

Active Transparency of Social Security Benefits: An opportunity to combat fraud in the context of Revolution 5.0?

Transparência Ativa dos Benefícios Previdenciários: Oportunidade de combate às fraudes no contexto da Revolução 5.0?

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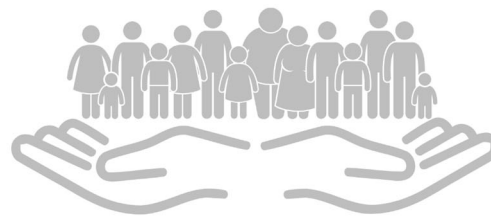
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ABSTRACT: This article analyzes the possibility of reconciling the constitutional principle of publicity with the constitutional right to privacy for the purpose of active transparency of social security benefits paid by the National Social Security Institute (INSS) on the Transparency Portal. In a social context of hyperconnectivity, technological automation, Big Data, Revolution 5.0, and the massification of artificial intelligence, this study intends to reflect on the opportunities that public transparency can provide in combating irregularities and fraud, including the mitigation of future needs for social security reforms, by highlighting cases of operational failures and corruption in the granting or non-cessation of benefits. To achieve this article, in addition to academic texts on the topics involved, Brazilian federal legislation and decisions of the Supreme Federal Court and the Federal Court of Accounts were analyzed. As a result, it was concluded that the principles and rules involved can be reconciled through legal weighing to substantiate the need for greater active public transparency of social security benefits.

Keywords: Public transparency; Social security benefits; Combating fraud.

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RESUMO: Este artigo analisa a possibilidade de compatibilização do princípio constitucional da publicidade com o direito constitucional à privacidade, para fins de transparência ativa dos benefícios previdenciários pagos pelo Instituto Nacional do Seguro Social no Portal da Transparência. Num contexto social de hiperconectividade, de automação tecnológica, *Big Data*, Revolução 5.0 e massificação da inteligência artificial, este estudo pretende refletir sobre as oportunidades que a transparência pública pode proporcionar no combate às irregularidades e fraudes, incluindo a mitigação de futuras necessidades de reformas previdenciárias, ao evidenciar casos de falhas operacionais e de corrupção na concessão ou não cessação de benefícios. Para consecução deste artigo, além de textos acadêmicos sobre os temas envolvidos, foram analisadas a legislação federal brasileira e decisões do Supremo Tribunal Federal e do Tribunal de Contas da União. Como resultado, concluiu-se pela compatibilização dos princípios e regras envolvidas, por meio de ponderação jurídica, para fundamentar a necessidade de maior transparência pública ativa dos benefícios previdenciários.

Palavras-chave: Transparência pública; Benefícios previdenciários; Combate às fraudes.

1 INTRODUCTION

Public transparency is essential for democratic oversight because it enables the detection and prevention of administrative irregularities. The National Social Security Institute (INSS) demonstrates a significant lack of transparency in disclosing benefit payments, particularly when compared to the publication of public employee salaries and other government expenditures. This selective disclosure violates constitutional principles of openness and efficiency. Additionally, it restricts the effective use of emerging technologies such as artificial intelligence and Big Data, which are integral to Revolution 5.0, in identifying and addressing social security fraud.

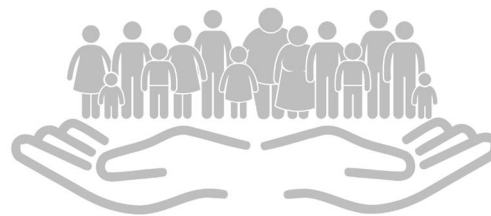
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This article examines whether the lack of detailed disclosure of social security payments on the Transparency Portal² is justified, with a focus on the balance between the principles of publicity, active transparency, and the right to privacy. Drawing on normative, doctrinal, and jurisprudential sources, including decisions from the Federal Supreme Court (STF) and the Federal Court of Auditors (TCU), as well as comparative analysis, the discussion clarifies the relationship among transparency, innovation, and good governance. The findings indicate that active transparency is essential for ensuring the accountability and financial sustainability of Brazil's social security system.

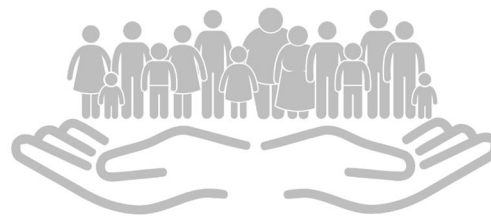
Within this context, the 5.0 Revolution, characterized by hyperconnectivity, automation, and large-scale data analysis, underscores that inadequate transparency in pension expenditures hinders the effectiveness of technological tools in detecting irregularities and managing costs. While many countries have integrated artificial intelligence and Big Data into public administration, Brazil's Social Security system continues to rely on manual processes. This dependence increases vulnerability to human error and sustains the ongoing need for pension reforms.

Accordingly, this study aims to: (a) analyze the legal foundations supporting active transparency of social security benefits; (b) examine the impact of such disclosure on combating fraud and irregularities; and (c) evaluate how the adoption of Revolution 5.0 technologies could transform social security administration and reduce the necessity for future reforms.

The central argument is that the INSS's lack of active transparency violates legal requirements and exacerbates systemic inefficiencies. Addressing these issues requires the adoption of advanced technologies. The article concludes that transparent disclosure of social

² <https://portal.datatransparencia.gov.br/> Acesso em: 28 mar 2025.





security benefits is vital for the financial stability of the system and its capacity to meet the challenges posed by Revolution 5.0.

2 PUBLIC TRANSPARENCY AND ITS IMPORTANCE

Transparency is a central element for the consolidation and strengthening of democracies, with access to public information being a fundamental right that allows citizens to know and control the actions of the Public Administration, balancing power relations in society (Panoeiro, 2014), as well as to challenge government decisions and demand improvements in public management (K. F. Rodrigues, 2020). J. G. Rodrigues (2014) argues that exceptions to transparency should be regulated and that broad interpretations should not be allowed, so that the relationship between the right to information and the rights of democratic participation is symbiotic, as only well-informed citizens can consciously participate in public debates and defend their positions.

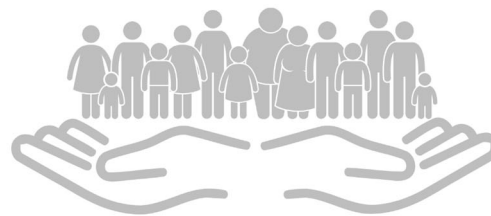
Mello (2005) agrees that the exceptionality of secrecy is only permitted when essential to the security of society and the State itself. Guichot (2023) reinforces that only specific areas, such as national security, defense, foreign relations, and public safety, among others, can justify these restrictions. In Brazil, the right to public information is provided for in Article 5, XXXIII, of the Constitution of the Federative Republic of Brazil of 1988 (CRFB), which stipulates that secrecy is essential for the security of society and the State. However, the principle of publicity, provided for in Article 37 of the CRFB, reinforces the obligation of transparency, associating it with the principles of legality, impartiality, morality, and efficiency. J. G. Rodrigues (2014) warns that exceptions (secrecy), when numerous and vague, allow for an “invisible government”.

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Along this long path to public transparency, there has been joint pressure from various social actors and a citizenry outraged by economic and institutional crises. To avoid dysfunction, transparency standards must be of high quality, with effective and agile mechanisms, limiting secrecy only to protect other assets and constitutional rights (Guichot, 2023). Thus, transparency cannot be viewed solely as a matter of access to information, but rather as a process that requires the integration and active, informed participation of all involved parties.

By strengthening the legitimacy of the State and fostering citizen trust, dispelling negative beliefs about public institutions, transparency is also associated with combating corruption and improving public management. For Batista *et al.* (2020), it is an institutional commitment that ensures the visibility and inferability of public data, contributing to the reduction of these irregularities. Although the relationship between transparency and government performance is not automatic, as some studies highlight, others find reduced corruption and improved performance, while still others find no significant effects. Even so, transparency is seen as an essential tool for exposing incompetence and corruption – perhaps its central focus – although it should be applied cautiously to avoid negative externalities, such as stifled deliberations and bureaucratic burdens (Heald, 2012).

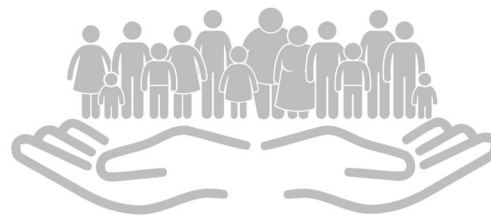
K. F. Rodrigues (2020) argues that transparency has evolved to be more than just a tool for combating corruption and enhancing accountability; it has become an intrinsic moral value, regarded as an ethical principle in its own right. In contrast, Pozen (2020) argues that transparency should not be seen as an end in itself, but as a means to achieve public interests. For Schedler (1999), within political accountability, there is both the obligation to report on one's activities and justify them, and the ability to impose negative sanctions on officials who violate certain rules of conduct. Michener and Bersch (2013) recognize that transparency can also enhance central planning by monitoring and influencing local governance, thereby

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contributing to greater political stability and reducing corruption. Only with good transparency can progress be made and irregularities be verified.

A paradoxical example is highlighted by Guichot (2023), who observes that countries with high levels of corruption rank among the top in transparency law rankings, while countries with low corruption rank lower. This illustrates that merely nominal transparency is not enough to eliminate corruption, but it is a crucial step in combating it. The sheer quantity of data available is not enough, as the impact on the implementation of public policies will vary depending on the type of transparency implemented (Heald, 2012).

Michener (2019) questions conventional understandings of measuring the impact of transparency, highlighting that prevailing approaches often seek direct, quantifiable evidence of causality through measurable metrics, which limits the understanding of the diffuse and indirect impacts common to transparency policies. He suggests adopting alternative approaches, such as carefully tracking processes and considering counterfactuals. However, the lack of evidence of its impacts does not imply that transparency is ineffective for this purpose, and it would be a serious interpretative error to think so (Batista et al., 2020).

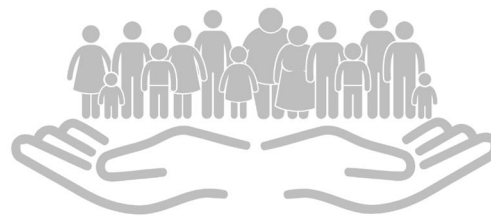
In the context of patrimonialist and clientelist practices by highly articulated pressure groups, several elements indeed shape the Brazilian belief that state repression is selective and aimed exclusively at the neediest and those with limited access to both economic and political resources (Oliveira, 2022). Heald (2012) highlights that if the state (or government) is perceived as having a selective appetite for enforcing legal provisions, it fosters the social understanding that corruption is not being effectively combated, discouraging people from reporting it, which in turn increases the number of cases and perpetuates the culture of corruption. Selectivity in combating corruption is one of the main criticisms, including accountability agencies, which often fail to apply sanctions equitably, creating the perception that the system is rigged in favor of the powerful and that the very quality of democracy itself is fragile (Willeman, 2016).

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To avoid this selectivity in the fight against corruption, full transparency is essential, but its effectiveness depends on the quality and accessibility of the information disclosed. A lack of transparency can indeed conceal selective and unfair practices, as Michener (2019) warns. Nevertheless, the fact is that transparency already brings about incremental improvements in democracy and in the fight against corruption, as an effective instrument for controlling political pressure exerted by lobby groups (J. G. Rodrigues, 2014).

The absence of substantive transparency in the context of the INSS, which disburses hundreds of billions of reais annually, results in only nominal transparency—limited to formal disclosure of aggregate expenditures—without providing meaningful or actionable information to citizens. This situation exemplifies selectivity in anti-corruption efforts.

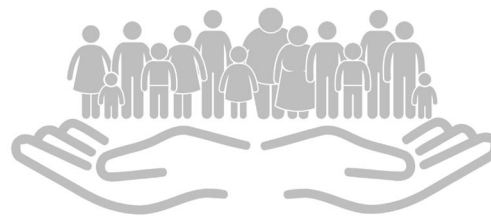
3 PUBLIC TRANSPARENCY IN THE BRAZILIAN LEGAL SYSTEM

Once the importance of public transparency is properly understood, it must be analyzed in light of the Brazilian legal system. The principle of publicity gains special relevance in § 3, II, of the CRFB, which guarantees public access to administrative records and information on government acts, regardless of direct interest. This principle must be aligned with art. 5, X, which protects the inviolability of privacy, private life, honor, and image of individuals. Section XXXIII guarantees the right of access to information in accordance with art. 216, §2, which determines that the Public Administration must make government documentation available for consultation to all who need it.

The Access to Information Act (LAI) regulates access to information of private, collective, or general interest, imposing procedures on the direct and indirect administration of all federative entities and private non-profit entities that receive public funds. For Bioni et al. (2022), the LAI strengthened the country's legal framework for transparency, consolidating

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itself as an essential tool in the fight against corruption. It also highlighted the fundamental nature of the right to information and the right to the protection of personal data, regulated by the LAI and the General Data Protection Act (LGPD).

In the infra-legal sphere, the most notable are Decree No. 7,724/2012, which regulates the Access to Information Act (LAI), Decree No. 8,777/2016, which established the Open Data Policy, and Decree No. 10,046/2019, which regulates data sharing in the federal public administration. These decrees reinforce active transparency, requiring the disclosure of information such as organizational structure, financial transfers, budget execution, and employee compensation.

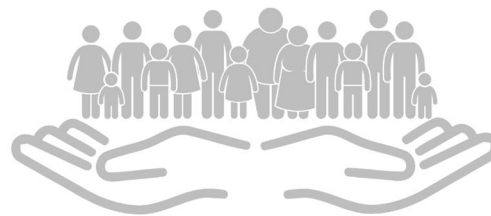
3.1 Confidentiality and privacy protection

Public transparency must coexist with the duty of confidentiality in the strictest circumstances. In the case of partially confidential information, the non-confidential portion must be made available, as provided for in Article 7, §2 of the LAI. Denial of access without a legal basis subjects the responsible party to disciplinary measures, which prohibit the artificial creation of obstacles. The CRFB establishes three hypotheses of confidentiality: inviolability of privacy and private life, secrecy of communications, and professional secrecy (Articles 5, X, XII, and LX). Oliveira (2022) emphasizes that confidentiality is only justifiable when the protection of privacy or state security outweighs the public interest in disclosure. According to Moraes (2010), there is a constitutional inviolability of privacy, which means that citizens must be protected against interference in their private, family, and domestic lives in all aspects.

Pinheiro and Cotta (2022) state that the LAI (Law No. 14,129/2021), which establishes principles, rules, and instruments for Digital Government and for increasing public efficiency, and the LGPD are compatible, complementary, and harmonize the fundamental rights of access

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to information, privacy, and personal data protection, with no contradiction. They also argue, along with Bioni et al. (2022), that the LGPD should be applied in a way that does not systematically impede access to public information. The LAI promotes transparency, while the LGPD protects privacy, personal data, and informational self-determination, without impeding the processing of personal data for compliance with legal obligations and the implementation of public policies. It incorporates principles such as purpose, adequacy, and necessity, ensuring that data processing is transparent and secure. In other words, the LAI and the LGPD complement each other, harmonizing the fundamental rights of access to information, privacy, and the protection of personal data.

For Ortíz (1998), the right to privacy is not a concept easily identifiable with what is defined as private life, given the evolution of individual aspirations for a private sphere of life in increasingly smaller living spaces. Privacy refers to an individual's freedom to choose to isolate themselves from society, thereby creating a duality between intimacy and privacy. Privacy would be a sociological notion related to the pluralistic external "world," while intimacy, which would be a psychological concept, would allude to the internal "world" that develops within the individual.

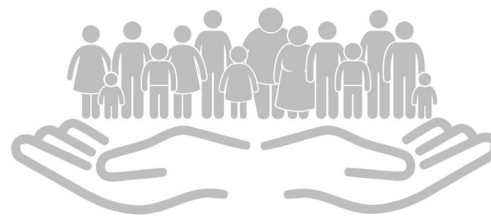
The tension between transparency and privacy demands reflection, a concept that is not new. The coexistence of these laws, which protect the duty of transparency and the right to privacy, requires a balanced interpretation that prioritizes the protection of personal data without compromising transparency. Guichot (2009) emphasizes that legislators must harmonize these rights, while legal scholars face the challenge of applying principles such as proportionality and finality in specific cases. There is no antinomy, but rather compatibility between the duty of transparency imposed on the Public Administration and the right to privacy, albeit on a case-by-case basis, as there is no infallible and effective formula.

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Limberger (2022) proposes a solution based on a study of Comparative Law, which aligns with the approach advocated by Alexy (2008), according to which, the greater the degree of dissatisfaction or impairment of one principle, the greater the importance of satisfying the other, whether transparency or privacy protection, as also aptly argued by Oliveira (2022). Limberger (2022) argues that although the culture of personal data protection is not yet fully developed in the country, it is possible to establish a dialogue, allowing for the systematic identification of prevailing law in specific cases. He proposes the following criteria: a) case-by-case, assessing the possibility and conditions for publishing personal data and how; b) principles of purpose and legitimacy; c) nature of the personal information involved; and d) the individual's right to object and the use of new technologies to protect personal data. But let us analyze how active transparency of social security benefits would be possible (or necessary).

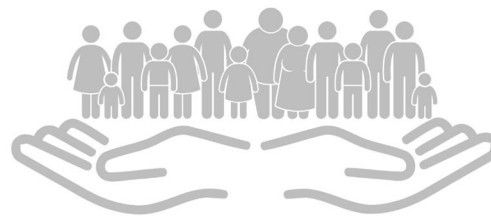
4 THE LEGAL POSSIBILITY (NECESSITY) OF DISCLOSING SOCIAL SECURITY BENEFITS IN ACTIVE TRANSPARENCY

The Federal Supreme Court (STF), unanimously, has already declared the constitutionality of the disclosure of the salaries of public servants on an individual basis, through active transparency, in the judgment of the Appeal in Extraordinary Appeal (ARE) No. 652.777/SP. The leading vote of the judgment, by Rapporteur Justice Teori Zavascki, understood that the publication of the names of its employees and the value of their corresponding gross salaries and other pecuniary benefits is constitutional and legitimate. Even if the legislation does not explicitly establish this obligation, it imposes on the Public Administration the duty to promote it, spontaneously and without solicitation, as this information falls under its responsibility and is of collective or general interest.

However, the definition of what constitutes collective or general interest is an open and subjective concept. In this decision, the Supreme Federal Court, in a manipulative additive

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decision, as taught by Brust (2019), concluded, albeit indirectly, that any limitation on the publication of remuneration would be unconstitutional because it violates the principle of publicity and the duty of transparency. The hypotheses of the LAI and Decree No. 7,724/2012 serve as examples.

The Transparency Portal shows that the salaries of federal executive branch civil servants are disclosed individually for public consultation, in clear compliance with the duty of active transparency. In compliance with Article 2 of the LGPD, personal data that could potentially harm privacy, honor, image, or dignity is not disclosed.

An analysis of the Transparency Portal reveals that unemployment insurance payments, which are funded by the Workers' Support Fund (FAT), continued benefit payments, which are partially funded by the National Social Assistance Fund (FNAS), and the salaries of its public servants (including retirees and pensioners) are actively transparent. However, social security benefits, paid by the INSS (National Institute of Social Security), with funds originating from the General Social Security Regime Fund (FRGPS), are not. There is no reason for this distinct treatment, with only a partial disclosure of INSS payments, even under the argument that there is no explicit provision for this in Decree No. 7,724/2012 or in the LAI (Access Law). There is incomprehensible selectivity in what is disclosed under active transparency.

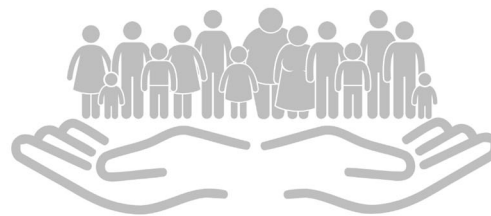
The provisions of the LAI, as prescribed in articles 1 and 2, apply to all Public Administration, including, obviously, those originating from funds from the FRGPS, FNAS, and the INSS itself, since their resources are public, similar to the remuneration of public servants and other benefits. Even if it were argued that Social Security funding is perfected through private contributions, it is important to remember the solidarity system inherent in the system, and that these contributions are not the only forms of funding, as prescribed in the art. 194, sole paragraph, VI of the CRFB, which mandates the diversity of funding, listed in art.

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195: by the entire society, from the budgets of all federative entities and from social contributions from employers, employees, etc.

The Supreme Federal Court, in Direct Action of Unconstitutionality (ADI) 3,105/DF, distinguished the relationship between a public servant and the Administration (remuneration) from the relationship between an INSS beneficiary (social security benefit). The social security benefit is not linked to an individual account, but comes from a public source, subject to budgetary rules (Article 165, §5, III, of the Federal Constitution).

In this context of lack of explicit provision in Decree No. 7.724/2012, regarding the inclusion of social security benefit payments, funded by the FRGPS, in active transparency, it is also worth mentioning Ruling No. 2.154/2019 of the Plenary of the Federal Court of Auditors (TCU), related to process TC No. 032.889/2017-8. In it, it was decided that, although Decree No. 7.724/2012 does not explicitly provide in its article 7, § 3, VI, for the disclosure of retirement and pension benefits of inactive civil servants, there is no legal impediment to this information being disclosed, in clear agreement with the understanding of the STF.

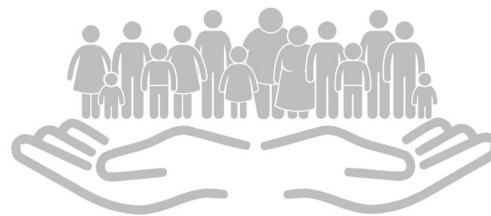
According to this TCU ruling, the Federal Audit Court requested the nullification of Article 7, §3, VI, of Decree 7,724/2012, as it considered that the provision in question inappropriately limits the active transparency of amounts paid by the Federal Executive Branch to retirees and pensioners. The TCU concluded that the Federal Executive Branch's Open Data Policy, established by Decree 8,777/2016, aims to foster the improvement of public transparency culture, including for social oversight purposes, as one of its objectives. It was understood that data related to inactive and retired civil servants are included in this normative document, although not explicitly. It should be noted that the TCU, pursuant to Article 71, IX, has the authority to determine compliance with the legislation, including setting a deadline when any illegality is verified in the Federal Public Administration.

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Decree No. 8,777/2016 refers to the prioritization of disclosure, in the annex, as follows: "data related to inactive and retired civil servants and related to employees and public servants of indirect administration entities that do not use Siape." This TCU ruling clearly demonstrates a manipulative additive decision that declares the mandatory active transparency of any remuneration "of those civil servants and employees who are active," including "retirement benefits and pensions," as per item VI of art. 7 of Decree No. 7,724/2012. The decision was based on the principle of publicity, as set forth in Article 8 of the LAI, Article 7 of Decree 7,724/2012, and Articles 1, II, and V, as well as Article 8 of Decree 8,777/2016.

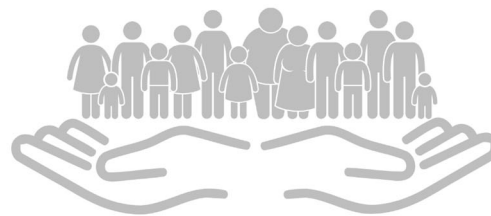
Incomprehensibly, currently, only the social security benefit payments funded by the Federal Regime for Social Security (FRGPS) are inconsistent with the LAI (Access Law), the constitutional principle of publicity, and the duty of active transparency, as well as with these clear decisions of the Supreme Federal Court (STF) and the Federal Audit Court (TCU). There is no factual discrepancy or basis in the Brazilian legal system that justifies this differential (or even selective) treatment.

In this context, based on the opinion of the Office of the Attorney General of the Union, through OPINION No. 053/2019/CONSUNIAO/CGU/AGU, duly adopted by the Attorney General of the Union, through OPINION No. AM-08, and approved by the President of the Republic, revised the understanding previously adopted by the Federal Executive Branch regarding the non-sharing of confidential information with the TCU. Information protected by tax secrecy, held by federal tax administration agencies, may be shared with administrative oversight agencies, thereby transferring the secrecy, in accordance with art. Section 198 of the National Tax Code applies to these entities.

For oversight bodies, there would be no breach of confidentiality, but rather a transfer of confidentiality. This also stems from the provision contained in Decree No. 10,046/2019, which, in its art. 3, II, states that the sharing of data subject to confidentiality requires the data

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recipient to assume confidentiality obligations. In the context of social security benefit payments, the Comptroller General's Office (CGU), the oversight body responsible for the Transparency Portal, would be responsible for receiving this information from the INSS (National Institute of Social Security) and implementing active transparency, applying the necessary filters to prevent the disclosure of confidential data or data that violates the right to privacy. This filtering would be carried out through legal consideration of which data is considered confidential, including due to the right to privacy, as previously discussed.

The active transparency disclosure, through the Transparency Portal, of social security benefit payments paid by the INSS, funded by the FRGPS, is a measure that is required in compliance with these constitutional, legal, and infra-legal provisions mentioned, even though there is no explicit provision in art. 7, § 3, of Decree No. 7.724/2012, in accordance with consolidated understandings in the judgments of the STF and TCU. Therefore, the following articles must be systematically applied: 5, XXXIII, and 37 of the CRFB; 1, sole paragraph, II, and 8 of the LAI; 7 of Decree No. 7.724/2012; and 1, items II and V, and 8 of Decree No. 8.777/2016.

Therefore, nothing would prevent, similar to the active transparency of public servants' compensation, the disclosure of social security benefits paid, from the publication of the following data: the beneficiary's name; the type of benefit; the amounts paid; legal deductions; the date the application was submitted (DER); the benefit start date (DIB); the benefit termination date (DCB); and other relevant information. Just as personal and sensitive data of public servants that could potentially harm their privacy, private life, honor, or image are not disclosed, in compliance with art. 7, VI, of the LAI, the following information regarding social security benefit payments should not be disclosed: the full individual taxpayer registration number (CPF); alimony payments; payroll loans; illness or work-related disability; bank details; and other information protected by confidentiality.

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5 THE PRACTICAL IMPERATIVENESS OF ACTIVE TRANSPARENCY OF SOCIAL SECURITY BENEFITS IN THE CONTEXT OF THE 5.0 REVOLUTION: A TECHNOLOGICAL MECHANISM TO COMBAT FRAUD AND IRREGULARITIES

Public transparency, as widely recognized, transcends its inherent nature in democratic regimes, constituting a fundamental pillar for accountability and an effective tool in combating fraud and irregularities. In the year 2025, immersed in hyperconnectivity, automation, Big Data, and the spread of AI, it becomes not only timely but imperative to explore the synergistic benefits provided by the so-called Revolution 5.0.

The effective implementation of active transparency of social security benefits, combined with the full integration of the INSS (National Institute of Social Security) within the context of the 5.0 Revolution, is a pressing need and, to some extent, long overdue. The trajectory of Brazilian Social Security, in less than thirty years since the Federal Constitution (CRFB), has already been marked by four major structural reforms (Constitutional Amendments No. 20/1998, 41/2003, 47/2012, and 103/2019) and has always been intrinsically linked to the pursuit of financial balance within the system, in the face of challenges such as population aging and fiscal crises.

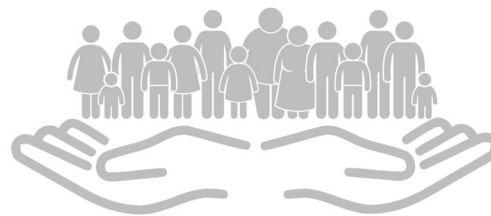
In this evolutionary context, the Society 5.0 perspective, as outlined by Fukuyama (2018) when analyzing social transformations in Japan (declining birth rates, aging populations, shrinking workforces, and rising social security costs), offers a relevant conceptual framework. For Fontanela et al. (2020), Society 5.0 proposes a complementary relationship between people and technology (AI, the Internet of Things, Big Data, and robotics), which supports and enhances human work rather than replacing it, enabling data-driven decisions and freeing up time for creativity. Innovation becomes the means for humans to dedicate themselves less to repetitive tasks and more to their own personal growth and development.

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Although distinct, the concepts of Revolution 5.0 and Society 5.0 converge in essence. Revolution 5.0, as a new phase of the Industrial Revolution, emphasizes the symbiotic collaboration between humans and machines, seeking a balance between technology, creativity, and sustainability, with a primary focus on economic and productive transformations. In this scenario, AI, with its more than half-century history marked by cycles of significant advances (AI springs) and periods of stagnation (AI winters), as highlighted by Burgess (2018) and Duan et al. (2019), demonstrates its disruptive potential. Tools like ChatGPT, which derives its name from Chat Generative Pre-Trained Transformer³, exemplify AI's growing sophistication in interacting in human language, demonstrating its applicability in diverse domains.

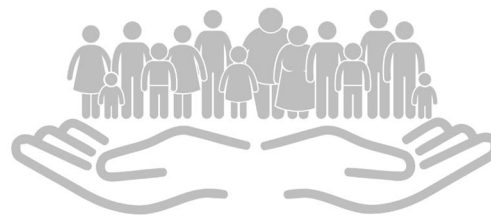
The vast volume of data inherent to the INSS (National Institute of Social Security) directs reflection on the concept of Big Data. Although a universally accepted definition is elusive (Taulli, 2019), its understanding involves analyzing the three "V"s: volume, variety, and velocity, to which other attributes such as veracity, value, variability, and visualization are added, as well as the implementation of data processing and qualification procedures. Burgess (2018) argues that the convergence of factors, including accessible storage, fast processors, and ubiquitous connectivity, has created a "perfect storm" for the application of AI through machine learning.

It is undeniable that the INSS (National Institute of Social Security) is part of this dynamic technological context. The significant number of completed and ongoing lawsuits in Brazil (26.9 million in 2021 and 27.7 million new ones in 2023, respectively, with over 62 million still pending)⁴, in which the INSS figures as one of the largest defendants, combined with the

³ <https://chatgpt.com.br/> Acesso em: 25 mar 2025.

⁴ <https://www.cnj.jus.br/justica-em-numeros-2022-judiciario-julgou-269-milhoes-de-processos-em-2021/> Acesso em: 25 mar. 2025





scenario of a country with a high number of lawyers (over 1.3 million)⁵ and a massive volume of monthly payments of social security and welfare benefits (over 40.7 million)⁶, calls for a paradigm shift. There is an urgent need to incorporate AI tools to combat fraud and irregularities, as existing legal traditions are already proving insufficient in the face of the complexity of the current scenario.

Lucena (2024) warns that, although the principle of publicity minimizes information asymmetry in public administration, failures in transparency systems can generate agency conflicts. The author also highlights the persistent dependence on the limited rationality of public servants and how human cognitive limitations can lead to errors. In this sense, technology, combined with active transparency, can be a mechanism to assist, though not eliminate, human error, in line with the principles of Revolution 5.0. The application of AI in a scenario of active transparency of social security benefits can foster more creative and effective social participation in supporting the financial health of the Brazilian Social Security System.

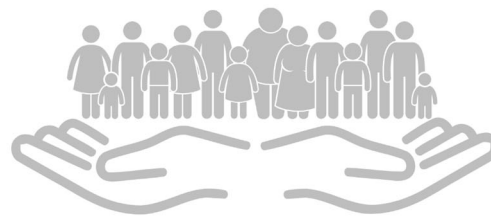
The integration of Big Data and AI is no longer an option, but a necessity for any organization that aspires to thrive in the era of hyperconnectivity and data abundance. For the INSS, with its gigantic volume of information and payments, coupled with the constant need to combat fraud and irregularities, digital transformation is an imperative (Doukidis et al., 2020).

While excessive expectations can represent a barrier to realizing the full potential of AI (Burgess, 2018), the lack of transparent and publicly available data hinders society's ability to actively contribute to combating fraud. Carr (2018) argues that the true economic impact of technological innovations lies in incremental advances, not in big-bang initiatives. In this sense,

⁵ <https://www.curtamais.com.br/goiania/brasil-se-torna-o-pais-com-mais-advogados-no-mundo> Acesso em: 28 mar 2025.

⁶ <https://www.gov.br/inss/pt-br/noticias/previdencia-em-numeros-70-dos-pagamentos-feitos-pelo-inss-sao-de-ate-um-salario-minimo#:~:text=O%20Instituto%20Nacional%20do%20Seguro,de%20benef%C3%ADcios%20previdenci%C3%A1rios%20e%20assistenciais>. Acesso em: 28 mar 2025.





public transparency of social security benefits represents a fundamental first step, enabling social oversight, identifying opportunities for improvement, and preventing irregularities. It is essential to take this initial step, which will enable incremental progress, including through the receipt of specific complaints. This measure can generate a vast set of reliable data, feeding an accessible Big Data database, thereby creating the ideal conditions for the development of one or multiple AI solutions to detect and prevent fraud, both internally and externally to the INSS.

In line with Doukidis et al. (2020), success in the modern economy, including the financial health of public institutions, depends on intentional strategic adjustments to the structure and workforce, with a focus on transforming the customer experience, processes, and business models. The INSS urgently needs to realign its strategy and train its workforce in the context of Revolution 5.0, prioritizing its end customer: Brazilian society. Active transparency of social security benefits represents an incremental but necessary step toward the financial sustainability of the social security system.

6 CONCLUSION

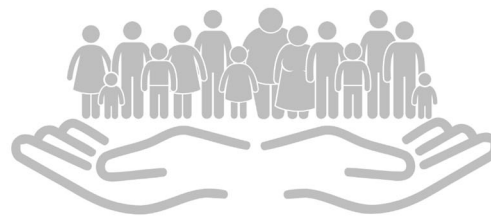
This article examines the legal possibility of reconciling the constitutional principle of publicity with the right to privacy in the context of social security benefits. As argued, the disclosure of social security benefit payments through active transparency is constitutional. Indeed, this is a necessary measure, similar to other payments made by the INSS, as interpreted by the Supreme Federal Court (STF) and the Federal Audit Court (TCU). All indications are that the INSS may be subject to legal action by oversight agencies. However, the main issue identified was that the INSS is missing a significant opportunity (and necessity) to combat social security fraud and administrative irregularities by improperly granting or failing to terminate benefits.

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Active public transparency and the adoption of technologies such as AI and Big Data cannot be seen as optional measures, but rather as urgent and essential for the INSS. In the context of Revolution 5.0, where humans and machines collaborate toward greater efficiency, the lack of open access to social security data hinders effective cooperation in combating fraud and increases the system's costs. Social Security has undergone several reforms, none of which have resolved its financial health and administrative opacity. When applied to structured and transparent data, AI and Big Data enable predictive machine learning, irregularity detection, and efficiency gains in a human-centric manner (Fontanela et al., 2020).

Digital transformation at the INSS, through active transparency and the creation of a reliable database for analysis, is no longer a choice, but a prerequisite for its sustainability. This change necessitates strategic adjustments in public management, replacing error-prone manual processes with automated, auditable systems that incorporate social oversight. Without this, the INSS will remain hostage to inefficiencies and errors, burdening society with uncertainty about the viability of the pension system. Revolution 5.0 is already here, and combating pension fraud depends on these incremental, albeit simple, advances toward a fairer and more efficient system for all.

The active transparency of social security benefits, in addition to being imposed by the Brazilian legal system, allows for social control and the mitigation of future social security reforms, being an excellent tool in combating irregularities and fraud, by highlighting cases of corruption or operational failures in the granting or non-cessation of benefits, and aligns with the opportunities of the tools arising from the Revolution 5.0.

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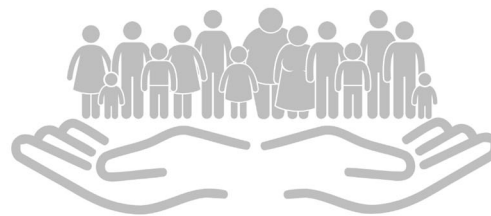
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