Modernization of the CNIS and its impacts on social security advocacy: an analysis of post-social security reform changes

This study deeply analyzes the transformations in the National Register of Social Information (CNIS) triggered by Constitutional Amendment nº 103 of 2019, focusing on the developments for social security advocacy. The research problem focuses on the need to understand how changes in the CNIS, an essential tool for managing social security data, impact the effectiveness in defending the rights of insured people, especially considering new legislative guidelines. The general objective of this work was to analyze the impact of these changes in the CNIS on the practice of social security law, evaluating how the updates affect the accuracy of information, the efficiency in accessing and processing this data, and how this changes the ability of lawyers to defend the social security rights of its clients. Methodologically, the study adopted a qualitative approach, using a literature review to explore relevant legislation, academic articles and official publications that contextualize the functioning and updates of the CNIS. Furthermore, the article analyzes how the integration of the CNIS with the Digital Work Card after the reform promotes increased transparency and reduces the chances of fraud and registration errors. The theoretical review chapters discuss the evolution of the CNIS, the challenges brought by the new indicators introduced after the reform and how they require constant updating and familiarity with the system, imposing a learning curve for legal professionals. It also addresses the duality of the benefits of digitalization, which, although it increases efficiency and transparency, also requires significant adaptations on the part of users and professionals. The partial results indicate that, despite operational and learning challenges, the modernization of the CNIS has provided substantial improvements in the management of social security information, facilitating social security advocacy through faster and more accurate access to insured information. In conclusion, the article reiterates that the modernization of the CNIS is fundamental to the effectiveness of social security advocacy in the digital era, requiring professionals to have a deep understanding of the system's new functionalities and to quickly adapt to its complexities. However, it highlights the need for continuous development of public policies that promote digital inclusion to ensure that all citizens can benefit equally from technological innovations in the pension sector.

Palavras-chave: Social Security Law; Social Security Advocacy; CNIS; Social Security Reform; Pension Planning.

Modernização do CNIS e seus impactos na advocacia previdenciária: uma análise das mudanças pós-reforma da previdência

Este estudo analisa profundamente as transformações no Cadastro Nacional de Informações Sociais (CNIS) desencadeadas pela Emenda Constitucional nº 103 de 2019, com foco nos desdobramentos para a advocacia previdenciária. O problema de pesquisa centra-se na necessidade de compreender como as alterações no CNIS, uma ferramenta essencial para a gestão de dados previdenciários, impactam a eficácia na defesa dos direitos dos segurados, especialmente diante das novas diretrizes legislativas. O objetivo geral deste trabalho foi de analisar o impacto dessas mudanças no CNIS sobre a prática da advocacia previdenciária, avaliando como as atualizações afetam a precisão das informações, a eficiência no acesso e processamento desses dados, e como isso altera a capacidade dos advogados de defender os direitos previdenciários de seus clientes. Metodologicamente, o estudo adotou uma abordagem qualitativa, utilizando revisão de literatura para explorar as legislações pertinentes, artigos acadêmicos e publicações oficiais que contextualizam o funcionamento e as atualizações do CNIS. Além disso, o artigo analisa como a integração do CNIS com a Carteira de Trabalho Digital após a reforma promove uma transparência aumentada e reduz as chances de fraudes e erros de cadastramento. Os capítulos da revisão teórica discutem a evolução do CNIS, os desafios trazidos pelos novos indicadores introduzidos após a reforma e como eles necessitam de constante atualização e familiaridade com o sistema, impondo uma curva de aprendizado para os profissionais de direito. Também aborda a dualidade dos benefícios da digitalização, que, embora aumente a eficiência e transparência, também exige adaptações significativas por parte dos usuários e profissionais. Os resultados parciais indicam que, apesar dos desafios operacionais e de aprendizado, a modernização do CNIS tem proporcionado melhorias substanciais na gestão de informações previdenciárias, facilitando a advocacia previdenciária através de um acesso mais rápido e preciso às informações dos segurados. Em conclusão, o artigo reitera que a modernização do CNIS é fundamental para a eficácia da advocacia previdenciária na era digital, exigindo dos profissionais uma compreensão profunda das novas funcionalidades do sistema e uma pronta adaptação às suas complexidades. No entanto, ressalta a necessidade de contínuo desenvolvimento de políticas públicas que promovam a inclusão digital para garantir que todos os cidadãos possam beneficiar-se igualmente das inovações tecnológicas no setor previdenciário.

Keywords: Direito Previdenciário; Advocacia Previdenciária; CNIS; Reforma da Previdência; Planejamento Previdenciário.

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INTRODUCTION

The National Register of Social Information (CNIS) was initially established as a complex registration system, composed of labor and social security information on Brazilian workers. Created by Decree No. 97,936, of July 10, 1989, which was revoked by Decree No. 10,810, of September 27, 2021, the CNIS emerged with the objective of consolidating the databases of various government bodies (BRASIL, 1989). The system was developed to be a fundamental tool in the implementation and control of social security policies, in addition to serving as a basis for granting social security benefits.

Over the years, the CNIS has evolved significantly, absorbing and integrating data from other institutions, such as the National Social Security Institute (INSS) and the Ministry of Labor, as well as information on contributions to the general social security regime. This integration allowed for more efficient and transparent management of social security data, facilitating the fight against fraud and improving the quality of available information.

The relevance of the CNIS was reinforced with the promulgation of the 1988 Federal Constitution, which established social security as an integrated set of actions initiated by public authorities and society, aimed at ensuring rights relating to health, social security and social assistance. (BRAZIL, 1988).

With the Pension Reform, established by Constitutional Amendment No. 103 of 2019, the CNIS gained even more importance. The reform brought structural changes to the Brazilian social security system, and the CNIS became an important tool in applying the new rules, especially with regard to checking eligibility and calculating social security benefits (BRASIL, 2019a). Furthermore, the integration of the CNIS with the Digital Work Card, as provided for in Law No. 13,874 of September 20, 2019, strengthened the electronic registration system, ensuring greater agility and reliability to labor and social security records (BRASIL, 2019b).

The evolution trajectory of the CNIS reflects the challenges and necessary adaptations in a social security system that seeks to meet the demands of a society in constant transformation, highlighting the importance of this registry not only as a bureaucratic tool, but as a fundamental pillar for guaranteeing social rights.

The review of the National Register of Social Information (CNIS) and the understanding of its changes are imperative for social security advocacy in light of the recent reforms of the social security system in Brazil. With the promulgation of Constitutional Amendment No. 103 of 2019, which profoundly changed Brazilian social security rules, it became essential to understand how the CNIS, as a central repository of social security and labor data, is impacted and how, in turn, it affects the legal practice and the rights of policyholders (BRASIL, 2019a).

The need for this analysis is based on the essential function of the CNIS of serving as a primary source for verifying contribution periods, employment relationships, and other information that is decisive for the granting of social security benefits. Changes to the system and the way this information is recorded and processed can have significant implications for both the calculation of benefits and the guarantee of workers'

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social security rights. Therefore, an in-depth analysis of changes to the CNIS is essential to ensure that policyholders' rights are maintained and protected in a changing regulatory environment.

In this context, the general objective of this study was to analyze how recent changes in the CNIS influence the effectiveness of social security advocacy and the protection of insured people's rights, evaluating the accuracy of information, the efficiency in accessing and processing this data, and the capacity of lawyers to defend the social security rights of their clients, in order to understand the impact of regulatory and technological reforms on legal practice and propose improvements for the effective use of the CNIS.

METHODOLOGY

Object of Study

The object of study of this article is the National Register of Social Information (CNIS) as a central tool for recording and analyzing social security data in Brazil. The CNIS is explored in relation to its functionality, integration with government systems, new indicators and the role it plays in the application of social security policies, particularly after the legislative changes brought about by Constitutional Amendment nº 103 of 2019. The analysis focuses on how Updates to the CNIS affect the efficiency of social security advocacy and the guarantee of insured people's rights.

Collection and Processing of Literature Data

The methodology adopted for data collection and analysis in this study was a literature review, which covers:

> **1. Relevant Legislation:** Analysis of legal texts that define and regulate the functioning of the CNIS and social security in Brazil, including the Federal Constitution of 1988, Law No. 8,212/1991, which organizes Social Security, and Constitutional Amendment No. 103 /2019, among other decrees and regulations that directly impact the CNIS and its functionalities.

> **2. Academic Documents:** Review of academic publications at the end of the course, and in legal journals, especially on social security, which discuss the impact of legislative changes in the CNIS, its effectiveness as a pension management tool, and the challenges faced by social security law in as a result of these changes.

> **3. Official Publications of the INSS and Other Related Bodies:** Analysis of documents, reports and official communications issued by the National Social Security Institute (INSS) and other government agencies that use the CNIS in their operations. These documents are essential to understand the current guidelines and functionalities of the system, as well as to verify statistics and practical cases related to the use of the CNIS in social security practice.

The treatment of the collected data consisted of the interpretation and critical analysis of the information obtained (SILVA, 2023), with the aim of identifying the relationships between the changes in the CNIS and their practical implications for social security law professionals and the insured. This analysis helped to understand how legislative and technological changes affect the effectiveness of the CNIS as a tool for guaranteeing social security rights.

THEORETICAL REVIEW

Impact of CNIS Modernization on Social Security Advocacy

The modernization of the National Register of Social Information (CNIS) represents a significant milestone in administrative practices related to social security in Brazil. With technological developments and pension reform, there has been a substantial transformation in the way insured data is managed and used.

The digital integration of the CNIS, expanded after the implementation of the Digital Work Card and reinforced by the provisions of Constitutional Amendment No. 103 of 2019, brought a series of facilitators and challenges to social security advocacy. According to legislation, all information related to the worker must be centralized and easily accessible through this system (BRASIL, 2019b). This centralization aims to increase transparency and efficiency in records management, in addition to reducing the incidence of fraud and registration errors, which have historically complicated the calculation of benefits and delayed processes (MARTINS, 2020).

With the reform, new indicators were introduced into the CNIS to reflect legislative changes and adapt the system to the new realities of social security. These indicators, such as those related to contributions below the required minimum or blocked contributions, have direct implications for social security practice. They serve as essential tools for lawyers in quickly identifying inconsistencies or pending issues that may affect the rights of their clients (SANTOS, 2021).

However, the complexity and constant adjustment of these indicators can also represent significant challenges. The need for constant updating and familiarity with the system can impose a learning curve for legal professionals. Furthermore, systemic inconsistencies, which still occur despite improvements, require manual intervention and often result in delays in resolving issues. Gonçalves et al. (2020) discuss that, despite the advances provided by the digitalization of social security services, especially evidenced during the COVID-19 pandemic, the effectiveness of these digital systems directly depends on the ability to fully integrate all users, including those with lower technological skills. , thus ensuring efficiency and equity in access to social security rights.

The modernization of the CNIS is, therefore, a double-edged sword for social security advocacy: while it provides more effective tools and an integrated system that can enhance the defense of policyholders' rights, it also requires adaptation and in-depth understanding of the new mechanisms and their potential flaws. . The role of the lawyer becomes even more relevant in this context, not only as a defender, but as an essential intermediary between policyholders and an increasingly digitalized and complex social security system.

Critical Analysis of Indicators Introduced After the Reform

Constitutional Amendment No. 103 of 2019 promoted a series of transformations in the Brazilian social security system, directly reflecting on the structure and functionality of the National Register of Social

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Information (CNIS). The introduction of new indicators, in accordance with Art. 17 of INSS IN 128 of 2022, was essential to adapt the system to new legal requirements, providing tools for more effective management of social security contributions and benefits processing.

PREM-BLOQ-EC103 - Blocked or Extemporaneous Contribution

The PREM-BLOQ-EC103 indicator, established by INSS Normative Instruction No. 128 of 2022, identifies social security contributions that were blocked or made outside the established deadlines. This indicator is a direct response to the demands of Constitutional Amendment No. 103 of 2019, which reformed the Brazilian social security system, requiring more rigorous control of contributions.

The presence of this indicator in the CNIS alerts lawyers and policyholders about the need to promptly check and correct these contributions. This procedure is important to avoid negative impacts on the calculation of future benefits, ensuring that all contributions due are correctly accounted for in the insured's contribution period.

PSC-MEN-SM-EC103 - Contribution Less than the Minimum Wage

The PSC-MEN-SM-EC103 indicator indicates contributions registered in the National Register of Social Information (CNIS) that were lower than the minimum wage required by law. This condition may compromise the recognition of these periods in the calculation of time for granting social security benefits. Therefore, it is essential that both lawyers and policyholders monitor this indicator to ensure that contributions are adequately supplemented or corrected.

Lack of attention to these details can result in an impaired benefit calculation, directly affecting the value of retirement or other benefits, highlighting the importance of active pension management that is attentive to the specificities of recording contributions in the system.

IAGRUP-ZER-EC-103 - Gave in to Another Competence and Remained Zero

The IAGRUP-ZER-EC-103 indicator highlights situations in the CNIS in which contributions were transferred between different competencies, resulting in zero balances for certain periods. This indicator points to the complexity inherent in the administration of social security contributions, especially when there is a need for adjustments or reallocations.

The presence of this indicator requires careful analysis to ensure that all contribution periods are adequately accounted for in the insured's history. A detailed review is essential to prevent the insured from being harmed by possible gaps or errors in the recording of their contributions, ensuring accuracy in the calculation of their social security rights.

IAGRUP-VR-EC103 or ICED-VR-EXC-EC103 - Related to Residual Value

The indicators IAGRUP-VR-EC103 and ICED-VR-EXC-EC103 are used in the CNIS to identify adjustments in residual values of social security contributions. These indicators are essential to ensure that

all contributions, especially those that have undergone financial corrections or reallocations between different accounting periods, are fully considered in the calculation of social security benefits.

The existence of these indicators ensures accuracy in recording contributions, which is vital for the correct calculation of benefits such as retirement and pensions, thus avoiding losses to the insured due to possible discontinuities or omissions in the payment history.

IAGRUP-SM-EC103 or IUTILIZ-EXC-EC103 - Matching the Minimum Wage

The IAGRUP-SM-EC103 and IUTILIZ-EXC-EC103 indicators in the CNIS are used to equate contributions to the minimum wage. This functionality is essential to ensure that contributions originally below the stipulated minimum amount are adjusted to meet the required legal standard. This matching process is vital to maintain equity among policyholders, ensuring that lower contributions do not result in policyholders being disqualified from accessing adequate pension benefits.

Such adjustments are essential so that all contribution periods are recognized and accounted for in the calculation of benefits, ensuring that social security rights are fairly granted according to the contributions made, even if adjusted to reach the legal minimum.

PDT-NASCFIL-MENORINU - Contribution as a Minor under 14

The PDT-NASCFIL-MENORINU indicator in the CNIS identifies contributions registered for insured persons who, at the time of the contribution, were under 14 years of age. This marking is extremely important, as Brazilian legislation prohibits the formal work of minors in this age group, except under very specific conditions, such as in cases of apprenticeship, from the age of 14 onwards. The presence of this indicator in the contribution record suggests potential registration errors or, in more serious situations, evidence of illegal child labor.

The detection of contributions linked to children under 14 requires a thorough investigation to clarify the nature of these contributions. This involves verifying their legitimacy and legality, ensuring that there is no violation of the rights of children and adolescents. If such contributions are confirmed to be inappropriate or illegal, corrective measures must be taken immediately to adjust the individual's contribution history and, if necessary, take legal action against employers who have violated child labor standards. This indicator, therefore, not only serves to correct records, but also functions as a social protection tool, preventing the exploitation of minors in the labor market.

PDESFAZ-AJ-EC103 - Blocking of Operations in the Calendar Year

The PDESFAZ-AJ-EC103 indicator in the CNIS is used to signal blockages of operations carried out in the calendar year, a critical administrative procedure that indicates the existence of significant problems in the registration or processing of social security contributions. This type of blocking can occur for a variety of reasons, including discrepancies in the data provided, suspicions of fraud, or technical errors that prevent the correct attribution of contributions to the insured's history.

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The presence of this indicator in the CNIS requires immediate attention from both system administrators and social security lawyers who represent policyholders. Operational blockages can interrupt the normal flow of updating and verifying contributions, directly affecting the ability of policyholders to prove the contribution time necessary to acquire or maintain social security benefits. Furthermore, they can delay the resolution of pending issues and significantly change the individual's social security situation.

To deal with this indicator, it is essential to investigate the cause of the blockage and seek to regularize the situation as quickly as possible. The effective resolution of these blockages is essential to ensure that the insured can access their social security rights without delays or losses, maintaining the integrity and reliability of records in the CNIS.

IREM-INDPEND - General Pending

The IREM-INDPEND indicator in the CNIS is used to signal the existence of general pending issues in an insured person's contribution history. This marking serves as a critical alert that indicates the need for a thorough and detailed review of the information recorded in the system. The presence of this indicator can point to a variety of problems, from data entry errors to more complex issues such as discrepancies between declared records and contributions actually made.

The identification of pending issues through this indicator is relevant to the practice of social security law, as it allows lawyers to act proactively in correcting information before it becomes significant obstacles to the granting or adequate calculation of social security benefits. Effective action in this context involves checking all of the insured's contributions, comparing them with supporting documents, and, if necessary, interacting with the INSS to adjust or update the records, thus ensuring that all contribution periods are correctly accounted for.

This indicator, due to its generic nature, requires a careful analysis and a detailed approach, ensuring that no pending issues affect the insured's social security rights. Social security lawyers must be aware of this indicator and prepared to investigate and resolve these pending issues efficiently and assertively.

PMOV-INCONSIST - Inconsistent Movement

The PMOV-INCONSIST indicator in the CNIS is relevant to identify inconsistent movements in an insured person's social security contributions. These inconsistencies can range from simple administrative errors, such as mistakes in data entry, to more serious issues such as suspected fraud. The presence of this indicator signals the immediate need for detailed investigations and corrections to records to ensure the integrity and accuracy of the insured's contribution history.

This verification is essential to maintain the reliability of the social security system and to ensure that policyholders receive the benefits to which they are entitled, based on correct and up-to-date

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information. Furthermore, correcting inconsistencies is essential to prevent possible losses to policyholders, who may face delays or denials in their benefit claims due to incorrect data.

For social security law professionals, managing and resolving the issues indicated by PMOV-INCONSIST involves a series of procedures that include tracking the questioned contributions, checking with supporting documentation, and interactions with the INSS to adjust the records as necessary. This meticulous work not only protects the rights of policyholders, but also reinforces the integrity of the pension system as a whole.

Generic Considerations About New Indicators

The Social Security reform, enacted by Constitutional Amendment nº 103 of 2019, brought with it these new indicators in the National Register of Social Information (CNIS), representing not only a modernization of the Brazilian social security system, but also imposing an additional layer of complexity and responsibility for everyone involved.

This change has significant implications for both pension administration and legal professionals who need to handle this data. The new indicators require pension lawyers to not only be up to date with the technical nuances of the CNIS, but also to develop an in-depth understanding of how these changes affect the planning and execution of their clients' pension rights.

It is important that pension law professionals are fully capable of interpreting and acting on these new indicators to effectively guide their clients through the complexities of the updated system, ensuring that no rights are inadvertently compromised. The ability to promptly detect and correct any discrepancies or errors in CNIS records is now a critical skill in pension law, given the direct impact these indicators have on eligibility and the calculation of pension benefits.

In this context, social security lawyers cannot only be seen as defenders of their clients' rights, but also as strategic consultants capable of ensuring that all legal and procedural requirements are being met. The effectiveness with which they manage these issues can mean the difference between securing or losing critical benefits for the lives of policyholders, reinforcing the need for up-to-date and deeply informed legal practice.

Implications of the Digital Work Card and CNIS Transparency

The Digital Work Card, established by Law No. 13,874 of 2019, known as the Economic Freedom Law, represents a significant advance in the way labor and social security records are managed in Brazil. This change has direct implications for the National Register of Social Information (CNIS), especially regarding the transparency and accessibility of social security information.

The digitalization of the Work Card facilitates data integration between different government platforms, including the CNIS. With this integration, information about workers' employment relationships and social security contributions becomes more accessible and verifiable in real time. This transparency is

relevant both for policyholders, who can easily access and verify their own information, and for government bodies, which can manage and monitor records more effectively (BRASIL, 2019b).

For social security law, digitization through the Digital Work Card brings powerful tools that allow better verification of client data, facilitating social security planning and resolving pending issues. Additionally, instantly updating information significantly reduces the chances of errors and discrepancies in records, which were previously a common source of pension disputes. Cocentino (2023) emphasizes that the introduction of new technologies, such as INSS Digital, has transformed the way in which social security services are accessed and managed, implying a profound restructuring of work processes at INSS. This technological advance, although aiming to increase efficiency, also raises critical questions about the democratization of access to social security rights, given the inequalities in access to information technologies by the population.

The transparency and accessibility provided by the Digital Work Card and the improved CNIS are essential to strengthen citizens' trust in the Brazilian social security system, allowing workers to verify their information autonomously. Padilha et al. (2022) emphasize that facilitated access to labor and social security information not only empowers workers, but also contributes to an environment of greater legal security and a lower incidence of litigation.

However, digitalization faces significant inclusion challenges, especially in areas with limited access to technology and low digital literacy. Cunha et al. (2023) argue that these barriers can prevent a portion of the population from fully benefiting from technological innovations, highlighting the need for public policies that promote digital inclusion.

Additionally, information security is a primary concern as digitalization increases the risk of data breaches. Heckert et al. (2016) highlight the importance of implementing strict data protection measures to prevent unauthorized access, guaranteeing the privacy and integrity of policyholders' information.

Nakanishi (2022) complements this discussion by observing that the effectiveness of digitalization in the pension system depends on the ability to continuously adapt to new technologies and the constantly changing regulatory environment, ensuring that technological advances contribute positively to pension administration.

CONCLUSIONS

Throughout this study, a comprehensive analysis was carried out of the transformations that occurred in the National Register of Social Information (CNIS) after Constitutional Amendment No. 103 of 2019 and its significant impacts on the practice of social security law. The changes, including the introduction of new indicators and integration with the Digital Work Card, were thoroughly examined to understand how they influence the effectiveness of social security advocacy in protecting and guaranteeing the rights of insured people.

Firstly, the modernization of the CNIS provided more accurate and efficient tools for managing social security data, resulting in greater transparency and a reduction in fraud and administrative errors. Improved

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accessibility to information has allowed social security lawyers to plan more effectively and defend the rights of policyholders more robustly.

However, system updates also brought challenges, such as the need for constant updating and training in the face of new technologies and regulations. The complexity of the new indicators and the systemic flaws still present require constant vigilance and frequent manual interventions, which can cause delays in resolving pending issues and, in some cases, affect the granting of benefits.

These challenges highlight the importance of well-informed and technologically adapted social security advocacy, capable of navigating the technical aspects of the updated CNIS and effectively defending the rights of policyholders. Furthermore, the research highlighted the need for public policies that promote digital inclusion, ensuring that all citizens, regardless of their level of technological skill, can access and benefit from digital pension services.

To address the challenges identified, it is recommended that social security law professionals continue to educate themselves about technological and regulatory changes in the CNIS. Furthermore, it is essential that policymakers reinforce efforts to improve the technological infrastructure of the pension system and develop training programs to increase digital literacy among the population.

This study reiterates the relevance of the CNIS as a fundamental tool for social security in Brazil, highlighting the vital role of social security advocacy in the digital era. The continuous evolution of the CNIS and adaptation to it are imperative to ensure the effective protection of social security rights in a dynamic and increasingly digitalized regulatory environment.

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