


CONTINUOUS BENEFIT AND SOCIAL RIGHTS: AN ANALYSIS OF THE HISTORICAL EVOLUTION AND CRITERIA FOR GRANTING IT TO PEOPLE WITH DISABILITIES

 <https://doi.org/10.56238/sevened2025.018-009>

Adilson Manoel Coelho¹, Jane Karla de Oliveira², Thalita Feitosa Mascarenhas Lustosa³, Elson José do Rego⁴.

ABSTRACT

This study aims to better understand the Continuous Cash Benefit (BPC), exploring what it means, how it emerged and evolved over time, and what is its role within the set of social rights guaranteed to citizens. The main objective is to analyze the legal criteria and doctrinal understandings that support its granting, highlighting the transformations in the legislation and, above all, the centrality of human dignity in this process. This work was structured in three sections, each with a specific objective. In the first, we sought to understand what social rights are and how they have evolved over time, with emphasis on the Continuous Cash Benefit (BPC). The second section is dedicated to reflecting on the dignity of the human person and his intimate relationship with social assistance. In the third, the rules in force and the criteria used for granting the BPC are analyzed, considering both the legal and conceptual aspects involved. The methodology used was qualitative in nature, based on secondary data extracted from official sources and specialized bibliography. The results reveal that there are still important obstacles in accessing the BPC, many of them resulting from restrictive interpretations of the legislation. In addition, the urgency of a broader biopsychosocial assessment is highlighted, which goes beyond the work capacity of people with disabilities and also takes into account the social and environmental factors that directly influence their quality of life.

Keywords: Continuous Cash Benefit (BPC). People with disabilities. Dignity of the human person. Social assistance. Criteria for granting.

INTRODUCTION

¹ Bachelor of Laws at the Faculty of Technology of Teresina – CET

E-mail: amcquimico@gmail.com

² Master in Law from the Catholic University of Brasília. Professor of Law at the Technological Faculty of Teresina CET

Email: professor21@faculdadecet.edu.br

Orcid: <https://orcid.org/0000-0003-1276-9426>

³ Graduated in Law. Professor of Law at CET Faculty

E-mail: furtadothalita@gmail.com

Orcid: <https://orcid.org/0009-0003-0770-7658>

⁴ Specialist in Criminal Law and Criminal Procedure – ESA-PI

Professor of Law at CET Faculty

E-mail: elsonreg@gmail.com

Lattes: <http://lattes.cnpq.br/2106845655951256>

This research has an important practical role in shedding light on the challenges experienced by those who depend on the BPC, proposing ways to improve this public policy. In the intellectual field, she deepens the understanding of social rights in Brazil, with a special focus on social assistance and ways to protect those who are in a situation of greater vulnerability.

The general objective of the research is to analyze the historical evolution of the Continuous Cash Benefit (BPC) in the context of the realization of social rights in Brazil, with emphasis on the legal and jurisprudential criteria for granting the benefit to people with disabilities. Specifically, it is intended to examine the relevance of human dignity in the context of the BPC, in addition to evaluating the legal and doctrinal criteria for its grant. To this end, the research seeks to answer the following question: what are the historical and current criteria for granting the Continuous Cash Benefit to people with disabilities?

To conduct this research, a qualitative approach was adopted, based on secondary data extracted from official sources and bibliographic references. The study will be developed through a documentary analysis of laws, decrees, academic articles and other publications relevant to the subject. This is a descriptive research, which aims to map and reflect on the advances and challenges involved in the granting of the Continuous Cash Benefit (BPC) in Brazil.

The references that will serve as the basis for this work include the Federal Constitution, the Organic Law of Social Assistance (LOAS) and a variety of academic studies dedicated to the subject. Based on this foundation, the intention is to collaborate for a broader and more sensitive understanding of public policies aimed at social assistance and the guarantee of the rights of people with disabilities in Brazil, contributing to their continuous improvement.

In the first section of this work, we will walk through the history of social rights, from their origins to the creation of the Continuous Cash Benefit (BPC). In the second section, the focus will be on human dignity and the role it plays within the context of the BPC. The research will reflect on the principles that sustain the dignity of the person and how these values connect to social assistance. It will also be analyzed how these principles are put into practice when granting the benefit. The importance of human dignity as a tool for social inclusion and guarantee of fundamental rights will be one of the central axes of this analysis.

In the third section, the legal criteria and understandings of the doctrine that guide the granting of the Continuous Cash Benefit (BPC) will be explored. The focus will be to analyze the current rules, the obstacles that beneficiaries face in accessing the benefit and

how the Justice has interpreted these issues. The requirements required to obtain the BPC and the impacts of these requirements on the population that most needs this support will also be discussed, seeking to reflect on possible ways to improve this important public policy.

With this structure, the research seeks to present a broad and in-depth look at the Continuous Provision Benefit, contributing not only to the enrichment of the academic debate, but also to the strengthening of public policies for social assistance in Brazil.

DEFINITION AND HISTORICAL EVOLUTION OF SOCIAL RIGHTS

Throughout history, socioeconomic transformations and advances have made social inequality even more visible, mainly affecting the most vulnerable groups in society (Angelo, 2020). In the nineteenth century, with the strengthening of industrial capitalism, extremely precarious working conditions emerged, marked by the intense exploitation of the working class. Faced with this reality, workers began to mobilize through labor movements, seeking to guarantee basic rights such as the limitation of working hours, a fairer minimum wage, and decent conditions in the workplace (Angelo, 2020).

Throughout the twentieth century, especially after the impacts of the two world wars, many countries began to adopt a new perspective on the role of the State, giving rise to the so-called social constitutionalism. In this context, Constitutions began to incorporate social rights as an essential part of fundamental rights, recognizing the state's responsibility in promoting collective well-being (Angelo, 2020). In Brazil, the first Constitution to expressly address social assistance was that of 1934. It already provided for specific attributions for health care, support for the most vulnerable, protection of maternity and childhood, aid to large families, and defense of youth (Angelo, 2020). Later, the Federal Constitution of 1988 consolidated the right to social security in its article 194, establishing principles and guidelines that guide the actions of the State in the areas of health, social security and social assistance, reinforcing the commitment to the dignity and rights of all citizens (Brasil, 1988).

Social security aims to take care of people, guaranteeing all citizens access to health, social security and social assistance. It is the result of a joint effort between the government and society, which work to promote well-being and social protection. Its objective is to reduce inequalities, support those in vulnerable situations and promote inclusion through policies and programs that ensure social rights.

The Federal Constitution of 1988 brought important advances by guaranteeing, especially through article 203, the right to social assistance for all people in situations of economic vulnerability. This right is guaranteed regardless of any previous contribution and

is based on the principle of the dignity of the human person, as will be detailed below (Brasil, 1988).

ANALYSIS OF THE CONTINUOUS BENEFIT AND LAW NO. 8,742/93 AND ITS APPLICATION TO INDIVIDUALS WITH DISABILITIES

In this section, we will better understand what the Continuous Cash Benefit (BPC) is and how it applies to people with disabilities, as provided for in Law No. 8,742/93. The proposal is to explore different aspects of this benefit, clearly explaining how it works, who is entitled to it and what are the criteria used to grant it. To do this, we will start with an objective definition of the BPC, highlighting its social importance and the main requirements to access it.

Next, the historical trajectory of the Continuous Cash Benefit (BPC) will be presented, from its creation to the main legal transformations that shaped its current configuration. The objective is to understand what makes the BPC a unique benefit within the social assistance policy, highlighting its particularities in relation to other aids. The concrete effects of this benefit on the lives of people who depend on it will also be discussed. Finally, special attention will be given to how the most recent legislation has come to define the concept of disability and how this change influences the criteria for access to the BPC.

Finally, this section will explore the current rules that regulate the granting of the Continuous Cash Benefit (BPC), seeking to understand how they connect to the theory of capabilities and the criteria used to define who is entitled to the benefit. The idea is to offer a broad and accessible view of the functioning of the BPC, especially with regard to people with disabilities, bringing together both the legal aspects and the concepts that underlie this important instrument of social protection.

DEFINING THE CONTINUED BENEFIT

The Continuous Cash Benefit (BPC) is a right guaranteed by law that seeks to offer dignity and protection to those who need it most. It guarantees the payment of a monthly minimum wage for people with disabilities or the elderly who, due to their condition, are unable to support themselves or count on the financial support of their families. This protection is provided for in article 203, item V, of the Federal Constitution of 1988 (Barros, 2023).

In addition to being provided for in the Federal Constitution, the Continuous Cash Benefit (BPC) is regulated by Law No. 8,742, of December 7, 1993, known as the Organic

Law of Social Assistance (LOAS). This law establishes the criteria that an elderly or disabled person must meet in order to be entitled to the benefit, according to articles 20 and 20-A. The legislation also determines that the BPC must be reviewed every two years, according to articles 21 and 21-A, to verify that the conditions that gave rise to the benefit still remain valid (Brasil, 1993).

Based on this information, it is possible to understand that, in order to be entitled to the Continuous Cash Benefit (BPC), it is necessary to meet some requirements at the same time: be a person with a disability or be 65 years old or older, and also prove that you live in a situation of social vulnerability. It is worth noting that, to assess this economic condition, not only the situation of the person who is requesting the benefit is analyzed, but the reality of his entire family.

In this scenario, the National Institute of Social Security (INSS) plays an essential role, as it is the public agency responsible for administering Social Security benefits, such as the Continuous Cash Benefit (BPC). It is up to the INSS not only to receive the requests, but also to analyze, grant, monitor, review, suspend or terminate the payment of the benefit, always following the guidelines established by the Transparency Portal (Brasil, 1988).

The granting of the Continuous Cash Benefit (BPC) can be done both administratively and judicially, especially when there is a denial in the initial request. In general, people with disabilities or elderly people who meet the required criteria should start through the administrative path, making the application at the Social Security Agency (APS). This request can be made by calling 135, at the INSS Call Center, through the "Meu INSS" application or with the help of lawyers duly registered with the Brazilian Bar Association (OAB).

From that moment on, the administrative process begins, a stage in which it is essential to gather and present all the documents that can contribute to the analysis of the request. In the case of the Continuous Cash Benefit (BPC) aimed at people with disabilities, it is common for applicants to undergo an expert medical evaluation, which verifies the existence of the disability, and a social evaluation, aimed at analyzing the family's income conditions (Brasil, 1993; Brazil, 1988). It is worth noting that there are different debates around the way this evaluation is conducted, especially with regard to the criteria used to grant the benefit (Diniz; Santos, 2009).

In the administrative medical examination process, the interested person must present himself at the Social Security Agency (APS), on the day, time and place previously defined. On this occasion, an INSS medical expert will assess the existence of disability, as established by paragraph 2 of Article 20 of the Organic Law of Social Assistance (LOAS).

Paragraph 10 of the same article defines that the long-term impediment is one that generates effects for at least two years.

TRAJECTORY AND CHANGES IN LEGISLATION

In order for a person to have access to the benefit, it is necessary to undergo an evaluation that considers both their health condition and their social context. According to article 16 of Decree No. 6,214/07, this analysis must follow the principles of the International Classification of Functioning, Disability and Health (ICF) and is carried out through two stages: a medical evaluation and a social evaluation (Ministry of Social Development, Family and Fight against Hunger, 2007). Although it represents an important advance in adopting a biopsychosocial perspective, that is, one that takes into account the body, mind and environment in which the person lives, there is still a requirement that the person with disabilities prove that they are unable to work and live independently, which can limit access to the benefit.

Criticisms and suggestions have highlighted the importance of reviewing the current parameters. It is clear how difficult it is to establish, precisely, what it really means to be incapable of work or independent living (Diniz; Squinca; Medeiros, 2006). These concepts are usually interpreted subjectively, often crossed by social values, prejudices and stereotypes. It is also worth remembering that, in many cases, the limitations faced by people with disabilities are not exactly in them, but in the barriers imposed by a social environment that does not accommodate their needs.

An important criticism falls on the way disability is still defined, often exclusively from a person's ability to work. This narrow view can result in the unfair exclusion of people who, despite their limitations, have the potential to participate fully in society. By adopting this criterion, there is a risk of reinforcing stigmas and perpetuating a limited understanding of disability, marked by exclusion and inequality (Santos, 2010). Even with the advances represented by the International Classification of Functioning (ICF), there is still a danger that disability will continue to be analyzed mainly from a medical perspective, leaving aside the social barriers that really impact the lives of people with disabilities.

This practice goes against the principles of justice that guide the Continuous Cash Benefit (BPC), created precisely to address the oppression and inequality experienced by people with disabilities in situations of extreme poverty. Therefore, when granting the BPC, it is essential to look beyond health conditions and also take into account the social and environmental factors that deepen this inequality (Santos, 2010).

The promulgation of the International Convention on the Rights of Persons with Disabilities in 2009 and its Optional Protocol, signed in 2007 during the United Nations General Assembly in New York, marked an important step forward in the way disability-related issues were addressed. With its incorporation into the Brazilian legal system in 2011, there was a formal and significant change in public policies aimed at people with disabilities. It is worth noting that this process was approved by the National Congress through the rite provided for in article 5, paragraph 3 of the Federal Constitution, giving the treaty the same status as a constitutional amendment.

The International Convention on the Rights of Persons with Disabilities brought a new way of understanding what it means to be a person with disabilities, as established in its article 1. In view of this important change, it became necessary to update Brazilian legislation to reflect this new understanding. It was in this context that Law No. 12,435/2011 emerged, responsible for modifying paragraph 2 of article 20 of the Organic Law of Social Assistance (LOAS), incorporating this new definition. Later, Laws No. 12,470/2011 and 13,146/2015 continued this updating process, promoting adjustments to the text and contributing to the construction of the current version of the LOAS, more aligned with the principles of inclusion and human rights (Fogaça, 2021).

The most recent update, with a more progressive view and in tune with current understandings of disability, marks an important change: the transition from the biomedical model to the social model of disability (Fogaça, 2021). As a result, criteria such as incapacity for work or independence in day-to-day activities are no longer considered. This new perspective expands access to social protection, recognizing people with disabilities in a more comprehensive way, based on a biopsychosocial approach, which goes beyond the strictly medical view.

Now, to be entitled to the Continuous Cash Benefit (BPC), it is no longer necessary to prove the inability to perform certain activities. The benefit now includes all people with disabilities who are unable to support themselves or who do not have financial support from their families. This change represents a fairer understanding of what is provided for in the Constitution, which speaks only of "person with disabilities", without requiring that they be incapable of work or independent living, after all, disability does not necessarily mean incapacity.

In this context, it is worth mentioning the creation of the inclusion aid, a benefit aimed at people with moderate or severe disabilities who are already in the labor market. Provided for in article 94 of Law No. 13,146/2015, as amended by Law No. 14,176/2021, this aid has the main purpose of supporting professional inclusion, contributing to the autonomy and

financial independence of these workers. Despite the importance of the initiative, it is necessary to critically reflect on its effectiveness, considering the Brazilian socioeconomic scenario, the real scope of the measure and its compatibility with the set of rules in force (Brasil, 2015; Brazil, 2021).

There is a lack of tools and initiatives that really facilitate the access of people with disabilities to a decent job. The situation is aggravated by the fact that Law No. 14,172/2021 does not include those with mild disabilities, which can reinforce their exclusion and discrimination in the labor market, disregarding the real difficulties they face in gaining and keeping a job (Brasil, 2021). In view of this, it is essential that more effective and inclusive public policies are created, which guarantee not only access, but also the permanence of these people in the world of work.

Although Brazilian legislation has advanced in many aspects, attention is still needed to certain points that end up restricting rights. Law No. 8,742/93, for example, when regulating the LOAS, defined in paragraph 10 of article 20 that the "long-term impediment" is one that lasts at least two years. This requirement, however, is not provided for in the International Convention on the Rights of Persons with Disabilities and ends up unduly limiting the scope of social protection. The Federal Constitution, in turn, does not impose any requirement as to the duration of the impediment, recognizing as beneficiaries of social assistance all people with disabilities who do not have the means to guarantee their own subsistence, regardless of the duration of the limitation (Brasil, 1993).

Given this scenario, the Organic Law of Social Assistance (LOAS) needs to address these two issues carefully, defining clear guidelines so that the principle of equality is actually applied in Social Assistance. This must be done taking into account the definition of disability brought by the Convention that became part of the Constitution. However, some parts of the LOAS still raise concerns, as they may compromise the fundamental rights of people with disabilities.

In the process of granting the Continuous Cash Benefit (BPC), the ideal would be for the medical evaluation to be based mainly on the person's own report on the difficulties they face on a daily basis, difficulties that, added to the barriers of the environment, limit their full participation in society. However, as provided for in the Organic Law of Social Assistance (LOAS), this decision ends up being in the hands of the experts, who define which situations are considered legitimate (Diniz; Silva, 2012).

Although there are some caveats, it is undeniable that the concept of disability adopted by the International Convention on the Rights of Persons with Disabilities, and incorporated by the LOAS, represents an important advance. It reflects a more current and

inclusive view of disability, in addition to allowing more people to have access to the assistance benefit. This is in line with the constitutional principles of Social Security and Social Assistance, which should guide the granting of the BPC in a fair and humane manner.

Precedent No. 48 of the National Uniformization Panel helps to clarify who can be considered a person with a disability to be entitled to the Continuous Cash Benefit (BPC). It is worth noting that this concept is not limited to incapacity for work. The definition follows what is provided for in the Organic Law of Social Assistance (LOAS), which understands disability as any long-term impediment, that is, that lasts at least two years, of a physical, mental, intellectual or sensory nature. This impediment must be significant enough to hinder or prevent the full and effective participation of the person in society, on an equal basis with others.

Law No. 12,470, of 2011, brought an important change in the Social Security Costing Plan. Based on it, it was determined that, in order to grant the benefit to people with disabilities, it is necessary to carry out a complete evaluation, which considers both medical and social aspects. This analysis is carried out by INSS professionals, such as medical experts and social workers, ensuring a broader view of the applicant's living conditions (Brasil, 2011).

With this change, the National Uniformization Panel (TNU) published Precedent No. 80, reinforcing that, even when the Continuous Cash Benefit (BPC) is requested in court, it is essential that social evaluations are carried out. These evaluations must be conducted by social workers or by other means that help to understand the reality in which the person lives. The objective is to ensure a complete analysis of all the factors, environmental, social, economic and personal, that impact the life of the person with disabilities, thus allowing a fairer and more faithful assessment of their condition.

THE NEW CONCEPT OF DISABILITY

The understanding of disability has evolved significantly over time. Today, it is not only seen as a medical condition, but also as a political issue, which highlights the social inequalities experienced by people with different types of limitations. Despite the advances, such as the overcoming of pejorative terms and the recognition that social barriers also limit the participation and inclusion of these people, there is still no definitive consensus on what would be the most appropriate definition of disability (Silva, 2011).

Article 2. For the purposes of this Regulation, the following shall be considered: [...]
II – disabled person: one who is unable to live independently and work due to anomalies or irreversible injuries of a hereditary nature, congenital or acquired,

which prevent the performance of activities of daily living and work; [...] (Brazil, 1995).

Law No. 8,742/93, in its article 20, paragraph 2, defined that: "For the purpose of granting this benefit, the disabled person is the one who is incapacitated for independent living and work". It also established that the responsibility for assessing disability would fall to the INSS, as it had an operational structure and technically trained professionals, considered more apt to analyze and recognize the right to the Continuous Cash Benefit (BPC) (Brasil, 1993).

Subsequently, Decree No. 1,744/95, which regulates the BPC, stated in its article 2, II, "that incapacity for independent living for work due to abnormal irreversible injuries, of a hereditary, congenital or acquired nature that prevent the performance of activities of daily living and work" (Brasil, 1995).

Based on this logic, the INSS began to adopt an interpretation aimed mainly at assessing whether or not the person is capable of performing basic self-care activities, such as bathing, feeding, and dressing, that is, minimum tasks aimed at maintaining life. However, this analysis disregards fundamental aspects for an existence with dignity, such as the ability to communicate, to feel and interact with the world through sensory and motor functions, to have moments of leisure, to move around using means of transportation, to live sexuality, among many other elements that make up human life beyond simple survival. This limited view reveals a reductionist approach to both legislation and medical assessment of what it means to be a person with a disability (Ministry of Social Development and Fight against Hunger, 2007).

Initially, the Organic Law of Social Assistance (LOAS) provided that the medical-expert evaluation was carried out by a multidisciplinary team, linked to the Unified Health System (SUS) or the National Institute of Social Security (INSS). Over time, however, this guideline was changed: Law No. 9,720, of 1998, established that this type of evaluation should be carried out exclusively by the medical expertise services of the INSS itself (Brasil, 1998).

Despite the advances brought by Decree No. 3,298/99, it was also the target of criticism, especially with regard to the way it defined mental disability, a concept that began to be adopted by the Continuous Cash Benefit (BPC). According to article 4, IV, of the aforementioned Decree, mental disability is characterized by "intellectual functioning significantly below average, with manifestation before the age of eighteen and limitations associated with two or more areas of adaptive skills", having as examples social skills, health and safety, leisure, work and others (Brasil, 1999).

This definition raises concern, because, as pointed out by Diniz, Medeiros and Squinca (2006) in their text No. 1184, entitled "Income transfers to the population with disabilities in Brazil: an analysis of the benefit of continued provision", the expression "considered normal for human beings" reveals an approach that can be considered outdated. This is mainly due to the inadequacy of using average intellectual functioning as a reference parameter. When we talk about mental disability, it is necessary to deeply rethink the traditional medical model, especially the concepts of normality and pathology. The authors also draw attention to the frequent confusion between the terms "average" and "normality", highlighting that the idea of normality is, in fact, loaded with subjective and moral values about what would be the ideal standards of being human.

Establishing that cognitive or mental limitations are only recognized as a disability when they appear before the age of eighteen seems an arbitrary measure. This rule ends up leaving out people who, already in adult life, develop psychiatric conditions or suffer neurological losses as a result of degenerative or infectious diseases. As a result, many end up deprived of rights and protections, which directly hurts the principle of isonomy, by treating people who face similar realities unequally (Diniz; Squinca; Medeiros, 2006).

From 2002 onwards, Brazil experienced a new political scenario, marked by special attention to policies aimed at social development and the fight against hunger, poverty and inequalities. In this context, in 2005, the Unified Social Assistance System (SUAS) was created, shortly after the approval of the National Social Assistance Policy, in 2004. This process coincided with the creation of the Ministry of Social Development and Fight against Hunger (MDS), whose mission was to coordinate and supervise income transfer programs, such as Bolsa Família, in addition to monitoring the budgets of institutions such as SESI, SEST and SESC (Santos, 2010). Over the years, the MDS has taken on an increasingly relevant role in the management and evaluation of the Continuous Cash Benefit (BPC) (Ministry of Social Development and Fight against Hunger, 2007).

Faced with a still simplified view of what it means to be a person with a disability, the National Secretariat of Social Assistance, linked to the Ministry of Social Development, carried out a study in 2005 on the data related to the policy of the Continuous Cash Benefit (BPC). The survey revealed that only 37.16% of the requests for the benefit were approved. Among the 62.84% who had their request denied, the main reason — in 40.93% of the cases — was the understanding of the INSS medical expert that there was no incapacity for independent living and work, an essential criterion for granting the benefit (Ministry of Social Development and Fight against Hunger, 2007).

In view of the high number of denials in the granting of the Continuous Cash Benefit (BPC), the need to improve the parameters and procedures used in the medical evaluation became evident. The objective was to ensure more justice and equality in the process, especially because, until then, there was no unified understanding on how to assess disability in Brazil. This concern was also highlighted in a report of the National Meeting on the Management of the Assistance Benefit of Continued Provision, held in 2004, which pointed out difficulties in understanding the concept of incapacity for independent living and work. In addition, the report identified flaws in the consideration of social workers' opinions, reinforcing the urgency of clearer and more detailed criteria for medical evaluation (Ministry of Social Development and Fight against Hunger, 2007).

To face these challenges, an Interministerial Working Group (GTI) was created, bringing together technicians from the Ministry of Social Development and the INSS, as well as doctors, public policy specialists and social workers. Established by MDS/MPS Ordinance No. 001/05, the group's mission was to rethink and propose new criteria and procedures to make the assessment of people with disabilities who sought access to the Continuous Cash Benefit (BPC) fairer and more efficient.

During the performance of these studies, it became clear how important it is to integrate the medical and social models, overcoming the exclusively medical approach that had been used in the evaluations to grant the benefit. Thus, the integration of the social model sought to offer a more comprehensive understanding of the individual's health status, considering that "disability is not simply a characteristic of the person, but a consequence of a complex set of biological, individual, economic and social factors" (Ministry of Social Development and Fight against Hunger, 2007).

In view of this scenario, the report presented suggested the adoption of a new model of medical and social assessment, based on the International Classification of Functioning, Disability and Health (ICF), developed by the World Health Organization (WHO) and launched in 2001. The ICF represents a significant shift in the way human functioning, health, and disability are understood, adopting a broader and more inclusive view. Instead of focusing only on the disease and its limitations, as the old WHO classification did, this new approach proposes other parameters, breaking with outdated conceptions about disability and health (Ministry of Social Development and Fight against Hunger, 2007; Diniz, 2007).

The ICF seeks to understand human health in a broad way, considering not only the medical aspect, but also the impact of the social environment on people's lives. It adopts a biopsychosocial view, that is, it integrates biological, psychological, and social factors to

understand how a person functions in their daily lives and what challenges they may face. In this sense, functionality and disability are seen as the result of the interaction between the health condition (such as diseases, injuries or disorders) and contextual factors, which encompass both the environment in which the person lives and their individual characteristics.

The innovative proposal of the ICF allows us to look at different situations in a broader and more sensitive way. Many of these situations might not have been recognized at first glance as disability. However, the ICF shows that disability can have multiple causes and manifest itself in different ways (Diniz, 2007). For example, a person who does not have any visible lesions may still have difficulties performing everyday tasks, facing limitations similar to those of someone with a chronic disease. Similarly, someone living with a diagnosis of a condition such as Lupus, even without apparent symptoms at the time, may deal with significant restrictions on their social participation and performance (Diniz, 2007).

Although it still takes into account the biomedical model, an important reference of the World Health Organization, the International Classification of Functioning, Disability and Health (ICF) goes beyond this approach. It seeks to understand disability from different dimensions of people's lives, not restricted only to the identification of injuries or clinical diagnoses. The ICF describes, for example, situations in which a person may face limitations or disadvantages in their social participation, which can also be recognized as a disability in health-related contexts. However, it is important to highlight that, even considering contextual factors, the ICF focuses primarily on health-related issues. This means that it does not directly contemplate aspects such as socioeconomic inequalities or forms of discrimination based on race, color, gender, among others. These factors, although relevant in the experience of many people with disabilities, are not included in the classification guidelines (Santos, 2010).

One of the most striking changes brought about by the Working Group's report, at a time when there was a growing perception of the importance of environmental factors in understanding disability, was the creation of Decree No. 6,214, on September 26, 2007. This new decree replaced the previous one (No. 1,744/95) and brought updated definitions of what it means to be a person with a disability and what is meant by disability (Damasceno, 2016).

An important change was the removal of the requirement that anomalies or injuries need to be irreversible, in addition to the exclusion of the criterion related to the inability to perform basic daily activities. A significant advance of the new Decree was the adoption of

the biopsychosocial perspective in the definition of disability, starting to consider it as a multifaceted phenomenon, which arises from the interaction between the person with disabilities and the physical and social environment in which they are inserted.

PRECEDENTS OF THE NATIONAL STANDARDIZATION PANEL ON THE DISABILITY CRITERIA OF THE CONTINUED BENEFIT

In the National Uniformization Panel (TNU), it is common to have heated debates about the concept of disability, with different interpretations frequently emerging. In these spaces, precedents are prepared and topics that generate divergences are discussed. In general, the TNU has broadened the understanding of disability beyond the issue of autonomy for an independent life, according to the previous wording of the Organic Law of Social Assistance (LOAS). Now, it also covers those who, although they cannot guarantee their own livelihood, still need support (TNU, 2006).

In addition, it is required to prove the applicant's socioeconomic conditions (TNU, 2015a) and to carry out a social assessment to analyze the factors that influence the person's full participation in society (TNU, 2015b). The TNU also stipulates that the concept of a person with a disability requires the presence of a long-term limitation with a minimum duration of two years, as established in Repetitive Theme 173, which changed the previous jurisprudence that waived the observance of this minimum period as stipulated by law (TNU, 2018). The first Precedent to be analyzed is precisely the one that has already been preliminarily mentioned in the previous paragraph:

TOPIC 173: For the purposes of granting the assistance benefit of continued provision, the concept of a person with disability, which is not necessarily to be confused with a situation of work incapacity, it is essential to configure a long-term impediment with a minimum duration of 2 (two) years, to be assessed in the specific case, from the date of the beginning of its characterization (TNU, 2018).

The thesis established in precedent 173 presented a certain ambiguity in the use of the expression "beginning of its characterization" (TNU, 2019), not objectively clarifying the exact moment in which this beginning should be considered. It was not clear whether it would be from the impeding situation or from the day it was verified, through a report issued by a medical expert. In this context, Federal Judge Fábio de Souza took a divergent position, arguing that the moment of applying for the benefit must be taken into account. He stressed that, in this way, the risk of leaving people with disabilities without Social Assistance coverage is avoided, especially those who have a prognosis of recovery in a period of less than two years from the expert examination (TNU, 2019).

Finally, the judge proposed a revision of the thesis established in Topic 173 of the TNU Precedent, in order to align the jurisprudence with the new understanding. According to this understanding, the entire period of impediment must be considered, including the time that has already passed, plus the future recovery period estimated by the professional in the judicial expertise.

Precedent 48 also underwent an important change. Previously, it established that the disability did not need to be permanent for the Continuous Cash Benefit (BPC) to be granted. With the new wording, it is clear that the collegiate chose to reformulate the terminology, aligning it with the most recent legal provisions that address disability. The word "incapacity" was replaced, and the TNU came to understand that, in order to be entitled to the benefit, the beneficiary must prove a "long-term impediment" (TNU, 2019).

However, the understanding that the term "impediment" should not be confused with incapacity for work was consolidated. Likewise, the definition of a person with a disability goes beyond the work limitation, as demonstrated by the reservation of vacancies in public examinations. This means that, even if a person is able to work, they can be considered disabled if they have a long-term impediment, according to the criteria established by the legislation for the granting of the BPC (TNU, 2019). The other Precedent of the National Uniformization Panel related to the subject in question is No. 80:

In requests for continuous benefit (LOAS), in view of the advent of Law 12.470/11, for an adequate assessment of the environmental, social, economic and personal factors that impact the participation of the person with disabilities in society, it is necessary to carry out a social assessment by a social worker or other measures capable of revealing the effective condition experienced in the social environment by the applicant (TNU, 2015).

In the text of the precedent, it is clear that disability is also understood from a social perspective. This means that, in addition to biomedical aspects, environmental, social, and economic factors that influence the way the impediment impacts the person's life must be considered (Santos, 2010). Thus, it is essential that these elements are carefully evaluated by the adjudicating body when deciding on the request submitted.

However, given the limitations and the large volume of lawsuits in the Judiciary, which end up causing delays, the TNU decided that the expertise can be done by other means. This includes the writ of discovery issued by a court official or even the holding of the instruction hearing by the judge himself. What really matters is that these procedures are sufficient to demonstrate the real situation experienced by the applicant in his community.

EXAMINING THE HYPER-JUDICIALIZATION OF THE CONTINUOUS BENEFIT

All requests made by People with Disabilities must go through the analysis of the INSS. The social security agency evaluates the criteria related to the vulnerability and disability condition of each individual. It is the role of INSS medical experts to identify which impediments characterize situations of need that justify social protection. It is worth noting that this determination is not limited to a simple technical classification; It involves judgments that reflect values and conceptions of normality and productivity. In other words, medical expertise goes beyond the technical field and is inserted in a context of power, functioning as an act of medical authority within the field of social rights (Diniz; Silva, 2012).

The objective is to show how the procedures provided by the LOAS to identify who is entitled to benefits end up modifying the role of medical expertise. Instead of being limited to evaluating documents, medical experts assume, in practice, a quasi-judicial function (Diniz; Silva, 2012). Currently, the way to assess disability and long-term impairments is outdated. Ideally, this biopsychosocial assessment should be conducted by a multidisciplinary team, including psychologists, occupational therapists, physiotherapists, speech therapists, and physicians. In addition, it would be important to involve professionals from the Unified Health System (SUS) and the Unified Social Assistance System (SUAS), since the purpose of this evaluation is to determine who can access the expected benefits (Diniz; Silva, 2012).

When the INSS denies the request for the Continuous Cash Benefit, many people seek justice to try to guarantee this fundamental right. And, most of the time, the courts have played a crucial role in correcting these undue denials and ensuring the benefit to those who are really entitled. However, in some situations, the Judiciary itself, instead of guaranteeing social rights, may end up compromising their protection by adopting stricter interpretations or disregarding what the law determines.

The process to guarantee the Continuous Cash Benefit (BPC) is marked by challenges that go far beyond the economic need faced by those who need this social assistance. Often, these people, who already live in conditions of great vulnerability, face barriers to accessing basic Social Security rights, even though these are recognized as fundamental. One of the main obstacles is the difficulty of reaching the courts, which, for this portion of the population, is still a distant and inaccessible resource.

There are several reasons that help to understand why we still see decisions of the TRF of the 5th Region related to the BPC that use the ability or incapacity to work as a basis for approval or rejection of requests. One of them is the fact that, for a long time, this was the way the legislation treated the benefit, which generated the habit of associating the

BPC with the ability to work. As a result, even after the changes in the law redefined the concept of a person with disabilities and eliminated this criterion, there is still a difficulty in adjusting the legal interpretation. This historical context makes the acceptance of the new legal guidelines more challenging, mainly because they have abandoned the criterion of incapacity for independent living (Diniz; Silva, 2012).

In many cases, judges, faced with the fear of questioning the opinion of experts or pressured by the volume of cases and the need to decide quickly, end up prioritizing the principles of productivity and agility. Thus, it is common for them to establish, almost automatically, a relationship between the absence of total and permanent incapacity for work and the lack of a long-term impediment, which directly influences the decision on whether to grant the benefit.

The Continuous Cash Benefit (BPC) is managed by the INSS, an agency focused mainly on granting social security benefits that follow the contributory logic of social security. This connection can generate confusion when interpreting the BPC as a benefit of a non-contributory nature, since it is related to Social Assistance and has very different objectives. While social security benefits for disability depend on specific criteria such as incapacity for work, the BPC presents more comprehensive eligibility criteria. The 1988 Constitution, for example, uses the term "disability" and not just "work disability", showing that these two concepts are not synonymous (Flores, 2014).

The traditional view of Social Assistance, shaped by years of neoliberal influence, is still an obstacle to its being understood as a fundamental social right. It is often perceived as a welfare measure aimed only at the most needy. This historical perspective, combined with the initial regulations of the Continuous Cash Benefit (BPC), which required beneficiaries to look for work and enroll in Social Security, helped to create a collective imaginary in which Social Assistance is seen as opposed to work. This way of thinking leaves marks to this day and ends up sustaining limiting interpretations in the analysis of who is really entitled to the BPC.

Currently, in order for a person with a disability to receive the Continuous Cash Benefit (BPC), it is no longer necessary to prove only that they cannot work. This changed thanks to a legislative process that brought a more modern view of what disability is, seeing it as a form of social exclusion. The Organic Law of Social Assistance (LOAS) now follows the concept defined by the International Convention on the Rights of Persons with Disabilities. This convention, which has the same value as a constitutional amendment in Brazil, understands disability as a long-term physical, mental, intellectual or sensory

impediment that, combined with barriers in the environment, can hinder a person's full participation in society, on an equal basis with others (Diniz; Silva, 2012).

Law No. 8,742/93, known as the Organic Law of Social Assistance (LOAS), brings a more inclusive approach to the granting of the Continuous Cash Benefit (BPC). She states that it is not necessary for the person to have a total and permanent disability to be entitled to the benefit. For example, article 21-A, introduced by this legislation, explains that the BPC can be suspended if the beneficiary with a disability starts working, either as an employee or entrepreneur. However, if the person leaves their job or ends their entrepreneurial activity, they can receive the benefit again without having to undergo a new medical examination. In addition, the law allows the BPC to continue to be paid while the person works as an apprentice. This shows that the possibility of working does not automatically eliminate the right to the benefit, and the mere fact of being able to perform work activities does not mean that there are no long-term obstacles.

The evaluation to grant the benefit, by focusing mainly on the ability or inability to work and not taking into account a complete analysis that covers biopsychosocial aspects, ends up imposing restrictions that the law does not provide. With this, there is a risk of unduly denying a right guaranteed by the Constitution.

When defining who is entitled to the Continuous Cash Benefit (BPC), it is essential that judges consider the principles of Social Security. This means paying special attention to the principle of universality of coverage, which ensures protection for all those who need it. This approach must be in line with article 203 of the Federal Constitution, which determines that Social Assistance must serve people in need (Silva, 2011).

Thus, the principle of universality aims to include those who need it most in social protection, not to remove them from it. Thus, interpreting that any work capacity, even if limited and restricted to specific activities, eliminates the condition of disability, is a narrow view of the concept of need. This weakens the central idea of universality, which is the basis of Social Security, and undermines the scope of protection to those who really need it.

ANALYSIS OF THE PROCEEDINGS OF THE FEDERAL REGIONAL COURT OF THE 5TH REGION

In this topic, we will explore how the Federal Regional Court of the 5th Region deals with cases related to the Continuous Cash Benefit (BPC). Let's take a closer look at the situations in which the benefit is granted, reviewed, denied, or suspended, as well as examine the main legal controversies and the most important court decisions. The purpose is to understand how the court applies the laws and regulations related to the BPC, identify

possible patterns in decisions, and recognize the challenges that beneficiaries face along the way.

The first case to be evaluated involves case No. 08010008520178150301, which was judged by the 5th Panel of the Federal Regional Court of the 5th Region. In this case, the plaintiff filed a civil appeal against an unfavorable sentence, rendered by the court of the 1st Mixed Court of the District of Pombal, in Paraíba. The plaintiff's request sought the granting of the Continuous Cash Benefit, but was denied on the grounds that the family income did not meet the required criteria and that the information contained in the social report did not prove the necessary vulnerability (Brasil, Regional Court of the 5th Region (5th Appellate Panel of the PE)).

The court's decision cites excerpts from the original sentence to justify the rejection of the request. An example is the expert report, produced by the *lower court*, which confirms that the plaintiff is deaf-mute, illiterate and has never worked. The report also points out that the plaintiff would be able to carry out a work activity, as long as he did not depend on communication and that there was guidance from other people. In addition, it is important to note that we are talking about someone over 40 years of age, without schooling, and who lives in a small town in the countryside, where there are few job opportunities.

The family in question consists of three people: the author and his parents, both elderly people over 65 years old. Each of the parents receives a benefit in the amount of one minimum wage. In view of this, the appeal presented was denied.

Another case that deserves analysis is case No. 00003464420158151161, judged by the 7th Panel of the TRF of the 5th Region. In this case, it is a civil appeal filed by a minor, represented by her mother. The appeal challenges the sentence of the Federal Court of the 1st Mixed Court of the District of Piancó/PB, which denied the request for assistance benefit for people with disabilities. The main argument for the refusal was the allegation that the plaintiff did not prove incapacity for work (Brazil, Regional Court of the 5th Region (7th Appellate Panel of the PE)).

In this appeal, it was argued that the plaintiff faces mobility difficulties and that the report made an error in focusing only on the incapacity for work. The disability that guarantees access to the BPC is not the one that necessarily prevents the person from working or being independent, but rather the one that, due to certain barriers, limits their full and effective participation in society. In addition, it was demonstrated that the plaintiff meets the socioeconomic criterion, evidencing her situation of financial vulnerability. Although all these issues were clearly proven, the appeal was denied on the grounds of lack of incapacity for work.

The most recent case involves case number 08001875320178150141, which was analyzed by the 2nd Panel of the Federal Regional Court of the 5th Region. This is an appeal filed by the plaintiff against the decision of the 2nd Mixed Court of Catolé do Rocha, in Paraíba, which had denied the benefit of continued provision requested by a person with disabilities (Brazil, Regional Court of the 5th Region (2nd Appellate Panel of PE)).

In the sentence, the lower court considered it unnecessary to hear witnesses. It based its decision only on the opinion of the judicial medical report, which pointed out that the plaintiff has a fracture at the distal end of the radius, but is able to continue exercising her professional activities.

In the appeal, it was argued that there was a mistake during the medical examination. The focus would have been only on the analysis of the appellant's general physical conditions, without considering the pulmonary problems that were proven through exams and documents attached to the lawsuit. Despite this, the appeal was denied based on the understanding that the applicant is not incapacitated for work.

CONCLUSION

The main objective of this work was to understand the historical trajectory of the Continuous Cash Benefit (BPC) in the context of the consolidation of social rights in Brazil. The focus was on the legal and jurisprudential criteria that guide the granting of the benefit to people with disabilities. To this end, the research was divided into three parts, each dedicated to exploring different aspects of the theme, seeking to offer a clear, complete and accessible view of the BPC and its fundamental role in the country's social assistance policy.

By revisiting the historical trajectory of social rights, one can see how working conditions in the nineteenth century were marked by inhumane situations and the intense exploitation of the working class. This scenario of inequality and suffering boosted, in the twentieth century, especially after the impacts of the two world wars, a movement in favor of social constitutionalism, which culminated in the incorporation of social rights into the Constitutions of several countries.

In Brazil, this process began to take shape with the 1934 Constitution, which was the first to recognize social assistance as a responsibility of the State, establishing attributions aimed at health and support for the most vulnerable populations. This advance was expanded in the Federal Constitution of 1988, which consolidated the right to social security, encompassing health, social security and social assistance. From then on, these rights began to be universally guaranteed, promoting social inclusion through public policies and specific programs aimed at the well-being of the population.

The research concludes, sensitively and clearly, that the Continuous Cash Benefit (BPC) is a fundamental tool to ensure dignity and social inclusion for people with disabilities and the elderly in vulnerable situations. By ensuring a minimum income, the BPC offers not only financial stability, but also the possibility of a fairer and more dignified life for those who do not have the means to support themselves.

On the other hand, the study also points out that there are still ways to go to make this public policy fairer and more efficient. The importance of improving the processes for assessing disability and reviewing the criteria used to grant the benefit is highlighted. In this sense, the need for a truly biopsychosocial approach is reinforced, which considers not only the medical diagnosis, but also the social, economic, and environmental contexts that directly impact the lives of the beneficiaries.

For future research, it is interesting to look at international experiences in the area of social assistance, comparing them with the Brazilian model. This can reveal innovative paths and opportunities for improvement. It is also essential to carry out empirical studies that investigate, in practice, how the Continuous Cash Benefit (BPC) has impacted the lives of its beneficiaries. These data can make important contributions to the effectiveness of the benefit and point out where there are still gaps to be filled. Another relevant possibility is to explore public policies that complement the BPC, such as professional qualification programs and actions that encourage the employability of people with disabilities. Investigations in this sense can strengthen the construction of fairer, more inclusive policies aligned with the promotion of social equity in Brazil.

REFERENCES

1. Angelo, G. (2020). *O critério de renda na concessão do BPC/LOAS* [Undergraduate monograph, UNIFACVEST University Center]. <https://www.unifacvest.edu.br/assets/uploads/files/arquivos/af9a8-angelo,-gustavo-douradogomes.-o-criterio-de-renda-na-concessao-do-bpc---loas,-lages,-unifacvest,-2020..pdf>
2. Barros, P. (2023). *Os novos requisitos econômicos para a concessão do BPC LOAS* [Undergraduate monograph, University of Taubaté]. <https://repositorio.animaeducacao.com.br/items/e96e367d-60c9-467b-a501-093a5c97be67>
3. Brazil. (1988). *Constituição da República Federativa do Brasil de 1988*. Senado Federal, Centro Gráfico. http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm
4. Brazil. (1995). *Decreto nº 1.744, de 8 de dezembro de 1995*. https://www.planalto.gov.br/ccivil_03/decreto/antigos/d1744.htm
5. Brazil. (1999). *Decreto nº 3.298, de 20 de dezembro de 1999*. https://www.planalto.gov.br/ccivil_03/decreto/d3298.htm
6. Brazil. (2007). *Decreto nº 6.214, de 26 de setembro de 2007*. https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/decreto/d6214.htm
7. Brazil. (1993). *Lei nº 8.742, de 7 de dezembro de 1993*. http://www.planalto.gov.br/ccivil_03/leis/l8742.htm
8. Brazil. (1998). *Lei nº 9.720, de 30 de novembro de 1998*. https://www.planalto.gov.br/ccivil_03/leis/l9720.htm
9. Brazil. (2011). *Lei nº 12.470, de 31 de agosto de 2011*. https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/l12470.htm
10. Brazil. (2015). *Lei nº 13.146, de 6 de julho de 2015*. https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm
11. Brazil. (2021a). *Lei nº 14.172, de 10 de junho de 2021*. https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/lei/l14172.htm
12. Brazil. (2021b). *Lei nº 14.176, de 22 de junho de 2021*. https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/lei/l14176.htm
13. Brazil, Tribunal Regional Federal da 5ª Região, 2ª Turma de PE. (n.d.). *Apelação Cível nº 08001875320178150141*. <https://juliapesquisa.trf5.jus.br/juliapesquisa/pesquisa#resultado>
14. Brazil, Tribunal Regional Federal da 5ª Região, 5ª Turma de PE. (n.d.). *Apelação Cível nº 08010008520178150301*. <https://juliapesquisa.trf5.jus.br/juliapesquisa/pesquisa/pesquisa#resultado>

15. Brazil, Tribunal Regional Federal da 5ª Região, 7ª Turma de PE. (n.d.). *Apelação Cível nº 00003464420158151161*. <https://juliapesquisa.trf5.jus.br/julia-pesquisa/pesquisa#resultado>
16. Damasceno, G. A. (2016). *O silenciamento da perspectiva biopsicossocial da deficiência: Uma análise arqueológica do discurso jurídico* [Master's dissertation, Federal University of Maranhão]. <https://tedebc.ufma.br/jspui/handle/tede/1337?mode=full>
17. Diniz, D. (2007). *O que é deficiência*. Brasiliense.
18. Diniz, D., Squinca, F., & Medeiros, M. (2006). *Transferência de renda para a população com deficiência no Brasil: Uma análise do Benefício de Prestação Continuada* (Text for Discussion No. 1184). IPEA. https://repositorio.ipea.gov.br/bitstream/11058/2107/1/TD_1184.pdf
19. Diniz, D., & Santos, W. R. dos. (2009). Deficiência e perícia médica: Os contornos do corpo. *Revista Eletrônica de Comunicação, Informação e Inovação em Saúde*, *3*(2), 16–23. http://icts.unb.br/jspui/bitstream/10482/4733/1/2009_WandersonRufinodosSantos.pdf
20. Diniz, D., & Silva, J. L. P. da. (2012). Mínimo social e igualdade: Deficiência, perícia e benefício assistencial na LOAS. *Revista Katál.*, *15*(2), 262–269. <https://www.scielo.br/j/rk/a/YLd5Z7mWwGL5TgMp4LPpCVb/?format=pdf&lang=pt>
21. Flores, T. L. (2014). *Conceito de deficiência na materialização do acesso ao BPC: Impactos na proteção social e na relação entre assistência social e trabalho* [Master's dissertation, University of Brasília]. http://www.realp.unb.br/jspui/bitstream/10482/17362/1/2014_TaisLeiteFlores.pdf
22. Fogaça, K. (2021). Pessoas com deficiência entre o modelo biomédico e o modelo biopsicossocial: Concepções em disputa. *Revista da UEPG*, *21*, 1–18. <http://www.revistas2.uepg.br/index.php/emancipacao>
23. Ministério do Desenvolvimento Social e Combate à Fome. (2007). *Avaliação de pessoas com deficiência para acesso ao Benefício de Prestação Continuada da assistência social: Um novo instrumento baseado na Classificação Internacional de Funcionalidade, Incapacidade e Saúde*. Ministério do Desenvolvimento Social e Combate à Fome; Ministério da Previdência Social. http://www.mpggo.mp.br/portalweb/hp/41/docs/avaliacao_das_pessoas_com_deficiencia_-_bpc.pdf
24. Santos, W. (2010). O que é incapacidade para a proteção social brasileira? O Benefício de Prestação Continuada e a deficiência. *Argumentum*, *2*(1), 116–132. <https://periodicos.ufes.br/index.php/argumentum/article/view/336/247>
25. Silva, J. L. P. da. (2011). *Igualdade sem mínimos: Direitos sociais, dignidade e assistência social em um Estado Democrático de Direito – Um estudo de caso sobre o Benefício de Prestação Continuada no Supremo Tribunal Federal* [Doctoral dissertation, University of Brasília]. http://icts.unb.br/jspui/bitstream/10482/9768/1/2011_JanainaLimaPenalvadaSilva.pdf

26. Turma Nacional de Uniformização dos Juizados Especiais Federais. (2006). *Súmula nº 29*. *Diário da Justiça Eletrônico*. <https://www.cjf.jus.br/cjf/>
27. Turma Nacional de Uniformização dos Juizados Especiais Federais. (2015a). *Súmula nº 79*. *Diário da Justiça Eletrônico*. <https://www.cjf.jus.br/cjf/>
28. Turma Nacional de Uniformização dos Juizados Especiais Federais. (2015b). *Súmula nº 80*. *Diário da Justiça Eletrônico*. <https://www.cjf.jus.br/cjf/>
29. Turma Nacional de Uniformização dos Juizados Especiais Federais. (2018). *PEDILEF nº 0073261-97.2014.4.03.6301/SP* (Rel. Juiz Federal Sérgio de Abreu Brito). *Diário da Justiça Eletrônico*. <https://www.cjf.jus.br/cjf/>
30. Turma Nacional de Uniformização dos Juizados Especiais Federais. (2019). *Caderno TNU: Boletim número 51*. <https://www.cjf.jus.br/cjf/corregedoria-da-justica-federal/turma-nacional-de-uniformizacao/publicacoes-1/publicacoes>

1.