The Shield of Dignity and the Dialectic of Scarcity: Brazilian Social Security between the Constitutional Promise and Crisis Jurisprudence (1988–2025)

Escudo da Dignidade e a Dialética da Escassez: A Seguridade Social Brasileira entre a Promessa Constitucional e a Jurisprudência de Crise (1988-2025)

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ABSTRACT: This research analyzes Brazilian Social Security as the "Shield of Dignity" within the 1988 constitutional order, examining the dialectical tension between the promise of universal welfare and budgetary constraints exacerbated by revenue decoupling. Adopting a qualitative methodology through a literature review and an examination of the Supreme Federal Court's jurisprudence (1988–2025), the study maps the Court's hermeneutic trajectory, which has evolved from the dogmatic consolidation of social rights to a stance of fiscal deference in recent reforms, without, however, abandoning the safeguarding of the existential minimum during the pandemic. The analysis integrates data from Ipea and IBGE to demonstrate the system's efficacy in mitigating hunger and structural inequality. It concludes that Social Security is the fundamental barrier against social barbarism and that its sustainability requires not the dismantling of guarantees, but a new pact of fiscal justice that modernizes funding, reaffirming social protection as a civilizational imperative and a sine qua non condition for maintaining substantive democracy in Brazil.

Keywords: Social Security; Human Dignity; STF Jurisprudential Evolution; Social Inequality.

RESUMO: Esta pesquisa analisa a Seguridade Social brasileira como o "Escudo da Dignidade" na ordem constitucional de 1988, investigando a tensão dialética entre a promessa de bem-estar universal e as restrições orçamentárias agravadas pela desvinculação de receitas. Adotando metodologia qualitativa, mediante revisão bibliográfica e exame da jurisprudência do Supremo Tribunal Federal (1988-2025), o estudo mapeia a trajetória hermenêutica da Corte, que evoluiu da consolidação dogmática dos direitos sociais para uma postura de deferência fiscal em reformas recentes, sem, contudo, abandonar a tutela do mínimo existencial durante a pandemia. A análise integra dados do Ipea e IBGE para demonstrar a eficácia do sistema na mitigação da fome e da desigualdade estrutural. Conclui-se, que a Seguridade Social constitui a barreira fundamental contra a barbárie social e que sua sustentabilidade exige não o desmonte de garantias, mas um novo pacto de justiça fiscal que modernize o custeio, reafirmando a proteção social como imperativo civilizatório e condição *sine qua non* para a manutenção da democracia substantiva no Brasil.

Palavras chave: Seguridade Social; Dignidade Pessoa Humana; Evolução jurisprudencial do STF; Desigualdade Social

1 INTRODUCTION

In the modern world, social protection transcends the mere distribution of financial resources to establish itself as a fundamental civilizational imperative, capable of distinguishing barbarism from organized society. In Brazil, this protection takes the legal and political form of Social Security, a complex system that not only safeguards individuals against life's hardships but also serves as the primary mechanism for cohesion in a social fabric historically frayed by deep inequalities.

Understanding this phenomenon requires a perspective that goes beyond the cold letter of the law, delving into the sociological and economic foundations that underpin the solidarity pact established in 1988, which promised to eradicate extreme poverty and build a free, just, and compassionate society (Brazil, 1988).

The promulgation of the 1988 Constitution represented the culmination of this evolution, ushering in what legal doctrine has come to call the "Citizen Constitution," by elevating Social Security to the status of a structural pillar of the Democratic State governed by the rule of law. By integrating Health, Social Security, and Social Assistance into a single chapter, the original constitutional assembly recognized that human dignity could not be held hostage to an individual's ability to pay or to chance. Thus, a robust legal shield was established, designed to protect citizens from cradle to grave.

Beyond the courts, social reality speaks for itself through the power of numbers, revealing that Social Security is the primary—and often the only—buffer against extreme poverty in Brazil. Recent statistics from the Brazilian Institute of Geography and Statistics (Brazil, 2024) show that the social safety net was instrumental in reducing severe food insecurity, lifting millions of Brazilians out of hunger. These data support the argument that social security and welfare benefits directly and immediately affect families' quality of life.

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The essential nature of Social Security is also evident in its dimension of instrumental freedom, as theorized by thinkers in the field of human development such as Amartya Sen (2010). The deprivation of economic and health security robs individuals of their agency, preventing them from fully exercising their civil and political freedoms. Therefore, strengthening the social protection system is not merely a welfare measure but a strategy for empowering citizens.

To achieve its academic objectives, this study employed a literature review, examining primary sources such as the IBGE and IPEA, as well as key authors essential for understanding Social Security and its current challenges, and utilized the hypothetical-deductive method to align the research problem, the analyses—particularly the jurisprudence of the STF from 1988 to 2025—and the conclusions reached.

2. FROM LIBERALISM TO *THE* TROPICAL *WELFARE STATE*: THE HYBRID ARCHITECTURE OF SOCIAL SECURITY IN THE CITIZEN-CENTERED CONSTITUTION

Understanding contemporary Social Security requires, first and foremost, a historical analysis of the evolution of the Modern State, marking the transition from the liberal-bourgeois paradigm to the Social State governed by the rule of law. The classical liberal state, born of the 18th-century revolutions, was based on state non-intervention (*laissez-faire*), where freedom was understood solely in its negative dimension—the "freedom from" interference—relegating social issues to the realm of private charity or police repression.

As constitutional scholar Paulo Bonavides noted, this model proved insufficient in the face of the contradictions of industrial capitalism, since formal equality before the law coexisted, paradoxically, with the most abject economic subjugation and the misery of the working masses. The break with strict liberalism did not occur out of benevolence, but out of

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the capitalist system's own need for survival in the face of the explosive "social question" of the nineteenth century.

The emergence of the welfare state thus represented a Copernican shift in political theory: the state ceases to be a mere "night watchman" and becomes the promoter of well-being, assuming positive obligations—the "freedom to"—that give concrete form to human dignity. In this sense, Robert Castel, in his seminal work on the metamorphoses of the social question, describes this shift as the transition from "social insecurity" to "social property," where labor and social security rights function as the assets of those who possess no real property.

The first major model for institutionalizing this protection emerged in Otto von Bismarck's Germany in the 1880s. The Bismarckian or "social insurance" model was designed as a conservative defensive strategy against the advance of socialism, linking social protection strictly to the employment contract and prior contributions. It was a meritocratic and corporatist system: it protected the "worker," not the "citizen." This insurance logic, though pioneering, fragmented society into professional categories, perpetuating status stratifications within the working class itself.

The major shift toward universalism would not occur until the mid-20th century, amid the ruins of World War II, with the Beveridge Report in the United Kingdom. Lord William Beveridge proposed a frontal assault on the "Five Giants" plaguing humanity: want, disease, ignorance, poverty, and idleness. Thus was born the Beveridge model, grounded in intergenerational solidarity and financed by society as a whole through taxes, guaranteeing protection "from the cradle to the grave" regardless of one's participation in the labor market. According to Sonia Fleury, this marks the full-fledged *welfare state*, where assistance ceases to be a favor and becomes a citizenship right.

The theoretical consolidation of this process was masterfully described by the British sociologist T.H. Marshall, who outlined the evolution of citizenship in three cumulative stages: civil citizenship (18th century, individual freedoms), political citizenship (19th century, universal suffrage), and, finally, social citizenship (20th century). For Marshall, social citizenship is the element that mitigates the inequality inherent in capitalism, allowing individuals from different classes to share an equal status of protection and dignity. From this perspective, the *welfare state* is not an economic anomaly, but the ethical corollary of mass democracy, still under construction.

In Brazil, however, the trajectory of the welfare state followed an idiosyncratic course, defined by Wanderley Guilherme dos Santos as "Regulated Citizenship." During the Vargas Era, social protection was initially tied to the work permit and loyalty to official labor unions, excluding the vast majority of rural and informal workers. A system of "corporate privileges" (IAPs) was created, in which stronger categories enjoyed more rights, while the rest of the population remained in a state of welfare limbo.

Overcoming this exclusionary model was only possible with the "Constitution of Courage" of 1988 (Brazil, 1988), which achieved a dialectical synthesis between the Bismarckian and Beveridgean traditions and established Social Security as a hybrid, innovative system.

In this context, the persistence of funding mechanisms strictly tied to the payroll (a Bismarckian legacy) proves to be an unsustainable paradox in the face of the emergence of the "Risk Society" and Industry 4.0. As Borsio and Piacini Neto (2021) elaborate, the dynamics of global, unpredictable risks—arising from technological development itself—require moving beyond "group solidarity" (which is corporate and exclusionary) toward a broad "social solidarity," financed through universal taxes rather than taxes on labor alone. Thus, automation

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and demographic shifts erode the traditional tax base, requiring a new pact in which the tax burden falls on wealth and profit, allowing capital to finance the altruism necessary for social cohesion in a scenario of systemic uncertainty.

This historical tension has given rise to what Elaine Behring calls the "counter-reform of the state," in which the constitutional promise of universality is in constant conflict with economic policies of fiscal adjustment. Brazilian Social Security has undeniably established itself as the "Shield of Dignity," structured on the three pillars of Health, Social Security, and Social Assistance. Healthcare (SUS) has brought about the decommodification of life, guaranteeing universal access. Social Security, although contributory, plays a vital redistributive role, especially in the rural sector. Social Assistance, through the BPC, has broken with clientelism to become a right, guaranteeing a minimum wage to those who need it, in accordance with human dignity.

However, the sustainability of this civilizational edifice is threatened by the "accounting alchemy" of its financing. Although Article 195 of the Constitution provides for a diversified funding base, mechanisms such as the Unlinking of Federal Revenues (DRU) divert resources from social security to the general budget. Recent budget data project expenditures in the range of R$ 1 trillion for Social Security (ASMETRO-SI, 2024), but critical analysis reveals that the system is structurally viable if the constitutional earmarking of revenues is respected. The defense of social security, grounded in the prohibition against rollbacks, is not a corporate issue but an imperative of intergenerational justice that requires adapting funding sources to the new realities of capital.

This fiscal dynamic for the 2024–2025 biennium remains hostage to the "variable geometry" imposed by the DRU, a mechanism that—far from being the provisional measure envisioned in the 1990s—has been enshrined in the legal system by the recent Constitutional

Amendment No. 132/2023, extending its validity until the distant year of 2032. This constitutional authorization for the free allocation of 30% of social contributions operates as a permanent "capture mechanism," allowing hundreds of billions of reais to be legally drained from the Social Security Budget (OSS) into the Fiscal Budget in 2025—not to finance public policies, but to build up the primary surplus and service the debt.

Documents from the Ministry of Planning regarding the 2025 PLOA confirm that this "regressive alchemy" continues to undermine the funding base for health care and social security, creating artificial deficits that serve as a political pretext for the ongoing restriction of social rights. Thus, it must be recognized that in Brazil, the welfare state remains a model under construction; it is not an end in itself but a means for citizenship and human dignity to transcend the legal realm and become a reality in people's lives, especially for those most in need.

3. THE DIALECTICAL CONSTRUCTION OF SOCIAL SECURITY CASE LAW IN THE SUPREME FEDERAL COURT BETWEEN 1988 AND 2025

The promulgation of the 1988 Citizen Constitution did not mark the epilogue, but rather the prelude to a long hermeneutic battle over the definition of the Brazilian Social State. The Federal Supreme Court (STF), during the initial period from 1988 to 2008, was called upon to act not only as the guardian of the Constitution but as the true architect of citizenship, assuming the crucial role of transforming the abstract promises of the original constitutional assembly into enforceable subjective rights.

Throughout its history, the Supreme Court faced the monumental challenge of interpreting the concept of Social Security enshrined in Article 194, establishing the principle that health care, social security, and social assistance are not mere programmatic government guidelines, but fundamental rights with immediate and binding effect. During this initial period

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of consolidation, the Court acted vigorously as the guardian of the "minimum standard of living," seeking a difficult dialectical balance between the urgency of social protection and the State's budgetary constraints, while rejecting strictly fiscalist arguments that sought to undermine the substance of social rights.

In the context of the right to health, the Supreme Court's actions were decisive in guaranteeing universal access, overcoming the former exclusionary logic of the previous social security model, where medical care was tied to formal contributions. In landmark rulings such as Extraordinary Appeal (RE) 271.286 (Brazil, 2000), the Court reaffirmed the joint and several liability of the federal government, states, and municipalities in providing medical treatment, preventing the administrative decentralization of the Unified Health System (SUS) from serving as a pretext for "passing the buck" and denying care to citizens.

This STF case law solidified the understanding that cooperative federalism, in matters of fundamental rights, requires the synergistic action of federal entities to safeguard life and physical integrity—legal interests that take precedence over bureaucratic jurisdictions.

In the health sector, the debate over providing high-cost medications led to one of the STF's most sophisticated doctrinal constructs: balancing the "reserve of the possible" against the "existential minimum." In the landmark Action for Non-Compliance with a Fundamental Precept (ADPF) 45, decided in 2004 (Brazil, 2004a), Justice Celso de Mello delivered a succinct opinion, asserting that a claim of insufficient financial resources cannot justify the State's failure to fulfill basic constitutional duties. The STF thus established that the preservation of human dignity imposes insurmountable limits on administrative discretion, obligating the government to prioritize life in its budget allocations, under penalty of being found unconstitutional by omission.

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On Social Security financing, the STF addressed complex tax issues to ensure the system’s financial sustainability. In its ruling on Extraordinary Appeal (RE) 150.764 (Brazil, 1992), the STF declared unconstitutional the increases in FINSOCIAL tax rates for service-providing companies but, dialectically, paved the way for the consolidation of COFINS, ensuring a smooth transition to the new funding regime. This decision was fundamental in defining the constitutionally permitted calculation bases—revenue, profit, and payroll—ensuring the diversity of the funding base provided for in Article 195, which is essential for the system’s resilience in the face of sector-specific economic crises.

The tax immunity of charitable social assistance entities, provided for in Article 195, paragraph 7, has sparked intense debate over the legal requirements for its enjoyment and its constitutionality. In several Direct Actions of Unconstitutionality (ADI), such as ADI 2,028 (Brazil, 2017), the Federal Supreme Court (STF) began to argue that regulating this immunity would require a Complementary Law, given its nature as a limitation on the constitutional power to tax. The Supreme Court sought to prevent tax exemptions—vital to the legitimate philanthropic sector—from being misused by entities that did not provide services of genuine public relevance, thereby protecting the social security treasury from fraud disguised as charity.

One of the most controversial chapters in the case law of this inaugural period was the analysis of the “extreme poverty” criterion for granting the Continuous Cash Benefit (BPC/LOAS). In Direct Action of Unconstitutionality (ADI) 1,232 (Brazil, 1998), the STF, still interpreting the Constitution through a lens of strict legal positivism, declared constitutional the objective criterion of *per capita* income below one-quarter of the minimum wage. At that historic moment, the Supreme Court held that the legislature had the discretion to define the poverty threshold—a decision that, although technically grounded in the separation of powers,

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drew severe doctrinal criticism for failing to address the factual complexity of social vulnerability in Brazil.

However, the Supreme Court itself began to mitigate the rigidity of ADI 1,232 in subsequent years through its analysis of specific cases in Complaints and Extraordinary Appeals, demonstrating the Court's capacity for institutional learning. Justices began admitting other forms of evidence to establish extreme poverty, gradually recognizing that the one-quarter minimum-wage criterion was out of step with the country's economic and inflationary reality. This quiet shift in constitutional interpretation laid the doctrinal groundwork for the future declaration of partial unconstitutionality of this criterion, highlighting the Court's sensitivity to changes in the nature of poverty.

The 2003 Social Security Reform (Constitutional Amendment No. 41) presented the Federal Supreme Court (STF) with the Herculean challenge of reconciling the protection of acquired rights with the need for the State's financial and actuarial balance. The ruling on Direct Action of Unconstitutionality (ADI) 3.105 (Brazil, 2004b) was a watershed moment, as it declared the collection of social security contributions on the earnings of retirees and pensioners to be constitutional, breaking with the tradition of immunity for this group. The Supreme Court based its decision on the principle of intergenerational solidarity, holding that there is no acquired right to a specific tax regime and that everyone must contribute to the system's sustainability, lest it collapse.

In that same landmark ruling on ADI 3.105, the STF demonstrated concern for social justice by applying the principle of contributory capacity. The decision established exemption thresholds for taxing retirees, ensuring that the contribution would apply only to the amount exceeding the General Social Security System ceiling, thereby protecting income intended for basic living expenses. This modulation of effects was essential to prevent confiscation and

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ensure that the necessary fiscal adjustment would not disproportionately penalize lower-income insured individuals, balancing fiscal responsibility with social protection.

Maternity protection received special and protective treatment in Direct Action of Unconstitutionality (ADI) 1,946 (Brazil, 2003), in which the Federal Supreme Court (STF) ruled that the RGPS benefit ceiling, imposed by Constitutional Amendment 20/1998, did not apply to maternity pay. The Court held that limiting this benefit would violate the fundamental rights of pregnant women and children, creating an economic disincentive to hiring women and undermining the principle of equality. This decision reaffirmed the hybrid nature (wage-based and social security-based) of the leave, which is essential for gender equality in the labor market.

The legislative failure to regulate special retirement benefits for public servants exposed to harmful agents was challenged through judicial activism in Writ of Mandamus (MI) 721 (Brazil, 2007). Faced with Congress's inaction, the Federal Supreme Court (STF) adopted a pragmatic approach, ordering the analogous application of the rules of the General Pension System (Law 8,213/91) to civil servants. This decision corrected a historical injustice, ensured the effectiveness of Article 40, § 4, of the Citizen's Constitution, and protected the health of public employees.

The principle of uniformity and equivalence of benefits between urban and rural populations was consolidated by validating Funrural (ADI 1,103, 1996). The Supreme Court recognized that differentiating the calculation basis for rural employers was necessary to guarantee social security coverage in rural areas, ensuring the inclusion of millions of rural workers in the protection system—one of the 1988 Constitution's greatest distributive achievements.

The Court analyzed the prohibition against improper accumulation of benefits through the lens of administrative morality in RE 163.204, where it ruled that certain statutory benefits cannot be accumulated with social security benefits. However, case law has consistently upheld the possibility of combining retirement benefits with survivor's benefits, recognizing that they have distinct triggering events (employment and death) and a maintenance-based nature, thereby protecting dependents' legal assets.

In this vein, the constitutionality of the prisoner's allowance—a benefit often stigmatized—was reaffirmed in RE 211.062. The STF clarified that the benefit is intended for dependents, not the prisoner, fulfilling the social function of preventing the prisoner's family from falling into absolute poverty, with the "low-income" criterion assessed in relation to the insured person. The Federal Government's exclusive legislative authority to enact social security laws was rigorously upheld in ADI 3.133, preventing states from creating benefits without a funding source and thereby preserving the unity of the national system.

The principle prohibiting social regression, though implicit, permeated the opinions of several Justices as an interpretive barrier against the dismantling of rights. The STF used this approach to prevent reforms from eliminating the essential core of already consolidated guarantees, such as the real irreducibility of benefits, thereby protecting citizens' legitimate expectations in institutions. As Sarlet (2020a) explains, this legal barrier served to protect legal certainty and citizens' legitimate expectations in social protection institutions.

Democratic governance was also safeguarded, with the STF reinforcing the need for equal representation on social security councils, viewing them as the foundation of transparency and social control. The judicialization of health care, which intensified toward the end of this period, led the STF to hold historic public hearings in 2009, seeking to hear from the public and experts to inform its decisions. The Supreme Court sought guidelines to prevent judicial activism from disrupting the SUS budget, without ever denying the fundamental right to health, through an exercise in institutional dialogue. Gender equality in Social Security was upheld by rejecting equal retirement ages without considering women's double workload, recognizing "affirmative action" as a mechanism for social justice.

Thus, between 1988 and 2008, the STF built a solid body of case law that transformed Brazilian Social Security, validating its diversified financing and guaranteeing universal health care and rural inclusion. The STF's role was indispensable in balancing the inherent tension between fundamental rights and fiscal responsibility, ensuring that the social security system fulfilled its civilizing mission.

The second period (2008–2018) was marked by "Judicial Rationalization and the Actuarial Turn," against a backdrop of increasing budgetary constraints. Unlike the consolidation phase, this decade required a refinement of the concepts of universality, with the Court ruling on the extension of rights to vulnerable groups and the limits of judicial intervention. In the health sector, the ruling on Preliminary Injunction (STA) 175 (Brazil, 2010) marked a milestone in rationalizing judicial intervention. With Gilmar Mendes serving as the reporting justice, the STF established "Evidence-Based Medicine" as a legal criterion, ruling out automatic preliminary injunctions for experimental treatments and requiring proof of the ineffectiveness of alternatives provided by the SUS.

Still in the health sector, the doctrine of joint and several liability was reaffirmed in RE 855.178 (2015), establishing that citizens may sue any federal entity, thereby rejecting bureaucratic barriers. Social Assistance underwent a hermeneutic revolution with the ruling in RE 567.985 (Brazil, 2013a), which declared the one-quarter minimum-wage criterion for the BPC partially unconstitutional. The STF recognized that extreme poverty is a multidimensional phenomenon that cannot be captured by arithmetic formulas and must be assessed on a case-by-case basis, which represented a victory for the vulnerable over legal formalism.

Universal coverage was also extended to foreign residents in RE 587.970 (Brazil, 2017b), reaffirming that human dignity knows no national borders. In the field of social security, however, the ruling in RE 661.256 (Brazil, 2016b) on “reversal of retirement” dealt a severe blow to insured individuals. The STF established the principle that only a law can create benefits, prohibiting the renunciation of retirement to obtain a more advantageous one without full compensation. The decision prioritized financial balance and systemic solidarity over individual compensation, frustrating thousands of retirees who returned to the workforce and continued to contribute.

The Funrural issue was revisited in RE 718.874 (Brazil, 2017a), with the STF changing its position to declare the contribution by rural employers who are individuals constitutional, thereby upholding Law 10.256/2001. This shift in case law, which significantly affected agribusiness, reinforced the need for all production chains to finance social security. The immunity of nonprofit organizations was reaffirmed in ADI 2.028 (Brazil, 2017), confirming that the requirements must be established by Complementary Law, thereby strengthening the legal certainty of the third sector.

Maternity protection advanced with RE 778.889 (Brazil, 2016a), which equalized leave for biological and adoptive mothers, eliminating distinctions based on the child’s age. The Supreme Court held that the period of cohabitation is vital for the emotional bond, regardless of the route to motherhood. In RE 842.844 (Brazil, 2017c), maternity leave was extended to female public servants in appointed or temporary positions, reaffirming that protection for the unborn child does not depend on the stability of the mother’s administrative employment status.

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The application of the principle prohibiting social regression was forceful in ARE 639.337 (Brazil, 2011b), serving as a shield against the dismantling of social guarantees in the name of fiscal adjustments. In the face of continued legislative inaction, Binding Precedent 33 (2014) guaranteed special retirement benefits for civil servants, consolidating the application of RGPS rules and overcoming legislative inertia.

A landmark achievement was the recognition of same-sex domestic partnerships in ADI 4,277 (Brazil, 2011a), with immediate repercussions for social security law. By treating such partnerships as equivalent to marriage, the STF guaranteed survivor's benefits to same-sex couples, eliminating discrimination based on sexual orientation. On financing, RE 559.937 (2013) excluded ICMS from the PIS/COFINS import base, creating a revenue-collection challenge and highlighting the complexity of harmonizing tax justice with social funding.

The Court maintained differentiated pension rules between genders to protect women, but signaled the need to review unjustified privileges in special pension schemes. The judicial review of drugs not registered with ANVISA was restricted in RE 657.718 (Brazil, 2019b), except in cases of unreasonable delay by the agency. Binding Precedent 53 (2015) reaffirmed the Labor Courts' jurisdiction to enforce social security contributions, strengthening tax collection.

The review of legacy benefits was limited by a ten-year statute of limitations in RE 626.489 (Brazil, 2013b), with the STF prioritizing legal certainty and actuarial balance over correcting past errors. The extension of the caregiver allowance (25%) to other retirement benefits began to be debated but met resistance because of strict budgetary legality. Thus, the 2008–2018 period reflected a Supreme Federal Court balancing inclusive advances (minorities, BPC) with fiscal constraints (revocation of retirement benefits, statute of limitations).

The third period (2018–2025) has emerged as the “Jurisprudence of Crisis and Austerity Tensions,” marked by the Social Security Reform (Constitutional Amendment 103/2019) and the pandemic. The STF was called upon to arbitrate between fiscal sustainability and the core of rights, often upholding austerity measures. In the ADIs challenging the Reform (ADI 6,254) (Brazil, 2019a), the Supreme Court upheld progressive tax rates for civil servants, viewing them as an instrument of tax equity and solidarity rather than confiscation.

The “Lifetime Pension Review” (Case 1.102) was the most dramatic chapter: after recognizing the right of insured individuals in 2022, the STF reversed its position in 2024 (ADIs 2.110 and 2.111) (Brazil, 2024), overturning the favorable ruling on the grounds of its billion-dollar impact, thereby highlighting the prevalence of economic “reason of state” over the right to the best benefit. This abrupt change highlighted, in the Court's current composition, the prevalence of budgetary legal certainty over the right to the best benefit, dashing the hopes of thousands of retirees.

During the pandemic, the STF reaffirmed Social Security as a safeguard for life in ADI 6,341 (Brazil, 2020a), guaranteeing concurrent jurisdiction for states and municipalities over public health measures in the face of federal inaction. The Court upheld mandatory vaccination in ADIs 6,586 and 6,587, prioritizing public health over individual liberty.

Tema 72 (2020) declared taxation of maternity leave pay unconstitutional, marking progress in protecting women’s employment. The Supreme Court held that the benefit is compensatory in nature and should not be included in the contribution calculation base. Special Retirement was restricted in Theme 709 (2020), prohibiting those who retire under this category from continuing to work in hazardous conditions and preserving the institution's protective rationale. In contrast, Theme 942 guaranteed the conversion of special service time into regular service time for civil servants, thereby correcting historical disparities.

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The extension of the 25% supplement to other retirement benefits was rejected in Theme 1,095 (2021) (Brazil, 2021), on the grounds of insufficient funding, delegating the decision to expand it to the Legislative Branch. The Decoupling of Revenues (DRU) continued to be tacitly tolerated, draining vital resources. The provision of medications was once again regulated in Theme 1,234, reinforcing the federal government's financial responsibility for highly complex treatments.

In turn, minority rights were consolidated, with the recognition of social security rights for *transgender* people and the preservation of same-sex rights, without any setbacks. Case law has advanced to recognize social identity as a criterion for granting retirement benefits. The eligibility criterion for the BPC was legally relaxed to ½ the minimum wage in 2021, a legislative response to prior judicial pressure.

The omission regarding paternity leave was addressed in ADO 20 (Brazil, 2023), with the STF setting a deadline for Congress to enact legislation, thereby modernizing the concept of parenthood. The immunity of charitable organizations was redefined by LC 187/2021 and upheld by the STF in 2024, requiring strict conditions in return and confirming that immunity is not a blank check.

With regard to unrestricted outsourcing (Topic 725), which was approved in 2018, its impact on revenue collection requires new funding mechanisms. The imposition of contributions on vacation pay was established in Topic 985 (2020), thereby expanding the system's funding base. Meanwhile, the new rules on survivor's pensions from the 2019 Reform, which drastically reduced benefit amounts, were upheld by the Federal Supreme Court (STF) through 2025, despite criticism that they violated human dignity. The principle prohibiting retrogression was relaxed in the name of the "reserve of the possible," with the Court showing deference to the reforming legislature's difficult choices.

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In conclusion, the case law from 2018 to 2025 reflects the painful adjustment of the Brazilian welfare state, where the expansion of identity-based rights coexisted with the restriction of pecuniary rights. The STF established itself as a pragmatic political actor, aligning itself with macroeconomic fiscal responsibility while protecting the core principles of health and dignity in extreme situations, thereby shaping a resilient *welfare state*.

4. THE REALIZATION OF RIGHTS: SOCIOECONOMIC IMPACT, EFFECTIVENESS OF SOCIAL PROTECTION, AND THE DECOMMERCIALIZATION OF SURVIVAL IN BRAZIL

Social Security, within the framework of Brazil's 1988 Constitution, transcends the role of a mere bureaucratic apparatus for payments or "insurance" against misfortune; ontologically, it constitutes the backbone of the realization of citizenship and the primary instrument of cohesion in a historically fractured society. In a country marked by chasms of inequality and a legacy of slavery that has normalized exclusion, the social protection system acts as a mechanism for civilizational compensation.

As Silva *et al.* (2025) argue, social security is not a state handout, but an imperative of distributive justice that seeks, through intergenerational and class solidarity, to prevent economic vulnerability from turning into irreversible social barbarism, thereby ensuring human dignity as the supreme value.

The essential nature of this system is corroborated by a counterfactual analysis of poverty in Brazil. Studies by the Institute of Applied Economic Research (IPEA, 2024a) consistently indicate that, without income transfers from Social Security and Social Assistance, the poverty rate in the country, for example, would jump from manageable levels to catastrophic levels, tripling extreme poverty among the elderly.

Social Security thus decommodifies survival: it ensures that a dignified existence does not depend exclusively on an individual's success in selling their labor in an unstable and exclusionary market. This "safety net" is what distinguishes civilization from social Darwinism.

Unfortunately, the national socioeconomic reality is still marked by alarming indicators of food insecurity, which makes the role of Social Security vital to the physical survival of a large portion of the population. Recent data from the IBGE and the PENSSAN Network, analyzed in light of Passos's (2022) work, reveal that hunger has once again come to haunt millions of households, bringing Josué de Castro's (1946) historic denunciation back into focus. It is important to note that the map of food risk in Brazil, as outlined by the most recent official indicators, reveals an open fracture in the social fabric where "existential insecurity" paradoxically persists amid agricultural abundance.

Data from the IBGE's Continuous National Household Sample Survey (PNAD) show that, despite isolated advances, moderate or severe food insecurity still affects a significant portion of households headed by women and Black or mixed-race individuals, demonstrating that hunger has a specific color, gender, and address. This vulnerability is corroborated by analyses from IPEA, which identify a direct correlation between the volatility of income from informal work and the inability to access a basic diet—making Social Security income transfers not merely a y budgetary supplement, but the only safeguard capable of preventing transient poverty from turning into chronic and structural food insecurity.

Furthermore, according to Castro (1946), hunger is an eminently political phenomenon, the result of poor distribution rather than natural scarcity. In this scenario, social security—by integrating the three pillars of health, social insurance, and social assistance—stands as a barrier against this structural poverty, providing the minimum material foundation to ensure that biological life is not suppressed by economic deprivation.

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Within the realm of Social Assistance, a paradigmatic reconfiguration is observed: the system is shedding the old trappings of clientelism and "first-ladyism" to assert itself as a state policy. According to Sposati (2018), it is through social assistance that the state reaches the "invisible"—those whom the formal labor market has rejected or whom life's contingencies have rendered incapacitated.

The Continuous Cash Benefit (BPC) exemplifies this change: it is not charity, but the republican guarantee that old age or disability will not be synonymous with destitution. The Supreme Federal Court's (STF) jurisprudence, by overturning the "extreme poverty" criterion of one-quarter of the minimum wage (ADI 1,232 and RE 567,985), recognized that dignity cannot be confined to rigid mathematical formulas (the arithmetic of cruelty), requiring a concrete analysis of social vulnerability.

Public health, embodied in the Unified Health System (SUS), constitutes the most universal and democratic aspect of Brazil's social security system, acting as a powerful equalizer of opportunities. In a country where cutting-edge medicine is a luxury commodity, the SUS offers comprehensive coverage to more than 75% of the population that depends exclusively on it. The COVID-19 pandemic was the "litmus test" for this system: as Fibrans and Santos (2022) point out, it was the SUS's extensive reach and the guarantee of universal care that prevented an even greater humanitarian catastrophe. Social security, in this context, proved not to be a cost, but rather the safest investment a nation can make in its own resilience.

The economic dimension of Social Security is often underestimated by fiscalist narratives, but its microeconomic impact is enormous. Social Security, especially in its rural component, serves as the main economic engine for thousands of small Brazilian municipalities. Official data show that, in more than half of the country's cities, the volume of funds injected through social security benefits exceeds the transfers from the Municipal Participation Fund

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(FPM). Oliveira (2018) emphasizes that this injection of liquidity stimulates local commerce, creates jobs in the service sector, and prevents unchecked rural exodus, proving that social protection is also a regional development policy.

The interconnection among the three pillars of Social Security is what ensures its systemic effectiveness; when one pillar fails, the whole system is threatened. Administrative fragmentation and the lack of intersectoral coordination, criticized by Sposati (2013), create bottlenecks that hinder citizens’ access to services. Comprehensive protection requires that older adults receiving retirement benefits also have facilitated access to the Unified Health System (SUS) and social assistance community services. The compartmentalized (siloed) view of public management reduces spending efficiency and dehumanizes service delivery, turning rights into bureaucratic odysseys.

From the philosophical perspective of human development, Social Security must be understood as a guarantor of “instrumental freedoms,” a central concept in the work of Amartya Sen (2010). For this author, poverty is not merely a lack of income, but the deprivation of basic *capabilities* that prevent individuals from engaging in valuable activities.

A citizen who is hungry, sick, or uncertain about their future is not free; they are held hostage by necessity. By providing economic security and healthcare, Social Security restores the individual’s agency, enabling them to participate in civic life. Therefore, strengthening Social Security is a *sine qua non* for the existence of a substantive democracy.

The fight against gender and racial inequalities necessarily involves strengthening Social Security. Statistics from the IBGE confirm that Black women form the base of the social pyramid and are the primary beneficiaries of cash transfer programs and the SUS.

In this regard, Boschetti (2009) argues that policies such as maternity protection and differentiated retirement requirements for women are not privileges, but mechanisms of

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compensatory justice that recognize the double burden and historical discrimination in the labor market. Dismantling social security disproportionately affects these vulnerable groups, deepening the racial and gender divides in Brazil.

Still on the topic of gender inequality in Brazil, as revealed by the most recent social indicators, a "meritocratic paradox" is exposed: while women have higher levels of education, this does not translate into pay equity but instead comes up against invisible structural barriers. Data from the IBGE (Brazil, 2024) confirm that, even though women outnumber men in terms of higher education attainment, they still earn, on average, only 78.3% of men's income—an asymmetry that is severely exacerbated when intersected by race. This market distortion is sustained, according to analyses by IPEA (2024b), by the unpaid "care economy"—the disproportionate burden of domestic chores that drains women's productive time and acts as an invisible tax on their autonomy, limiting their full integration into the formal labor market and requiring Social Security to provide compensatory mechanisms to prevent the feminization of poverty in old age.

In turn, the phenomenon of "uberization" and the precarious nature of labor relations pose unprecedented challenges to the system's sustainability and coverage. The emergence of a class of workers without formal employment contracts and without social security protection threatens to create, in the near future, a legion of vulnerable elderly people. Oliveira's (2018) critical analysis warns that the funding model based strictly on the payroll is becoming obsolete in the face of the new nature of work.

In this context, a contemporary problem is the growing complexity stemming from the proliferation of *crowdwork* and work on global digital platforms, which challenge the boundaries of national jurisdiction and the state's tax collection capacity. As Borsio, Morais, and Dias (2023) point out, the work of Brazilian workers for foreign platforms with no representation in Brazil creates a vacuum in social protection and a serious problem of non-payment of social security contributions.

The dynamics of networked society, by enabling the hiring of a globally dispersed workforce (*the "crowd"*), create a "legal limbo" where the difficulty of imposing tax liability on foreign companies results in workers' lack of social security protection and the underfunding of the system, urgently requiring new mechanisms for international cooperation and tax technology to prevent the perpetuation of digital precariousness.

It is therefore urgent to rethink funding sources by taxing new forms of digital wealth and financial capital to ensure that technological modernization does not result in social regression. The sustainability of the system—a cross-cutting and urgent issue, —cannot be achieved through the suppression of rights, but rather through tax justice. The narrative of an "explosive deficit"—which projects social security spending of R$ 1 trillion by 2025—often obscures the impact of tax breaks and the Decoupling of Federal Revenues (DRU) on the social security budget. Sposati (2018) denounces this "accounting alchemy" that diverts earmarked funds to pay off the public debt, sacrificing social investment on the altar of the primary surplus. Actuarial balance must be pursued, but never at the cost of human dignity.

The principle prohibiting social regression has been established, in Sarlet's (2020b) legal doctrine and in the jurisprudence of the Federal Supreme Court (STF), as the main bulwark against the dismantling of the welfare state. Although relaxed in times of crisis under the justification of the "reserve of the possible," this principle maintains the requirement that any restrictive reform preserve the essential core of rights. Citizens' legal certainty depends on the confidence that the State will not unilaterally revoke the protection pact established in 1988. Vigilance by civil society and academia is essential to ensure that the economic crisis does not serve as a pretext for the annihilation of civilizational achievements.

The judicialization of Social Security, far from being merely a management issue, reveals a pent-up demand for citizenship. When thousands of Brazilians turn to the judiciary to obtain medications or benefits, they are reaffirming the normative force of the Constitution. By acting in these cases, the judiciary corrects government omissions and ensures the effectiveness of fundamental rights, functioning as the "last line of defense" for the underprivileged. However, as noted by Borsio (2015), the republican ideal is for public policies to be efficient enough to make judicial intervention the exception, not the rule.

In summary, the Brazilian social security system is a non-negotiable collective construct, a pact of solidarity that keeps the nation united in the face of its contradictions. It represents the political choice not to tolerate extreme poverty as a side effect of development. Silva *et al.* (2025) conclude that defending this system requires the courage to confront tax privileges, the creativity to include new workers, and the resolve to maintain social protection as an absolute priority. Without Social Security, freedom is an abstraction and democracy a chimera; with it, the concrete possibility of a just, free, and supportive Brazil is built.

5. SOCIAL SECURITY IN BRAZIL, HUMAN DIGNITY, AND THE FIGHT AGAINST POVERTY

Social Security, within the framework of Brazil's 1988 Constitution, transcends the role of a mere bureaucratic apparatus for payments or a mechanism for insurance against misfortune; ontologically, it constitutes the backbone of citizenship and the primary instrument for cohesion in a historically fractured society. In a country marked by chasms of inequality and a legacy of slavery that has normalized exclusion, the social protection system acts as an indispensable mechanism for civilizational compensation.

Human dignity, elevated to a foundational principle and "meta-principle" of the 1988 constitutional order, does not exist in the real world as a mere metaphysical abstraction or an isolated Kantian imperative; to be tangible, it requires a "material foundation" that only Social Security is capable of providing. According to the contemporary analysis by Ingo Sarlet (2020b), dignity possesses an inescapable dual dimension: the guarantee of biological survival and the assurance of a standard of living that allows for the exercise of moral autonomy.

Thus, Social Security acts as the condition of possibility for the very humanity of the individual, for where hunger, untreated illness, or neglect in old age prevail, dignity dissolves into empty rhetoric, making state provision not a discretionary political option but an existential imperative so that the individual is not reduced to the condition of an object or "bare life."

This legal framework, by integrating Health, Social Security, and Social Assistance, aims to safeguard human dignity against adverse contingencies, such as illness and extreme poverty, and serves as the organizing axis of national social protection. The relevance of this topic is indisputable, given that Social Security constitutes the primary mechanism for social protection and cohesion in a country marked by profound inequalities and structural vulnerabilities. It decommodifies survival, ensuring that a dignified existence does not depend exclusively on an individual's success in selling their labor in an unstable market.

The essential nature of this system is corroborated by a counterfactual analysis of poverty in Brazil, where Social Security acts as the primary buffer against absolute destitution. Studies indicate that, without income transfers from Social Security and Social Assistance, the country's poverty rate would jump from manageable levels to levels constituting a public calamity. Therefore, maintaining and strengthening this system are imperative for the realization of the democratic rule of law and the valorization of the lives of all citizens.

With regard to food security, the national socioeconomic reality is still shaped by indicators that warrant the highest level of alert, as pointed out by recent studies. Data presented by Passos (2022) reveal the alarming reality of millions of Brazilians who still live with food

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insecurity, bringing to light once again Josué de Castro's historic denunciation—revised in 2022—that hunger is an eminently political phenomenon, not a natural inevitability (Castro, 1946).

In this context of scarcity, Social Security stands as the fundamental bulwark against this structural poverty. The fight against hunger is intrinsically linked to social protection, directly aligning with food security policies—such as Fome Zero—which integrated cash transfers and support for family farming to break the cycle of poverty. The deprivation of social protection means not only a lack of resources but also the suppression of the freedom to live with dignity and avoid premature death.

Public health, embodied in the Unified Health System (SUS), represents the most universal and democratic aspect of Brazil's social security system, serving as a powerful equalizer of opportunities. The 1988 Citizen Constitution broke with the previous exclusionary model—in which access was tied to social security contributions—to establish health care as "a right of all and a duty of the State." The SUS, regulated by Law No. 8,080/90, operates under the principles of decentralization and comprehensive care and is funded by society as a whole.

The magnitude of this coverage became evident during the COVID-19 pandemic, when the system's importance served as a buffer against the health and economic crisis. The SUS played a fundamental role in the mass vaccination campaign, preventing an even greater humanitarian catastrophe. This episode reinforced the fact that social security is not a cost, but an indispensable investment in society's resilience in the face of global emergencies, according to data from the Penssan Network.

The economic dimension of Social Security is often underestimated by fiscalist narratives, but its budgetary impact is enormous, as revealed by data from 2024 and 2025. The 2025 Budget allocates nearly R$ 1 trillion for Social Security and R$ 245 billion for Health

(Brazil, 2025), figures that demonstrate the magnitude of state-provided protection. However, this increase in spending must be viewed in the context of an aging population and pent-up demand. Despite the volume of spending, recent data from Agência Gov (Brazil, 2025) point to a 3.8% reduction in the General Social Security deficit in 2024, driven by a strengthening labor market. The narrative that social security is "unaffordable" often ignores the system's revenue-generating potential and the political choices that drain resources from it. Sustainability therefore requires not the dismantling of guarantees, but a new pact for fiscal justice.

In the realm of Social Assistance, a paradigm shift is underway: the system is shedding the old trappings of patronage and "first-ladyism" to assert itself as a matter of state policy. Management must be guided by impartiality and the guarantee of rights, breaking with traditional political welfare. The implementation of the Unified Social Assistance System (SUAS) seeks to consolidate a professionalized state network in which protection does not depend on merit. One of the most significant instruments of this policy is the Continuous Cash Benefit (BPC), which guarantees a minimum income to the elderly and people with disabilities living in extreme poverty.

The Federal Supreme Court (STF), in ruling on Complaint 4,374 (Brazil, 2013c) and Extraordinary Appeal 567,985 (Brazil, 2013a), reinforced the protective nature of this benefit by declaring unconstitutional the rigid cap on *per capita* income at one-fourth of the minimum wage. This decision highlights the need to adapt legal metrics to the factual reality of poverty, recognizing that dignity cannot be confined to rigid mathematical formulas.

The expansion of coverage to rural workers was one of the greatest achievements of the 1988 Constitution, drastically reducing poverty in rural areas. Rural Social Security, although it maintains different contribution rules, plays an essential redistributive role. The equalization

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of benefits and the reduction of the retirement age for rural workers acknowledged the historical exclusion of this population.

The microeconomic impact of this policy is measurable: in thousands of small municipalities, Social Security benefits inject more resources into the local economy than transfers from the Municipal Participation Fund (FPM). This measure has revitalized the economy of rural areas and prevented unchecked rural exodus, ensuring the livelihood of families who would otherwise migrate to urban peripheries in search of survival.

The reach of Social Security transcends the protection against individual risk to become the main driver of the local economy across vast swaths of the national territory, facilitating a more effective decentralization of income than the constitutional tax mechanisms themselves. Data compiled by the National Association of Tax Auditors of the Brazilian Federal Revenue Service (ANFIP) in its 2024 reference report reveal a phenomenon of reversed financial flows that defies traditional fiscal logic: in 4,103 Brazilian municipalities—which corresponds to approximately 73.7% of all cities in the country—the volume of funds injected directly through benefits from the General Social Security System (RGPS) exceeds the transfers from the Municipal Participation Fund (FPM) (França *et al.*, 2024).

This injection of liquidity acts as an instantaneous “multiplier effect” on retail trade and the local service sector, proving that social security is not merely a mechanism for social support or “sunk expenditure,” but rather the Republic’s most robust regional development policy, without which thousands of small local economies would suffer systemic collapse.

The systemic interconnection among the three pillars—Health, Social Security, and Social Assistance—is what ensures the effectiveness of the safety net. This study sought to demonstrate that the effectiveness of social protection depends on coordinated and harmonious action among these areas. However, the fragmentation of public administration and the lack of coordination among these policies were identified as bottlenecks that reduce the efficiency of public spending and hinder citizens' access to services. Still on the subject of management, the elimination of coordinating bodies, such as the National Social Security Council, has weakened the State's capacity for a coordinated response to social demands.

Social participation and democratic management are instrumental guarantees for the system's effectiveness. Health and welfare councils, with equal representation, are vital forums for the oversight of public policies. From the philosophical perspective of human development, Social Security must be understood as a guarantor of "instrumental freedoms," a central concept in the work of Amartya Sen (2010). Benefits such as basic income and protective security allow individuals— —to develop their capabilities and act as agents of their own lives. The deprivation of social protection undermines the freedom to live with dignity.

The fight against gender and racial inequalities necessarily involves strengthening Social Security. Policies for maternity protection and pension equality are indispensable mechanisms for correcting historical distortions that disproportionately affect women and Black people. By recognizing the constitutionality of differentiated pension rules to protect women, the Federal Supreme Court (STF) validated "affirmative action" as an instrument of social justice. Furthermore, the taxation of maternity pay was declared unconstitutional by the STF in Case No. 72, which represented a step forward in protecting women's access to the labor market. The Court held that limiting this benefit or taxing it improperly would discourage the hiring of women, thereby violating the principle of equality. Social Security thus serves as an instrument of equity, rather than one that perpetuates privileges.

As discussed in depth, the system's financing faces challenges stemming from fiscal management, notably the Decoupling of Federal Revenues (DRU). This mechanism allows a significant portion of social security funds to be diverted to the federal budget, where they are

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used to pay interest on the public debt. This practice, described as “perverse alchemy,” drains essential funds from health care and social security, weakening the social safety net.

Additionally, tax breaks granted to various economic sectors negatively impact tax revenue. It is estimated that billions of reais are lost in tax revenue annually due to tax exemptions, often without effective social compensation. Such policies shift the burden of financing onto workers, accentuating the regressive nature of taxation in Brazil.

The sustainability of the system emerged as a cross-cutting and urgent issue in this analysis. The conclusions indicate that financial balance cannot be achieved solely by cutting benefits but requires a thorough review of funding sources. Combating tax evasion and reviewing inefficient tax breaks are necessary steps to ensure future viability.

The judicialization of Social Security is a symptom of failures in public administration and insufficient administrative coverage. The high volume of litigation reveals a pent-up demand for social protection that goes unmet through administrative and bureaucratic channels . Literally thousands of citizens turn to the courts to secure access to denied benefits, signaling the need for improvements in public management. The hyper-judicialization of Social Security reached an alarming peak in 2024, revealing an administrative pathology that spills over into the judiciary and threatens the timeliness of judicial proceedings.

Updated data from the National Council of Justice (CNJ) Statistics Panel indicate that the backlog of pending social security cases surpassed the historic milestone of 5.2 million in September 2024, with approximately 2.5 million new cases filed this year alone, making social security law one of the biggest bottlenecks in the Brazilian justice system (Consultor Jurídico, 2024).

This massive volume—in which the INSS invariably appears as the country’s largest defendant—does not merely reflect a culture of litigation, but also an acute symptom of a “crisis

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of effectiveness" in the administrative process, where the denial of fundamental rights drives millions of insured individuals to the courts as *a last resort* to ensure their survival, transforming judges into the ultimate administrators of a public policy that should be resolved at the agency's service counter.

In this context, the Judiciary acts as the ultimate guarantor of social rights in the face of administrative inefficiency. By ensuring access to medications and benefits, the Judiciary acts as a channel for the realization of citizenship. However, ideally, the State should improve its public policies to reduce the need for constant judicial intervention.

The phenomenon of "uberization" and the precarious nature of labor relations pose new and urgent challenges to Social Security. The authorization of unrestricted outsourcing, upheld by the Federal Supreme Court (STF) in Case No. 725, poses severe challenges to financing, requiring new funding mechanisms that do not depend exclusively on the formal payroll. Expanding coverage to these new workers is vital to prevent a legion of vulnerable people in the future.

The legal principle prohibiting social regression has established itself as the primary interpretive tool for resisting the dismantling of social rights. The STF has invoked this principle to prevent legislative reforms from undermining the essential core of social rights, thereby ensuring legal certainty for citizens. Although it has been relaxed in the face of constitutional reforms, the essential core of this principle remains in force.

The protection of children and adolescents—an absolute priority of the Constitution—is intrinsically dependent on a strong social safety net. Programs to combat child hunger and malnutrition, combined with health monitoring, are the only barrier between a poor child and a future of underdevelopment. Investing in Social Security is, therefore, investing in the human capital of the future.

The inclusion of people with disabilities in the labor market and in community life is another essential facet of social security. The BPC (Cash Benefit Program for People with Disabilities) and rehabilitation services are vital to ensuring that disability is not a sentence of exclusion. The Federal Supreme Court (STF) has upheld this inclusive vision, ensuring that the criteria for granting benefits serve as bridges to full citizenship.

Theoretically, Social Security can be understood as a "public good," characterized by non-rivalry and non-excludability. From the perspective of regional public goods, the eradication of diseases and social protection benefit the entire community, generating positive externalities. Recognizing social security from this perspective implies that the State must actively work to ensure its universal provision (Fibrans; Santos, 2022).

In summary, Social Security is the cornerstone of Brazilian democracy, indispensable for building a free, just, and compassionate society. The system, despite its imperfections, constitutes the only effective barrier between civilization and barbarism for the majority of the population. Defending Social Security is not a corporate issue, but a constitutional imperative for the preservation of human dignity. Finally, the research points to the need for a new social pact centered on Social Security.

The future of social protection in Brazil will depend on the ability of the State and society to reinvent solidarity in a changing world. Strengthening this system is an urgent constitutional duty for building a Brazil that leaves no one behind.

FINAL CONSIDERATIONS

This study traced the complex trajectory of Social Security in Brazil, analyzing it not merely as a compendium of state regulations, but as the fundamental architecture of citizenship and the "backbone" of social cohesion in a country marked by structural inequalities. The

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research confirmed the central argument that the 1988 Constitution brought about a paradigm shift, transforming the old logic of meritocratic and corporatist social insurance into a universal, solidarity-based, and democratic system of protection, designed to support the individual from cradle to grave.

The methodological rigor employed—embodied in a qualitative approach involving a literature review and documentary analysis of the case law of the Federal Supreme Court (STF) from 1988 to 2025—proved to be an effective hermeneutic tool. The triangulation of legal doctrine, the sociology of poverty, and political economy made it possible to capture the dynamic nature of the subject under study, demonstrating that social security is not static but rather a constant battleground between the promise of fundamental rights and the imposition of budgetary constraints.

The historical analysis showed that the transition to the Social Security model integrated Health, Social Security, and Social Assistance into an inseparable triad, aimed at the comprehensive protection of human life. It was demonstrated that this integration is the only possible response to the idiosyncrasies of Brazilian underdevelopment, where poverty is not an accident but a historical project. The research corroborated the hypothesis that, without the protection of this "shield of dignity," social barbarism would be the inevitable fate of millions of Brazilians, especially in rural areas and urban peripheries.

With regard to the research problem—centered on the dialectical tension between the effectiveness of social rights and the scarcity of resources—the findings point to a systemic contradiction. Although the Constitution has outlined a robust and diversified financing model (Art. 195), the political practice of revenue decoupling (DRU) and the indiscriminate granting of tax breaks have been identified as mechanisms of "accounting alchemy" that drain the system's financial vitality, creating artificial deficits that serve as a pretext for reforms that restrict rights.

The evolution of the STF's case law, mapped out in three distinct phases, demonstrated the ambivalent role of the Constitutional Court. In the first period (1988–2008), the Court acted as the primary architect of implementation, guaranteeing universal health care and the inclusion of rural workers. The establishment of the principle prohibiting social regression during this period served as a hermeneutic containment barrier— —preventing economic instability from serving as a pretext for dismantling recently won guarantees.

In the intermediate phase (2008–2018), institutional maturation characterized by judicial rationalization was observed. The STF made significant progress in redefining the concept of extreme poverty, moving beyond the obsolete arithmetic criterion of one-quarter of the minimum wage for the BPC and recognizing that social vulnerability is multidimensional. However, the study also identified the onset of an "actuarial shift," in which the Court began to impose limits on judicial activism in matters of high financial impact, such as the prohibition on "de-retirement."

The most recent period (2018–2025) proved to be the most tense and dramatic, reflecting the intensification of the economic and health crises. A critical analysis of the rulings points to a Federal Supreme Court that, although it reaffirmed the essential nature of social security as a safeguard for life during the COVID-19 pandemic, yielded to the logic of fiscal austerity on structural social security issues. The validation of the 2019 Social Security Reform and the revision of the "Lifetime Review" doctrine in 2024 highlight the prevalence of economic "reason of state" over the right to the best benefits.

Sociologically, the research confirmed that Social Security acts as the primary mechanism for income redistribution in Brazil. Rural Social Security, in particular, has emerged not only as a welfare policy but as an economic engine for thousands of municipalities, where social security benefits exceed constitutional transfers, boosting local commerce and ensuring family subsistence. Dismantling this structure would condemn the country's interior to economic stagnation and unchecked exodus.

Social Assistance was redefined in the analysis as an inalienable republican right, definitively shedding the trappings of patronage and "first-ladyism." The professionalization of management through the SUAS was identified as a crucial civilizational advance in serving those "invisible" to the labor market. The Continuous Cash Benefit (BPC) has established itself as the last line of defense between a minimum standard of dignity and absolute destitution for the elderly and people with disabilities.

Public health, embodied in the Unified Health System (SUS), has proven to be the most democratic and resilient foundation of social security. Despite chronic underfunding, the system has guaranteed universal and comprehensive access, functioning as an equalizer of opportunities. The judicialization of health care, far from being merely an administrative pathology, was interpreted in this study as a vital symptom of active citizenship, in which society uses the judiciary to demand compliance with the constitutional pact to protect life.

Gender and racial inequalities were treated as indispensable cross-cutting themes for understanding the effectiveness of the social security system. The study highlighted that maternity protection policies and the differentiated retirement requirements for women are not privileges, but mechanisms of compensatory justice that recognize the double burden and historical discrimination in the labor market. The jurisprudence of the Federal Supreme Court (STF) has been sensitive to these asymmetries, ensuring that the social security system functions as an instrument of equity.

The future sustainability of the system—a central concern today—cannot be achieved simply by eliminating rights. The findings indicate that financial balance requires, above all, tax justice. Combating tax evasion, reviewing inefficient tax exemptions, and protecting earmarked revenues from being reallocated (DRU) are essential steps to ensure actuarial viability without sacrificing social protection.

The phenomenon of "uberization" and the increasing precariousness of labor relations pose unprecedented challenges that require a reinvention of funding sources. The study warns that excessive reliance on payroll makes social security vulnerable to the new dynamics of capital. It is imperative that taxation extend to new forms of digital wealth and financial profits, ensuring that economic modernization translates into collective well-being and not merely into income concentration.

The principle of solidarity was reaffirmed as the cornerstone of the entire system. Social security is not an individual capitalization contract, but a collective pact through which society protects its members against misfortune. The individualization of risks, proposed by neoliberal agendas, was critically analyzed as a threat to national cohesion, as it breaks with the logic that the well-being of one depends on the security of all.

Democratic management and social participation have emerged as instrumental guarantees for the system's effectiveness. Transparency and the oversight exercised by rights councils are vital to prevent misappropriation and ensure that resources reach the front . The weakening of these bodies represents a democratic setback that undermines the legitimacy of public policies.

Judicial recourse, while highlighting management failures, has established itself as a legitimate avenue for asserting rights. The Judiciary, by acting as the ultimate guarantor, corrects the State's omissions and ensures that the Constitution does not become a mere "piece of paper." However, the research points to the need for a more intense institutional dialogue to prevent judicial decisions from disrupting the macro-level planning of public policies.

The prohibition against social regression, despite recent relaxations, remains the guiding principle of constitutional interpretation. The study concludes that the "essential core" of social rights is inviolable and cannot be abolished, not even by constitutional amendments. Human dignity imposes an insurmountable limit on the economy's tragic choices, reaffirming that life has no price, but it does have dignity.

In summary, the Brazilian Social Security system stands as a non-negotiable achievement of civilization. It represents the political choice of a nation that has decided not to tolerate extreme poverty and neglect as the natural costs of development. Defending this system requires constant vigilance against setbacks and creativity to address the challenges of the 21st century.

Finally, it can be concluded that the implementation of Social Security is a *sine qua non* for the existence of substantive democracy in Brazil. Without the guarantee of minimum conditions for material survival, political freedom is an abstraction and citizenship a chimera. The country's future depends fundamentally on its ability to maintain, finance, and improve this safety net, honoring the solidarity pact signed in 1988 so that Brazil may, in fact, be a free, just, and supportive nation for all.

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