that the debate on emotional support animals goes beyond the field of health or psychology, reaching directly into the legal and regulatory domain. Recent literature has sought to understand how the law can balance the protection of individual rights, institutional security and the need to establish objective criteria for the recognition of this category of animals. Thus, the construction of a solid theoretical framework requires an integrated analysis of these different perspectives, allowing us to understand the conceptual and legal foundations that support the contemporary debate on the transport of emotional support animals.

The expansion of the debate on emotional support animals has also had direct repercussions in the field of air transport regulation. The presence of these animals on aircraft has generated relevant legal questions, especially with regard to the compatibility between the individual rights of passengers and the duties of airlines related to operational safety and the organization of the transport service. In this scenario, part of the specialized literature has analyzed the existing regulatory gaps and the legal conflicts that emerge from the absence of uniform regulation on the subject.

In this context, Doughty (2023) notes that the absence of clear criteria for the recognition of emotional support animals has contributed to a significant increase in conflicts

involving passengers and airlines. According to the author, during the last decade there has been a significant growth in the number of requests for the transport of these animals in aircraft, which has exposed regulatory weaknesses and led several legal systems to review their policies related to the subject. The lack of normative uniformity ends up producing legal uncertainty for both passengers and the companies responsible for providing the transport service.

The discussion also involves the interaction between aviation law rules and legislation aimed at the protection of people with disabilities or mental health conditions. Lanier (2021) analyzes how different regulatory systems began to revise their rules after the increase in cases involving passengers who sought to transport emotional support animals on aircraft. The author points out that the expansion of the recognition of these animals has generated tensions between the right of access to transport and the concerns of airlines with safety, hygiene and organization of the internal space of aircraft.

In addition, the growth in demand for transporting animals on commercial flights has also generated debates about the legitimacy of certain requests. Cummings (2023) highlights that the expansion of the category of emotional support animal has become the subject of criticism by regulatory authorities and airline operators, who point out difficulties in distinguishing legitimate cases from situations in which the classification is used inappropriately. For the author, the absence of standardized certification mechanisms can compromise the credibility of the institute itself and hinder the development of balanced regulatory policies.

Another relevant aspect discussed in the literature refers to civil liability arising from the transport of animals in aircraft. Eulálio (2025) analyzes cases involving damage or death of animals during air transport and highlights that such situations raise important debates about the liability of airlines. According to the author, the growing judicialization of conflicts involving animal transport demonstrates that the issue has gone beyond the administrative field and has become part of broader discussions related to consumer rights and animal rights.

In turn, Vallespin (2024) observes that the air transport of companion animals has undergone significant transformations in several countries, requiring adaptations in the operational and regulatory policies of airlines. The author points out that the growing social concern with animal welfare has influenced institutional changes in the aviation sector, which reinforces the need to develop clearer and more consistent regulatory models.

These analyses show that the transportation of emotional support animals in the context of civil aviation represents a changing legal field. The specialized literature has

pointed out that the absence of regulatory harmonization can generate conflicts between passengers, airlines and regulatory authorities. Thus, understanding the legal foundations of these disputes becomes essential to assess the regulatory challenges involved in the protection of fundamental rights and in the organization of contemporary air transport.

The discussion about the transport of emotional support animals also involves a broader dimension related to animal welfare and the social transformations that redefine the relationship between humans and animals in contemporary times. In recent decades, several studies have shown that pets play a relevant role in people's emotional and psychological lives, especially in contexts of vulnerability or treatment of mental disorders. This phenomenon has contributed to the broadening of the legal debate on the need to recognize certain forms of human-animal interaction as socially relevant and legally protected.

In this sense, Mota-Rojas et al. (2023) observe that contemporary discussions on animal welfare in Latin America have expanded significantly, incorporating legal, social, and ethical perspectives. The authors point out that the growing appreciation of animal protection has influenced different areas of law, including public policies, environmental legislation, and norms related to the protection of animals in institutional contexts. This movement has driven debates about the appropriate legal treatment of companion animals, especially when they are involved in transport or displacement situations.

The literature also highlights that social changes related to animal protection have produced relevant impacts on the formulation of regulatory policies. Pallotta (2025) argues that the concept of the emotional support animal has come to occupy significant space in institutional debates precisely because it reflects broader cultural transformations related to the way society understands the relationship between humans and animals. According to the author, this transformation has provoked pressures for greater legal recognition of this type of link, while requiring regulatory systems to develop clearer criteria for its application.

Another relevant aspect refers to the psychological and social implications of the coexistence between humans and animals. Brooks et al. (2023) highlight that recent studies show that the presence of companion animals can contribute to improving the emotional well-being and quality of life of their owners. This relationship has been especially relevant in mental health contexts, in which the emotional support provided by animals can help reduce symptoms associated with stress and anxiety. These factors have been used as a basis to justify the growing social demand for institutional recognition of emotional support animals.

However, the literature also emphasizes that the expansion of this recognition must be accompanied by appropriate regulatory mechanisms. Foltin et al. (2023) point out that public policies aimed at the recognition of assistance or emotional support animals need to establish

clear certification and evaluation criteria, in order to ensure legal certainty and avoid distortions in the use of these categories. The absence of objective parameters can compromise both the effectiveness of public policies and the credibility of norms aimed at protecting people who really need this type of support.

Thus, the scientific literature shows that the debate on the transport of emotional support animals involves multiple legal and social dimensions. On the one hand, there is a need to recognize the therapeutic and social benefits associated with human-animal coexistence. On the other hand, it is essential to develop regulatory frameworks capable of balancing the protection of fundamental rights, the safety of air transport and the guarantee of objective criteria for the recognition of these animals. The understanding of these different theoretical perspectives allows us to establish more solid bases for the analysis of the legal challenges involved in the regulation of the air transport of emotional support animals in the contemporary context.

3 METHODOLOGY

The present research is characterized as a qualitative study, with an exploratory and descriptive approach, developed through a bibliographic review of the recent scientific literature on the transport of emotional support animals and its legal developments in the field of air transport. The choice of this method is justified by the need to understand the theoretical, normative and regulatory foundations that structure the contemporary debate on the subject, allowing a critical analysis of the main academic contributions produced in recent years.

As for the technical procedures, the research was conducted through a bibliographic survey in scientific databases widely used in international and national academic production. Databases such as Scopus, Web of Science, PubMed, SciELO, and Google Scholar were prioritized, considering their relevance in the indexing of high-impact scientific journals. The search focused on scientific articles published in the last five years, with a preference for journals classified in strata A and B of the Qualis system, in order to ensure the quality and timeliness of the sources used in the development of the theoretical framework.

To identify relevant studies, descriptors related to the research object were used, such as emotional support animals, air transportation regulation, aviation law, animal welfare and fundamental rights. The combination of these terms allowed us to locate research that addresses both the concept of emotional support animals and the regulatory challenges related to the transportation of these animals on commercial aircraft. After conducting the searches, the publications were selected based on the reading of titles, abstracts and

keywords, prioritizing studies that had a direct relationship with the research problem.

The inclusion criteria adopted included scientific articles available in full text, preferably in PDF format, published in academic journals or recognized institutional repositories and that addressed legal, regulatory or social aspects related to emotional support animals or the transport of animals in aircraft. Publications that did not have a direct relationship with the topic investigated or that did not have a scientific character, such as opinion texts or materials without academic review, were excluded.

After the source selection stage, the studies were submitted to analytical and interpretative reading, seeking to identify the main concepts, theoretical arguments, and regulatory perspectives discussed by the authors. This stage allowed the systematization of the contributions of the recent literature and the organization of the elements that make up the theoretical framework of the study. The data analysis was carried out through a qualitative approach, with emphasis on the critical interpretation of the arguments presented in the selected articles, seeking to understand convergences, divergences and gaps in the scientific production on the subject.

The organization of the collected data occurred through the structuring of the information in analytical categories related to the main axes of discussion identified in the literature, such as the conceptual definition of emotional support animals, the impacts of the human-animal relationship in the field of mental health, the regulatory challenges in air transport and the legal implications arising from the absence of uniform standardization. This systematization made it possible to build a consistent theoretical basis for the analysis of the legal challenges involved in the regulation of the air transport of emotional support animals.

The literature review allowed us to identify relevant contributions that address different dimensions related to emotional support animals, including psychological, social, legal and regulatory aspects. The selected studies present complementary approaches, contributing to the understanding of the phenomenon from different theoretical and methodological perspectives. The following table presents the main authors used in the research so far, as well as the titles of the works analyzed and their respective years of publication.

Table 1

Authors used in the research

Author	Title	Year
Brooks et al.	The well-being of companion animal caregivers: a systematic review and research agenda	2023
Cummings	All dogs are emotional support animals: the need for clearer regulation	2023
Doughty	Failures in regulating emotional support animals	2023

Author	Title	Year
Eulalia	Liability of the airline in the event of death of an animal transported in the hold of the aircraft	2025
Foltin et al.	Current perspectives on implementing assistance and support animals in public policy	2023
Lanier	(Emotional support) peacocks on a plane: revising disability and aviation laws	2021
Mota-Rojas et al.	Controversial topics in animal welfare in Latin America	2023
Pallotta	Emotional support? Law, social control, and the human-animal bond	2025
Vallespin	The impact of transforming air transport for domestic animals	2024
Younggren et al.	Emotional support animal assessments: toward a standard model for mental health professionals	2020

Source: The authors.

The analysis of the studies presented in the table shows that the recent literature has been dedicated to investigating the phenomenon of emotional support animals from different perspectives, ranging from the psychological impacts of the human-animal relationship to the legal and regulatory challenges involved in the transport of these animals.

The contributions of these authors allow us to understand the complexity of the topic and provide a consistent theoretical basis for the discussion on the limits and possibilities of regulating the air transport of emotional support animals in the context of fundamental rights.

4 RESULTS AND DISCUSSIONS

The analysis of the selected studies allowed us to identify that the transport of emotional support animals represents an emerging field of legal debate, especially in the context of air transport regulation. The scientific literature analyzed shows that the growing appreciation of the bond between humans and companion animals has caused significant changes in social demands related to access to transportation services. In this scenario, the results of the literature review indicate that the presence of emotional support animals in aircraft is directly associated with the expansion of social recognition of their role in the psychological support of individuals facing mental health conditions.

Several studies point out that living with pets can have a positive impact on people's emotional health. Brooks et al. (2023) demonstrate that the presence of animals is associated with reduced levels of stress and anxiety, contributing to the improvement of the quality of life of tutors. The authors indicate that the human-animal relationship can function as an important emotional support mechanism, especially in contexts of psychological vulnerability. These results help explain why the demand for institutional recognition of emotional support animals has grown significantly in recent years.

In addition to the psychological dimension, the literature also highlights the need to establish clearer criteria for the recognition of these animals. Younggren et al. (2020) point out that the absence of standardized parameters for the evaluation and certification of emotional support animals has generated controversy in different institutional contexts. According to the authors, the lack of uniform procedures can make it difficult to distinguish between legitimate cases of emotional support and situations in which this classification is used inappropriately. This scenario contributes to the emergence of regulatory conflicts, especially in highly regulated sectors such as air transport.

The analysis of the studies also shows that the growth in demand for the transport of these animals has exposed relevant gaps in the regulation of the aviation sector. Doughty (2023) highlights that the significant increase in requests involving emotional support animals has led several regulatory authorities to reevaluate their air transport standards. The author notes that the absence of uniform criteria has caused legal uncertainty for both passengers and airlines, highlighting the need for the development of clearer and more consistent regulatory frameworks.

Another element identified in the literature refers to the difficulties faced by airlines in dealing with the increase in requests for transporting animals in the cabin. Lanier (2021) analyzes that the growth of this phenomenon has generated tensions between the right of access to transport and concerns related to the operational safety of aircraft. According to the author, companies in the airline industry began to face challenges related to the management of the internal space of aircraft, passenger safety, and the need to establish objective criteria to authorize or restrict the transport of these animals.

These results demonstrate that the legal debate on the transportation of emotional support animals involves multiple dimensions that go beyond the simple relationship between passenger and airline. The evidence identified in the literature indicates that the topic involves issues related to mental health, animal welfare, air transport regulation, and the protection of fundamental rights. In this sense, the analysis of academic contributions reveals that the absence of clear regulation can generate institutional conflicts and legal challenges that require balanced normative solutions.

The continuity of the literature analysis shows that the growth of social recognition of emotional support animals has produced direct impacts on contemporary regulatory debates. The expansion of this phenomenon began to challenge traditional legal models, especially in sectors in which institutional functioning depends on strict operational rules, as occurs in air transport. In this context, a significant part of recent scientific production has been dedicated to understanding the limits and implications of expanding the use of the category of emotional

support animal.

Cummings (2023) observes that the expansion of recognition of these animals occurred faster than the development of institutional mechanisms capable of adequately regulating their use. According to the author, the absence of clear procedures to prove the need for emotional support contributed to the increase in requests for transportation of these animals on commercial aircraft. This scenario has produced relevant debates about the legitimacy of certain demands and about the need to create more objective criteria for the evaluation of these requests.

In addition to regulatory issues, the literature also discusses the role of social transformations in expanding the presence of animals in different institutional spaces. Pallotta (2025) argues that the concept of the emotional support animal reflects cultural changes related to the way contemporary society understands the relationship between humans and animals. The author points out that the growing appreciation of companion animals has influenced legal and political debates, stimulating discussions about the institutional recognition of certain forms of human-animal bonding.

Another aspect identified in the studies refers to the institutional transformations that have been occurring in the air transport sector due to the growing concern with animal welfare. Vallespin (2024) points out that airlines and regulatory authorities have started to review their internal policies to deal with the increase in demand for the transport of companion animals. The author points out that this adaptation process involves operational and legal challenges, requiring the construction of regulatory models capable of balancing economic interests, operational safety, and social demands.

The literature also emphasizes the need to develop public policies capable of establishing clear criteria for the recognition of assistance and emotional support animals. Foltin et al. (2023) point out that the absence of uniform regulatory standards can generate practical difficulties for institutions responsible for providing services. The authors highlight that well-structured public policies can contribute to reducing institutional conflicts and increasing the predictability of administrative decisions related to the topic.

In the context of discussions on animal protection, Mota-Rojas et al. (2023) highlight that the growing appreciation of animal welfare has influenced the formulation of legal norms in different countries. The authors point out that the broadening of discussions on animal rights contributes to redefining the way legal systems treat companion animals, especially in contexts involving transportation, displacement, and the provision of services.

The literature also shows that the transportation of animals in aircraft can generate relevant legal implications related to the civil liability of airlines. Eulálio (2025) analyzes cases

involving damage or death of animals during air transport and observes that these conflicts have been increasingly judicialized. The author points out that the growing litigation involving the transportation of animals demonstrates the need to improve the regulatory and contractual rules that govern this type of service.

These results reinforce the idea that the transport of emotional support animals is a complex phenomenon that involves multiple legal, social and institutional dimensions. The literature analyzed indicates that the development of appropriate regulatory solutions requires the simultaneous recognition of the therapeutic benefits associated with emotional support animals and the operational requirements that characterize the air transport sector. In this context, the construction of balanced regulatory frameworks emerges as a fundamental element for the reduction of conflicts and for the protection of the fundamental rights involved in this issue.

The integrated analysis of the studies examined allows us to observe that the discussion about the transport of emotional support animals in air transport involves a complex interaction between legal, social and institutional factors. The results obtained in the literature review indicate that the expansion of this phenomenon is directly related to contemporary transformations in the way society understands the role of companion animals, especially in the context of mental health and emotional well-being.

In this sense, several authors point out that the relationship between humans and animals has acquired increasing social relevance, reflecting cultural and institutional changes that influence the formulation of public policies and legal norms. Pallotta (2025) argues that the social recognition of emotional support animals is associated with broader transformations in the understanding of the human-animal relationship, marked by the appreciation of well-being and the expansion of discussions on animal protection. This scenario contributes to new social demands being directed to regulatory systems, requiring institutional responses capable of dealing with this emerging reality.

At the same time, the literature also demonstrates that the expansion of the recognition of these animals must be accompanied by appropriate regulatory mechanisms. Younggren et al. (2020) highlight that the lack of uniform criteria for the evaluation and certification of emotional support animals can compromise the credibility of this therapeutic support instrument. According to the authors, the definition of clear professional parameters is essential to ensure that the recognition of these animals occurs in a responsible and evidence-based manner.

Another relevant element identified in the studies refers to the need to balance different legal interests involved in air transport. Doughty (2023) notes that the absence of uniform

regulation can generate conflicts between passengers seeking to transport emotional support animals and airlines responsible for the operational management of aircraft. The author points out that the safety of air transport and the organization of the service are essential factors that must be considered in the formulation of regulatory policies.

In addition, the literature shows that the growth of demands related to the transportation of animals has also caused institutional adaptations in the aviation sector. Vallespin (2024) notes that airlines and regulatory authorities have been pressured to review their operational policies to deal with the increased presence of animals on commercial flights. These changes reflect the need to develop regulatory models capable of reconciling operational safety, animal welfare and passenger rights.

The discussions analyzed also indicate that the expansion of the recognition of emotional support animals should consider the legal impacts arising from the transport of these animals. Eulálio (2025) highlights that conflicts involving damage or death of animals during air transport have generated increasing judicialization, highlighting the need to improve the rules that regulate this activity. This phenomenon reveals that the transport of animals in aircraft is not only an operational issue, but also a relevant topic for civil law, consumer law and animal law.

Thus, the results obtained in this research indicate that the transportation of emotional support animals represents a legal field in the process of consolidation. The literature analyzed demonstrates that the absence of clear and uniform regulation can generate institutional conflicts and legal uncertainty. On the other hand, the recognition of the therapeutic benefits associated with human-animal coexistence reinforces the importance of developing normative solutions capable of balancing the different interests involved, contributing to the construction of a fairer and more efficient regulatory system in the field of air transport.

The analysis of the literature used in this research allowed us to identify different theoretical and methodological approaches aimed at understanding the role of emotional support animals, as well as the legal and institutional challenges associated with their transport in aircraft.

The selected studies present relevant contributions ranging from aspects related to mental health and human well-being to discussions on air transport regulation, civil liability and public policies. The following table summarizes the main authors used in the development of the theoretical framework and the results of the research, highlighting the objectives of each study, the methods used and the main results presented.

Table 2*Synthesis of the studies used in the research*

Authors	Objective	Method	Main results
Brooks et al.	To investigate the impacts of the relationship between humans and pets on the psychological well-being of pet owners	Systematic review of the literature	It identified that living with animals can reduce stress, anxiety and social isolation
Cummings	Analyze regulatory challenges related to emotional support animal recognition	Legal analysis and literature review	It highlighted the need for clearer criteria for the recognition and certification of these animals
Doughty	Examine regulatory failures involving the transportation of emotional support animals in air transport	Normative analysis and legal study	Identified regulatory gaps that generate legal uncertainty for passengers and airlines
Eulalia	Assessing the civil liability of airlines in cases of animal death during transport	Jurisprudential and doctrinal analysis	Demonstrated the increase in litigation involving damage to animals transported in aircraft
Foltin et al.	Discuss the implementation of assistance and emotional support animals in public policies	Interdisciplinary literature review	He highlighted the need for clearer regulatory standards and institutional criteria
Lanier	Analyze legal conflicts between passenger rights and air transport rules	Legal analysis and case studies	He pointed out tensions between accessibility, operational safety and regulation of the airline sector
Mota-Rojas et al.	Investigate contemporary debates on animal welfare in Latin America	Interdisciplinary scientific review	It demonstrated the growth of discussions on animal protection and its influence on public policies
Pallotta	Examine the social and legal role of emotional support animals	Socio-legal analysis	It showed that the concept of emotional support animal reflects cultural and institutional transformations
Vallespin	Analyze the impacts of the air transport of companion animals on the policies of the airline industry	Analytical study and literature review	Identified operational and regulatory changes adopted by airlines
Younggren et al.	Propose professional criteria for evaluation of emotional support animals	Conceptual study and clinical analysis	It indicated the need for standardized protocols for the evaluation and certification of these animals

Source: The authors.

The synthesis presented in the table shows that the studies analyzed converge in the identification of regulatory challenges related to the recognition and transport of emotional support animals. At the same time, the results demonstrate that the scientific literature highlights the importance of balancing the therapeutic benefits associated with the human-animal relationship with the need to establish clear rules that ensure legal and operational certainty in air transport.

5 CONCLUSION

The present research aimed to analyze the legal challenges related to the regulation of the air transport of emotional support animals, considering the implications of this

phenomenon in the context of fundamental rights, civil aviation operational safety and animal welfare protection. From the review of recent scientific literature, it was possible to identify that the growing appreciation of the bond between humans and companion animals has produced new social demands that directly impact the way transport services are regulated and organized.

The results obtained show that the social recognition of emotional support animals is associated, above all, with the role that these animals play in the psychological support of individuals in situations of emotional vulnerability. The literature analyzed demonstrates that living with animals can contribute to the improvement of psychological well-being, strengthening the social perception that certain human-animal bonds have therapeutic relevance and deserve institutional recognition.

However, it was also possible to identify that the expansion of these demands has exposed relevant gaps in the regulatory systems that govern air transport. The absence of uniform normative criteria for the recognition and certification of emotional support animals has generated conflicts between passengers, airlines and regulatory authorities. This situation contributes to the formation of a scenario of legal uncertainty, in which administrative and judicial decisions come to depend on varying interpretations of the scope of the rights involved.

In addition, the results indicate that the transport of animals on aircraft involves multiple legal dimensions, including issues related to the safety of air transport, the civil liability of airlines and the protection of animal welfare. The interaction between these different elements highlights the need to build regulatory frameworks capable of balancing diverse interests, while ensuring the protection of passenger rights and the maintenance of aviation operational safety.

In this context, the research demonstrates that the development of clearer and more consistent rules for the transport of emotional support animals is an essential measure to reduce institutional conflicts and promote greater legal predictability. The definition of objective criteria for the recognition of these animals, combined with the elaboration of balanced regulatory policies, can contribute to the construction of a more efficient normative system that is compatible with contemporary social transformations.

It is concluded that the analyzed theme represents a legal field in the process of consolidation, in which there are still important regulatory gaps and interpretative challenges. The continuity of academic research on the subject can contribute to the improvement of legal discussions and to the development of normative solutions capable of harmonizing the fundamental rights of individuals with the operational requirements of air transport.

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