



URGENCY AND INJUSTICE: THE IMMEDIATE NEED FOR SUPPORT IN RETIREMENT DUE TO PERMANENT DISABILITY



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ABSTRACT

Social Security in Brazil, established by the Federal Constitution of 1988, is an integrated system of health, social security and social assistance, essential for dignity and collective well-being. It is based on principles such as universality, uniformity, selectivity, irreducibility and equity in costing, carried out in a tripartite manner between society, employers and the State. The system faces significant challenges, such as projections of accelerated growth in the number of social security beneficiaries by 2060, driven by population aging, which may compromise the relationship between contributors and beneficiaries. The inclusion of informal workers and the mitigation of regional and socioeconomic inequalities are also obstacles to the expansion of social security coverage. The digitalization of INSS services emerges as a strategy to increase efficiency, but the digital divide requires the preservation of face-to-face channels, especially to serve the most vulnerable populations. The delay in granting benefits directly affects the livelihood and mental health of the insured, revealing the urgency of a more agile, efficient and humanized system, with integrated psychological support. It is concluded that Brazilian Social Security requires continuous efforts to ensure its financial sustainability, expand its coverage, eliminate barriers to access and promote dignified, fair and truly inclusive care.

Keywords: Social security. Disability benefit. Security.

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INTRODUCTION

Social Security, erected as one of the foundations of the Democratic Rule of Law by the Federal Constitution of 1988, transcends the traditional conception of public assistance, consolidating itself as an integrated and indispensable system for the preservation of the dignity of the human person and the promotion of collective well-being. Structured based on the triad of health, social security and social assistance, its purpose is to ensure fundamental rights to those in situations of vulnerability, social risk or who, throughout their work trajectory, have contributed to the development of society.

The Federal Constitution of 1988 in its article 194 that social security comprises an integrated set of actions initiated by the Public Authorities and society, aimed at ensuring the rights related to health, social security and social assistance. It also guarantees the social security benefit of disability retirement, instituted by Law No. 8,213/91 to workers unable to work, a monthly income in order to meet their needs. Retirement is an essential element because it guarantees the survival of the person unable to perform their functions due to their health.

Article 5 - Everyone is equal before the law, regardless of any form of discrimination, guaranteeing the rights to life, liberty, equality, security and property. However, the rejected applications mean that the applicants are forced to perform their functions, working unable to provide for themselves and their family, even with the difficulties and limitations resulting from illnesses or disabilities.

Article 1, item III, of the Federal Constitution of 1988 establishes the dignity of the human person as one of the foundations. This principle is one of the pillars of the Brazilian legal system and is the basis for the interpretation and application of all constitutional and legal provisions. Human dignity is a broad concept that includes the appreciation and respect of individuality, physical and mental integrity, freedom, equality and other fundamental rights for all human beings.

Therefore, understanding the implications of disability retirement on workers' health is crucial to improve the support and resources available to these individuals. It can help encourage more efficient policies and practices. Studying this question also helps the progress of scientific knowledge and can result in new discoveries that benefit both affected workers and society at large.

Therefore, a literature review will be carried out, searching for existing studies, articles and research on the subject. Understanding that this can provide an overview of key findings and trends related to the health consequences of disability retirement for workers.

The scope of this paper is to offer a comprehensive analysis of Social Security in Brazil, addressing its normative conception, the constitutional principles that govern it, the complex financing mechanisms that sustain it, the structural and conjunctural challenges that affect its effectiveness, as well as the projections that outline its future. In addition, practical aspects of great relevance to the population are examined, such as the persistent queues at the National Institute of Social Security (INSS) and the process of digitization of public services.

More than describing the structure and functioning of the system, this analysis seeks to foster a critical reflection on the urgency of ensuring its sustainability, increasing its efficiency and reaffirming its commitment to social justice as a guiding principle of its actions.

WHAT IS SOCIAL SECURITY

Social Security is a complex system of great importance for the social protection of citizens, and is based on the Federal Constitution of 1988, specifically in articles 194 to 204, which defines it as an integrated set of actions by the public authorities and society to ensure rights related to health, social security and social assistance. and it is based on principles such as the universality of coverage and service, seeking to reach all citizens in their needs; the uniformity and equivalence of benefits and services for urban and rural populations; selectivity and distributivity in the provision of services, prioritizing those who need it most; the irreducibility of the value of benefits; and equity in the form of participation in the costing.

Article 194. Social security comprises an integrated set of actions initiated by the Public Authorities and society, aimed at ensuring the rights related to health, social security and social assistance.

According to IPEA (2022), Social Security comprises a set of public policies aimed at ensuring social protection for the entire population. It ensures basic rights such as health, social assistance and social security, based on human dignity, solidarity and social justice as principles. Through the State, the actions implemented within the scope of Social Security aim to ensure a minimum level of well-being, which involves guaranteeing economic security, maintaining health and preserving life and human dignity.

THE ROLE OF SOCIAL SECURITY IN SUPPORTING VULNERABLE CITIZENS

Social Security represents a crucial foundation to ensure the rights of citizens, actively operating to offer support in situations that naturally lead to social vulnerability. Its

main objective is to provide indispensable support when people and families are faced with moments of fragility, originating from unforeseen events such as illnesses, work limitations, aging, the death of a family member, the lack of professional occupation and the birth of a child. By mitigating the adverse consequences of these events, Social Security seeks to maintain the dignity of the human person and foster a basic level of well-being for society, establishing a protection structure that aims to ensure maintenance and assistance in significant phases of existence.

Also according to IPEA (2022) Incapacity for work, whether due to illness, permanent disability, advanced age or seclusion, insufficiency or absence of income in population groups such as children, the elderly and adults without a formal relationship in the labor market, vulnerability related to the life cycle, injuries and violence; and illness and health problems, Brazilian Social Security must observe the following principles and guidelines based on the federal constitution: I - universality of coverage and care; II - uniformity and equivalence of benefits and services to urban and rural populations; III - selectivity and distributivity in the provision of benefits and services; IV - irreducibility of the value of the benefits; V – equity in the form of participation in the costing; VI – diversity of the financing base, identifying, in specific accounting items for each area, the revenues and expenses linked to health, social security and social assistance actions, preserving the contributory nature of social security; and VII – democratic and decentralized character of the administration, through quadripartite management, with the participation of workers, employers, retirees and the Government in the collegiate bodies.

According to the Institute of Applied Economic Research (IPEA, 2022). The organization of modern social security systems, including the Brazilian one, also has solidarity as a principle, which presupposes the financing of the benefits offered to the population by the whole society through general taxes. This means that everyone contributes to ensuring that these benefits are ensured to those who need them.

With this in mind, it is understood that Social Security reflects a vision of society where social responsibility and mutual support are central values. It is a recognition that individual well-being is intrinsically linked to collective well-being, and that investing in social protection is investing in the very stability and development of the nation. Ignoring or weakening this principle can lead to increased inequalities and greater vulnerability of a significant portion of the population.

FORM OF FINANCING SOCIAL SECURITY

Social Security in Brazil is financed by the whole society, through resources from the budgets of the Union, the states, the Federal District and the municipalities, and from the following social contributions: From the employer, the company and the entity equivalent to it, levied on: a) the payroll and other labor income paid or credited, in any capacity, to the individual who provides services to him, even without an employment relationship; b) revenue or billing; and c) profit; Workers and other social security insured persons, with progressive rates being adopted according to the amount of the contribution salary, with no contribution on retirement and pension granted by the General Social Security System; On the revenue from prediction contests (lotteries); and Importer of goods or services from abroad, or whoever the law equates to him (IPEA, 2022).

Based on this information, it is understood that this structure seeks to ensure the sustainability of health, social security, and social assistance systems, allowing the coverage of benefits such as retirements, pensions, aid, and access to health services for the local population. Efficient management and rigorous supervision of these sources of funds are crucial to ensure the continuity and quality of services offered to the population and to address the demographic and economic challenges that impact social security.

PROJECTIONS FOR THE FUTURE OF BRAZILIAN SOCIAL SECURITY

A recent study by the Institute of Applied Economic Research (IPEA, 2024) estimates that the number of Social Security beneficiaries could double by 2060, reaching 66 million.

Number of taxpayers expected to fall from 61.8 million in 2022 to 57.2 million in 2060. The total number of beneficiaries of retirement, death pension or Continuous Provision Benefits provided for in the Organic Law of Social Assistance (BPC/Loas) would grow from the level of 31.4 million in 2022 to 66.4 million in 2060, more than doubling over almost four decades. This estimate is presented in the study "Evolution and long-term projection of taxpayers and beneficiaries and implications for the financing of social security", published by the Institute of Applied Economic Research (Ipea). Following this projection, 2060 may have more beneficiaries than taxpayers in the country.

The study reveals that the projection for the total number of contributors to social security, considering people aged 16 and over, indicates a significant reduction over the period analyzed. This number decreases from 61.8 million in 2022 to a projection of 57.2 million in 2060, a lower level than the current one. As a result, the relationship between taxpayers and beneficiaries would also change. It is estimated that the ratio of 1.97 contributors to each beneficiary, observed in 2022, would decrease to 0.86 in 2060. This

drop suggests that, in the last projected year, there could be more beneficiaries than contributors, other factors remaining constant.

The total benefits of the General Social Security Regime (RGPS) tend to exceed the total of the elderly population, due to the possibility of accumulating benefits (retirement and death pension, for example) and the granting of benefits to non-elderly people for reasons of temporary or permanent disability (sickness benefit and disability retirement), imprisonment or detention of insured persons with dependents and maternity leave.

"The message is to show the structural trend of decrease in the ratio of contributors to beneficiary of social security due to the rapid and intense process of population aging that Brazil has been going through. This worsening of this relationship can and should be mitigated with policies that reduce informality, unemployment and stimulate the growth of the participation rate, especially of women", comments Rogério Nagamine, a specialist in public policies and government management at Ipea and author of the study, together with the specialist in public policies and government management, Graziela Ansiliero.

The projected quantities were applied to the calculation of the so-called cost of the pay-as-you-go system, which can be understood as an estimate of the rate necessary for the full cost of the social security system. The result, due to the worsening of the ratio of taxpayers per beneficiary, is a trend of a significant increase in the cost of the pay-as-you-go system, whose necessary rate increases from a current level of 32.2% in 2022 to 73.6% in 2060.

The study also highlights the aging process of the workforce in Brazil. The participation of persons aged 40 and over in the total workforce (aged 16 and over) increased from 39.5% to 45.1% between the fourth quarter of 2012 and the same period in 2022. Projections indicate that this proportion should reach 54.4% in 2060, representing more than half of the country's total workforce. In addition, an increase in the participation of persons aged 50 and over in the economically active workforce (aged 16 and over) is expected, which increased from 18.6% to 22.4% between the fourth quarter of 2012 and the same period of 2022. It is estimated that by 2060 this share will reach about 32%, approaching a third of the workforce.

"This structural trend, from a demographic point of view, needs to be taken into account in necessary and, currently, insufficient debates on the medium and long-term financing of social security and social security, given that the political discussion is usually more focused on the short term. This consideration is important in the current context of tax reform", concludes Nagamine.

CHALLENGES OF SOCIAL SECURITY COVERAGE: INFORMAL WORKERS AND INEQUALITIES

It is understood that, in order to ensure the sustainability of the social security policy, in addition to reviewing the forms of financing, it is recommended to adopt mechanisms that allow the automatic adjustment of the rules of eligibility for benefits, following the increase in the life expectancy of the elderly population. This initiative can favor a more balanced distribution of income and expand equity within the system.

According to (IPEA, 2023) With EC No. 103/2019, the differences between rural and urban workers widened and the difference in retirement age between men and women in the rural clientele of the RGPS was maintained. It is necessary to study the effects on the equity of the system resulting from this expansion. Depending on the outcome of the analysis, one recommendation will be to review the minimum rural retirement ages, as well as the gender differentials within each clientele.

According to Ipea (2023), to ensure the sustainability of social security, it is necessary to analyze each retirement plan separately and as a whole. In this sense, a challenge is to generate and consider evidence on the response of workers and insured persons to the rules and available plans, as well as to the changes imposed by the social security (carried out in 2019) and labor (approved in 2017) reforms. With regard to social security protection, it is recommended that studies be carried out on the real lack of social security protection and on the behaviors and reactions of workers from different cohorts to the rules of social security systems in order to better inform proposals for improving the design of public policies, in order to reduce inequalities in Brazilian society. This investigation has become more important after the various recent legal changes. In the labor field, it is recommended to study in depth the effects of the introduction of intermittent work and the authorization to outsource enterprise activities on social security coverage and also on inequality.

In short, the sustainability of Brazilian social security requires an effort to constantly update policies, based on solid empirical evidence, interdisciplinary analyses, and a commitment to reducing inequalities. This requires a State attentive to changes in the profile of workers, new forms of occupation and the impacts of reforms already carried out, so that the social security system continues to fulfill its essential function of social protection.

DIGITIZATION AND QUEUES AT THE INSS: LIMITS AND STRATEGIES

IPEA (2023) concluded that: for the adequate social security inclusion of the Brazilian population at a time when it needs the support of social security policies and the promotion of equity, it is necessary that the citizen, especially the individual whose access to information and communication technologies is precarious, be served quickly and effectively. The digitalization and computerization of procedures with the INSS are important measures to improve service, with modernization and streamlining of processes, but, considering the high inequality of access to new technologies among citizens, it is still necessary to pay special attention to serving the population most in need of resources. The challenge for the digitalization of INSS services is enormous, depending on the expansion of the population's access, and of low-income elderly in particular, to the internet.

After all, according to the 2021 ICT Households survey, low-income families less often have a computer at home and more frequently access the internet exclusively through mobile broadband from prepaid plans. Furthermore, among the elderly population, the main public of social security, only 48% were internet users and 50% of these declared having used electronic government in the twelve months prior to the survey. In short, Melchiori (2020) indicates that the lower the family income, the lower the schooling and the higher the age, the lower the use of e-government services.

In this sense, despite the positive effects of digitalization to facilitate access for a considerable part of the insured, mitigating problems related to the shortage of servers and improving the control and security of administrative actions, it is recommended to evaluate the effects of recent measures related to the digitalization of the application procedures and demands of the insured with the INSS, in particular, in relation to insured persons with no or limited access to digital tools. It will be necessary to find ways to promote digital access for the neediest population and to reinforce face-to-face service in places where digital access is less viable.

It is worth mentioning that, recently, the implementation of the right of insured persons of the General Social Security Regime (RGPS) to benefits has been frequently postponed due to the long waiting lines for the INSS to analyze the requests.

To end the queues and ensure that policyholders and citizens receive the benefits they are entitled to faster, it seems essential to increase the number of employees, review existing processes and, if necessary, reformulate them for greater agility and efficiency.

CONSEQUENCES OF DELAYS IN OBTAINING BENEFITS BY THE INSURED

Even with all the constitutional protection, the provision of services related to health, assistance and social security is deficient.

Social Security has been dragging a crisis that has lasted decades, in addition to the immense difficulty of operating in person in a continuous, organized and effective way. One of the most common difficulties is the waiting lines for the insured to appear before an expert or analyst and prove that they are entitled to receive their social security benefit.

The services have been increasingly precarious: there is a lack of medical experts, properly adequate places with accessibility for the insured, as well as adequate accommodation and equipment for the servers so that they can perform their work with dignity. In this context, Betoni (2022) observes that insured persons face relevant obstacles in accessing disability benefits, especially due to the slowness in medical examinations and the deficient structure of the services provided by the INSS.

In view of this, it is understood that it cannot be said that the growth of supplementary/private pension entities is responsible for a negative financial impact on the public coffers, under the allegation that the insured would allocate his contributions to a regime other than the public one. The compromise of the benefits provided by the General Social Security Regime is mainly due to poor public management.

Betoni (2022) points out that it is known that the insured only really seeks his right as a taxpayer in case of extreme need currently in Brazil. Since, no citizen wants to go through all the inconvenience that the request presents.

Today there are two major impacts that directly affect the life of the taxpayer and his livelihood: the excessive delay in scheduling the examinations and consequently the social security limbo. Where the taxpayer does not receive either from the INSS or from his employer, he is unable to return to work even if self-employed, and he is unable to appear at the expert examination in a timely manner. Which evidently compromises his livelihood and that of his family.

The vast majority of Brazilians who depend on social security for subsistence, and if this system does not work, it causes numerous inconveniences. The lack of decent food on the table of the worker who is the head of the family is the main one. And not only in terms of food, many families are harmed, but when needing and seeking the support of social security, the insured is sick, needing pecunia, that is, the deferral of the benefit to continue treatments and purchase medications. So, the rejection and especially the excessive waiting can cause irreparable damage to the personal and family nature.

It is important to reflect on the psychological impact caused to insured persons who, even with an evident right to the benefit, face a slow, bureaucratic, and often unfair social security system. It is not uncommon for benefits to be rejected even in the face of clear evidence of disability, which has serious consequences not only for the insured, but for his entire family. The reality of many Brazilians is marked by the need to return to work even without physical or mental conditions, just to ensure the livelihood of the home. Such a situation exposes the citizen to constant pain, the risk of worsening his health condition and deep emotional suffering. The question that remains is: what is the psychology of someone who has to choose between his health and the hunger of his own family? This is a cruel choice that reveals the distance between the constitutional right to social security and its effective realization in people's lives.

In view of these circumstances, it is essential for psychology professionals to work together to monitor insured persons who face this type of situation. The emotional impact caused by the denial of a benefit, financial insecurity, and the feeling of injustice can trigger anxiety, depression, stress, and even existential crises. The presence of psychologists in the Social Assistance Reference Centers (CRAS), in the INSS centers and in public health institutions is essential to offer support, guidance and welcome to these citizens. In addition to taking care of mental health, psychological care can help the insured to understand their rights, organize their experience of suffering and seek alternatives, strengthening their autonomy and hope in the midst of an often inhumane system. Psychological assistance, therefore, is not a luxury, but a necessary component for the realization of the dignity of the human person in the social security context.

With this in mind, it is essential that the social security system is not limited to guaranteeing only financial benefits, but that it also considers the psychological and emotional needs of the insured. Psychology should be recognized as an essential right within the social protection network, being vital to help the individual deal with the emotional consequences of delays and denial of benefits. The absence of psychological support can aggravate the social and emotional vulnerability of citizens, intensifying the suffering generated by bureaucracy and the inefficiency of the system. In this sense, it is imperative that the State adopt public policies that integrate psychological care for insured persons in the process of expertise or who are in social security limbo, ensuring access to guidance and emotional support. In addition to serving as support for facing the challenges of the system, psychological care can also work as a tool for education and clarification, allowing citizens to better understand their rights and face the situation with more resilience. Thus,

psychology not only strengthens the dignity of the insured, but also contributes to a more humane and fair experience in the process of accessing Social Security benefits.

Complementing the reasoning, according to Carmo (2024), The delay in granting any of the Social Security Benefits applicable to the insured, whether definitive or temporary, may negatively impact the life of the individual requester. This is because, when the Insured Person activates the INSS, he is already before that body as a result of a certain personal or family vulnerability that affects him. With the delay in the Granting of this Social Security Support, the survival of the Insured and his family is compromised.

CONCLUSION

Brazilian Social Security, established by the Federal Constitution of 1988, is a broad social protection system structured on the pillars of health, social security and social assistance. Based on the constitutional principles of universality of coverage, uniformity and equivalence of benefits and services, selectivity and distributivity, irreducibility of the value of benefits, equity in the form of participation in funding and solidarity (art. 194, CF/88), it aims to ensure a minimum level of well-being and human dignity for citizens, especially in times of vulnerability.

The financing of Social Security is tripartite, involving society, employers and the State, according to article 195 of the Federal Constitution. This structure demonstrates the collective character of responsibility in maintaining this essential system for the promotion of social justice.

However, the future projections of Social Security reveal a challenging scenario. Population aging and the inversion of the relationship between taxpayers and beneficiaries indicate a worrying structural trend, requiring a continuous debate and the implementation of public policies that promote the financial sustainability of the system. Among these policies, the reduction of informality, the encouragement of the formalization of work and the monitoring of demographic transformations stand out.

Social security coverage faces significant obstacles, especially regarding the inclusion of informal workers and the mitigation of regional and socioeconomic inequalities. The adequacy of eligibility rules, the individualized analysis of retirement plans, and the understanding of workers' responses to pension reforms are essential measures to ensure the equity and continuity of the system.

The digitalization of the services of the National Institute of Social Security (INSS) emerges as a relevant tool to improve administrative efficiency and access to services. However, the existence of queues, the digital divide and the difficulties faced by vulnerable

populations require the maintenance of face-to-face and effective service channels, in accordance with the principles of continuity of public service and the dignity of the human person (art. 1, III and art. 37, FC/88).

The delay in granting social security benefits has direct impacts on the livelihood and emotional well-being of the insured, reinforcing the need for a faster, more efficient and humanized system. In this sense, the integration of psychological assistance as part of the social protection network becomes crucial to mitigate the emotional suffering of the insured in the face of the adversities of the system.

In view of the above, Brazilian Social Security, although robust in its constitutional framework and relevant in citizen protection, faces complex challenges. The search for financial sustainability, the expansion of coverage, the overcoming of access barriers and the humanization of care are imperative for this system to continue to fulfill its essential function of ensuring social justice, equity and human dignity to all Brazilians.

REFERENCES

1. Betoni, A. F. (2022). As dificuldades enfrentadas pelos segurados do INSS para o deferimento dos benefícios por incapacidade e nas perícias médicas [Trabalho de Conclusão de Curso, Faculdade de Direito de Cachoeiro de Itapemirim]. Repositório FDCI. Recuperado em 11 de abril de 2025, de <https://repositorio.fdc.edu.br/index.php/repositorio/article/view/133>
2. Brasil. (1988). Constituição da República Federativa do Brasil. Presidência da República. Recuperado em 13 de abril de 2025, de https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm
3. Brasil. (2019). Emenda Constitucional nº 103, de 12 de novembro de 2019. Altera o sistema de previdência social e estabelece regras de transição e disposições transitórias. Presidência da República. Recuperado em 13 de abril de 2025, de https://www.planalto.gov.br/ccivil_03/constituicao/emendas/emc/emc103.htm
4. Brasil. Ministério da Previdência Social. (2024). Portal da Transparência Previdenciária. Recuperado em 10 de abril de 2025, de <https://www.gov.br/previdencia/pt-br/assuntos/transparencia-previdenciaria>
5. Carmo, Y. S. (2024). Responsabilidade civil do Instituto Nacional do Seguro Social (INSS) pelo atraso na concessão de benefícios previdenciários [Trabalho de Conclusão de Curso, Universidade do Estado da Bahia]. Não publicado.
6. Costanzi, R. N., & Ansiliero, G. (2024). Evolução e projeção de longo prazo de contribuintes e beneficiários e implicações para o financiamento da previdência social (Texto para Discussão, n. 2988). Instituto de Pesquisa Econômica Aplicada. <https://doi.org/10.38116/td2988-port>
7. Instituto de Pesquisa Econômica Aplicada. (2022). O que é a seguridade social. Recuperado em 13 de abril de 2025, de <https://www.ipea.gov.br/portal/categorias/164-beneficiometro-projeto/14038-o-que-e-a-seguridade-social>
8. Silva Filho, G. A., Ansiliero, G., Rangel, L. A., & Vaz, F. M. (2023). Previdência social. Políticas Sociais: Acompanhamento e Análise, (30). Instituto de Pesquisa Econômica Aplicada.