



ECONOMIC VIOLENCE AGAINST THE ELDERLY: A LEGAL AND SOCIAL ANALYSIS OF INSTITUTIONAL MEASURES TO COPE WITH THE ELDERLY



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ABSTRACT

The present study aims to understand economic violence against the elderly, based on a legal and social analysis of institutional coping measures. Economic violence is characterized by the misappropriation of financial resources belonging to the elderly, used for purposes that are not related to their promotion, care and well-being. In this context, the research problem proposes to answer: what are the legal and social aspects of institutional measures aimed at confronting economic violence against the elderly? The investigation was conducted through a qualitative approach, of exploratory character, based on bibliographic research. Scientific productions, such as books, articles and dissertations, that address the proposed theme, were analyzed, allowing the discussion to be based on a theoretical and critical perspective. The results of the research show that economic violence is present in the daily life of the elderly population, manifesting itself mostly in the family context, especially by the children. It is observed that the main victims are widowed women, whose main source of income is the retirement social security benefit. When cases of violence, abandonment and mistreatment are verified, it is common to request protective measures against the aggressor. Such measures are often accompanied by the work of the Social Worker of the Elderly Protection Police Station (DIPD), with the support of the Civil Police, the Public Prosecutor's Office and the Public Prosecutor's Office. Institutional measures to cope with it include actions such as the use of the Human Rights Dial (Dial 100), guidance and conversation circles, as well as inspection of banks and financial institutions, especially during the period of payment of benefits. These initiatives are in line with the precepts established by the Federal Constitution and the Statute of the Elderly, with the purpose of combating economic violence in the elderly.

Keywords: Economic Violence. Elderly. Public Policies. Social Protection. Vulnerability.

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INTRODUCTION

The work intends to discuss economic violence against the elderly in Brazil from the investigation of measures implemented by the protection network. Economic violence arises when someone misappropriates the financial resources of the elderly person, using the value for purposes other than to establish the relationship of promotion of the care of the same. It usually happens on the part of family members, close acquaintances or financial institutions. In this context, the following question arises: what are the legal and social aspects of the institutional measures to confront economic violence against the elderly?

It is also worth mentioning the importance of this research for the social environment, given the increasing increase in economic violence against the elderly. Thus, the protection networks (police stations, public prosecutor's office, civil police, police station for the elderly) thus enabling humanized treatment, the investigation of complaints and the contribution to social welfare, being based on Law 8.842 that characterized the National Policy for the Elderly (PNI), as well as the legal system provided for in the Statute of the Elderly, provided for in Law 10.741/2003 that designates as a criminal act, the conduct of receiving or embezzling goods, money or benefits from elderly individuals.

The objective of the scientific research was to understand economic violence against the elderly from a legal and social analysis of institutional coping measures. As specific objectives: to characterize through Brazilian legislation the Rights of the Elderly, to contextualize the scenario of economic violence against the elderly in the Brazilian context, to describe the main protection networks in the fight against economic violence in the elderly population and to analyze what are the actions and projects implemented by the protection networks for the elderly in the fight against economic violence in Brazil.

The research work was based on an investigation method with a qualitative approach presenting an exploratory objective, through bibliographic research, with authors being found in the literature in scientific productions of books, articles and dissertations through data search on the Google Scholar, Capes and Scielo platforms, including legal works between the years 2003 and 2024 based on the Brazilian Constitution and the Statute of the Elderly. Incomplete and duplicate studies that did not answer the problem question of the proposed theme were excluded.

According to Casarin (2012), qualitative research establishes the information that researchers attribute to their experiences in the social sphere and to how the subjects understand this reality.

For Meadows (2007), exploratory research aims to explore scenarios and possibilities that have not yet been found and discovered. Thus, an exploratory study aims to gain familiarity and acquire new information when dealing with a current situation.

This article is structured in three chapters, the first being presented the Rights of the elderly, the second one brought economic violence and its scenario in the Brazilian context, the third one addressed the protection networks, as well as actions and projects developed to combat the economic violence of the elderly.

FUNDAMENTAL RIGHTS OF THE ELDERLY

In the Brazilian context, the rights of the elderly were only mentioned from the 1934 Constitution, being previously treated as a competence of philanthropic entities or cited only in terms of medical and social security aspects for those who were registered in production boards (Dias, 2013).

For Ramos (2019), this is due to the fact that, under the first Brazilian constitutions, the constituent assembly did not have the main concern of guaranteeing fundamental rights, since most of the population did not even reach old age since living conditions in Brazil were the worst possible.

Thanks to the concern of developed countries with the guarantee of Fundamental Human Rights and after the Military Dictatorship in Brazil, in 1988 the Magna Carta brought as basic principles Citizenship, Equality and Dignity of the Human Person, which reflected in the way the rights of the elderly and old age were treated by legislation and society (Sarlet, 2012).

With regard to the social context, the rule dealt with the subject in its Chapter VII of Title VIII, in which article 230 establishes that "the programs to support the elderly shall be carried out preferably in their homes" and that "those over sixty-five years of age are guaranteed free urban public transport (Brasil, 1988, p. 26).

It was in January 1994, in a scenario of crisis in the care and monitoring of the elderly, that the first law in attention to this age group of the population originated. Therefore, Law 8,842 characterized the National Policy for the Elderly (PNI), where it was the result of numerous claims made by society and evidence from social movements. During this period, there was direct participation of elderly subjects in full activity, educators, retirees, and professionals in the field of geriatrics and gerontology (Braga, 2021).

According to Ramos (2018), the National Policy for the Elderly aims to create conditions to provide longevity with dignity and quality of life, putting into practice actions aimed not only at those who are in the most mature phase of aging, but also at the elderly

who will age, seeking to prevent any forms of discrimination of any nature to the detriment of the elderly, therefore, it is considered the main recipient and agent of the changes to be effected as a result of this policy.

Law 8.842/03 established the human and social rights of the elderly, in order to achieve the full exercise of their citizenship. According to what is highlighted in its first article: "the National Policy for the Elderly aims to ensure the social rights of the elderly, creating conditions to promote their autonomy, integration and effective participation in society" (Brasil, 2003, p. 97). The third article of the law highlights the principles by which the guarantee of the National Policy for the Elderly is governed, which are:

- I - the family, society and the state have the duty to ensure the elderly all the rights of citizenship, guaranteeing their participation in the community, defending their dignity, well-being and the right to life;
- II - the aging process concerns society in general, and should be the object of knowledge and information for all;
- III - the elderly must not suffer discrimination of any kind;
- IV - the elderly must be the main agent and the recipient of the transformations to be effected through this policy;
- V - the economic, social, regional differences and, particularly, the contradictions between the rural and urban areas of Brazil must be observed by the public authorities and by society in general, in the application of this law (Brasil, 2003, p. 45).

Analyzing the principles cited, it can be pointed out that the Law guarantees the modern conception of Social Assistance evidenced as a policy of law, configuring and ensuring the minimum possible social protection for the elderly, and originating a new model of social concept for the process of human aging, thus characterizing this legislative criterion as being a way of highlighting this community as individuals capable of decision-making and living in a social context of more dignified form (Brasil, 2003).

The National Policy for the Elderly was established as a reminder to society when it comes to the legal existence of the rights of the elderly, which were previously forgotten in the pages of the Federal Constitution, therefore, a high focus was generated taking into account the theme with the emergence of Law 10.741, of 2003 (LGL\2003\582), also known as the Statute of the Elderly (Brasil, 2003).

The objective of this law is to ensure and highlight the rights enshrined in public policies aimed at the elderly, giving priority to meeting the most basic needs, as well as the maintenance of autonomy as a way to achieve social rights, through social assistance and health care services, granting of eventual and permanent benefits, and educational projects and programs for the planning of healthy aging (Dias, 2013).

In line with the rights to the principles of the Universal Declaration of Human Rights, action plans were created for the establishment of the policy of assistance to the elderly,

thus pointing out in article 8 that "aging is a very personal right and its protection a social right" and in article 9 that "it is the obligation of the State to guarantee the elderly, protection of life and health, through the implementation of public social policies that allow their healthy aging and in conditions of dignity" (Brasil, 2003, p. 37).

According to Souza (2011), the crimes against the elderly, provided for in Title VI and articles 93 to 108, are considered all of unconditional public criminal action, and the law provides, for example, for crimes of abandonment, discrimination and exposure to danger, diversion or appropriation of property or any benefit or income of the elderly, as well as the induction of an elderly person without his discernment of the acts to grant a power of attorney for the purpose of managing assets or assets, or freely disposing of them, among others.

As Céspedes and Rocha (2020) emphasize, the protection measures, established in Title III, in articles 43 to 45, will be duly applied when the rights imposed in the Statute are thus violated or threatened by omission or action of society or also of the State, by omission, failure or abuse of family members, curators or entities that serve this target audience or as a result of their personal conditions.

However, as can be seen, most of the clauses provided for in the Statute of the Elderly require interventions and actions, whether by the State, the family or society, for their effectiveness and, in several cases, if there is no intense inspection, where it is known that some of the precepts that will provide more dignity to the elderly person will not be seen in practice.

ECONOMIC VIOLENCE IN THE FAMILY CONTEXT

In the Brazilian context, attention and care for elderly individuals is the responsibility of family members. In this sense, although the Federal Constitution establishes the obligation of support for children to their parents in the aging process, the elderly are characterized as a social class that in most cases present situations of fragility and may be vulnerable, being subjected to the abuses of economic violence (Faleiros, 2019).

Economic violence against the elderly is characterized as exploitation or unauthorized use of their patrimonial and economic resources, however, this classification of violence arises in the context of family or close people. In view of this, there are factors of negligence also related to financial institutions, improper control of the debit card and embezzlement practices (Minayo, 2010).

The Statute of the Elderly provides in Law 10.741/2003 as a criminal act "the conduct of receiving or diverting goods, money or benefits from the elderly". The law

also points out in its article 102, that "appropriating or diverting assets, earnings, pension or any other income of the elderly, giving them an application different from their purpose" (Minayo, 2010, p. 52).

Thus, Faleiros (2013) points out that there are several means that can trigger this type of violence to occur, such as economic conditions, social life and social factors. Other characteristics of economic violence in the elderly, such as threats, extortion practices and psychological pressure, can lead to harm that is directed to previous mental health problems, genetic modifications, manifestations of anxiety, and especially traumatic vulnerability.

Although they have independence for basic and instrumental activities of daily living, the elderly have changes in the aging process that generate the need for a new way of living.

From this perspective, in the analysis of the description of the complaints, it is observed that some family member or neighbor appropriates the elderly person's assets when he/she entrusts his/her assets to them for some reason, especially due to illness. Thus, it is agreed that financial violence can occur due to the dependence of the elderly on the family, which is the administrator of monetary assets (Silva, 2022).

Considering that the elderly person is at the mercy of chronic diseases and reduced functional/cognitive capacities, protective measures were instituted, such as Law No. 12.461/2011 that makes it mandatory to report cases of violence, in order to meet the needs and improve the quality of life (Alarcon, 2019).

The need to sensitize society in general is discussed, so that it can recognize the risks and situations of abuse against the elderly and direct the victims, so that they are understood in their entirety, considering that it is a complex situation that involves the family and the community, in addition to intersectoral actions.

In Brazil, the scenario of exposure to economic violence against the elderly has increased significantly. This reality is pointed out by Martins (2024), who identifies statistics from the United Nations, showing that in 2016 the estimate of elderly people who suffered this type of violence over 60 years of age was 10.7 million. In 2019, it rose to 11.8 million, and in 2022 alone there was a significant increase to 15.9 million, with a perspective of reaching 40 million elderly people in the entire Brazilian context in 2030.

Also for Martins (2024), economic violence against the elderly has grown by more than 30%, especially with regard to the misappropriation of retirement, since people close to them – including children – stop allocating this income that would be aimed at the vital needs of the elderly, using it for their own benefit. The author also mentions that between the years 2019 and 2022 about 7.9 million elderly people were harmed by undue loans from

financial institutions and about 5 million destined the possession of their debit card to third parties.

This reality, according to the Brazilian Institute of Geography and Statistics (IBGE, 2023) has changed significantly compared to the year 2019 to 2023. The results of the census pointed to an average growth of more than 15.8%, thus adding up to about 11.7 million elderly people who suffered economic violence, approximately 7 million were victims of practices such as improper loans, embezzlement and unauthorized use of debit cards. It is also noted in these statistical data that about 4.3 million are widowed women who live on pensions, which can generate mistreatment and even extreme situations of physical violence against the elderly.

These events, according to Marques et al. (2023) may occur due to the increase in the supply of credit by financial institutions and the increase in the margin of loans for the elderly, these factors being some of the main factors responsible for undue indebtedness in old age.

PROTECTION NETWORKS IN THE FIGHT AGAINST ECONOMIC VIOLENCE AGAINST THE ELDERLY

Among the main protection networks against economic and financial violence against the elderly, Efig (2014) highlights the participation of the Public Prosecutor's Office, which is composed of the Public Prosecutor's Office for the elderly, which aims to ensure constitutional rights, as well as the well-being and quality of life for the elderly.

However, Braga (2021) still emphasizes that the main focus of the prosecutor's office interventions is against actions of mistreatment and undue abuse of economic and patrimonial resources suffered by the elderly, however, inspection actions are carried out in residential environments, financial institutions, notary offices and nursing homes.

The Public Prosecutor's Office, according to Távora and Alencar (2016), still aims to propagate and disseminate the rights provided for the elderly, aiming to establish denunciation in the fight against economic violence, in addition, it also provides the community with accredited places where complaints can be made.

Another protection network is the Specialized Police Stations for Elderly Care (DEAI) where their purpose is to provide clarification and monitoring of elderly victims of abuse or economic violence, the actions of the police station constitute a method of repression and preventive action, in addition to playing a fundamental role in the investigation of cases (Brasil, 2003). These police stations follow the legal system as provided for in article 96 of the Statute of the Elderly:

Article 96. Discriminating against an elderly person, preventing or hindering their access to banking operations, means of transportation, the right to contract or by any other means or instrument necessary for the exercise of citizenship, due to age: Penalty - imprisonment from 6 (six) months to 1 (one) year and fine.; § 1 The same penalty is incurred by anyone who disdains, humiliates, belittles or discriminates against an elderly person, for any reason, including economic abuse. (Brasil, 2003, p. 35).

The (DEAI), according to Faleiros (2013) also seeks to promote the rights accessible to the elderly community with the purpose of reducing the infractions of economic violence. The protection network is intended to give priority to the monitoring of the profile of elderly individuals, as well as to act in the investigation of crimes and abuses for those who may suffer from the violation of patrimonial assets, material damage, some types of physical injuries, misappropriation of financial resources, among other types of violence.

According to Távora and Alencar (2016), the Civil Police is also an important protection network in these cases, it is composed of police officers and agents, with the main role of the actions and interventions of the judicial police, investigating acts of misappropriation and economic abuse to the detriment of the elderly. In this sense, the authors also argue that:

In their daily actions, these protection networks record the due occurrences, with the purpose of collecting the initial information by investigation, as well as diligences and also through the registration of the Occurrence Report (BO) and, later, moves on to the elaboration of the Inquiry (Távora; Alencar, 2016, p. 45).

Regarding the performance of the police in relation to the confrontation of violence against women, Braga (2005) emphasizes that the performance of the military police is relevant, showing that they are public security agents of fundamental relevance, because, in some cases of complaints of economic violence, they provide initial care while still at home or even approaches on public roads of people involved in the case, so that it can later be forwarded to other protection networks.

According to Peres (2013), the Federal Public Prosecutor's Office develops strategic interventions to enable efficient assistance and dignified monitoring of the elderly. One of the actions to combat economic violence against the elderly was the creation of the National Human Rights Hotline (DDHN), creating and strengthening the services of the support networks, strengthening the rights of the elderly as a result of this type of violence.

Távora and Alencar (2016, p. 115) reveal that "these telephone actions are characterized as on-call ombudsman offices and serve, therefore, as instruments that facilitate the exercise of citizenship." As a result, people closer to these subjects, when they

perceive an incidence of economic abuse, can file complaints without their identity being revealed.

A project developed by the Police Station for the Elderly in the city of Campinas-SP has as its main actions the planning of workshops and conversation circles with family members of the elderly, bringing the theme about the harm that economic abuse causes in the lives of these subjects (PERES, 2014).

Civil police stations in the state of Rio de Janeiro, on the other hand, carry out inspection actions in banks and financial institutions, especially during the period in which the elderly receive their retirement income. The action allows judicial agents to observe who is following these transactions and whether there is a prevalence of economic abuse (Finger, 2014).

PATRIMONIAL VIOLENCE IN THE ELDERLY IN THE LIGHT OF LAW AND JURISPRUDENCE

When it comes to economic violence against the elderly, damage and appropriation are among the main occurrences that these subjects suffer, which is the crime of misappropriation of assets or assets, improper possession of bank cards that often make them vulnerable in the process of human illness.

It is also noteworthy that the age group with the highest incidence of economic violence is between 60 and 69 years old, possibly due to the fact that these elderly people have better conditions of and greater independence, which facilitates, in many cases, the registration of the police report in the agencies for the protection of the elderly, such as the Police Station and the Public Prosecutor's Office (Braga, 2011).

In addition, Souza (2023) emphasizes that in this phase of aging, it is quite common to seek new relationships and social contacts, since retirement and reduced income often result in the loss of social position, the withdrawal from relatives and friends and, in several situations, neglect within the family context, which leaves them exposed to different cases of financial violence. Although these individuals have a certain independence for instrumental and basic daily activities, the elderly have modifications in the natural aging process that give rise to the need for a new way of life in society.

From this perspective, in the verification of the description of the Occurrence Reports (BO) in the police stations of Brazil, it is visible the fact that some family member such as children and grandchildren or neighbors misappropriate the assets and assets of the elderly when this subject for some reason, mainly due to illness and independence, entrusts his assets and assets to them. It is understood, therefore, that economic violence can originate

by taking into account factors of dependence of the elderly on the people closest to the family, who are the main administrator of their monetary income (Dias, 2013).

It is then discussed the real need for the development of projects, actions and awareness of the agencies for the protection of the elderly and society in general, with the purpose that they can recognize the rights of this class, as well as the risks and situations of economic abuse against them, directing the victims, so that they are understood and supported by the Federal Constitution, as well as in integrality, thus ensuring that the elderly fit even more into the principle of human dignity, living in well-being and quality of life (Martins, 2024).

In view of the high rate of economic violence against the elderly in Brazil, it is necessary to clarify the line of understanding adopted by the Court of Justice of the State of Maranhão when adopting the first thesis established by IRDR No. 53,983/2016, in which the consumer challenged the authenticity of the elderly person's signature.

CIVIL PROCEDURE. INTERLOCUTORY APPEAL IN CIVIL APPEAL. PAYROLL LOAN. APPLICATION OF THE IRDR. ALLEGATION OF ABSENCE OF PROOF OF TRANSFER. WITHOUT ATTACHING THE BANK STATEMENT. INSUFFICIENT APPELLATE ARGUMENT TO REFORM THE AGGRAVATED DECISION. APPEAL DISMISSED. I – The present appeal deals with the analysis of the decision of this Rapporteurship in the records of Civil Appeal No. 0842831-81.2017.8.10.0001, which dismissed the appeal of the Appellant, maintaining the sentence handed down by the Court of Law of the 2nd Civil Court of the District of Caxias, which dismissed the request made in the records of the Declaratory Action of Contractual Non-Existence c/c Indemnification for Moral and Material Damages, which moves against Banco Itaú Consignados S/A, now respondent. II – The Appellant bank presented evidence capable of demonstrating, unequivocally, the existence of an impeding, modifying or extinguishing fact of the plaintiff's right, as provided for in article 373, II, of the CPC/2015, by proving that there was the actual loan discussed in the records, including the presentation of a contract perfectly signed by witnesses and personal documents of the plaintiff, according to the document of Id. 14414930, in addition to the payment statement, which is why the existing relationship is perfectly legal, signed according to the principle of good faith, and therefore the judgment of the first instance does not deserve to be repaired as to the dismissal of the claim. III – The plaintiff would have the burden of proof, which in the specific case remained weak from a legal point of view, since it only asserts the existence of fraud in the indicated loan, however, without attaching any document proving that it did not receive the amount (bank statement of the date of the loan), unlike the defendant who pasted suitable documents deconstructing the allegations made in the opening document. (TJ- MA – AC: 0842831-81.2017.8.10.0001, Rapporteur José de Ribamar Castro, Judgment Date: 05/09/2022, FIFTH CIVIL CHAMBER, Date and Publication 05/13/2022)

Thus, the TJ-MA (2022) reported that the failure to comply with the burden of proof that falls on banks when the consumer contests the signature on the loan agreement may lead to curtailment of defense, according to the understanding of the Court of Justice of the State of Maranhão, which annulled the sentence for not applying the first thesis established in IRDR No. 53,983/2016:

CIVIL APPEAL. ACTION FOR COMPENSATION FOR MORAL DAMAGES. FINANCING. CONTRACT NOT RECOGNIZED BY THE PARTY. MERITS OF THE DEMAND. BANKING INSTITUTION THAT AFFIRMS THE AUTHENTICITY OF THE SIGNATURE AFFIXED TO THE CONTRACT. NEED TO CARRY OUT GRAPHOTECHNICAL EXPERTISE. JUDGMENT ANNULLED. APPEAL PARTIALLY GRANTED. 1. The Court of First Instance judged the dispute understanding that the plaintiffs' claims were partially upheld, as it understood that there was a "false manifestation of will by one of the contracting parties", in financing agreement No. 28274627. 2. It is necessary to carry out a technical expert to verify the authenticity of the signature, affixed to the contract that was attached to the records of the action for non-existence of debt, since the signing of any contract considerably alters the result of the trial. 3. Reviewing the records, it is noted that such request was duly prepared by the defendant, now appellant, through the defense (fl. 53v), and was not met by the Magistrate. 4. Judgment annulled. Appeal partially granted. Return of the case to the 1st degree to regulate the continuation of the action." (TJ-MA - AC: 00002507320128100029 MA 0320072018, Rapporteur: JOS JORGE FIGUEIREDO DOS ANJOS, Judgment Date: 02/21/2019, SIXTH CIVIL CHAMBER, Publication Date: 02/28/2019 00:00:00)

In addition, with regard to the applicability of the third thesis established by IRDR No. 53,983/2016, which deals with the recovery of undue payment in cases where the non-existence or irregularity in the payroll loan agreement between banking institutions and the consumer is found, it is important to point out the progress in cases where the consumer is an elderly person. From the perspective of protecting the rights of the elderly, this thesis brings, to a certain extent, a reparative consequence for the banks that practice these fraudulent conducts (TJ-MA, 2019).

In addition, in light of this judgment, the Court of Appeals of the State of Maranhão ruled in the decision that "recognized the appropriateness of the recovery of undue payment, in line with the third thesis established by IRDR No. 53,983/2016:

CIVIL PROCEDURE. CIVIL APPEAL. LOAN THROUGH FRAUD. LEGAL AID MAINTAINED IN FAVOR OF THE APPELLANT. JUDGMENT THAT IS IN ACCORDANCE WITH IRDR NO. 53,983/2016. BURDEN OF PROOF REGARDING THE LEGALITY OF THE CONTRACTING AND RECEIPT OF THE LOAN. DOCUMENTARY EVIDENCE UNFAVORABLE TO THE REGULARITY OF THE CONTRACT. REPETITION OF UNDUE PAYMENT. MORAL DAMAGE CONFIGURED. AMOUNT of compensation. MAINTENANCE. PROPORTIONALITY AND REASONABLENESS. 1. Under the terms of the judgment of IRDR No. 53,983/2016, Thesis 1 was established, according to which regardless of the reversal of the burden of proof (article 6, VIII, whereby, regardless of the reversal of the burden of proof (article 6, VIII of the CDC), it is up to the financial institution, as an impeding and modifying fact of the consumer's right (CPC, article 373, II), the burden of proving that the payroll loan was contracted, by attaching the contract or other document capable of revealing the consumer's manifestation of will to sign the legal transaction. 2. If the legitimacy of the contract and the discounts is not demonstrated, the banking institution is subject to strict civil liability for the damage caused to the victim of the harmful event, and the existence or not of fault is irrelevant, according to Precedent No. 479 of the STJ. 3. Repetition of the undue payment, and the financial institution is responsible for the double payment of the amounts unduly charged for the benefit of the Respondent, as provided for in article 42, sole paragraph of the CDC. This conclusion is in line with the 3rd Thesis established by the Plenary of this Court of Justice in the judgment of IRDR No.

53983/2016, according to which "It is possible to repeat the double undue payment in cases of payroll loans when the financial institution is unable to prove the validity of the contract entered into with the plaintiff, remaining in bad faith on the part of the institution, safeguarded the hypotheses of justifiable mistakes". 4. Once the harmful event and the failure to provide the service are demonstrated, it is understood that pecuniary compensation is due as moral damage, the value of which must be maintained at R\$ 2,811.00 (two thousand, eight hundred and eleven reais) as it reflects the principles of reasonableness and proportionality. 5. Civil Appeal known and dismissed. 6. Unanimity. (ApCiv 0150622020, Rel. Judge RICARDO TADEU BUGARIN DUAILE, FIFTH CHAMBER

Therefore, in view of the various cases of banking infractions committed in recent years to the detriment of the elderly, the theses established by IRDR No. 53,983/2016 proved to be essential to prove, in the legal sphere, the frauds related to payroll loans practiced by financial institutions against elderly individuals, especially those over 80 years of age in a situation of vulnerability.

FINAL CONSIDERATIONS

The studies indicated that the Economic violence is recognized as an abuse committed against the elderly population, since these individuals become more vulnerable due to the natural aging process, which puts them in a situation of demotivation and fragility, being coerced by the fear of reprisals by the aggressors, which often results in the absence of measures, until the act of violence is silenced. Thus, this type of violence is often omitted by both the victim and the aggressor, which contributes to the non-identification of the offenders.

The results indicate that economic violence is a reality in the daily lives of the elderly, especially in the family context, where it is mostly practiced by close people, including children. In addition, the data reveal that women, especially widows who depend on retirement benefits, are the main victims of this type of violence.

The most frequently observed injuries indicate that the family environment, although it is the main responsible for the care of the elderly, is also configured in many cases as the first suspect of practicing economic violence against the elderly. When cases of violence, mistreatment, abandonment and financial abuse are identified, protective measures are requested against the aggressor. In these cases, several agencies are activated, including the Elderly Protection Police Station (DIPD) of the Civil Police, the Public Prosecutor's Office, the Public Prosecutor's Office and the assistance programs aimed at the elderly in each Brazilian municipality.

However, in these protection agencies, intervention is carried out through the mediation of family conflicts, with the objective of formalizing an agreement on who will be



responsible for the care and guardianship of the elderly. If the agreement is not reached, the case is referred to the State Public Prosecutor's Office.

In this context, the importance of the contribution of this study to the formulation of actions aimed at preventing and protecting against this type of abuse is highlighted, in addition to promoting the improvement of the quality of life of the elderly. The study can also contribute to the advancement of scientific knowledge, benefiting law academics, competent bodies and the community in general.



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