



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

From the teleology of classical subordination to the constitutional teleonomy of work: a necessary reinterpretation of legal subordination in the 21st century.

From the teleology of classical subordination to the constitutional teleonomy of labor: a necessary reinterpretation of legal subordination in the 21st century

Daniela Araujo Motta - Uniceub – motta.danielaaraujo@gmail.com

Summary

Brazilian labor jurisprudence remains grounded in the classic structure of legal subordination, personal service, continuity, technical dependence, direction and insertion into the organization, and integration, as if they were ontological and permanent requirements. This article demonstrates that such elements are historical manifestations of typical subordination resulting from an industrial teleology characteristic of the 20th century, in which work was directed towards an external end imposed by the employer.

With the promulgation of the 1988 Constitution, the foundation became human dignity and the social values of work, focusing on improving living conditions, a social order based on work, and the financing of social security. Thus, Labor Law shifted to a perspective of social teleonomy, aligned with the contemporary dynamics of labor relations.

Based on the distinction between teleology and teleonomy, developed in the philosophy of biology by Monod and Mayr and systematized by Alfredo Marcos, it is argued that Labor Courts and the majority doctrine remain trapped in a historically outdated teleological paradigm, which prevents an adequate understanding of contemporary subordination and produces erosive effects on the 1988 constitutional order.

Thus, an objective structural subordination of the activity is proposed, capable of capturing functional dependence in open systems and realizing the constitutional teleonomy of work. When classical manifestations are not present, the interpreter must investigate the teleonomy and functional insertion of work, and not demand empirical signs of an outdated model.

Keywords: Legal subordination; Teleology; Teleonomy; Open systems; Social constitutionalism.

Abstract

Brazilian labor jurisprudence remains based on the classic structure of legal subordination, personality, continuity, technical dependence, direction and insertion in the organization, integration, as if they were ontological and permanent requirements. This article demonstrates that such elements are historical manifestations of the typical subordination resulting from an industrial teleology typical of the 20th century, in which work was directed towards an external purpose imposed by the employer. With the promulgation of the 1988 Constitution, the foundation becomes human dignity and the social values of work, moving towards improving living conditions, a social order based on work and the financing of social security. Thus, Labor Law migrates to a social teleonomy perspective, aligned with the contemporary dynamics of labor relations.

Based on the distinction between teleology and teleonomy, developed in the philosophy of biology by Monod, Mayr and systematized by Alfredo Marcos, it is argued that the Labor Court and the majority doctrine remain stuck in a historically outdated teleological paradigm, which prevents the adequate apprehension of contemporary subordination and produces erosive effects on the 1988 constitutional order.

Therefore, an objective structural subordination of the activity is proposed, capable of capturing the functional dependence in open systems and of carrying out the constitutional teleonomy of work.

When classical manifestations are not present, the interpreter must investigate teleonomy and the functional insertion of the work, and not demand empirical signs of an outdated model.

Keywords: Legal subordination; Teleology; Teleonomy; Open systems; Social constitutionalism.

Introduction



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

Legal subordination is the converging element of Labor Law. Since Ludovico Barassi, at the beginning of the 20th century, it was constructed as a technical-legal category intended to distinguish the employment contract from other forms of hiring. As a product of its time, this construction relied on empirical elements observable in the industrial model: personalization, continuity, technical dependence, direction, integration, and physical insertion. These elements were... manifestations of a teleological paradigm: the worker was subordinate because he acted towards an external end imposed by the employer, in a low-entropy environment¹, with hierarchical direction, clear and single purpose.

The historicity of this concept, however, has been neglected by doctrine and by jurisprudence. Subordination is not an immutable essence; it is a descriptive category that follows the way work is organized. And, as the philosophy of biology shows, contemporary, especially in the distinction between teleology and teleonomy, no category of scientific understanding can remain trapped within the historical manifestations of a phenomenon whose very existence continually transforms it. Teleology describes systems oriented towards an external end; teleonomy describes open, self-organizing systems whose purpose emerges from internal dynamics and interactions with the environment. This distinction, formulated by authors such as Jacques Monod and Ernst Mayr's theory, as systematized by Alfredo Marcos, demonstrates that purpose can exist without an agent, external factors that impose it, and that complex systems can exhibit direction, stability, and organization without explicit hierarchy (Marcos, 1996).

The reality of contemporary work is teleonomic. Digital platforms, algorithms, demand flows, dynamic targets, and automated evaluation systems create dependency, functional and economical without personal direction, without rigid continuity, without physical insertion, and without orders. The purpose exists, but it is emergent, distributed, opaque. Subordination exists, but it is not as it manifested itself in the 20th century. The historicity of the concept prevents its adequate understanding when the historical—teleological—manifestation is confused with the essence of the phenomenon—the asymmetry of structural power.

As Marcos (1996) reminds us, science only advances when it revises its concepts in light of new theoretical articulations and new empirical phenomena. Teleonomy does not eliminate causality; it complements it, allowing for an understanding of complex systems that tend towards stable endings even without conscious direction. Labor Law, as an applied science, must do the same: revise your categories when the reality they describe changes.

The 1988 Constitution reinforces this need. It does not adopt a business-oriented approach as the foundation of the work; it adopts a social teleonomy, guided by human dignity, by

¹ In a philosophical sense, that is, an inevitable tendency towards chaos.



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

social values of work, through a social order founded on work and through solidarity-based financing of Social security. The constitutional purpose of work is not the end of the company; it is the end of the social system. To deny employment relationships where there is functional and economic dependence is to deny the Constitution.

Given this scenario, this article addresses the following research question: in what measure the persistence of the Labor Courts and Brazilian legal doctrine in adopting a concept teleological and historically dated legal subordination, based on industrial manifestations of the 20th century, prevents the recognition of the teleonomic subordination inherent in labor relations. Are contemporary changes producing erosive effects on the 1988 constitutional order?

The methodological proposal starts from a premise: legal categories are not essential. metaphysical; they are descriptive instruments that exist to capture social phenomena. When the As the phenomenon changes, the category must be revised. The distinction between teleology and teleonomy offers a A powerful methodological framework for this review. The teleonomic methodology proposed here. consists of three movements: (1) recognizing the historicity of subordination, understanding that its Classical elements are manifestations of a low-entropy industrial model; (2) identify the Real functional dependence in open systems, observing how personhood becomes the vector of insertion and vulnerability; and (3) reconstructing subordination as an objective structural category of activity, looking at the worker's position in the system, and not at how control is exercised. manifest.

This article therefore proposes a reconstruction of legal subordination from the perspective of... teleonomics, adopting an objective structural subordination of the activity, capable of capturing the functional dependence in open, high-entropy systems, in which purpose is emergent and the The direction is distributed. This reconstruction does not abandon positivism or legal technique; On the contrary, it uses the same tools as Barassi — empirical observation, structural analysis, Systemic coherence — applied to a reality that is no longer his own.

A qualitative, theoretical-analytical approach is adopted, based on analysis. documentary and critical review of specialized literature. It starts from the premise that subordination is not an immutable essence; it is a descriptive category that accompanies the way the work is done. organizes. Thus, the methodology seeks to understand how historical transformations in the organization The forms of capitalist production—from Taylorism to Fordism and Toyotism—have altered control, dependence, and direction of work, producing new manifestations of subordination.

Two well-established studies are used as secondary empirical data. The first, by Sousa and Santos (2017) offer evidence on the psychodynamics of work in different regimes. productive, demonstrating that each model (Taylorist-Fordist and Toyotaist) produces specific forms of suffering, control, and subjectivation. The second, by Batista (2014), analyzes the dialectic of productive restructuring, highlighting that Taylorism, Fordism, and Toyotism constitute a process



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

A continuous historical process in which previous elements are absorbed and given new meaning by capitalism. flexible.

These empirical data are articulated within the theoretical framework developed in this article, which distinguishes teleology and teleonomy as analytical categories for understanding subordination.

Legal. The reality of contemporary work is teleonomic; the purpose exists, but it is emergent, distributed, opaque, which requires a methodological reconstruction of subordination to capture forms typical functional dependencies of open systems, algorithms, digital platforms, and structures. productive with high entropy.

The methodology, therefore, combines:

- (a) theoretical analysis of the historical evolution of legal subordination;
- (b) documentary analysis of the two selected empirical articles;
- (c) constitutional interpretation guided by the social teleonomy foreseen in the 1988 Constitution;
- (d) conceptual reconstruction of subordination as an objective structural category of activity.

This methodological strategy allows us to demonstrate that, just as capitalism absorbed and adapted, As successive production models have adapted, the legal protection of labor must also adapt, under It would be a shame to remain trapped in an industrial teleological paradigm incapable of recognizing the contemporary subordination.

1. Classical subordination as industrial teleology

1.1 The employer's finalistic direction and Barassi's positivism

The classical doctrine, paradigmatically represented by Ludovico Barassi in his work *Il contratto di lavoro nel diritto positivo italiano* (1901), describes subordination as an expression of The employer's power of direction, typical of the industrial factory. Barassi clearly fits into this tradition. Italian positivist and technical-legal thought of the early 20th century and the systematization movement Scientific field of Labor Law. Trained under the direct influence of the German Pandectist School during During his studies at the University of Berlin (1895–1899), Barassi conceived of subordination as technical category, constructed within the legal system itself — not derived from morality, nature human or metaphysical principles (Barassi, 1901).

From the outset, the classic elements of subordination, personal nature, continuity, Technical dependence, direction, and insertion—these are therefore not natural or natural law categories. These are technical-legal constructions derived from Barassi's systematic positivism, influenced by Pandectist dogmatics. Subordination, for him, is a legal element that can be verified empirically, arising from the normative structure of the employment contract. For Barassi, subordination stems from The legal form of the contract itself, the attribution of managerial power to the employer, and the employee's obligation to follow instructions are all logical consequences of the contractual structure, not of values.

Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026
external.

In the industrial model described by Barassi, the labor relationship operated as follows:

The employer defined the purpose of the activity; the employee was a means to that end; the relationship was... hierarchical, continuous, and disciplinary; control was direct, personal, and present. Subordination was, Therefore, teleological: there was an external **telos**, unilaterally imposed by the employer.

1.2 The classical elements as empirical manifestations of teleology

It is found that traditional criteria do not constitute the essence of subordination, but empirical manifestations of industrial teleology. Personal service was necessary to fulfill the The end was determined by the employer. Continuity was required for the stability of the process. Productive. Technical dependence stemmed from the employer's organizational superiority. Management It was a direct expression of the company's purpose. Insertion meant physical and functional integration. in the production structure.

When the manifestation coincided with what was manifested, the conclusion was simple: there was subordination. This model worked as long as the reality it purported to describe also existed. teleological, while work was organized in closed, low-entropy systems, with direction. clear hierarchy and single purpose. However, treating it as an ontological essence constitutes a Methodological error: subordination is a historical product of an industrial paradigm, not... Universal foundation of Labor Law.

2. The structural mutation of work: from teleology to teleonomy.

2.1 The emergence of teleonomic systems

Contemporary work, digital platforms, algorithms, dynamic goals, workflows On demand, it no longer operates on direct, final orders. Control is impersonal and automated. Distributed, metrics-driven, and systems-dependent, not boss-dependent. The end goal is no longer "the The employer wants X"; the system demands behaviors in order to reproduce itself. This characterizes Teleonomy: functional orientation without conscious external purpose (Monod, 1971; Mayr, 1974).

The distinction between teleology and teleonomy, developed in the philosophy of biology, is Methodologically indispensable for understanding this transformation. Teleology describes Systems oriented towards an external, imposed, conscious or unconscious goal. Teleonomy describes systems open, self-organized, whose purpose emerges from internal dynamics and interactions with the environment. As Marcos (1996) explains, teleonomy allows one to recognize direction, stability and An organization that does not presuppose an external agent imposing the end goal, avoiding finalistic connotations. classic.

In the classic industrial model, work operated in closed systems with low entropy. organizational. This means there was little variation, high predictability, and direct control: the



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

The employer defined the purpose of the activity, the worker was the means to that end, and the relationship was... It was structured by explicit orders, a rigid hierarchy, and physical integration into the organization. Subordination In this context, legal principles manifested themselves through clear empirical elements — personal nature, continuity, technical dependence, direction and insertion — which corresponded to the teleological logic of production.

However, the productive reorganization of capitalism, especially with the emergence of Toyotism and flexible systems shift work towards open, high-entropy systems. In systems, there is no longer a single direction, nor an externally imposed purpose. Control is distributed, Impersonal, operated by algorithms, dynamic goals, digital reputation, and demand flows. The The worker does not receive direct orders, but is encouraged to continually adapt to the demands of the company. system. As shown by data from the psychodynamics of work (Sousa & Santos, 2017), this Adaptation generates subjective suffering, anxiety, fear of incompetence, and defensive strategies that... They reveal the intensification of exploitation.

It is in this scenario that personal interaction takes center stage. Not as a formal requirement, but as an adaptive skill. The worker needs to interpret diffuse signals, anticipate patterns, Adjust behaviors and maintain their functional integration into the system. Subordination ceases to be It becomes external and subjective. The company doesn't command, but it demands. The algorithm doesn't order, but... It controls. The platform doesn't appear, but it organizes. The purpose isn't imposed, but it emerges — and the The worker needs to adapt to it. Personalization, therefore, becomes the anchoring point of... teleonomic subordination: it is through this that the worker internalizes control and attempts to maintain their position in open, unstable, and opaque systems.

The history of the concept of teleology follows an arc that goes from Aristotle — to whom every natural being possesses an intrinsic *telos* — to the mechanism of Descartes and Hobbes, which eliminated the final causes of modern science, passing through Kant's functional teleology and teleology Darwin's evolutionary theory. This historical trajectory demonstrates that the idea of purpose has been reinterpreted. several times, culminating in the notion of emergent teleology: an impersonal directionality, Unintentional statistics, consistent with thermodynamics.

The traditional elements of subordination cease to be necessary manifestations in teleonomic systems because the direction is no longer personal; continuity is replaced by availability; technical dependence is replaced by informational dependence; insertion is Systemic, not physical. To persist in these criteria is to confuse historical manifestation with essence. legal.

2.2 Personality as a vector of teleonomic subordination

The most innovative point, and one ignored by the doctrine, is that, in open systems, personalization It gains centrality. Not as a formal requirement, but as an adaptive skill. The worker



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

It needs to interpret diffuse signals, anticipate patterns, adjust behavior, and respond to stimuli.

Algorithmic processes, maintaining reputation, and avoiding blocks. In short, you need to understand self-organization.

of the system in order to be able to fit into it.

Personal involvement becomes the mechanism by which the worker internalizes subordination. It

It is the way in which he tries to insert himself into the self-organization of the system. Subordination ceases to be

It becomes external and subjective. The company doesn't command, but it demands. The algorithm doesn't order, but...

It controls. The platform doesn't appear, but it organizes. The purpose isn't imposed, but it emerges.

and the

The worker needs to adapt to it.

In the closed systems of the 20th century, personal interaction was almost a formality: what

What mattered was the position in the hierarchy. In open systems, where there is no explicit command, the

Personal relationships become the anchoring point of subordination. Personal relationships cease to be a

It is a legal requirement and becomes an adaptive skill — it is the way in which the worker

It compensates for the absence of explicit direction. This is teleonomy applied to work: not because the

The employer demands personal interaction, but only because the system imposes it.

Classical doctrine fails to grasp this because it associates personal involvement with teleology—orders.

direct—and not teleonomic—internal adaptation. In open systems, however, personalization is the

A new face of subordination.

In addition to personal relationships, teleonomic subordination manifests itself through other means.

mechanisms. Infrastructural dependency dictates that the worker becomes dependent on systems.

telecommunications, digital platforms, applications, GPS, reputation systems and means of

Integrated payments. Without access to the infrastructure, the worker is excluded from the system. The loss of

Control over one's own activity is equally relevant: the worker does not control prices, routes,

Priorities, pace, actual schedules, and evaluation criteria are not established. He makes decisions, but always within the bounds of established principles, rhythm, real schedules, or evaluation criteria.

From a narrow funnel shaped by the algorithm — apparent autonomy, real dependence. The uncertainty.

It functions as a control mechanism: demand fluctuation, variable compensation, and lock-ins.

opaque systems operate as disciplinary instruments that keep the worker in a permanent state of

surveillance.

In teleonomic systems, personal interaction does not disappear—it transforms into

Essential adaptive competence. The worker needs to interpret diffuse signals, anticipate

Patterns, adjusting behaviors, responding to algorithmic stimuli, and maintaining digital reputation.

As Sousa & Santos (2017) show, the Toyota model demands more from the worker than just execution.

Technical skills, but also subjective involvement, ability to cooperate, versatility, and performance.

emotional. The suffering ceases to be physical and becomes psychological, invisible, linked to pressure by

goals, instability, and individual accountability.

Batista (2014) reinforces this interpretation by showing that Toyotism represents a reconfiguration



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

of subordination: control is no longer direct, but distributed; hierarchy is not explicit, but

Implicit; the direction is not personal, but algorithmic. The worker is called upon to integrate into systems.

Flexible, dynamic, and unstable, in which personal expression becomes the **mechanism of internalization of subordination.**

As this article argues, this personal nature is no longer a legal requirement.

Formal, but a **functional vector of vulnerability.** The worker becomes dependent on

Platforms, reputation systems, applications, GPS, and integrated payment methods. He does not.

It receives direct orders, but is controlled by metrics, blocks, demand fluctuations, and algorithms.

Opaque. Autonomy is apparent; dependence is real. Algorithmic reputation replaces command.

Direct. Subordination is subjective, invisible, distributed.

To persist in the classical reading of personal communication as merely a sign of direct orders is to ignore that,

In open systems, **personal involvement is the new face of subordination.** It is the way in which...

The worker attempts to adapt to the self-organization of the system. As psychodynamics shows...

In this work environment, this adaptation generates suffering, anxiety, fear of incompetence, and defensive strategies. which reveal the intensification of exploitation.

3. Brazilian doctrine and the teleological impasse of subordination

Brazilian labor law doctrine, even in its most recent formulations, remains

anchored in a teleological paradigm that presupposes external direction, business purpose

explicit and direct hierarchical control. This conceptual framework, inherited from the industrial model, prevents

the understanding of contemporary forms of dependency that emerge in open systems,

characterized by self-organization, algorithmic opacity, and high informational asymmetry.

3.1 The softened teleology of objective subordination

The formulation of "objective subordination" shifts the focus from direct orders to insertion.

The functional role of the worker within the dynamics of the business. According to the theory, subordination is the insertion of worker in another organization, subjection to managerial power and acting for the economic purpose of employer.

However, despite this progress, the core of the theory remains teleological: subordination is

defined by the worker's participation in the company's purpose, understood as the organizing axis.

of the relationship. Even when it creates objective subordination, the core remains: the worker is

Subordinate because it acts towards the company's goal, even without direct orders. That is teleology: a

The business purpose defines the nature of the relationship.

This concept presupposes that the purpose is external, clear, and imposed, which corresponds to

Closed systems. In open systems, purpose emerges from the system's own dynamics, not

It is therefore more likely to be identified as an external command. The theory, therefore, remains "open".



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

because it attempts to describe a teleonomic reality using teleological instruments.

3.2 Structural teleology

"Structural subordination" represents a further advance by recognizing that control can be impersonal, distributed, and systemic. Still, the structure is defined by its goal orientation. It can be corporate. Dependency is understood as functional integration with the company's economic objective, the which maintains the teleological logic: there is subordination when the worker is functionally integrated with the company's purpose.

This formulation fails to capture the dynamics of open systems, in which the purpose is no longer external, but emergent. The contemporary productive structure does not operate by direction. It is hierarchical, but through algorithmic self-organization. Structural theory, therefore, remains bound to the teleological paradigm it seeks to overcome. Both objective and structural theory attempt to update the concept, however, remains the same, but they are still bound by the same philosophical foundation that Barassi used in 1901. Therefore, their theses "remain open": they cannot close the concept because the foundation... The teleological approach no longer corresponds to teleonomic reality.

3.3 Classical teleology

Traditional approaches use the strictest version. Subordination is defined by direct orders, power of direction, supervision, discipline, and hierarchy.

They represent the subordination of the Fordist factory, the closed system, the explicit teleology, in which the employer gives orders and the employee obeys. This concept is not wrong; it is simply it describes a world that no longer exists. Sérgio Pinto Martins maintains the traditional definition focusing on directive power: without orders, there is no subordination. It is the most rigid, most literal, most teleological interpretation. Stuck in the 20th century, incapable of even beginning to engage with open systems. The most... restrictive of all reduces subordination to hierarchy, hierarchy to command, and command to orders. direct, rejecting structural, algorithmic, and informational subordination.

These are concepts that are suitable for the industrial model, but incapable of engaging with... open systems, in which control is not manifested through orders, but through architectures. Informational metrics, performance metrics, algorithmic reputation, and infrastructural dependency.

3.4 The common blind spot: teleology as an epistemological limit

Despite the differences between the authors, they all share a blind spot: the purpose. In business, the company is treated as the center of subordination. This is the hallmark of the teleological paradigm. It only works in closed systems, where the direction is clear, the purpose is external, and the control is... It's hierarchical.

In contemporary open systems, however, direction is emergent, purpose is distributed, control is algorithmic, entropy is high, and the organization is self-regulated. Teleology fails to see subordination in these environments. That is why the doctrine remains.



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

"Open": it attempts to describe a new phenomenon using old categories.

Brazilian doctrine remains epistemologically outdated because it describes systems closed systems, with teleological categories, to analyze open systems that operate by teleonomy. The result is a failure to recognize subordination where it exists, and undue protection for powerful individuals. companies, the penalization of small employers, the erosion of social security, and the violation of The 1988 Constitution. The doctrine isn't wrong—it's out of touch with the times.

4. The 1988 Constitution and the social teleonomy of work.

4.1 The constitutional shift in the basis of labor law

The 1988 Federal Constitution breaks with the classic business teleology and establishes New foundations for understanding work. The dignity of the human person and values. Social rights and labor are established as the foundations of the Republic (Article 1, III and IV). The social order is founded on the primacy of work (art. 193). Social security is financed by work (arts. 194 and 195). The social rights of Article 7 are guided by a vector of progressivity (Brazil, 1988).

The constitutional "purpose" of work is no longer the business outcome. It is social inclusion, protection, and the financing of social security. This is social teleology. The Constitution does not adopt business teleology as the foundation of work; it adopts a social teleology guided by human dignity, the social values of work, a social order founded on work, and the solidarity-based financing of social security. The constitutional purpose of work is not the end of the company—it is the end of the social system.

4.2 Subordination as a constitutional instrument

Legal subordination, in light of the Constitution, ceases to be a closed concept and becomes... to function as a protective instrument, a mechanism for social security inclusion, and a functional criterion. to identify who depends on work to live. The Constitution does not require direct orders, leadership. In-person or strict continuity. It requires protection for those in vulnerable situations. structural.

This shift requires the interpreter to change their hermeneutical stance. The question The correct question is no longer "are there direct orders?", but rather: "is there functional integration of the work into the system?" productive, so that its contribution is essential to the teleonomic purpose of the activity. "Economic and social protection as provided for in the Constitution?"

5. The teleological conservatism of the courts

5.1 The uncritical reproduction of the industrial model

Brazilian labor law jurisprudence insists on requiring direct orders and on-site supervision. Classic technical dependence and physical integration into the company. These elements were suitable for The industrial model, but not contemporary work. The historical construction of the employment contract. as a service rental, centered on the classic elements described by Barassi, was incorporated into Italian Civil Code, Brazilian Civil Code of 1916, the CLT of 1943 and jurisprudence



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

consolidated by the TST (Superior Labor Court). Legal subordination has become the "hard core" of the employment contract, and Even when the economy changed, the core remained.

The courts continue to interpret the work as if it were continuous, in-person, Hierarchical, disciplinary, and directly controlled. The original purpose — to protect the worker. industrial — it has become a protection of the legal model itself, not of the worker. Even in the face of app drivers, delivery drivers, dependent **re-agents** and algorithmic workers, the Courts continue to ask: Are there direct orders? Is there control over working hours? Is there supervision? In-person? Is there a hierarchical structure? These are 20th-century questions for 21st-century relationships.

5.2 Conservative teleology and its structural effects

The courts apply an anachronistic subordination that, instead of protecting the worker, They protect the classic model of subordination. This conservative teleology manifests itself in three ways. mechanisms: a restrictive reinterpretation of structural subordination, conceptually recognized but rarely applied; resistance to algorithmic subordination, denying the existence of control even when there are algorithms, geolocation, dynamic targets, and automatic blocks; and the defense of "Purity" of the classical concept, treating subordination as dogma — if the elements are not present. In traditional times, there is no formal link, even if there is economic dependence and functional control.

The Labor Court, in requiring teleological signs from the 20th century to recognize employment relationships... In the 21st century, it acts as a conservative force, producing four structural effects. First, the denial of reality; It is up to the legislative process to expand or reduce protection, but it cannot do- It is not a matter of rhetoric; the law may decide not to apply a certain legal effect, but it cannot deny it. The nature of the phenomenon. When it does so, it commits institutional erosion.

Furthermore, the protection of the large and the punishment of the small: large companies, operating In open systems, they dissipate activities, conceal purpose, and escape subordination; small Employers, operating in closed systems, remain trapped in the classic model. The result is A competitive distortion that favors economic concentration and deepens inequalities.

Third, the erosion of social security: by denying benefits where there is dependency, the Justice system... Labor contributes to the decline in social security revenue, the increase in informality, and... weakening of the 1988 constitutional pact.

Fourth, the reinforcement of structural inequality: the insistence on dead teleological categories. It prevents Labor Law from fulfilling its function of reducing inequalities, transforming it into instrument of its reproduction.

6. The necessary reconstruction: teleonomy and functional insertion.

6.1 Constitutional criterion for analysis

If the 1988 Constitution shifted the foundation of labor to social teleonomy, with



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

the opening clause of article 7, therefore the correct criterion for analyzing subordination is no longer the

The existence of direct orders, but also the verification of the functional integration of the work into the production system, so that the worker's contribution is essential to the teleonomic purpose of the activity.

economic and for the social protection constitutionally provided for.

The constitutional question is: does this work contribute to the social security system and For a social order founded on labor? If so, the relationship must be protected. The Constitution does not It adopts business purpose as a criterion; it adopts social teleonomy — improvement of conditions. of life, social order founded on work, financing of social security and progressivity of social rights.

6.2 Elements of constitutional teleonomy

The interpreter must analyze the following elements, which constitute the equivalents. contemporary manifestations of classic symptoms: real economic dependence; algorithmic control or Informational; asymmetry of power and information; functional integration into the production process; transfer of risks to the worker; practical impossibility of negotiation; and need for social security protection.

The proposed methodological reconstruction does not break with legal positivism: it does not alter the law, but rather alters the interpretation of the category in light of the reality it intends to describe. It is compatible. with the 1988 Constitution, which requires social protection, inclusion, and social security funding. And it is consistent with empirical science: if the organization of work changes, if the dissipation of energy If entropy changes, the conceptual tools must be applied to the new forms, not the old ones. old demonstrations.

Barassi, in 1901, had already realized that, in certain relationships, the ultimate interest and control They were at the same pole, that the worker acted to integrate into the capitalist system and that the Freedom was formal, not real. That's exactly what's happening today: the platform worker. It acts to integrate into the economic system; the dependency is real, but the manifestations are different; The purpose is hidden, algorithmic, self-organized. Subordination exists—but it is not manifest. Just like in 1901. What Barassi observed remains true; what has changed are the manifestations. empirical evidence of this asymmetry. The dependence remains; the form has changed. The teleology has disappeared; the teleonomy emerged.

7. Final Considerations

The analysis developed throughout this work demonstrates that the traditional concept of legal subordination — a concept developed by Barassi in the early 20th century and reproduced by legal doctrine. Brazilian — it is essentially teleological. It starts from the premise that the worker is subordinate. because it operates towards a business goal, under hierarchical direction, in a low-entropy environment, with



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

stable and ongoing personal relationships.

This model accurately describes the Fordist industrial world, characterized by systems closed, in which the arrow of time is rigid, the purpose is clear and imposed, the direction is direct, the organization is centralized, and subordination is manifested in a visible and empirical way. However, the contemporary economy operates in open systems with a high degree of dissipation of activities, in which the purpose is emergent, the control is algorithmic and distributed, the direction is systemic, the insertion is in functional cases, dependence is economic and informational—and subordination exists, but it is not... manifests as before.

Classical teleology, therefore, no longer describes reality. And, by insisting on it, the doctrine and the case law becomes incapable of recognizing subordination where it actually exists. The courts, by reproducing dead teleological categories and ignoring constitutional teleonomy, They become accomplices in a project of constitutional erosion.

The 1988 Constitution does not adopt business teleology as the basis for labor law. It adopts a social teleonomy, guided by human dignity (Article 1, III), and by social values of work (article 1, IV), by the social order founded on work (article 193), by the progressivity of social rights (article 7) and the solidarity-based financing of social security (articles 194 and 195). The end Constitutional reform of labor law is not the end of the company — it's the end of the social system.

The essence of subordination — yesterday and today — is the structural asymmetry of power, which It remains, but manifests itself differently in open systems. Teleonomy is not a It's a metaphor; it's a method. And perhaps it's the only one capable of rescuing subordination as a useful category. in the 21st century, precisely because it restores to the concept what has always been its core: the Structural dependency, now mediated by the personal element that attempts to survive within systems. open, self-organized, and highly entropy.

By ignoring this transformation, the Labor Courts are failing to uphold the Constitution. And by not In order to comply, it becomes an institution that reinforces inequalities, weakens social security, and distorts The competition.

The inevitable conclusion is: the Labor Court, as it functions today, needs to be... rebuilt under the teleonomic paradigm of the 1988 Constitution, capable of recognizing the Subordination where it truly exists, not where it has historically manifested itself. Overcoming The teleological conservatism of the courts is a condition for Labor Law to fulfill its purpose. constitutional function in the 21st century.

References

BARASSI, Ludovico. *The labor contract in Italian positive law*. Milano: Società Editrice Libreria, 1901.



Year VI, v.1 2026 | Submission: 02/27/2026 | Accepted: 03/01/2026 | Publication: 03/03/2026

BRAZIL. *Constitution of the Federative Republic of Brazil of 1988*. Brasília, DF: Presidency of the Republic, 2024.

BRAZIL. *Consolidation of Labor Laws*. Decree-Law No. 5,452, of May 1, 1943. Brasília, DF: Presidency of the Republic, 2024.

BATISTA, Erika. The dialectic of productive restructuring: the processuality between Fordism, Taylorism and Toyotism. *Aurora*, Marília, v. 7, n. 2, p. 17-34, Jan./Jun. 2014.

DELGADO, Maurício Godinho. *Course on Labor Law*. 18th ed. São Paulo: LTr, 2019.

MARCOS, Alfredo. *Philosophy of naturalness: a critical introduction*. Valladolid: University of Valladolid, 1996.

MARTINS, Sérgio Pinto. *Labor Law*. 36th ed. São Paulo: Saraiva Educação, 2020.

MARTINS FILHO, Ives Gandra da Silva. *Schematic Manual of Labor Law and Procedure*. 27th ed. São Paulo: Saraiva Educação, 2017.

MAYR, Ernst. Teleological and teleonomic: a new analysis. *Boston Studies in the Philosophy of Science*, vol. 14, p. 91-117, 1974.

SOUSA, Juliana Carvalho de; SANTOS, Ana Cristina Batista dos. The psychodynamics of work in the phases of capitalism: a comparative analysis of Taylorism-Fordism and Toyotism in the contexts of bureaucratic capitalism and flexible capitalism. *Revista Ciências Administrativas*, Fortaleza, v. 23, n. 1, p. 186-216, Jan./Apr. 2017.

SÜSSEKIND, Arnaldo *et al.* *Institutions of Labor Law*. 22nd ed. São Paulo: LTr, 2005.