



Progressive Implementation of Social Rights

Progressive Realization of Social Rights

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SUMMARY

This article analyzes the progressive implementation of social rights in Brazil, addressing their historical genesis, the challenges to their effectiveness, and the importance of the principle of progressivity in guaranteeing their continuous expansion. Initially, it contextualizes the emergence of social rights in the transition from the abstentionist liberal state to the Social State of Law, highlighting the social transformations driven by the Industrial Revolution and the social question of the 19th century, as well as the constitutional recognition of these rights in the 1988 Federal Constitution. Next, it discusses the practical difficulties of implementation, emphasizing the application of the "reserve of the possible"—in its factual and legal dimensions—and the budgetary and legal limitations faced by the State, as well as the role of judicialization and the actions of the Supreme Federal Court in protecting the essential core of social rights. Finally, it addresses the principle of progressivity as a foundation that guides the gradual expansion of social benefits and the prohibition of unjustified regression, ensuring the dignity of the human person. The research reinforces that the realization of social rights is a dynamic process that demands constant commitment from the State and society to the construction of a Social State of Law genuinely committed to social justice.

Keywords: Social rights. Challenges to implementation. Principle of progressivity.

ABSTRACT

This article analyzes the progressive implementation of social rights in Brazil, examining their historical origins, challenges to their enforcement, and the significance of the principle of progressiveness in ensuring their continuous expansion. It initially contextualizes the emergence of social rights in the transition from a liberal, abstentionist state to a Social State of Law, highlighting the social transformations driven by the Industrial Revolution and the 19th-century social question, as well as the constitutional recognition of these rights in Brazil's 1988 Federal Constitution. The article then discusses practical implementation challenges, highlighting the application of the "reserve of the possible" concept—both factual and legal aspects—and the budgetary and legal constraints faced by the state, along with the role of judicialization and the Federal Supreme Court in protecting the core of social rights. Finally, it addresses the principle of progressivity as a guiding foundation for the gradual extension of social benefits and the prohibition of unjustified retrogression, safeguarding human dignity. The study concludes that the realization of social rights is a dynamic process requiring continuous commitment from the state and society to build a genuinely socially just State of Law.

Keywords: Social Rights. Challenges to realization. Principle of Progressive Realization

1. Introduction

Social rights, with their intricate complexity, emerge as cornerstones. essential elements of contemporary constitutionalism, clearly symbolizing the evolution of The idea of justice and human dignity. Unlike first-generation rights — which

They involve civil and political liberties and require a stance of non-intervention on the part of From the State—social rights demand proactive action from public authorities. They are realized in services and guarantees that seek to ensure a minimum standard of living, access to goods and services essential, in addition to conditions that favor the full development of the person in society. The realization of these rights, however, goes far beyond mere legal recognition. facing a series of complex challenges that transcend the legal, economic, and other spheres. political and social.

The transition from the abstentionist liberal state to the social rule-of-law state. driven by the profound socioeconomic transformations of the 19th century — in particular, The Industrial Revolution and the subsequent "social question" represented a milestone in the theory of rights. This paradigm shift resulted in the recognition of the importance of Active intervention by public authorities to reduce inequalities and promote well-being. collective. In Brazil, the 1988 Federal Constitution solidified this vision, elevating rights. social rights have been elevated to the status of fundamental rights, a significant step forward that reflects the commitment with the construction of a more just and supportive society.

However, the realization of these rights is an ongoing and frequent process. challenging. The wide range of social rights — which includes health, education, housing, work, Social security, among other things — imposes substantial budgetary demands and requires... The development and implementation of complex and intersectoral public policies. The reserve of the possible, State bureaucracy and persistent social inequalities are just some of the obstacles. which hinder its full implementation. Given this scenario, the principle of progressivity It stands out as an essential guide. It recognizes that the realization of social rights is not It will not happen immediately, but rather through a gradual and constant advance, implying a The State's obligation to expand the scope and quality of services, while at the same time... which prohibits unjustifiable setbacks.

This article aims to explore the trajectory of social rights, from their roots. historical and conceptual aspects, going through the complex difficulties of its implementation, up to the in-depth understanding of the principle of progressivity as the foundation for its This will be achieved through a broad doctrinal framework encompassing thinkers. such as Norberto Bobbio, Hannah Arendt, José Afonso da Silva, Flávio Martins and Ingo Wolfgang Sarlet, complemented by an analysis of Brazilian legislation - with emphasis on the Constitution. Federal Constitution of 1988, of the international human rights treaties ratified by Brazil, such as the Pact of San José, Costa Rica, and relevant decisions of the Supreme Federal Court. The aim is to provide a comprehensive overview of the multiple factors that impact the

implementation of social rights and emphasizing the importance of the principle of progressivity.
for the construction of a Social State of Law genuinely committed to dignity.
and social justice.

2. Theoretical Framework

2.1 The emergence of social rights: from abstention to state intervention

The origin of social rights is deeply connected to changes
socioeconomic changes that unfolded from the 19th century onwards, especially with the Revolution
Industrialization and the rise of the social question. While the liberal constitutionalism of the 18th century
The early 19th century focused on safeguarding individual liberties against intervention.
Arbitrary state power, increasing poverty, unhealthy working conditions, and inequality.
Their expansion fostered the demand for a new class of rights.

Ingo Wolfgang Sarlet points out that the first signs emerged in Europe during the
Middle Ages. During this period, some legal records, such as the Magna Carta of 1215 in England,
along with the doctrine of natural law that began to take shape in the 16th century,
They establish the basis for human rights (Sarlet, 2013).

In this sense, Gilmar Ferreira Mendes points out that social rights are born while
unfolding of fundamental rights, departing from an initial philosophical claim
of an ethical nature to address real social needs, considering the human being in
its different nuances.

Fundamental rights that previously sought to protect claims common to all.
Men also began to protect human beings who are distinguished by their influence.
of certain specific situations in which they are caught. Some individuals, due to certain
These peculiarities make them worthy of special attention, as required by the principle of respect.
to human dignity. Hence the recognition of special rights for the sick, the disabled, and the
From children to the elderly... Man is no longer seen in the abstract, but in the concreteness of his...
various ways of being and existing in society. This tendency towards specialization leads to...
Multiplication of rights. The specification leads to the need for new ones to be made explicit.
rights, adapted to the particularities of human beings in social life. This increases the...
quantitative of the assets considered worthy of protection (Mendes, 2011).

Norberto Bobbio, in his work "The Age of Rights" (1992), highlights the evolution of
Conceptions of rights, classifying them into generations. Social rights, according to Bobbio,

They represent the second generation, stemming from the need to promote equality. material, going beyond the mere formal equality guaranteed by freedom rights. It is about a transition from an abstentionist state to a social state governed by the rule of law, in which public power assumes the responsibility of intervening in the economic and social order to ensure a minimum existential and promote collective well-being, including, for example, the right to live in a unpolluted environment.

The first group corresponds to rights of freedom, or a non-action by the State; the second group corresponds to... Secondly, social rights, or positive action by the State. Although the demands for rights They may be arranged chronologically in various phases or generations, their species are always — with regard to the established powers — only two: either prevent the evils of such powers or to obtain their benefits. In third and fourth generation rights, there may exist rights of both kinds. (Bobbio, 1992)

Therefore, according to the author, human rights are historically constructed. Emerging from struggles for freedoms in specific contexts. From civil liberties to rights. Social and ecological, these rights evolve with social demands and technological advances. Reflecting the need to limit powers and guarantee protection. New generations of rights. They emerge as new threats and needs arise.

The effervescence of workers' and social movements, the critique of the ills of capitalism. Wilderness and the pursuit of social justice were catalysts for the legal recognition of these rights. The Weimar Constitution (1919) is often cited as a milestone in this process, as Include in your text provisions relating to the right to work, social security, and... education. In the Brazilian context, although precedents can be found in

The Constitutions of 1934 and 1946 were not fully established; it was with the Federal Constitution of 1988 that social rights were enshrined. They have gained the status of fundamental rights, with a chapter dedicated to them (Chapter II, of Title II). José Afonso da Silva, in his "Course of Positive Constitutional Law" (2005), emphasizes that the CF/88 elevated these rights to the level of entrenched clauses, given their essentiality for the realization of human dignity.

The conception of these rights, however, did not occur without resistance. Hannah Arendt, Although it does not directly address the classification of rights into generations, it discusses the condition. Humanity and the importance of "active life" in the public sphere. Their insights into the need for Belonging to a political community in order to have rights resonates with the idea that deprivation of Basic social rights can exclude an individual from full civic and political participation. Ensuring decent living conditions thus becomes a prerequisite for the implementation of other [rights/properties]. rights.

The human condition encompasses more than just the circumstances under which life was given to man. Men are conditioned beings: everything with which they come into contact immediately becomes a condition of its existence. (Arendt, 2010)

In addition to national legislation, international agreements have also reinforced its relevance of social rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Brazil, is a prime example. This pact recognizes essential rights such as work, social security, health and education, establishing duties for the States Parties. The Pact of San José, Costa Rica (American Convention on Human Rights), although with a greater emphasis on civil and political rights, also addresses the interdependence and indivisibility of rights, emphasizing the need for implementation. The gradual development of economic, social, and cultural rights. The adoption of these instruments demonstrates... a global recognition of the interconnectedness between the various dimensions of human rights and the urgent need for comprehensive protection of human beings.

2.2 The implementation of social rights and its difficulties

The realization of social rights, unlike rights of freedom, which they require a stance of non-intervention from the State, demanding active participation from the party. This manifests itself through public policies, resource allocation, and the provision of... services. This particularity brings with it significant challenges, which often culminate in an "unfulfilled promise" or in a performance that falls short of expectations.

One of the main difficulties lies in the reservation of the possible. It is argued that the realization of rights such as health, education, and decent housing depends on the availability of budgetary resources, which, in contexts of fiscal scarcity, would limit the capacity of State. Ingo Wolfgang Sarlet, in "The Effectiveness of Fundamental Rights" (2015), addresses this question, distinguishing the "factual reserve of the possible" (real limitations of resources) from the "reserve of the legally possible" (limitations imposed by the legal system itself). Sarlet warns, however, that the claim of insufficient resources cannot serve as a pretext for non-compliance. of the minimum subsistence level, which must be guaranteed under any circumstances. The judicialization of social rights, where individuals or groups seek the guarantee of benefits from the Judiciary. State-owned companies are a direct reflection of this tension.

Another difficulty lies in the intricate web of public policies. The implementation of Social rights require the involvement of various actors, encompassing different levels of... Government (federal, state, municipal) and the essential coordination between sectors. Obstacles



such as bureaucracy, lack of strategic planning, corruption and discontinuity. Administrative challenges frequently arise. Flávio Martins, in his reflections on Constitutional law often emphasizes that the effectiveness of constitutional norms, in Especially regarding programs related to social rights, it is closely linked to a genuine political will and the creation of sub-constitutional laws that give substance to these rights.

The judicialization of social rights, while representing a path to their realization While rights also present challenges, the Judiciary, in its typical function, is not... primarily responsible for the formulation and execution of public policies, which can generate tensions with the Legislative and Executive branches, responsible for the allocation of resources and Defining priorities. The Supreme Federal Court (STF) has taken a position on this issue in landmark cases. In On numerous occasions, the Court has reaffirmed the fundamental nature of social rights and the possibility of judicial intervention to guarantee it, especially when it comes to minimum living wage. However, the Court has also shown caution so as not to encroach upon the within the sphere of discretion of the other branches of government, seeking solutions that preserve the separation of powers. of powers. Cases involving the provision of high-cost medications or the guarantee of Vacancies in daycare centers are examples of how jurisprudence attempts to balance the protection of rights. with the autonomy of the other branches of government.

Finally, persistent social inequality in Brazil exacerbates the difficulties of Implementation. Social stratification and income concentration make it difficult for policies to be implemented. public initiatives reach the most vulnerable sectors of the population in an equitable way, creating cycles vicious cycles of deprivation of rights and perpetuating exclusion.

2.3 Progressiveness in the realization of social rights

Given the challenges surrounding the full and immediate implementation of social rights, The principle of progressiveness stands out as an essential guide. Progressiveness allows... that the realization of these rights should not be abrupt, but rather occur gradually and continuous, aiming for the constant expansion of its reach and the improvement of the quality of its services. offers.

The 1988 Federal Constitution, although it does not explicitly mention the term "Progressivity" in all social rights implicitly adopts this concept when to establish that the social order is based on the primacy of work and aims at the common good. being and social justice in its article 193. Furthermore, article 6, when listing social rights, does not



It establishes a maximum standard, suggesting a horizon of constant improvement. The character of the programmatic nature of many constitutional norms relating to these rights also points to the need for gradual development.

Article 6. Social rights include education, health, work, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute, as provided for in this Constitution.

Article 193. The social order is based on the primacy of labor, and its objective is social well-being and justice.

The idea of progressivity is explicitly contemplated in various instruments.

International human rights treaties ratified by Brazil. The International Covenant on Human Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR), in its Article 2, establishes that each State Party commits to adopting measures, "to the maximum of its available resources," to achieve progressively achieving the full realization of the rights recognized therein. This formulation enshrines the principle of progressivity as a commitment of the States, without, however, allowing for regression.

2.4 Principle of non-regression

The principle of non-regression, often called the prohibition of social regression, is an essential element in the progressiveness of social rights and a fundamental support for the Democratic Rule of Law. It establishes that, once a certain level of protection of a social right — whether through constitutional norms or legislation — whether it's based on sub-constitutional laws or already established social practices—this level cannot be eliminated or reduced without a justification that is in accordance with the Constitution. This guideline acts as a safeguard against the dismantling of social achievements and a mechanism of protection of the dignity of the human person.

In Brazil, although the principle is not clearly outlined in an article. Specifically regarding the 1988 Federal Constitution, most scholars of constitutional law... Brazilians widely recognize its presence and applicability. Its foundation stems from... a systematic interpretation of constitutional values and principles, such as the dignity of the human person (Article 1, III), the fundamental objectives of the Republic (Article 3), and nature itself. of fundamental rights attributed to social rights (article 6 and following).

One of the most prominent defenders of this principle is the constitutionalist Ingo Wolfgang Sarlet. In his work "The Effectiveness of Fundamental Rights" (2015), Sarlet argues that the prohibition of social regression is a direct consequence of the very fundamental nature of social rights and the principle of dignity. According to him, once the State fulfills its

The obligation to enforce a social right by creating a benefit or service makes this achievement a reality. part of the legal patrimony of citizens, and the legislator cannot, at a later time, to annul it or reduce it arbitrarily. Sarlet emphasizes, however, that the prohibition of regression is not absolute, allowing for exceptional setbacks justified by compelling reasons and proportionate, provided they do not affect the essential core of the fundamental right or the minimum. existential.

Another renowned constitutional scholar, José Afonso da Silva, in his "Course of Law" "Positive Constitutional Law" (2005) also implicitly touches on the issue when discussing effectiveness of programmatic norms and the need to realize social rights. Although not Use the term "non-regression" explicitly in your analysis of the normative force of The Constitution and the binding nature of fundamental rights are in line with... The impossibility of the legislature dismantling already established rights.

Luís Roberto Barroso, in various writings and in his work as a Supreme Court Justice. The Federal Court also recognizes the prohibition of social regression as a principle. implicit in the Brazilian constitutional order. Barroso emphasizes the "performance-oriented" dimension of social rights, which, once implemented, create a "minimum civilizational standard" that It cannot be reduced without a plausible justification that respects the postulate of... proportionality. He emphasizes that the notion of regression is not limited only to acts. It includes regulations, but also state omissions that result in the disruption of policies. essential public services.

For Barcellos and Barroso, the principle of prohibiting social regression is the impossibility of invalidating the repeal of rules that, regulating the principle, grant or expand fundamental rights, without the revocation in question being accompanied by an equivalent replacement policy.

Although many social rights have a programmatic character, demanding a With gradual implementation, constitutional experts emphasize the importance of preventing the State from... dismantle the achievements already attained. For Sarmento (2020), this principle acts as a "A brake" against the prevailing political will that seeks to reduce existing social protection, serving as a minimum guarantee of legal security and stability for citizens.

The jurisprudence of the Supreme Federal Court (STF) has repeatedly applied and The principle of prohibiting social regression has been consolidated in its decisions. Despite the debate Regarding the limits and extent of its applicability in situations of continuous fiscal crisis, the The Court has reaffirmed that the government cannot, without constitutionally valid reasons and proportionally, suppressing or diminishing the scope of already realized social rights. This is if



This manifests itself in cases involving, for example, pension reforms, modifications in Welfare benefits or budget cuts in essential areas such as health and education. The The Supreme Federal Court (STF) seeks a balance between the political and budgetary discretion of the other branches of government. and the irreducibility of the essential core of social rights, preventing those rights fundamental principles become mere "empty promises".

In short, the perspective of Brazilian constitutional scholars is unanimous in defending the The principle of non-regression is a vital mechanism for the protection of social rights. It functions as a barrier against arbitrary setbacks, ensuring that progress continues. The implementation of these rights is continuous and social achievements are preserved. reaffirming the State's commitment to the dignity and well-being of its citizens.

2.5 Principle of the reserve of the possible

The concept of the reserve of the possible is one of the most discussed topics in law. Brazilian constitutional law, especially regarding the implementation of social rights. It originated in the jurisprudence of the German Constitutional Court and was introduced in Brazil. promoting broad discussions about the limits of state intervention in the realization of rights that require significant investments and public resources. In essence, the reservation The principle of possibility posits that the State can only be compelled to provide what is reasonably possible. feasible, taking into account the availability of resources and political and budgetary choices.

Brazilian constitutional doctrine, when addressing the concept of the "reserve of the possible," seeks to balance... the demand for fundamental rights with the factual and legal limitations that the State It faces challenges. There is a common understanding that the claim of the reserve of the possible cannot be... used as a "blank check" for inaction or for failing to fulfill obligations. constitutional.

Among the authors who dedicate themselves most to the subject, Ingo Wolfgang Sarlet stands out. Sarlet argues that the concept of "reserve of the possible" goes beyond a simple scarcity of financial resources. He identifies... two dimensions:

- Factual (or real) reserve of possibility: Refers to the concrete and proven absence of material and human resources for the realization of a certain right or public policy. The claim of impossibility must be demonstrated in a conclusive and objective manner by the State.
- Legal reserve of possibility: This relates to the limitations imposed by the legal system itself, such as legislative competence and the need for budgetary authorization.

Sarlet is clear in stating that the principle of the possible cannot be invoked to justify...
The failure to meet the minimum subsistence level. The minimum subsistence level, which encompasses the conditions basic necessities for a dignified life (such as access to health, adequate food and education)
Fundamental rights constitute an irreducible core of fundamental rights and must be guaranteed.
regardless of the availability of resources, under penalty of compromising the dignity of human being.

In his work "Course of Constitutional Law - 14th Edition 2025," the author addresses the...
controversy regarding the enforceability of social rights as subjective rights and their relationship with judicial review of public policies, highlighting the "reserve of the possible". This
The expression refers to the economic relevance of social rights, especially in the creation and distribution of resources essential for its effectiveness.

Possibly the most controversial point in terms of the enforceability of social rights.
as subjective rights and a basis for judicial review of public policies (both
the situations, despite their points of contact, are not the same) refers to what is called
"Reserve of the possible," that is, with the economically relevant dimension of social rights.
(although it is already recognized that such economic relevance is not limited to social rights) in
The condition of entitlement to state benefits, especially in matters relating to
the allocation, creation and (re)distribution of material and human resources, with emphasis on
economic, financial and tax aspects that relate to the effectiveness of rights
social. (SARLET, 2025)

Luís Roberto Barroso also stands out in this debate. In his reflections, he emphasizes
that the argument of the reserve of the possible, although valid in theory, cannot be used as
justification for the inertia of public authorities. Barroso warns against the rhetorical use of the thesis.
to legitimize state omission, especially when it comes to protecting rights that
They affect life and dignity. He argues that, for the claim to be valid, the State
It must demonstrate the genuine impossibility of compliance, highlighting the prioritization of other matters.
public policies and the lack of resources to meet the specific demand. Furthermore, Barroso
It emphasizes that the Judiciary should not interfere excessively in the discretionary power of the Executive branch.
but the principle of the possible is not an absolute shield against judicial intervention.
to guarantee a minimum standard of living.

Although primarily residing within the Legislative and Executive branches, the prerogative of
formulating and implementing public policies proves possible, however, for the Judiciary,
to determine, even if on an exceptional basis, especially in cases of public policy.
defined by the Constitution itself, whether these are implemented by state bodies.



defaulters, whose omission - because it implies a breach of political and legal obligations which are mandatory and apply to them - prove capable of compromising the effectiveness and The integrity of social and cultural rights imbued with constitutional status. The question relevant to the 'reserve of the possible'. (BARROSO, 2010)

Although José Afonso da Silva, in his "Course of Positive Constitutional Law", does not address the term "reserve of the possible" with the same depth as Sarlet or Barroso, your A perspective on the effectiveness of programmatic norms and the mandatory nature of social rights. Fundamental principles implicitly limit state discretion. For him, the norms that They guarantee social rights, although they depend on the actions of the legislator and the administrator, not They can simply be ignored under the pretext of lack of resources, since the The Constitution imposes a duty of implementation.

2.6 The principle of the possible in the jurisprudence of the STF (Supreme Federal Court)

The Brazilian Supreme Federal Court (STF) has repeatedly expressed its opinion on the matter. on the subject, seeking a balance between the autonomy of the Executive and Legislative branches in Budgetary management and the obligation to enforce fundamental rights. The Court consolidated the understanding that invoking the principle of the possible cannot override the core essential for the minimum subsistence level.

REGIMENTAL APPEAL IN EXTRAORDINARY APPEAL WITH AGGRAVATION.
Public civil action. Urban mobility infrastructure works. Analysis of local infra-constitutional legislation.
SUMMARY 280. ALLEGED VIOLATION OF THE PRINCIPLE OF THE RESERVE OF THE POSSIBLE. UNFOUNDED. PRECEDENTS. 1. Any divergence from the understanding adopted by the court a quo, regarding the determination to carry out urban mobility infrastructure works, would require an examination of local infra-constitutional legislation (Municipal Law 2.022/1959, the Law of the Master Plan for Urban and Environmental Development of Porto Alegre and State Law 12.371/2005), which makes the processing of the extraordinary appeal unfeasible, due to the prohibition contained in Summary 280 of the STF. 2. In this case, there is no violation of the principle of the reserve of the possible, since it cannot be invoked when the State omits itself from promoting constitutionally guaranteed rights. 3. Appeal denied. The increase in attorney's fees is inapplicable, as this is a public civil action in origin. (STF - ARE: 1269451 RS 0219865-07.2016.8.21.0001, Rapporteur: EDSON FACHIN, Judgment Date: 09/15/2021, Second Panel, Publication Date: 09/23/2021)

In several decisions, especially in cases involving the right to health (such as supply of high-cost medications and ICU bed spaces) and education (such as (Regarding vacancies in daycare centers), the Supreme Federal Court has been demanding that the State prove, in an objective and...



transparent, the real impossibility of fulfilling the obligation. A simple statement is not sufficient.

A generic claim of insufficient budget. The Public Authority must demonstrate that it has exhausted all other options. all alternative resource allocation options were considered, and the requested demand would make other options unfeasible. public policies are equally essential.

The jurisprudence of the Supreme Federal Court (STF), therefore, acts as a control mechanism over the applying the principle of the possible, preventing it from becoming a justification for inaction. The Court reinforces the binding nature of social rights and the responsibility of the State. in guaranteeing a minimum level of dignity for all citizens, even in the face of eventual financial limitations.

According to Alexandre de Moraes, in his work, the State cannot forget to fulfill the constitutional mandate to promote fundamental rights by incompetence or failure to manage one's responsibilities.

The clause of the reserve of the possible cannot, however, be invoked to avoid the application of the minimum subsistence level in matters of fundamental rights, as highlighted by the Supreme Federal Court, "the clause of the reserve of the possible – except in the event of the occurrence of a just cause that can be objectively verified – cannot be invoked by the State for the purpose of to willfully evade the fulfillment of one's constitutional obligations. (MORAES, 2025)

In summary, the concept of "reserve of the possible" is understood by Brazilian constitutional scholars. as a legitimate limit to the enforceability of state services, but which can never be used to legitimize the unconstitutional omission of public authorities. Its application requires... Effective proof of resource scarcity and unconditional respect for the minimum subsistence level. and to the essential core of fundamental rights.

3. Method

This research adopts a qualitative approach, of a bibliographical nature and The research is documentary, guided by the deductive method. The investigation develops from the analysis... A theorist of social rights, taking the Brazilian constitutional framework as a starting point, articulated with specialized doctrine and with national normative documents and international. The initial aim was to understand its implementation, with particular paying attention to the principles of progressivity, the reserve of the possible, and the prohibition of regression. central to the contemporary debate about its effectiveness.

The analytical process consisted of a critical and systematic reading of the selected material.



seeking to identify convergences, tensions, and theoretical contributions in the treatment of rights. social. From this structure, the thematic axes that guide the were constructed.

Development of the article: (I) the historical emergence of social rights, (II) the obstacles to its effectiveness, (III) the role of progressivity and the prohibition of regression as parameters interpretative, and (IV) the limits and possibilities imposed by the reserve of the possible in case law. This organization allowed for the coherent integration of the theoretical foundations, normative and jurisprudential principles essential to the debate on the progressive implementation of social rights in Brazil.

Thus, the method employed makes it possible to understand social rights not only not as normative statements, but as historical and political constructions embedded in a context of disputes, choices, and state limitations. The choice for a qualitative approach and The analytical approach, therefore, aims to offer an in-depth and critical interpretation of the topic. contributing to the academic and institutional debate on the effectiveness of the Welfare State of Law in the contemporary Brazilian context.

4. Final Considerations

Social rights, the result of a historical evolution marked by the pursuit of justice and... dignity represents a permanent challenge for the Social State of Law. Its emergence It marked the transition from an abstentionist state model to an interventionist state. tasked with providing the material conditions for a dignified existence for its citizens. doctrine, national and international legislation, and jurisprudence, particularly that of the Supreme Federal Court, are unanimous in recognizing the fundamental nature of these rights.

However, the implementation of social rights is a complex process, permeated due to difficulties such as resource scarcity, public policy bureaucracy, and profound social inequalities. While judicialization is an important avenue for enforcement, it requires... Caution is needed to avoid disrupting the balance of powers. In this context, the principle of Progressivity emerges as the essential guideline. It not only legitimizes gradualism in realization of social rights, but above all, it imposes a constant duty of expansion and Improvement, preventing unjustified regression.

The full realization of social rights is an ongoing project that demands a commitment . The unwavering nature of the State and society. Understanding its genesis, the obstacles to its... The realization and imperative of progressivity is fundamental to building a future in that material equality and human dignity may, in fact, become a reality for all.

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