

***The first instance of Social Justice: Invisible judicialization
and the collapse of social security governance in Brazil***

***A primeira instância da Justiça Social: Judicialização invisível
e a falência da governança previdenciária no Brasil***

Iane Maria dos Santos Vasconcelos¹
ORCID: 0009-0002-9608-4546

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ABSTRACT: The invisible judicialization of Brazil's social security system is examined as a concrete manifestation of the collapse of public governance in the first administrative instance of the social protection policy. This study aims to critically analyze how institutional disarticulation, exclusionary automation, and the absence of interoperability drive the silent transfer of demands from the National Social Security Institute (INSS) to the judiciary. A qualitative, exploratory, and theoretical-institutional methodology is employed, grounded in documentary research on regulatory frameworks, official reports, and peer-reviewed academic literature. The findings demonstrate that mass judicialization stems from a dysfunctional administrative cycle, characterized by automated denials, lack of human mediation, and fragmented competencies among the INSS, the Attorney General's Office, the judiciary, and other institutional stakeholders. The main contribution consists of formulating the concept of invisible judicialization as a critical analytical category, offering guidelines for cooperative, inclusive, and ethically digital social security governance aligned with constitutional principles and the Sustainable Development Goals (SDGs) of the 2030 Agenda.

Keywords: invisible judicialization; social security governance; exclusionary automation; institutional interoperability; access to justice.

¹ Pós-graduada em Nutrição Clínica Funcional (2025) pela Faculdade VP. Graduada em Nutrição pela UFPE (2019). Contemplada no Prêmio de Incentivo à Publicação Literária Antologia 200 Anos de Independência (3 Edição), de 2 de setembro de 2022.





RESUMO: A judicialização invisível da previdência social é abordada como expressão concreta da falência da governança pública na primeira instância da política de seguridade no Brasil. O objetivo do estudo é analisar criticamente como a desarticulação institucional, a automação excludente e a ausência de interoperabilidade impulsionam a transferência silenciosa de demandas do INSS ao Judiciário. Utiliza-se metodologia qualitativa, exploratória e teórico-institucional, fundamentada em pesquisa documental sobre marcos normativos, relatórios oficiais e literatura acadêmica especializada. Os resultados demonstram que a judicialização massiva decorre de um ciclo administrativo disfuncional, marcado por indeferimentos automáticos, falta de mediação humana e fragmentação das competências entre INSS, AGU, Judiciário e demais entes. A principal contribuição reside na formulação do conceito de judicialização invisível como categoria analítica crítica, propondo diretrizes para uma governança previdenciária cooperativa, inclusiva e eticamente digital, em sintonia com os princípios constitucionais e os ODS da Agenda 2030.

Palavras-chave: judicialização invisível; governança previdenciária; automação excludente; interoperabilidade institucional; acesso à justiça.

1 INTRODUCTION

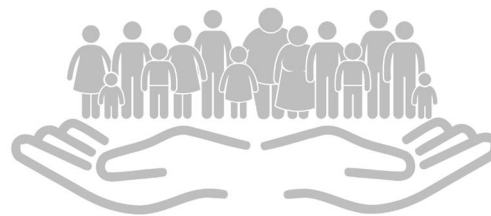
The judicialization of Brazilian social security policy, often described as an exercise of citizenship, reveals a structural paradox: an increased reliance on the judiciary highlights the state's administrative inefficiency in ensuring constitutionally mandated social rights. This study examines invisible judicialization, defined as the recurrent and largely unrecognized use of the judiciary as a substitute for administrative action by the INSS, whose institutional governance is deteriorating.

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According to the National Council of Justice (CNJ) (2024), cases involving disability benefits and benefit reviews account for approximately one-third of the Federal Court's caseload, with many arising from automated decisions that lack human review. The accelerated digitalization of National Social Security Institute (INSS) services, especially with the implementation of INSS Digital during the pandemic, has widened access inequalities among the most vulnerable beneficiaries.

Automation implemented without inclusive mediation has increased standardized rejections and procedural failures, resulting in an opaque decision-making process. This development undermines the adversarial system and positions the judiciary as a substitute for social security protection, which contradicts the constitutional framework.

According to information from Convergência Digital (2025), the consolidation of INSS Digital and the automation of administrative processes have been promoted as solutions to increase efficiency and reduce human error in the granting of benefits. However, according to the Federal Account Court (TCU), approximately 10.94% of automated denials remain inadequate, demonstrating that the lack of human review and algorithmic rigidity compromises the effectiveness of social security policy. Messias de Sousa and Mendes (2024) warn that "automatic denials," issued without the possibility of prior appeal, transform the judiciary into a structural stage in access to social security.

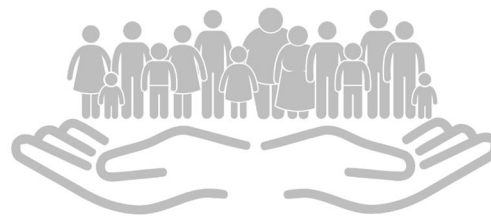
Matos Júnior (2024) points out, in turn, that despite advances in standardization automation has not reduced average processing times and has instead maintained operational bottlenecks, mainly due to the lack of interoperability between Dataprev, Sirc, and CadÚnico. Thus, without algorithmic transparency and robust governance, the digital process tends to reproduce historical inequalities. In light of Souza's (2006) studies, invisible judicialization reveals itself as an institutional anomaly, in which the judiciary replaces the Administration,

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disrupting the legitimate flow of public policies and compromising the principles of the Democratic Rule of Law.

2 INVISIBLE JUDICIALIZATION: FROM EXCEPTION TO THE DAILY LIFE OF SOCIAL SECURITY

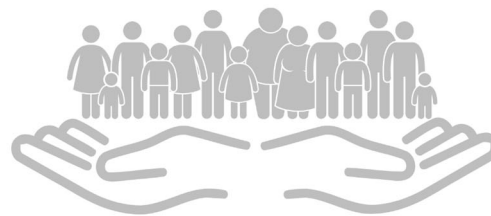
Recourse to the judiciary, rather than solely representing 'access to justice,' reflects dysfunctional social security governance marked by the failure of administrative channels, which compels citizens to seek judicial remedies as substitutes. Kooiman (2003) contends that public governance should operate within a decentralized and collaborative network, distributing responsibilities among state and non-state actors. In the context of social security, this coordination would include the INSS (National Institute of Social Security), the Ministries of Social Security and Finance, the AGU (Federal Attorney General's Office), Congress, the judiciary, and social oversight bodies.

When these agents fail, the judiciary becomes the primary route of access to social security policy, compromising its original function and overloading a system not designed to manage social benefits. Fraser (2008) defines this situation as "structural injustice": it involves not just isolated violations, but institutional arrangements that make access to the law slow, unequal, and individualized. Invisible judicialization, in this scenario, is indicative of the failure of interinstitutional governance and the erosion of social security as a universal public policy.

Much of the litigation involving disability benefits stems from discrepancies between administrative and judicial reports—the latter, according to Garcia and Ferreira (2022), enjoy greater credibility, ultimately reinforcing the preference for litigation as a strategy for accessing the law. To mitigate this situation, Smolenaars and Pellin (2023) propose strengthening systemic communication between the INSS (National Institute of Social Security) and the judiciary, highlighting inter-institutional forums such as the TRF-4 (Federal Regional Court of

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Justice), which facilitate technical agreements and humane solutions. Medeiros (2022) warns, in turn, that judicial activism undermines the separation of powers by transforming court decisions into de facto public policies, thereby revealing the breakdown of cooperative governance.

Analyses interpreting judicialization as evidence of structural deficiencies in social security policy or advocating for systemic reconfiguration of its institutional architecture remain limited. Despite increased research on the intensive use of the judiciary in social security matters, a critical conceptualization of procedural invisibilization is lacking. This dynamic involves the transfer of administrative actions to the judicial system and the normalization of litigation as an almost obligatory stage in accessing social security rights.

Few studies address the paradox of a system that, while adopting automation, as in INSS Digital, increases barriers to equal access. Messias de Sousa and Mendes (2024) point to automatic denials as the core of the problem but acknowledge the lack of theoretical systematization that links them to structural judicialization. Furthermore, terms such as interoperability, administrative mediation, and responsive artificial intelligence emerge sporadically, without being integrated into an explanatory model that justifies the transfer of powers from the Executive to the judiciary. This conceptual fragmentation weakens diagnoses and limits the development of solutions aimed at integrated governance of social security protection.

3 PROBLEM, THEORETICAL FRAMEWORK, AND RESEARCH OBJECTIVES

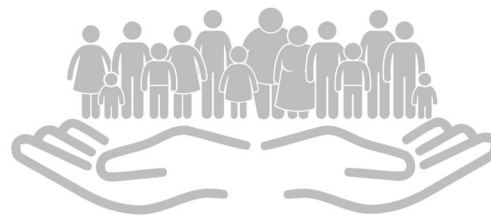
Given the conceptual, normative, and operational gaps, this article proposes the following research question: How can the massive judicialization of social security benefits due to administrative failures be understood as a symptom of dysfunction in the public governance of

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social security, and what institutional strategies could mitigate it through coordinated action between the INSS, AGU, Public Defender's Offices, CNJ, and the ethical use of artificial intelligence?

This research question investigates the growing volume of court cases and the structural factors contributing to this trend, including inadequate interoperability, regulatory gaps in automation, and inefficiencies in administrative processes. The analysis emphasizes reconstructing public governance through interinstitutional practices and the ethical application of technology.

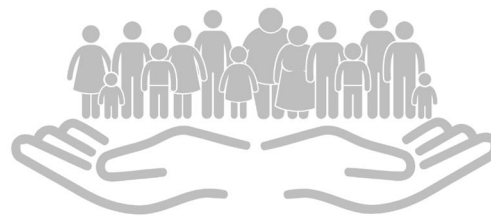
To interpret social security judicialization as a manifestation of structural deficiencies in public governance, this study adopts the concept of public policy as a relational process (Souza, 2006), wherein decisions result from interactions among institutions, actors, and competing structures. This perspective frames judicialization not as an isolated deviation but as a consequence of the disarticulation among system entities, compelling citizens to seek judicial intervention in place of administrative protection.

This concept is complemented by the idea of interactive public governance, proposed by Kooiman (2003) and Kooiman et al. (2015), who suggest a polycentric and horizontal model for co-producing solutions in asymmetric contexts. Applied to the Brazilian social security system — dependent on coordination between the INSS (National Institute of Social Security), the Ministry of Social Security, the AGU (Federal Attorney General's Office), the judiciary, and the Public Defender's Office — this perspective highlights that the absence of an integrated institutional architecture is a structuring cause of invisible judicialization. This is not a failure of the Judiciary, but rather a fragmented governance model that fails to articulate competencies, flows, and responsibilities in a legitimate and effective manner.

This study also adopts Fraser's (2008) notion of structural injustice, which shifts the focus from specific violations to the institutional mechanisms that reproduce inequalities. From this

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perspective, the judicial dependence of millions to obtain basic social security rights is not an exception, but a symptom of an exclusionary state regime.

Digitalization without human oversight, the widespread use of automatic denials, and regulatory fragmentation collectively generate systemic injustice by shifting the burden of social protection to citizens. The research hypothesis posits that invisible judicialization stems from structural governance failures, exacerbated by poorly calibrated automation, inadequate inter-institutional coordination, and a technocratic model that overlooks the diversity of insured individuals. This dysfunction transforms public administration into a selective filter, accessible mainly to those with technical or legal expertise, thereby violating the principles of equity and universality.

The hypothesis is structured around three key dimensions: (i) judicialization as an indicator of misgovernance; (ii) the ineffectiveness of unequal digitalization; and (iii) the absence of systemic integration among principal social protection actors. Validation of this hypothesis necessitates critical analysis of institutional experiences and official documents, indicating that addressing judicialization requires comprehensive reengineering of federative social security governance.

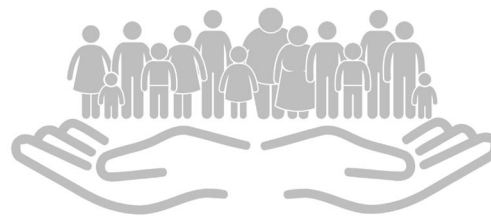
This article is driven by the urgent need to interpret the judicialization of social security as evidence of structural governance failures, rather than simply an accumulation of lawsuits. These failures violate the principle of efficiency (Article 37 of the Federal Constitution of 1988), the right to social security (Articles 6 and 20), and the State's commitments to judicialization. Analyses attributing the phenomenon to a fragmented and automated model, intensified by exclusionary digitalization that restricts access for vulnerable populations, remain limited.

In addition to critical analysis, this study aims to identify institutional and operational categories that support scalable solutions, drawing on initiatives such as the TRF social security

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forums, CNJ projects, and the ethical application of artificial intelligence for screening and mediation. The research aligns with SDGs 10 and 16 of the UN 2030 Agenda, which emphasize reducing inequalities and strengthening institutions, and is consistent with the National Strategy of the judiciary (2021–2026), established by Resolution No. 325/2020, and the Justice 4.0 Program, both of which promote interoperability and technological innovation to improve access to justice and address invisible judicialization.

The primary objective of this study is to analyze the invisible judicialization of social security as a manifestation of public governance failures across the formulation, implementation, and evaluation stages of social security policy. The analysis aims to identify institutional, technological, and regulatory factors that contribute to the improper transfer of administrative demands to the Judiciary. Specifically, the study seeks to:

- a) to examine the operational and regulatory limits of the INSS's digital transformation process, especially regarding the impacts of automation on adversarial proceedings, mediation, and transparency;
- b) to assess the role of the Judiciary in restoring rights denied administratively and the risks of judicialization as the exclusive route to access social security;
- c) to analyze interinstitutional experiences of mediation and dejudicialization, highlighting initiatives by the AGU, CNJ, Public Defender's Offices, and social control bodies;
- d) to propose guidelines for a cooperative governance model that is digitally inclusive and capable of reestablishing the public cycle of social security policy without digital exclusion or compulsory judicialization.

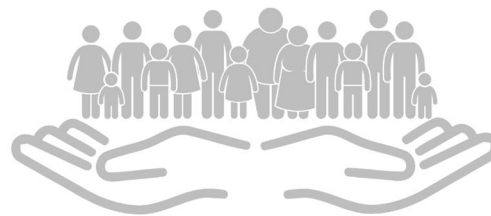
4 METHODOLOGY AND SOURCES

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This study employs a qualitative, exploratory-analytical approach, grounded in theoretical-institutional methodology and documentary research, which does not require submission to ethics committees due to the absence of human subjects. Gil (2021) notes that exploratory research facilitates a deeper understanding of phenomena that remain insufficiently systematized, particularly when informed by a robust theoretical framework.

Lück (2020) further emphasizes that critical documentary analysis is effective for investigating institutional and normative mechanisms, particularly in contexts characterized by technological change and interpretative disputes. Building on these foundations, this study critically examines the normative, institutional, and technological frameworks underlying invisible judicialization in social security, drawing on official documents, peer-reviewed academic literature, and verifiable evidence.

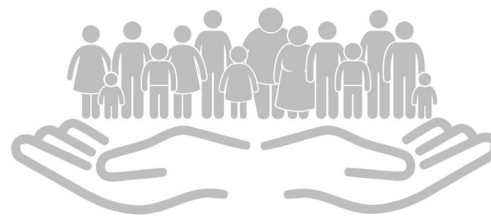
The timeframe covers the period from 2019 to 2024, encompassing the impacts of the pandemic on the digitalization process at the INSS (National Institute of Social Security) and the most recent developments in the coordinated action between the CNJ (National Council of Justice), AGU (Attorney General's Office), Public Defender's Offices (Defender), and the Justice 4.0 Program. Data collection focused on three axes: (1) institutional reports from agencies such as TCU (Federal Court of Accounts), CNJ (National Institute of Social Security), INSS (Authority National Institute of Social Security), AGU (Attorney General's Office), and Public Defender's Offices; (2) academic production published in the last five years, focusing on Qualis A1–A2 journals in the areas of Public Law, Public Policy, Administration, and Social Services; and (3) relevant regulations and administrative acts, such as CNJ Resolution No. 325/2020 (National Judiciary Strategy), DIRBEN/INSS Ordinance No. 992/2022 (Procedural Rules on Benefits), PGU/AGU Ordinance No. 21/2024 (extrajudicial procedures of the Regional Proactive Action Coordinations), as well as instruments of the CNJ's Pension Governance Project, such as Technical Cooperation Agreement No. 028/2019 and the Resolve

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Pension Program. The selection of sources was based on thematic relevance, applicability to the Brazilian context, current status (with priority given to those relevant to the post-2019 period), and their ability to support the study of the four previously established categories.

The methodology applied was based on systematic thematic categorization, supported by analytical records and a correlation matrix between documents, authors, and analytical categories. Each source was read in full and coded according to four key dimensions: (1) type of judicialization depicted (explicit or invisible); (2) state agent involved (INSS, judiciary, AGU, etc.); (3) relationship with digital transformation (automation, artificial intelligence, remote access); and (4) mitigation or governance reorganization strategies.

The intersection of these dimensions enabled a detailed interpretative analysis of the structural dysfunctions within social security policy, demonstrating how normative fragmentation and insufficient institutional interoperability have contributed to invisible judicialization. The findings show that this judicialization extends beyond increased litigation, arising from functional breakdowns in the interinstitutional cycle of social security. In this context, the judiciary, originally intended as a last resort, has assumed the primary role in enforcing rights, effectively replacing a weakened public administration.

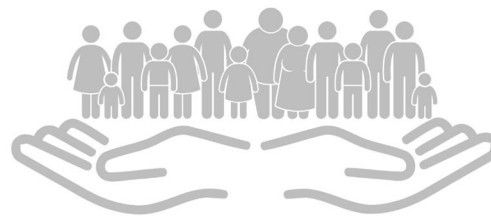
The documentary review also confirmed that technological advances promoted by the INSS, especially automation and the intensive use of artificial intelligence, while providing standardization and reducing material errors, have resulted in poorly founded automatic denials, the elimination of human mediation steps, and a worsening of digital exclusion, particularly affecting the elderly, informal workers, and BPC beneficiaries. This body of evidence reinforces the diagnosis of a contemporary lack of social protection, driven by an exclusionary digitalization that undermines the constitutional principle of universal social security coverage.

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5 RESULTS AND DISCUSSION

5.1. Judicialization versus Administrative Rejections

A comprehensive understanding of invisible judicialization in the social security context requires an empirical approach that examines the direct relationship between administrative rejections by the National Institute of Social Security (INSS) and the resulting volume of lawsuits. This section employs the "Judicialization versus Administrative Rejections" framework as an empirical extension of the theoretical category of "Invisible Judicialization."

Based on this delimitation, it was possible to examine, based on official reports from the National Council of Justice (CNJ), the Attorney General's Office (AGU), the Federal Court of Accounts (TCU), the INSS itself, and the Siga Brasil platform, how the silent transfer of demands from the administrative to the judicial sphere materializes in institutional practices and significant numbers.

Between 2019 and 2023, there was an approximately 113% increase in administrative denials and an 81.7% increase in social security lawsuits. Even more significant was the over 100% increase in court decisions overturning administrative denials, evidence that the Judiciary is increasingly assuming the role of a substitute, rather than merely complementary, body in the recognition of social rights.

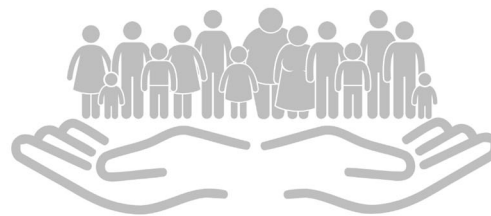
These data suggest that social security litigation does not stem from an artificial excess of judicialization provoked by insured individuals, but from the INSS's structural inability to adequately process, evaluate, and decide on the claims submitted to it. In a recent audit, the TCU (Brazilian Federal Court of Accounts) identified that at least 10.94% of automatic denials processed by the INSS contained elements of potential misconduct, recommending a review of algorithmic filters and the expansion of validation and review mechanisms prior to a final decision (TCU, 2025).

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These findings support the central hypothesis of this study: invisible judicialization results from fragmented, technocratic, and unaccountable public governance that fails to deliver effective administrative responses, thereby compelling citizens to seek judicial intervention as a last resort.

5.2 Exclusionary automation and artificial intelligence at INSS

A comprehensive assessment of the impact of digital transformation on the recognition of social security rights requires focused analysis of exclusionary automation. Although this process, which includes computerization and artificial intelligence, is promoted as enhancing efficiency, it frequently exacerbates institutional inequalities and introduces new barriers to accessing rights.

Official documents and technical reports, such as the Operational Audit Report on the INSS (TCU, 2025), Ruling No. 127/2025 – Plenary (TCU, 2025), and Normative Instruction PRES/INSS No. 128/2022, show that automated benefit screening and denial processes have operated based on rigid algorithmic filters and data cross-referencing without human input, generating standardized, opaque, and sometimes arbitrary decisions. The intensification of this model, through the expansion of INSS Digital, has transferred all responsibility for procedural investigations to the applicant, even in situations that require a high degree of digital literacy and technical-legal expertise.

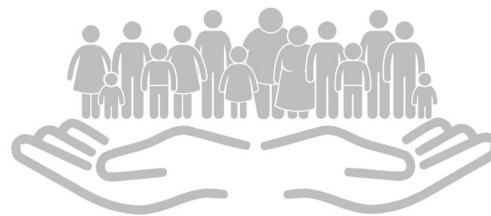
Internal regulations of the INSS reinforced this structure by standardizing technically complex procedures without establishing mechanisms for assistance, contextual validation, or qualified review. As a result, automated systems have shifted from expanding social protection to functioning as exclusionary filters, disproportionately affecting populations experiencing

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information vulnerability, such as the elderly, individuals with limited education, and informal workers.

The research revealed that the current model of pension automation, although legitimized by the rhetoric of modernization and efficiency, imposes structural obstacles on historically marginalized groups, including the elderly, digitally illiterate individuals, informal workers, and beneficiaries of the Continuous Benefit Payment (BPC).

The requirement for continuous remote access, the digitization of documents with specific technical standards, and the normative language of digital platforms—such as "Meu INSS"—establish not only a technological exclusion, but also an institutional barrier to the full exercise of rights. As the Federal Court of Auditors warns (Ruling No. 127/2025), there is a "real risk to equality and the quality of administrative decisions," exacerbated by the lack of hybrid service models and the precariousness of in-person Service Centers.

These findings support the central thesis of this study: invisible judicialization in social security results from technocratic governance that fails to consider Brazil's social diversity, rather than from excessive litigation. The current automation structure undermines equity and channels the right to social protection into an overburdened, delayed, and unequal judicial process. The absence of human review and the transfer of complex procedural responsibilities to citizens without sufficient institutional support create a regressive and exclusionary framework for accessing social security, which contradicts the constitutional principles of universality, dignity, and reasonableness.

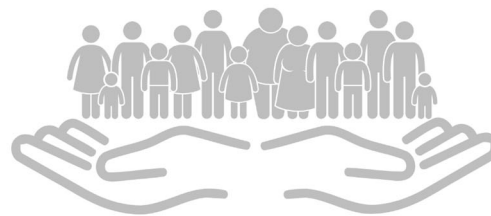
This finding is fully consistent with the findings of Messias de Sousa and Mendes (2024), who highlight the direct impact of so-called "automatic denials" – decisions generated exclusively by algorithms, without any interpretative analysis of the applicants' social context. By assuming a decision-making role devoid of transparency and contextual sensitivity, artificial

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intelligence applied at the INSS undermines institutional legitimacy and subordinates citizens to rigid and intransigent technocratic logic.

Matos Júnior (2024) reinforces that, although automation has promoted gains in procedural standardization and monetary correction, it has not significantly reduced the average processing time, nor has it overcome the obstacles experienced by policyholders, particularly in understanding the flows and accessing digital platforms effectively.

Both studies highlight the absence of ethical regulation, the lack of public reliability testing, and the urgent need to reintroduce human mediation as a minimum requirement for fair decision-making. Analysis of this category reveals, therefore, that exclusionary automation cannot be treated as a mere side effect of modernization, but as a structuring vector of inequalities disguised as technical rationality.

Social security law, by its essentially social nature, demands more than speed: it demands humanity, accessibility, and procedural fairness. Replacing administrative oversight with algorithmic silence, without qualified technical review or effective social oversight, undermines the very *raison d'être* of social security as a means of expressing state solidarity.

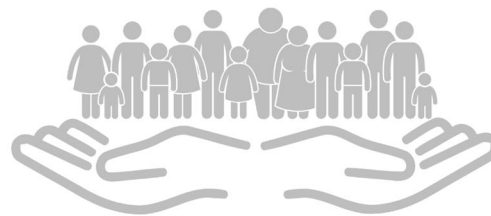
Therefore, beyond addressing the excesses of judicialization, it is essential to restore the connection between public technology and citizenship, ensuring that all innovations are ethically directed toward protecting the most vulnerable populations.

5.3 Fragility of Public Pension Governance

Understanding the judicialization of pensions as a structural symptom of institutional dysfunction requires recognizing the fragility of public governance as a primary contributing factor. This fragility is evident in the disconnect among regulatory formulation, administrative execution, and social oversight of protection policy, as well as in the absence of effective

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coordination among the INSS (National Institute of Social Security), the Federal Attorney General's Office, the judiciary, the Ministry of Social Security, the National Council of Justice (CNPJ), and the Public Defender's Offices.

This disconnect compromises the classic stages of the public policy cycle—planning, decision-making, implementation, and evaluation—which operate in parallel, reactively, and often in conflict with one another. The situation is exacerbated by the INSS's multiplicity of internal regulations, which are frequently modified by ordinances and normative instructions that do not align with repeated judicial decisions or with the consolidated understandings of the Higher Courts, thereby compromising the legal certainty and equity of the system.

As the TCU Operational Audit Report (2025) and Ruling No. 634/2025 point out, identical requests result in divergent decisions depending on the location, the agent, or the service channel, especially in cases of disability grants, marked by omissions in the evaluation of reports and expert opinions that are difficult to interpret automatically. One of the most critical effects of this scenario is the weakening of the INSS's decision-making authority, which, instead of consolidating itself as a decision-making body, has operated under a logic of algorithmic triage and productivity-based goals, lacking a framework for contextualized interpretations.

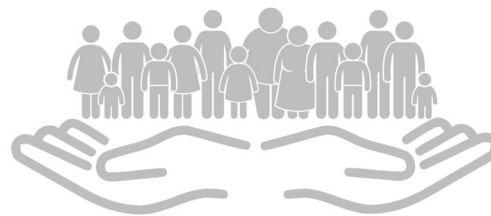
This lack of accountability, denounced in reports by the Federal Court of Accounts (TCU) and the Federal Attorney General's Office (AGU), contributes to thousands of benefits denied administratively being granted judicially, without operational errors feeding back into institutional reforms. Thus, the tacit transfer of decision-making responsibility to the judiciary, which should be the exception, is institutionalized as the rule, shifting the implementation of social security policy to the judicial arena and compromising its efficiency, legitimacy, and accessibility.

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The evidence examined demonstrates that Brazil lacks a robust, transparent, and participatory pension governance architecture, marked by the absence of permanent and formalized federative coordination bodies among responsible entities, as well as the lack of institutionalized channels of dialogue between those who formulate, implement, and control pension policy. Specific initiatives, such as the CNJ's Pension Governance Project, although promising, still lack normative force, intergovernmental standardization, and effective institutionalization.

The absence of technical chambers, cooperative forums, and integrated fiscal and social governance observatories impedes the development of collaborative, sustainable solutions adapted to regional diversity. Consequently, technology has been implemented in a technocratic manner, lacking accountability or effective institutional mediation, rather than serving as a tool for inclusion and procedural justice. The fragility of Brazilian pension governance is therefore structural, resulting from the absence of a functional federative pact, a cooperative institutional culture, and regulatory mechanisms that prioritize continuity, social participation, and redistributive responsibility.

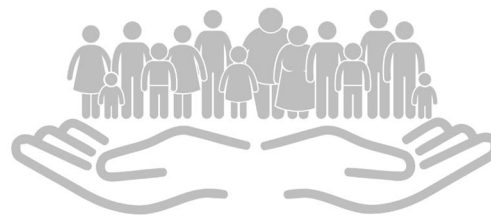
As evidenced in this study, this dysfunctional configuration substantially contributes to the invisible judicialization of social security protection, resulting in an inconsistent and unequal process characterized by fragmented interpretations from public agencies and the absence of effective administrative remedies. Addressing this dysfunction necessitates more than technical reorganization of the INSS; it requires a comprehensive redesign of social security governance grounded in the principles of distributive justice, territorial equity, and interinstitutional cooperation.

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5.4 Institutional Interoperability and Cooperation Networks

A comprehensive understanding of invisible judicialization in the social security context requires addressing the structural absence of institutional interoperability, which includes not only technological integration but also normative, communicational, and functional coordination among social security entities.

Reports and documents from the INSS, CNJ, AGU, and TCU demonstrate that, between 2019 and 2024, no national structure capable of regularly integrating flows between the INSS, AGU, Federal Public Defender's Office, CNJ, Ministry of Social Security, and social oversight agencies was consolidated. Although the National Strategy for the Judiciary (2021–2026) foresees progress in this area, exchanges remain ad hoc, non-standardized, and reactive: final court decisions continue to be disregarded in INSS flows, the AGU operates without full access to technical documents, and the lack of traceability channels undermines both procedural standardization and institutional normative cohesion (CNJ, 2021; TCU, 2025).

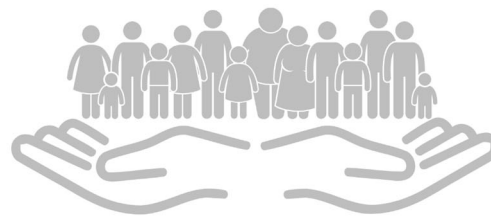
Even so, localized initiatives such as the Social Security Interinstitutional Forums (FIPs) and the Administrative Review Program for Benefits with Litigation Potential (REAB), promoted by the AGU and the INSS, demonstrate potential for anticipating litigation and prior recognition of rights, supported by judicial precedents and cooperation strategies. However, as the CNJ and AGU's own governance reports (2022–2024) warn, these initiatives remain isolated, lacking national standardization, lasting institutionalization, or continuous budget allocation – functioning as isolated "islands of efficiency" amidst a largely fragmented and uncoordinated system.

In this context, the research proposes three structural measures to address invisible judicialization: (i) the creation of a National Observatory for the Judicialization of Social Security, linked to the National Council of Justice (CNJ) and the Ministry of Social Security, with equal technical participation from civil society; (ii) the establishment of a Permanent

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Chamber for Social Security Governance, composed of representatives from the INSS (National Institute of Social Security), AGU (Attorney General's Office), DPU (Brazilian Public Prosecutor's Office), CNJ (National Council of Justice), and social oversight bodies, with the purpose of agreeing on common operational flows and interpretative guidelines; and (iii) the regulation of normative and data interoperability, guided by the principles of the LGPD, efficiency, publicity, and equality.

These measures seek to institutionalize isolated good practices, transforming specific experiences into state policy and countering the technocratic model that perpetuates silent judicialization. However, the lack of institutional interoperability should be recognized not only as a technical issue but also as a political and regulatory deficit that disrupts administrative functions and shifts primary responsibility for social protection to the judiciary.

As demonstrated in this article, the rise in judicialization between 2019 and 2023 is attributable not only to unregulated automation and regulatory shortcomings but also to the failure of public entities to systematically cooperate in ensuring timely and equitable recognition of rights. The continued prevalence of negative administrative decisions that are subsequently overturned in court underscores the urgent need to redesign Brazilian pension governance, emphasizing effective institutional agreements that position interoperability as a foundational element of distributive justice and the restoration of public authority in pension policy.

6 FINAL ANALYSIS OF FINDINGS

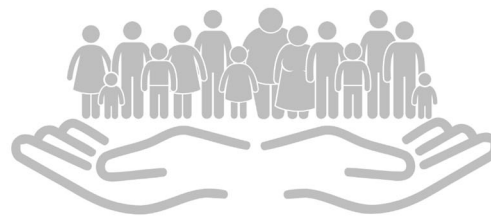
Empirical and documentary findings confirm that the invisible judicialization of social security constitutes a structural phenomenon, resulting from the confluence of exclusionary automation, institutional fragmentation, and the absence of responsive governance. The practice

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of "automatic denials," as exposed by Messias de Sousa and Mendes (2024), coupled with the low interoperability between the INSS (National Institute of Social Security), the AGU (Authority of the State of Justice), the CNJ (National Council of Justice), and the Public Defender's Offices, highlights the failure of the administrative model, transferring primary responsibility for social protection to the courts.

Digitization, far from being a vector for inclusion, has exacerbated inequalities by neglecting human mediation, contextual validation, and accessibility, as warned by Matos Júnior (2024). By acting in a compartmentalized and technocratic manner, the public sector converts the judiciary branch into a mandatory stage, emptying the administrative process and compromising the constitutional principles of universality and equity.

According to Fraser (2008), this scenario is not limited to the formal denial of rights, but to the institutional construction of unequal pathways to them. The proposal for a "Social Security 5.0", in line with Costa et al. (2025), points to an alternative centered on collaborative governance, functional interoperability, and redistributive justice.

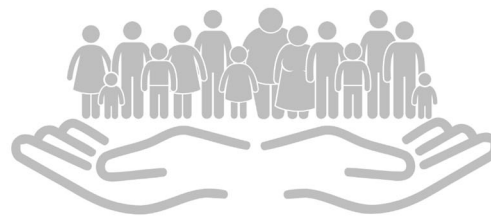
By coining and developing the analytical category of invisible judicialization, this study makes a critical contribution to the renewal of literature and to the construction of systemic solutions oriented towards dejudicialization with social justice.

7 CONCLUSION AND PERSPECTIVES

This research analyzed the invisible judicialization of Brazilian social security policy as a concrete manifestation of structural deficiencies in contemporary public governance, particularly in the context of advancing digitalization and inter-institutional fragmentation. Employing a qualitative, documentary, and theoretical-analytical approach, the study examined how the disconnect among the INSS (National Institute of Social Security), the judiciary, the

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AGU (Attorney General's Office), the CNJ (National Council of Justice), the Public Defender's Offices, and other social security actors has silently and systematically shifted the primary function of social protection from the State to the judicial sphere, thereby contravening the constitutional principle of efficient, accessible, and universal public administration.

A critical analysis of official documents and empirical evidence suggests that the digitalization of social security services, when implemented without adequate human mediation, robust regulatory frameworks, and mechanisms for technical interoperability and digital inclusion, significantly undermines the effectiveness of administrative processes. The marked increase in automatic denials, coupled with low resolution rates in digital channels and insufficient coordination among federal entities, compels insured individuals to seek judicial redress as their sole means of accessing rights. In this context, litigation becomes a systemic necessity rather than a matter of individual choice.

The central hypothesis of this study is thus corroborated: judicialization of social security, particularly in its invisible dimension, constitutes a structural symptom of the breakdown in the administrative cycle of social security policy. The absence of a coordinated, technically efficient, and politically equitable federative architecture converts technological tools into procedural obstacles rather than facilitators of civic engagement. In this institutional void, the Judiciary has assumed a substitute role, taking on responsibilities that, in an optimal governance model, should reside within the jurisdiction of the INSS (National Institute of Social Security).

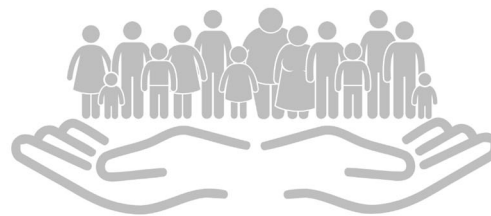
A methodological limitation of this research is the exclusion of interviews with public administrators, judges, or beneficiaries, as the study focused exclusively on normative, documentary, and specialized bibliographic analysis. While this approach is appropriate for examining institutional structures, it limits direct observation of the experiences of individuals affected by invisible judicialization, highlighting the need for future qualitative research in this area.

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Accordingly, future research should prioritize the development of empirical indicators to facilitate regional mapping of silent judicialization, as well as the analysis of interinstitutional experiences in dejudicialization and administrative mediation. Comparative studies of countries that have effectively integrated automation, digital inclusion, and participatory governance may also yield valuable insights for improving the Brazilian model.

The data analyzed indicate that reforming pension governance is both feasible and necessary, achievable through a federative pact grounded in institutional interoperability, algorithmic transparency, strengthened administrative adversarial processes, and improved extrajudicial dispute resolution channels. Addressing invisible judicialization requires not only technological investment but also ethical, normative, and social redesign of the mechanisms by which the State recognizes and guarantees fundamental rights. The future of the Brazilian public pension system depends on restoring its protective authority, fostering citizen engagement, and consolidating a republican commitment to distributive justice as the foundation of social security.

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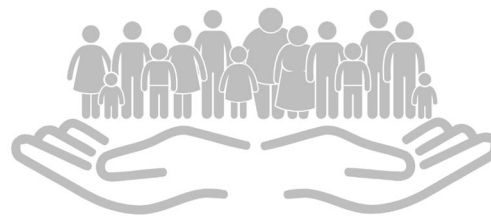
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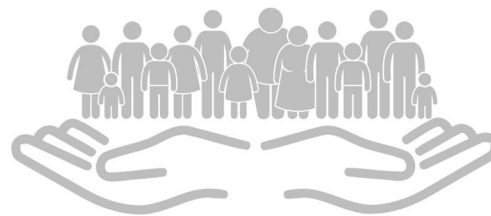
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Centro de Estudos Jurídicos Celso Barroso Leite – CEJUD
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SAUS, Quadra 06, Bloco K, Ed. Belvedere, Grupo IV, Brasília/DF, CEP: 70070-915 / cejud@anpprev.org.br