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Social security protection for rural workers after the reform: A study on the guarantees. constitutional issues, legislative gaps, and challenges to a fair retirement.

The social security protection of rural workers after the reform: A study on constitutional guarantees, gaps in legislation, and challenges for a fair retirement

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1. THEME/CONTEXT

Social security protection for rural workers in Brazil is one of the pillars fundamental aspects of social security, as provided for in the Federal Constitution of 1988, which It establishes, in its articles 194 to 204, that social security is a right of all and a duty of the State, and that to ensure the means essential for maintaining human dignity. This protection seeks to guarantee that the rural worker, even in a context of informality and limitations economic, so that they can enjoy social security benefits in case of old age, disability or death, reinforcing the role of the State as a promoter of social justice.

The employed rural worker, the special insured person, and the family farmer constitute There are distinct categories within the social security system. An employed rural worker is one who is hired. formally by a rural employer, subject to the Consolidation of Labor Laws. (CLT) and regular contributions to INSS. The special insured person is the small producer who carries out their activities are carried out on a family-run business model, without permanent employees, as defined by Law No. 8.213/1991. The family farmer, in turn, is the one who works with the help of his family, with production geared towards both subsistence and the local market, and benefits from specific public policies, such as PRONAF (National Program for Strengthening Family Farming). Family Farming). These distinctions are essential for understanding the different systems. contributory and the ways to access rural retirement.

Historically, social security protection for rural workers has undergone several changes. transformations. Until the 1970s, a large part of the rural population was excluded from official social security. With the creation of FUNRURAL (Rural Assistance and Social Security Fund). (Rural Worker), in 1971, the process of including farmers in the system began. Social security. However, it was only with the 1988 Constitution that recognition was consolidated. establishing rural social security as a fundamental social right, expanding coverage and creating rules. specific to special insured individuals. This historical milestone represented a structural change in Legal treatment of rural workers, reducing inequalities between the countryside and the city.

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The Pension Reform (Constitutional Amendment No. 103/2019) directly impacted the Social security rights for rural workers. The main changes involved the minimum age. and the period of rural activity required for retirement, the documentary proof of the activities, The contribution rate and the rules for continuous contributions. Although the minimum age is 60 years. While the age limit of 55 for men and 55 for women has been maintained, the reform introduced stricter requirements. rigorous verification and registration requirements for rural activity have become an obstacle for many. special insured individuals. Furthermore, the mandatory periodic contributions brought insecurity to... Workers who depend on harvests and variable weather conditions.

Another relevant point is the difference between rural age-based retirement and retirement benefits. Hybrid. The first is granted to the worker who proves exclusively the exercise of the activity. rural work for the period required by law. Hybrid retirement, provided for in Law No. 11.718/2008, allows... to combine periods of rural and urban work to complete the time required for granting the benefit. This modality was an attempt to recognize mixed work trajectories, common in regions where migration between rural and urban areas is frequent, but still faces resistance. interpretative in administrative and judicial instances.

The constitutional principles of social security — universality, equity and Solidarity—these are fundamental to understanding the logic of rural social security. Universality It ensures that everyone has access to social protection; equity guarantees differentiated treatment for all. unequal, recognizing the specific conditions of the rural environment; and solidarity reinforces the idea of that society as a whole contributes to the maintenance of the system. These principles guide the legislators and public administration in formulating policies that ensure the effectiveness of social security rights.

Despite regulatory advances, difficulties in accessing rights persist. Social security for rural workers. Lack of documentation, illiteracy, and distance. Urban centers present recurring obstacles that hinder the verification of rural activity and the Claiming benefits from the INSS (Brazilian National Social Security Institute). Many special insured individuals still face obstacles. bureaucratic processes to register their activities or obtain certificates from unions and public bodies, which This ultimately restricts the reach of social security in rural areas.

In this context, public policies aimed at rural social security, such as INSS Digital and the Mobile outreach programs aim to bring social security services closer to rural populations, enabling them to... recognition of rights in a faster and more accessible way. PRONAF, in turn, acts in promoting family farming and formalizing small producers, strengthening the bond of these workers with the social security system. However, the lack of continuity of these Policies and resource scarcity compromise the effectiveness of the results.

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Brazilian jurisprudence has played a fundamental role in consolidating...
rural social security law. The Superior Court of Justice (STJ), in REsp 1,354,908, established
understanding that proof of rural activity must be made with initial material evidence,
supplemented by witness testimonies. The Supreme Federal Court (STF), in ADI 2110,
reaffirmed the constitutionality of differentiated rules for rural workers, recognizing that
The need for special protection for this group. The Regional Federal Courts (TRFs) and the Panel...
The National Uniformization Court (TNU) has contributed to standardizing the understanding of...
Hybrid retirement, with a waiting period and length of service, ensuring greater legal certainty for...
insured.

Informality and outsourcing in the agricultural sector exacerbate exclusion from social security.
Many rural workers are employed temporarily or seasonally, without formal registration, which
This makes it impossible to prove employment ties for retirement purposes. Furthermore, the increasing...
Outsourcing in agricultural activities shifts labor responsibilities, further weakening the sector.
plus social protection in rural areas.

Gender issues also deserve attention. Rural women workers still
They face greater difficulties in accessing social security benefits due to the invisibility of
their work and the lack of formal recognition of their contributions to agricultural activities.
As Brumer (1997) observes, gender inequality in rural social security reflects a
social structure that historically marginalizes the role of women in the countryside, which makes it essential to
Strengthening inclusion policies.

Rural unions and agricultural workers' federations play a role.
essential in defending and guiding social security rights, acting as intermediaries between the
The worker and the State. In addition to providing legal support, these entities contribute to the
dissemination of information and to strengthen the social organization of farmers, being
important instruments for democratizing access to social security.

Finally, the legal framework that underpins rural social security includes the Federal Constitution (articles 7 and 8).
and 194 to 204), Constitutional Amendment No. 103/2019, Law No. 8.213/1991 (Benefit Plans of
Social Security) and Law No. 11,718/2008, which provides for special insured persons and retirement.
rural. This framework is complemented by INSS decrees and regulations that govern the
Proof of rural activity, as well as the international standards of the International Organization.
of the Labour Organization (ILO), especially Conventions No. 102 and No. 183, which deal with social protection and
gender equality.

These rules are interpreted in light of the jurisprudence of the higher courts and of the
instructions from the National Social Security Council (CNPS), forming a legal system

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a complex that seeks to balance fiscal sustainability with the effectiveness of fundamental rights. of the rural worker. Therefore, social security protection in the countryside should be analyzed not only from a legal standpoint, but also from social and human perspectives, aiming to promote retirement. dignified, inclusive and fair for all who make a living working the land.

2. PROBLEM TO BE ADDRESSED

Current social security legislation is sufficient to guarantee the right to retirement benefits. Fair and accessible treatment for rural workers?

3 HYPOTHESIS

Brazilian social security legislation, especially after Constitutional Amendment No. Law 103/2019 (Pension Reform) is not entirely sufficient to guarantee a retirement pension. fair and accessible to rural workers, given the new requirements for documentary proof, The requirements for contribution time and formalization of the activity disregard the specificities of Agricultural work increases barriers to accessing social security benefits.

4 OBJECTIVES

a. General Objective

To analyze whether current Brazilian social security legislation, especially after the Amendment... Constitutional Amendment No. 103/2019 is sufficient to guarantee rural workers the right to retirement. in a fair, accessible manner, and consistent with the constitutional principles of social security, considering the socioeconomic and labor specificities of the rural environment.

b. Specific Objectives

i. To examine the historical evolution of social security protection for rural workers in Brazil, highlighting the main legal and institutional milestones.
ii. Identify the main changes introduced by the Pension Reform (Constitutional Amendment No. 103/2019) and their Impacts on access to rural retirement benefits.
iii. Analyze the influence of informality, outsourcing, and gender inequalities on exclusion.

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social security for rural workers.

5. JUSTIFICATION

The choice of the theme of social security protection for rural workers after the reform of Social security is justified by its social, scientific, and legal relevance. From a social point of view, the rural workers constitute a significant portion of the national productive force, being essential for food security and domestic supply. However, they continue to face historical vulnerabilities, especially in access to retirement and other social security benefits, This highlights the need for analyses that promote effective and inclusive solutions for this issue. social group.

From a scientific standpoint, the study allows for an evaluation of the concrete effects of the Reform of Social Security: Identify flaws in the implementation of regulations and investigate the effectiveness of policies. public policies focused on the field. Analyzing the topic allows us to understand the role of law in... the implementation of constitutional guarantees and the promotion of social justice, contributing to the knowledge production that connects legislation, social practice, and the protection of rights. social security benefits for rural workers.

From a legal standpoint, the topic is relevant because it raises the issue of the right to... retirement as a fundamental social right, questioning the adequacy of legal norms to The economic and social reality of family farming. Furthermore, it offers subsidies for the review. legislative and the formulation of public policies that ensure rural social security inclusion, strengthening constitutional rights and promoting a fairer and more equitable retirement for the farm workers.

6. THEORETICAL FRAMEWORK

The 1988 Federal Constitution enshrined social security as one of the pillars of... A democratic state governed by the rule of law, guaranteeing social security protection as an instrument of... realization of the dignity of the human person (BRAZIL, 1988). According to Sarlet (2020), the rights Fundamental principles must be interpreted in a way that ensures their effective efficacy, especially for vulnerable groups, such as rural workers, face structural obstacles to accessing social protection. For Novelino (2018), the effectiveness of social rights requires the implementation of public policies and legal interpretations that take historical inequalities into account, going beyond a mere formal legal provision.

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Social security, from a universalist and inclusive perspective, is discussed by Piovesan (2016) as a state duty to promote social justice by reducing economic disparities and regional, ensuring minimum conditions for a dignified existence. Streck (2018) adds stating that the prohibition of social regression constitutes an essential constitutional principle for To prevent the revocation or limitation of historical achievements, so that any alteration Legislative changes, such as pension reform, must preserve the essential core of existing social rights. consolidated.

According to Savaris (2015), rural social security was structured to protect the worker. from the countryside that operates under a family-based economic system, without a business purpose and with low contributory capacity. The author emphasizes that the special insured person faces specific challenges, such as Informality, seasonality of activities, and the absence of formal records are factors that... They make it difficult to prove length of service and access social security benefits. Delgado (2010) reinforces that rural retirement should be understood as a form of recognition social impact of physical exertion and adverse conditions faced by workers throughout their careers. career paths.

Gender inequalities are also present in the social security system. Brumer (1997) demonstrates that rural women face greater difficulty in having their contribution to agricultural activity, due to the historical invisibility of their work. This exclusion This reinforces the need for specific public policies aimed at valuing the role of women in... field, ensuring equity in access to retirement.

The Pension Reform, instituted by Constitutional Amendment No. 103/2019, brought Substantial changes for rural workers, especially regarding the minimum age and time. of contribution and the form of proof of activity (BRAZIL, 2019). According to the Department Intersindical de Assessoria Parlamentar – DIAP (2019), although some of the differentiated rules have If maintained, the reform imposed requirements that may restrict access for more vulnerable groups. especially those who depend on informal activities or family-based work.

Arbex (2020) observes that, although the reform sought fiscal balance, it produced negative impacts on the effectiveness of social security rights, potentially excluding workers who have always depended on the system as the only form of social protection. For Oliveira (2021), the new The rules require retirement planning and access to information, which does not correspond to reality. for the majority of family farmers, resulting in unequal access and legal insecurity.

Rosa and Areosa (2020) highlight that the effects of the reform are not uniform and affect different groups. It more severely affects vulnerable groups, such as the elderly and rural women, whose contribution is not even... is always formally recognized. In this sense, Santos (2018) argues that reforms without

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Compensatory measures tend to exacerbate inequalities and compromise the principle of justice.
social, the foundation of social security.

According to Tavares (2020), rural retirement should be understood not only as
financial benefit, but also as an instrument of dignity and social inclusion, since income
Social security benefits often represent the main source of income for farming families.
Dantas (2025) adds that the effectiveness of social security depends on actions
Concrete state measures that facilitate access to benefits, taking into account documentary limitations and the
Low level of education in rural areas.

From this perspective, proportionality assumes a central role in the interpretation.
of pension reforms. According to Streck (2018), it is the legislator's duty to balance the
fiscal sustainability of the system with the protection of fundamental rights, preventing adjustments
economic factors compromise the minimum subsistence level of the insured. Piovesan (2016) reiterates that the
The principle of proportionality should guide public policies to ensure that no
a social group is disproportionately harmed due to economic conditions or
regional reforms. In this context, the prohibition against social regression acts as a legal limit to those reforms.
reduce the scope of social security protection, as argued by Streck (2018) and Sarlet
(2020). Any measure that makes access to rural retirement more difficult or reduces social protection violates
the constitutional commitment to promote substantive equality and the dignity of the human person.

Social justice in rural areas is, therefore, a guiding principle of rural social security. Sarlet
(2020) argues that ensuring the effectiveness of social rights in rural areas is a way of
To achieve substantive equality while acknowledging regional and historical inequalities. Novelino
(2018) adds that state action should be guided by public policies capable
to correct these distortions, ensuring that the right to social security is exercised in an equitable manner.
and accessible.

Brumer (1997), Rosa and Areosa (2020) and Delgado (2010) reinforce the idea that the
Material inequality is intensified by factors such as gender, age, and informality, which requires a
A more inclusive approach from the State. Reports from the Institute for Applied Economic Research.
(IPEA) and the National Confederation of Agricultural Workers (CONTAG) (ARbex, 2020;
DELGADO (2010) show that, without compensation policies and inclusion mechanisms, the
Pension reforms tend to deepen social exclusion in rural areas, contradicting the principles.
constitutional principles of social security.

Finally, the authors Piovesan (2016) and Sarlet (2020) agree in defending protection.
universalist socialism, guided by solidarity and equity. Novelino (2018) adds,
stating that the effectiveness of fundamental rights depends on the harmonization between norms.

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Legal and public policy measures that guarantee equal access to social security. Thus, social security rural development should be understood not only as a legal obligation, but also as a An instrument of distributive justice and social inclusion, essential to the realization of rights. fundamental in the Brazilian countryside.

7 METHODOLOGY

This research will be theoretical, normative, and jurisprudential in nature, with data analysis. and official documents related to social security protection for rural workers after the Reform of Social Security. This classification allows for a broad understanding of the legal phenomenon, articulating the legal, doctrinal, and practical aspects of the subject.

The approach adopted is qualitative, focused on critical, interdisciplinary, and applied analysis. This approach makes it possible to interpret social and legal phenomena not only from the point of view of normative, but also from the perspective of the effectiveness of social rights in the field, considering the reality experienced by rural workers.

The reasoning method to be used will be deductive, starting from constitutional principles. and social security regulations to analyze their concrete effects in social practice. They will also applied the historical-comparative and dialectical methods: the first will allow us to understand the Evolution of rural social security protection and the changes that occurred before and after the Amendment. Constitutional Amendment No. 103/2019; the second will make it possible to identify contradictions between normative theory. and social reality, especially regarding the effectiveness of social security protection and justice. social.

The research will be developed through bibliographic and documentary review, covering Books, scientific articles, official reports, legislation, and case law will be used. primary sources — such as the Federal Constitution, social security laws, decrees, and normative instructions from the INSS and decisions of the STF, STJ and TNU — and secondary sources, including academic publications, reports from institutions such as IPEA, CONTAG, ILO and FAO, as well as statistical data from IBGE and from the Agricultural Census.

The analysis will follow three main steps: gathering and selecting sources, prioritizing Current, relevant, and representative materials from the legal and social debate on rural social security. Critical and interpretative analysis of the content, with the aim of identifying convergences, Discrepancies and gaps between the legal text and its practical application. Synthesis and integration of information, organizing the content into thematic areas (social rights, rural social security, impacts of reform, social justice and material equality), in order to construct an analytical overview.

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consistent.

The proposed methodology ensures scientific rigor and logical coherence, allowing for correlation. among the legal and social aspects of rural social security. Therefore, this study seeks to offer a Critical reading on the impacts of the Pension Reform in the countryside and contributing with subsidies. theoretical and practical aspects for improving public policies aimed at social security inclusion and social justice in rural areas.

8 RESOURCES

This budget was prepared considering the entire period used for the project. research, as well as for the preparation of the scientific article, its qualification for publication or defense. Oral presentation and final submission to the course professor, who will forward it to the library. UNISAPIENS.

Table 1: Projected Expenses

Expense	Approximate cost
Research project impressions	R$ 150.00
Impressions of the scientific article	R$ 150.00
Book acquisition	R$ 300.00
Cataloging data	R$ 80.00
Hardcover production	R$ 100.00
Transportation expenses	R$ 200.00
Publication expenses	R$ 450.00
Approximate Total Value	**R$ 1430.00**

Source: Authors, 2025.

9. SCHEDULE

The research schedule was developed taking into account the development period of Research in two semesters: Final Project I (Research Project) and Final Project II (consolidation of the research). finalization of the scientific article, qualification for publication, or oral defense before a panel.

Figure 1. Activity schedule.

Activities	**2025/2 – Final Project I**				**2026/1 – Final Project II**			
	Aug	Sep	Oct	Nov	Mar	Apr	May	Jun
Research Project Development (Final Course Project I)	XXX							

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Reading and note-taking	XXX				XX			
Writing the Research Project		XX						
Submission of the Research Project (Final Course Project I) - first correction		X						
Submission of the Research Project (TCC I) final version with corrections				X				
Data collection					XX			
Organization, analysis and interpretation of data					XX			
Article writing					XX			
Finalization of the article (TCC II)							X	
Submission of the final article to the scientific journal for publication (optional for those who wish to be exempt from the oral defense).							X	
Thesis Defense Panel II								X
Corrections requested by the committee.								X
Digital submission of the scientific article to be sent to the library.								X

Source: Author, 2025.

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