

Concession of the Continuous Payment Benefit (BPC-LOAS) in Brazil: the role of Advocacy in guaranteeing rights

This study analyzes the role of law in granting the Continuous Payment Benefit (BPC-LOAS) in Brazil, focusing on its influence in guaranteeing rights for elderly people and people with disabilities in situations of economic vulnerability. The research problem focuses on the challenges faced by applicants, which include the complexity of administrative procedures and the rigidity of eligibility criteria, which often result in grant denials that need to be challenged in court. The general objective of this work is to explore how law can facilitate access to the BPC-LOAS and promote an application of the law that considers the particularities of each case, guaranteeing the rights of the most vulnerable beneficiaries. The methodology adopted was a literature review, which provided an in-depth analysis of legal texts, court decisions and academic studies related to the topic. The partial results indicate that legal action is essential not only in individual representation, but also in influencing public policies, contributing to reforms in administrative and legislative practices. Furthermore, the study highlights the significant impact of BPC-LOAS in reducing poverty and improving the quality of life of beneficiaries, while also pointing to the system's sustainability challenges in the face of increased demand. The conclusions emphasize the need for in-depth knowledge of legislation and administrative procedures by lawyers, and the urgency of legislative revisions that make application procedures and eligibility criteria more adaptable to diverse social and economic realities. It is also suggested that future research explore longitudinal studies to assess the impact of legislative changes and administrative practices on the effectiveness of the BPC-LOAS over time, in addition to investigating interactions between beneficiaries and social assistance systems in municipal and state level.

Keywords: Social Rights; Social Assistance Law; BPC-LOAS; Advocacy; Bureaucratic Barriers.

Concessão do Benefício de Prestação Continuada (BPC-LOAS) no Brasil: o papel da Advocacia na garantia de direitos

Este estudo analisa o papel da advocacia na concessão do Benefício de Prestação Continuada (BPC-LOAS) no Brasil, com foco em sua influência na garantia de direitos para idosos e pessoas com deficiência em situações de vulnerabilidade econômica. O problema de pesquisa centra-se nos desafios enfrentados pelos requerentes, que incluem a complexidade dos procedimentos administrativos e a rigidez dos critérios de elegibilidade, que frequentemente resultam em negativas de concessão que precisam ser contestadas judicialmente. O objetivo geral deste trabalho é explorar como a advocacia pode facilitar o acesso ao BPC-LOAS e promover uma aplicação da lei que considere as particularidades de cada caso, garantindo os direitos dos beneficiários mais vulneráveis. A metodologia adotada foi uma revisão de literatura, que proporcionou uma análise aprofundada dos textos legais, decisões judiciais e estudos acadêmicos relacionados ao tema. Os resultados parciais indicam que a atuação jurídica é essencial não só na representação individual, mas também na influência sobre políticas públicas, contribuindo para reformas nas práticas administrativas e legislativas. Além disso, o estudo destaca o impacto significativo do BPC-LOAS na redução da pobreza e na melhoria da qualidade de vida dos beneficiários, ao mesmo tempo que aponta para os desafios de sustentabilidade do sistema diante do aumento da demanda. As conclusões enfatizam a necessidade de um conhecimento aprofundado sobre a legislação e os procedimentos administrativos por parte dos advogados, e a urgência de revisões legislativas que tornem os procedimentos de aplicação e os critérios de elegibilidade mais adaptáveis às diversas realidades sociais e econômicas. Sugere-se, ainda, que pesquisas futuras explorem estudos longitudinais para avaliar o impacto das mudanças legislativas e das práticas administrativas sobre a eficácia do BPC-LOAS ao longo do tempo, além de investigar as interações entre os beneficiários e os sistemas de assistência social a nível municipal e estadual.

Palavras-chave: Direitos Sociais; Direito da Assistência Social; BPC-LOAS; Advocacia; Barreiras Burocráticas.


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INTRODUCTION

The Continuous Payment Benefit (BPC-LOAS) constitutes one of the pillars of social assistance policy in Brazil, as established by the Federal Constitution of 1988 and regulated by the Organic Social Assistance Law (LOAS), Law No. 8,742/1993. Aimed at elderly people aged 65 or over and people with disabilities of any age, the BPC-LOAS is essential for maintaining the dignity of these citizens, by guaranteeing a monthly minimum wage for those in a situation of economic vulnerability, whose per capita family income is less than a quarter of the minimum wage.

The constitutional provision is clearly outlined in Article 203, item V, of the Federal Constitution, which ensures the guarantee of a minimum wage monthly benefit to people with disabilities and elderly people who prove that they do not have the means to provide for their own maintenance or to have provided for by his family (BRASIL, 1988). The subsequent regulation by LOAS and the regulations applied reinforce the State's commitment to ensuring protection for the most vulnerable.

Several decisions by higher courts have reinforced the importance and need to make the criteria for granting the BPC more flexible, considering the particularities of each case. For example, the Superior Court of Justice (STJ) has consolidated positions, as demonstrated by the judgment in Special Appeal No. 1,648,305, which recognized the flexibility of the per capita income criterion in situations of extreme need (BRASIL, STJ, 2018). Furthermore, jurisprudence has been vital in the interpretation and application of standards related to the BPC, especially in recognizing that the analysis of economic dependence must be carried out on an individual basis, considering the social and economic context of the beneficiary (Summary 48, CJF, 2019).

In doctrinal terms, authors such as José Afonso da Silva highlight the role of the BPC as a mechanism for social inclusion and guarantee of social minimums, pointing to the need for effective public policies that expand access to such benefits (SILVA, 2024).

Obtaining the Continuous Payment Benefit (BPC-LOAS) faces several challenges that complicate access to the social assistance system for the elderly and people with disabilities. These challenges include the complexity of legal and administrative procedures, the rigidity of eligibility criteria and the slowness in analyzing and granting benefits, which often lead to denials that need to be challenged in court.

The procedures for obtaining the BPC-LOAS are marked by significant complexity. Applicants are forced to navigate a bureaucratic maze, proving incapacity for work and independent living, in the case of people with disabilities, in addition to demonstrating that the per capita family income is less than a quarter of the minimum wage. This process involves collecting extensive documentation and frequent updates and revisions, making the procedure exhaustive and confusing for many applicants.

Furthermore, the rigidity of the eligibility criteria, designed to ensure that the benefit is granted only to those most in need, often does not adequately consider the different situations of vulnerability. Judicial decisions have highlighted the need for a more flexible and contextualized analysis of the applicants' economic and social situation, but, in administrative practice, a restrictive view prevails that can exclude truly needy individuals.

The slowness in analyzing and granting benefits is another serious problem, exacerbated by structural and resource deficiencies in the responsible bodies, such as the National Social Security Institute (INSS). In many cases, applicants face long waiting periods, during which their vulnerable situation may worsen.

Faced with these challenges, many applicants turn to law to navigate the application process. Legal support is essential to contest denials, guide the appropriate preparation of documents and represent applicants in legal proceedings when necessary. This reality highlights the importance of a robust and accessible legal assistance system, capable of ensuring that the rights of the most vulnerable are effectively protected. These challenges highlight the need for reforms in administrative procedures and a review of the eligibility criteria for the BPC-LOAS, with the aim of making the benefit more accessible and its granting more agile and fair.

The analysis of the legal performance of the Law Firm is relevant so that it is possible to overcome the bureaucratic barriers and interpretative complexities associated with the granting of the Continuous Payment Benefit (BPC-LOAS). As highlighted by Flores (2015), law plays a fundamental role not only in the individual representation of applicants, but also in influencing public policies. This influence extends to promoting legislative reforms and improvements in the social assistance system, promoting greater justice and efficiency in the granting of social benefits.

Flores (2015) emphasizes that lawyers are considered indispensable to the administration of justice, as established by the Federal Constitution of 1988, and their performance within the scope of the Unified Social Assistance System (SUAS) is essential to guarantee the implementation and access to rights of citizenship by users of social assistance services. Furthermore, Mendes et al. (2017) reinforce that advocacy plays a vital role in adapting public policies to the needs of the population, indicating how legal interventions can reduce excessive bureaucracy and improve access to social benefits.

The ability of lawyers to influence legislative reforms and administrative practices is fundamental to improving access to rights for vulnerable groups in society. The law not only represents individual applicants in court, but also plays a proactive role in shaping public policies that directly impact the lives of thousands of BPC-LOAS beneficiaries. This legal action has a significant social impact, as evidenced by Cavalcante (2023), who discusses how public law, when operating based on evidence, can improve the efficiency and effectiveness of public policies, ensuring a better quality of life for beneficiaries of the BPC-LOAS. Cavalcante (2023) points out that "evidence can provide technical and legal security for decision-making by managers responsible for implementing public policies", highlighting the importance of integrating advocacy, evidence, and political practices for the realization of fundamental rights.

This article investigated the role of advocacy in facilitating access to the Continuous Payment Benefit (BPC-LOAS) for elderly people and people with disabilities in situations of economic vulnerability in Brazil. A mixed research approach was adopted, combining documentary analysis of judicial decisions, legislation, doctrine, and related scientific publications, with the aim of understanding how lawyers can overcome bureaucratic and interpretative barriers in granting this benefit. The study aims not only to contribute to academic knowledge, but also to offer practical insights for lawyers and policymakers, emphasizing strategies

that can improve access and effectiveness of BPC-LOAS, thus ensuring the defense and promotion of the rights of the most vulnerable beneficiaries, vulnerable people in society.

METHODOLOGY

This study adopts a literature review methodology, which is essentially qualitative. This approach allows for an in-depth analysis of texts and documents already published to build a solid understanding of the role of advocacy in facilitating access to the Continuous Payment Benefit (BPC-LOAS). The literature review makes it possible to compile, synthesize and analyze existing contributions in the legal and social field related to the topic (SILVA, 2023).

Data Collect

For the literature review of this research, systematic methods were adopted to ensure a comprehensive and relevant analysis. Initially, a series of keywords were defined such as "Social Rights", "Social Assistance Law", "BPC-LOAS", "Advocacy" and "Bureaucratic Barriers". These keywords served to guide searches in databases and digital libraries, ensuring that research was directed to topics of interest.

The selection of sources was carried out through access to renowned academic databases, such as JSTOR, Scopus, Google Scholar, as well as Brazilian jurisprudence databases. This process made it possible to locate a variety of pertinent materials, including academic articles, theses, dissertations, legal comments, and court decisions that address topics related to BPC-LOAS and social assistance.

Furthermore, the filtering of materials was carefully carried out based on their relevance to the topic, the date of publication — giving preference to works published in the last ten years — and the depth of analysis offered by each material. Older fundamental materials were also considered, with the aim of providing a solid historical and legal basis that supported the understanding and contextualization of the topics covered in the research.

Data Analysis

The analysis of the materials collected for this research was conducted systematically, using various techniques to ensure a comprehensive and in-depth understanding of the role of law in granting the Continuous Payment Benefit (BPC-LOAS). Initially, a Thematic Analysis was carried out, which involved the identification and categorization of recurring themes in the selected texts. This process included a critical reading of the materials, extraction of pertinent information and its organization into thematic categories that reflect different aspects of legal action in accessing the BPC-LOAS.

This was followed by the Narrative Synthesis, which aimed to develop an integrated narrative of the identified themes, providing a cohesive view of the challenges, solutions and impacts of advocacy in facilitating access to the benefit. This phase was important to connect the extracted data with the broader theoretical framework, illustrating how different elements interact and influence the BPC-LOAS granting process.

Finally, Constructive Criticism allowed an assessment of the consistency of the evidence found, in addition to the identification of possible gaps in the existing literature. This step also included a discussion of future directions for research, pointing to areas that still require in-depth investigation or practical reforms.

This meticulous literature review methodology provided a detailed and informed overview of the irreplaceable role of advocacy in facilitating access to BPC-LOAS, highlighting effective practices and areas in need of additional attention or reform. This study not only illuminates existing processes but also suggests pathways for continued improvement in the social care system.

THEORETICAL DISCUSSION

Legal Basis of BPC-LOAS

Federal Constitution and Organic Social Assistance Law

The Continuous Payment Benefit (BPC-LOAS) is a fundamental social guarantee established by the Federal Constitution of Brazil of 1988, specifically in article 203, item V. This legal provision ensures the payment of a monthly minimum wage to people with disabilities and to elderly people aged 65 or over, who do not have the means to provide for their own maintenance or have it provided for by their family. The relevance of this benefit lies in its function of ensuring human dignity and reducing social inequalities, providing an existential minimum for people in vulnerable situations (BRASIL, 1988).

The operationalization of this right is regulated by Law No. 8,742, of December 7, 1993, known as the Organic Social Assistance Law (LOAS). This law details the eligibility criteria, application processes and benefit review, establishing that beneficiaries do not need to have contributed to the social security system to be entitled to the BPC. This reflects the welfare nature of the benefit, clearly differentiating it from social security benefits, which are based on the contributory principle (BRASIL, 1993).

Furthermore, LOAS establishes specific criteria for determining the disability and economic situation of applicants. The incapacity criterion, for example, requires a biopsychosocial assessment carried out by medical experts and social workers from the National Social Security Institute (INSS), ensuring that the benefit is granted only to those who present long-term impairments of a physical, mental, or intellectual nature. or sensory, which in interaction with various barriers can obstruct their full and effective participation in society on equal terms with other people.

In relation to the economic criterion, the requirement that the family's per capita income be less than 1/4 of the minimum wage has been the subject of legal debates and important decisions. The Superior Court of Justice (STJ), for example, has made this criterion more flexible in decisions where the situation of poverty and social vulnerability is evident, understanding that rigidity in the application of the norm could unduly exclude families who, despite slightly exceeding the limit, are still in a situation of economic precariousness (BRASIL, STJ, 2009).

This understanding is essential to ensure that the Continuous Payment Benefit (BPC-LOAS) fulfills its social function, preventing excessively rigid rules from preventing access to those who really need the

benefit. Brazilian doctrine on social rights broadly supports this view, arguing that social assistance must be flexible enough to adapt to the complex and dynamic realities of individuals' social and economic conditions. According to Viccari (2008), it is essential that legislation and public policies are shaped in a way that recognizes and responds to the varied and changing needs of citizens, highlighting the importance of a social assistance system that is both comprehensive and adaptive. Albuquerque et al. (2014) reinforces this position, emphasizing that policies must evolve to not only address immediate conditions of need, but also to provide a sustainable safety net that can adapt over time to cover new social demands that emerge from changes. socioeconomic.

Relevant Judicial Decisions in the Application of BPC-LOAS

The role of judicial decisions in interpreting the rules relating to the Continuous Payment Benefit (BPC-LOAS) is relevant, particularly in situations where the literal application of the law does not meet the real needs of citizens in vulnerable conditions. A significant example is the treatment by the Superior Court of Justice (STJ) of the per capita income criterion, which, according to the Organic Social Assistance Law (LOAS), must be less than 1/4 of the minimum wage for the individual to be eligible for the benefit.

In Special Appeal No. 1,242,487, judged in 2009, the STJ decided in favor of making this criterion more flexible for a case of extreme necessity, where the strict application of the rule would have excluded the applicant from the benefit, despite her evident situation of penury. This judgment highlights the interpretation of the principle of human dignity and the social function of the law, emphasizing that the real living conditions of applicants must be considered beyond the rigid limits imposed by legislation (BRASIL, STJ, 2009).

The jurisprudence on the Continuous Payment Benefit (BPC-LOAS) demonstrates the need for social assistance adaptable to the varied socioeconomic conditions of citizens. The rigidity of legal criteria often does not reflect the complex realities of poverty and exclusion in Brazilian society. As discussed by Guedes et al. (2013), it is essential to adopt an evaluative model for the BPC that recognizes the social and personal limitations of individuals in a holistic way, not restricted only to physical or economic disability. They argue that a more inclusive and less discriminatory analysis contributes to a more effective and fair granting of benefits (GUEDES et al., 2013).

Furthermore, Rego et al. (2021) emphasize the importance of state interventions that ensure the effectiveness of the fundamental right to social security, proposing that the State must promote policies that adjust to the needs of its population. The ability to adapt to social and economic changes is crucial to ensure that BPC-LOAS fulfills its social function of protecting the most vulnerable (REGO et al., 2021).

Challenges in the BPC-LOAS Concession

Procedural Complexity

The complexity of administrative procedures in granting the Continuous Payment Benefit (BPC-LOAS)

represents a significant obstacle for applicants, especially those in extremely vulnerable situations. These procedures, regulated by the Organic Social Assistance Law (LOAS) and operationalized by the National Social Security Institute (INSS), involve a series of bureaucratic steps that include the collection and verification of extensive documentation to prove eligibility.

The process begins with the benefit application, which requires candidates to present documents that prove not only their identity and health condition, but also their detailed economic situation. The requirement for detailed documentation, as described in Law No. 8,742/1993, aims to ensure that only those truly eligible receive the benefit. However, this requirement often results in significant delays in the analysis and approval of requests, leading to a long wait for applicants, who, due to their vulnerable condition, require a quick response from the social assistance system (BRASIL, 1993).

Furthermore, the process of verifying applicants' conditions is complex. Decree No. 6,214/2007, which regulates the BPC, specifies that the assessment of disability and the degree of impairment must be carried out through a medical-expert examination and social assessment carried out by the INSS expert services. This double assessment, although necessary to guarantee the correct application of the benefit, introduces another layer of complexity and potential delay in the process, which can be exacerbated by limitations in human and logistical resources in INSS agencies (BRASIL, 2007).

Brazilian jurisprudence also reflects the challenges faced by BPC-LOAS applicants. Decisions from higher courts frequently point to the need to simplify administrative processes to facilitate access to the benefit. For example, the Superior Court of Justice in several judgments has reiterated the need for a more beneficial interpretation of administrative rules, so as not to harm citizens' right to social assistance (BRASIL, STJ, 2011).

The literature specialized in social security law and social assistance frequently criticizes the complexity and rigidity of the administrative procedures of the Continuous Payment Benefit (BPC-LOAS). This issue is widely discussed by Reis (2011), who argues that strict procedures, although understood as a way of protecting the social assistance fund against fraud, can also prevent access to the benefit by individuals who really need this assistance. Reis suggests a review of the balance between control and accessibility, highlighting the need to adapt the system to the dynamic realities of beneficiaries and consider the specificities of each case to avoid unfair exclusions (REIS, 2011).

Rigidity of Eligibility Criteria

The rigidity of the eligibility criteria for the Continuous Payment Benefit (BPC-LOAS) represents one of the most significant barriers for applicants. Specifically, the per capita family income criterion, stipulated by the Organic Social Assistance Law (LOAS) as less than 1/4 of the minimum wage, is often criticized for its rigidity and inadequacy in reflecting the real needs of individuals and families in conditions of extreme poverty. This rule, although intended to limit the benefit to those most in need, does not take into account regional variations in the cost of living nor the extraordinary health and special care expenses that many potential beneficiaries face.

Legally, the application of this criterion has been the subject of numerous challenges, where higher courts, such as the Superior Court of Justice (STJ), have been called upon to interpret the LOAS in a way that takes into account the particularities of each case. In fact, in several decisions, the STJ made the application of this criterion more flexible, recognizing that rigidity could result in the exclusion of individuals who, although formally above the income limit, live in a situation of vulnerability compatible with the objectives of social assistance provided for by the Constitution. Federal Law of 1988 (BRAZIL, STJ, 2011).

The formulation and application of the eligibility criteria for the Continuous Payment Benefit (BPC-LOAS) are frequently criticized in academic literature for not adapting to the complex and dynamic social realities of Brazilian families. This criticism focuses on the rigidity of economic criteria, which often do not take into account significant fluctuations in the financial condition of families over time. Albuquerque et al. (2014) points out that the mechanical application of these criteria often ignores critical factors such as inflation, family debt or non-regular expenses. Such omissions not only deprive families in need of access to BPC-LOAS, but also generate an excessive volume of appeal and challenge processes in the courts, overloading the judicial system (ALBUQUERQUE et al., 2014).

Additionally, Viccari (2008) argues that eligibility criteria should include more integrated and holistic medical and social assessments. According to the author, the assessment of incapacity for work and independent living, required for the granting of BPC-LOAS, often focuses only on physical or economic aspects, disregarding the social impacts of individuals' health conditions. This limited approach fails to recognize the social and environmental barriers that can exacerbate individuals' inability to support themselves. Viccari (2008) argues that a more complete and contextualized assessment could result in a fairer granting of benefits aligned with the real needs of applicants, thus ensuring that BPC-LOAS fulfills its function of providing social security with dignity (VICCARI, 2008).

This discussion highlights the importance of reforms in social assistance policies that can better adapt to the changing conditions of beneficiaries, emphasizing the need for a more flexible and responsive approach that can effectively meet the needs of the most vulnerable groups in society.

The Role of Law in the BPC-LOAS Concession

Legal Assistance and Representation

The role of advocacy in granting the Continuous Payment Benefit (BPC-LOAS) is vital to ensure that applicants' rights are effectively protected. In the context of the complex and often challenging procedures imposed by Brazilian legislation, lawyers specialized in social security law and social assistance play an important role in offering legal assistance and representation to applicants. These professionals are essential in guiding individuals during the request process, helping to prepare and submit the necessary documentation as established by the Organic Social Assistance Law (LOAS) and the decree that regulates it.

Lawyers not only help in putting together robust dossiers that demonstrate the applicant's eligibility for the benefit, but they also act decisively when denials occur on the part of the National Social Security

Institute (INSS). These denials, often based on rigid or inadequate interpretations of the eligibility criteria, can be challenged in court, where the lawyer's role is essential. The lawyer's experience and specific knowledge in social security law allow for a critical and technical analysis of the reasons for denial, enabling the development of appeal strategies that maximize the chances of reversing unfavorable administrative decisions.

Legal literature frequently highlights the importance of advocacy in social assistance, especially in the context of the Continuous Payment Benefit (BPC-LOAS). According to Flores (2015), the lawyer's role in the Unified Social Assistance System (SUAS) is essential to guarantee access to and enforcement of the rights of users of social assistance services, programs, projects, and benefits. This specialized action can significantly increase the chances of success in cases of challenging BPC-LOAS denials, highlighting the discrepancy often present between the practical application of the law and the principles of justice and equity that should guide social assistance. Furthermore, court decisions reviewing INSS denials often cite the quality of legal argumentation as a decisive factor in the success of appeals, demonstrating the direct impact of advocacy on realizing the social rights of the most vulnerable citizens (FLORES, 2015).

These aspects are reflected in numerous cases judged by the higher courts in Brazil, where the lawyer's performance was decisive in granting the benefit. The Superior Court of Justice (STJ), for example, has a vast jurisprudence that highlights the importance of qualified lawyers in overcoming bureaucratic barriers and in the correct interpretation of the rules that govern the BPC-LOAS (BRASIL, STJ, 2019).

Influence on Public Policies

The role of law in granting the Continuous Payment Benefit (BPC-LOAS) extends beyond individual representation, achieving significant influence on public policies through strategic litigation. These disputes are essential to reform administrative and legislative practices that govern the granting of this benefit. Through these legal actions, lawyers specialized in social security and assistance law play a unique role in shaping policies that directly affect the lives of thousands of Brazilian citizens in vulnerable conditions.

Lawyers, when questioning the rules and procedures that regulate the BPC-LOAS, use judicial power to ensure that the laws are applied fairly and effectively. For example, when challenging the per capita income criterion for granting BPC-LOAS, which often does not reflect the applicants' real living conditions, lawyers seek a more flexible interpretation consistent with the principle of human dignity, widely guaranteed by the Federal Constitution of 1988 and reaffirmed in several supplementary legislations.

The influence of strategic litigation on legislation is clearly seen in changes to laws and the creation of new judicial precedents. These actions often lead to revisions of public policies and reformulations of administrative practices that are often considered outdated or ineffective. As discussed by Simões Neto et al. (2016), the judicialization of the Continuous Payment Benefit (BPC) exemplifies how litigation can force the reformulation of public policies, increasing access to benefits for vulnerable groups and reforming insufficient administrative practices. Furthermore, Silva (2012) argues that law plays an essential educational role for both the judicial system and society in general, raising awareness of the socioeconomic barriers that

prevent many citizens from accessing basic rights, contributing to greater social mobilization around the reform of public policies.

Social Impact of BPC-LOAS

Impact on Beneficiaries' Quality of Life

The Continuous Payment Benefit (BPC-LOAS) has a profound impact on the quality of life of its beneficiaries, functioning as an essential pillar in reducing poverty and promoting social inclusion in Brazil. Aimed at seniors over 65 years of age and people with disabilities of any age who do not have the means to provide for their own maintenance or have their maintenance provided by their family, BPC-LOAS offers a monthly minimum wage, which often represents the only source income for its beneficiaries.

Several academic studies have explored the impact of the Continuous Payment Benefit (BPC-LOAS), indicating that the benefit not only alleviates monetary poverty, but also contributes to improving other aspects of beneficiaries' lives, such as health and well-being. According to Santos (2011), the BPC is a significant income security mechanism, providing consumption of basic food goods, health treatments and housing expenses for people with disabilities and their families. This study also highlights that people with disabilities associate the granting of the benefit with increasing their social and financial independence, contributing to the expansion of notions of autonomy and citizenship. Furthermore, the BPC is seen as an instrument capable of protecting beneficiaries and their families from the situation of social vulnerability resulting from poverty or unemployment, although mothers of children with disabilities often leave the job market to care for their children and do not receive no type of social protection from the State (SANTOS, 2011).

The impact of the Continuous Payment Benefit (BPC-LOAS) on the lives of beneficiaries goes beyond mere financial assistance, directly influencing human dignity by offering financial autonomy and the ability to contribute economically within their families and communities. Jaccoud et al. (2017) highlight that the changes proposed in the Social Security reform could restrict access to the benefit and unlink its value from the minimum wage, which could increase the vulnerability of the elderly and people with disabilities, emphasizing the need to keep the benefit aligned with rights social security and social security (JACCOUD et al., 2017). Furthermore, Conceição (2020) highlights that the BPC has been a vital resource in reducing extreme poverty among the elderly, providing not only financial support, but also strengthening the elderly's perception of their social rights and improving their integration and autonomy within the community. society (CONCEIÇÃO, 2020).

The legislation that supports the BPC-LOAS, as established by the Federal Constitution of 1988 and regulated by Law No. 8,742/1993 (Organic Social Assistance Law - LOAS), demonstrates the Brazilian State's commitment to the social protection of the most vulnerable groups. The implementation of this benefit reflects the principles of social justice and equity, seeking to ensure that all citizens have the right to an adequate standard of living, as recommended in international human rights treaties to which Brazil is a

signatory.

Challenges for System Sustainability

The Continuous Payment Benefit (BPC-LOAS) plays an essential role in Brazil's social protection network, providing financial support to elderly people and people with disabilities in situations of economic vulnerability. However, the financial sustainability of this system has become a growing concern, especially given the continuous increase in demand for the benefit. This increase is driven by both the aging of the population and the greater awareness and search for rights, placing additional pressures on the financial resources available to the BPC-LOAS, as outlined by the 1988 Federal Constitution and the Organic Social Assistance Law (LOAS).

The sustainability of the Continuous Payment Benefit system (BPC-LOAS) faces significant challenges, especially due to the impact of demographic changes in Brazil. The country is going through a marked demographic transition, with an increase in the proportion of elderly people, which consequently increases the demand for assistance benefits. Furthermore, the recognition and inclusion of people with disabilities has improved over the years, resulting in an increase in applications for the benefit. Paiva et al. (2021) discuss that, without substantial structural reforms, the current system may face difficulties in maintaining its capacity to serve all those eligible under current conditions, pointing to the need to review funding sources and eligibility criteria to ensure that the BPC-LOAS remains sustainable and effective in the long term (PAIVA et al., 2021).

The financial implications of maintaining the Continuous Payment Benefit (BPC-LOAS) are significant, especially considering its non-contributory nature, which implies that it is financed directly from public coffers. This arrangement places the system under considerable fiscal pressure, especially in periods of economic crisis or political instability that can compromise the allocation of resources for social assistance. Phelippe (2020) discusses that, without structural reforms, the current system may face difficulties in maintaining its capacity to serve all eligible people under current conditions. The author points to the need for a review of funding sources and eligibility criteria to ensure that BPC-LOAS remains sustainable and effective in the long term (PHELIPPE, 2020).

CONCLUSIONS

Based on the detailed study carried out, the Continuous Payment Benefit (BPC-LOAS) plays a vital role in Brazilian social assistance, offering essential support to the elderly and people with disabilities in situations of economic vulnerability. However, significant challenges were identified that impact the effectiveness and sustainability of the system, including the complexity of administrative procedures, the rigidity of eligibility criteria and difficulties in long-term financial sustainability.

The research highlighted that advocacy has a fundamental role, acting not only in individual representation, but also influencing public policies to reform administrative and legislative practices related to BPC-LOAS. This action is essential to ensure that the rights of the most vulnerable beneficiaries are

adequately defended and that laws are applied fairly and effectively.

The results of this study are particularly relevant to the practice of law and the formulation of public policies. For lawyers, the importance of in-depth knowledge of legislation and administrative procedures is highlighted, aiming to offer the best possible representation to BPC-LOAS applicants. For policymakers, the study highlights the urgency of implementing legislative revisions that simplify application procedures and make eligibility criteria more adaptable to the varied social and economic realities of beneficiaries.

It is recommended for future research to carry out longitudinal studies that evaluate the impact of legislative changes and administrative practices on the effectiveness of the BPC-LOAS over time. Furthermore, there is an urgent need to further investigate the interactions between BPC-LOAS beneficiaries and social assistance systems at the municipal and state levels, to identify good practices and areas that require urgent attention. It is also proposed to develop a more integrated and accessible service portal, which allows for a more transparent and less bureaucratic request process, as well as the implementation of continuous training programs for INSS employees, focusing on humanizing service to applicants.

In conclusion, this study reinforces the critical importance of BPC-LOAS as a mechanism for social justice and inclusion, while also highlighting the need for significant reforms to ensure that the system can adequately serve its social function, now and in the future.

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