



**RE-REGISTRATION – PUBLIC SERVANTS' DEATH CONTROL MECHANISM -
SOCIAL SECURITY PROPERTY REGIME - LAW 9.527 OF 1997 AND THE GENERAL
SOCIAL SECURITY SYSTEM, WHICH ARE NOT PUBLIC SERVANTS - LAW 9.528 OF
1997**

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SUMMARY

This article is the result of the verification, by research, of the probable reasons for the ineffectiveness of the performance of Public Management, particularly with regard to the issue of re-registration of retirees and pensioners, both in the General Social Security Regime, and in the own Regimes destined to Social Security of Public Servants in Brazil. A critical look at the configuration of Brazilian legislation regarding retirees and pensioners – passive subjects of the obligation to re-register – takes us to the re-registration institute, which thus becomes the object of analysis. It also refers us to the government as an active subject of re-registration, which implies observing the dynamics between Public Administration and Public Policies, analyzing the points where they converge and those where they diverge. The imposition by the Brazilian State of the re-registration of retirees and pensioners generates a problem of national unconstitutionality that obliges to examine, in legal terms, the concept of causality as a material nexus that links the fact to its author. From this idea of causal relationship, the need arises to explain the rationality of the political and economic system that governs modern societies. The Brazilian, managerial and neoliberal State, whose purpose is to create mechanisms that allow the State's intervention in economic and social activities

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to be reduced as much as possible, complies with the requirement for re-registration of retirees and pensioners, although giving rise to problems. In effect, the State, in the dynamics of the execution of its own and non-delegable task, gave birth to a genetically defective system, based on ethical parameters that justify the very existence of the State. The problem addressed is the fact that retirement represents a phase of life in which there is a rupture with the world of work, which can influence the transformation of social interactions and the subject's performance in relation to his new condition, with regard to productive capacity. The transition from the world of work to retirement allows the appearance of inequalities and contradictions in the social system in which the subject is inserted. Registration and re-registration are administrative institutes that, in order to be clearly understood, require the reading of the pertinent legislation. Regarding re-registration, Law 9,527 / 1997 and Law 9,528 / 1997 are relevant because the content of these Laws is to configure and contextualize such institute.

Regarding the administration of rights and duties with society, the relationship established between the Brazilian State and, in particular, public employees, in the social condition of retirees, implies the analysis of the re-registration figure as a mechanism for the control of deaths of public employees. , in Brazil, to demand the performance of the bodies responsible for the Civil Registry of Natural Persons - RCPN and the Institutions that operate in the management of Social Security benefits.

The act of re-registration in Brazil, it originated on December 10, 1997, with the publication of two federal laws, Law 9,527 and Law 9,528, which, in general, legislate on retirees and pensioners of the special regime (proper to Social Security) and retirees and pensioners of the general Social Security regime. The control of granting and maintaining the benefits of the general Social Security regime, contained in article 69 of Law 8,212 / 91, was changed by article 12 of Law 9,528 / 97.

Decree 7141/2010: registration update for retirees and pensioners of the Union

In accordance with article 9 of Decree 7141/2010 of March 29, it is the responsibility of the Ministries of Federal Administration and State and Finance Reform to promote the updating of the Union's retirees and pensioners, who receive earnings and pensions from the Treasury account National, included in the Integrated Personnel Administration System - SIAPE.

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Law 6.015 / 73: Civil Registry of Natural Persons

Legal provisions reveal that the radical re-registration system applies exclusively to federal civil servants, but for the majority of workers in the General Regime, the exclusively public regime for controlling the payment of benefits through the public records system is in effect. Law 6.015 / 73, which introduced the Civil Registry of Natural Persons into the legal system, constituted the only legislative source for the control of births, marriages and deaths under the exclusive responsibility of the State.

Law 10.887 / 2004: registration

The re-registration of public servants was introduced in the law in a sneaky and little transparent way. Perhaps for this reason, in order to amend this institutional imbroglio that lasted since 1997, and seeking legitimacy, Law 10,887 / 2004 of 18 June was created. This Law is the legal diploma that regulates Constitutional Amendment nº 41 of December 19, 2003. Taking advantage of the thematic pertinence, the legislator introduced an important innovation in the legal system: "The management unit of the civil servants' own regime, foreseen in article 40, § 20 of the Federal Constitution, will proceed, at least every five years, to **census** social security, covering all retirees and pensioners of the respective regime "(article 9, item II), and to this article are added the amendments established by Law 8,212 / 1991 of July 24. Paragraph 4 of the same article surprises by the fact that **fades away of your essay the term re-registration**: "For the purposes of the caput of this article, the Ministry of Social Security and the National Institute of Social Security-INSS will carry out [...] the social security census, covering all retirees and pensioners of the general social security system." (§ 4, article 9 of Law 10.887 / 2004)

It should be noted that the use of the term census reorders not only the system for controlling the granting and maintenance of Social Security benefits of the own regimes, but also the general Social Security regime itself, adopting the constitutional principle of the democratic participation of Brazilian society in relation to the control of public spending. O General regime in force has the exclusive control of the payment of benefits through the public registration system. Until then, Law 6.015 / 73, which introduced the Civil Registry of Natural Persons into the legal system, constituted the

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only legislative source for the control of births, marriages and deaths under the exclusive responsibility of the State.

Law 10,887 / 2004: regulation of the social security census

Law 10,887 / 2004 is the legal instrument that regulates Constitutional Amendment 41 of December 19, 2003. The legislator introduced an important innovation in the legal system: "The management unit of the civil servants' own pension system, provided for in article 40, § 20 of the Federal Constitution, will carry out, at least every five years, the social security census, covering all retirees and pensioners of the respective regime "(article 9, item II), and to this article are added the amendments established by Law no. 8,212 of July 24, 1991, determined in Article 69.

Paragraph 4 of the same article is surprising because the term re-registration disappears from its wording: "For the purposes of the caput of this article, the Ministry of Social Security and the National Institute of Social Security-INSS will proceed [...] to the census social security, covering all retirees and pensioners of the general social security regime "(§ 4, art. 9 of Law 10.887 / 2004).

Law 8,212 / 1991- general regime / Law 10,887 / 2004 - own regime

Census thus seems to be the appropriate and legitimate term. The provisions of paragraph 4, of article 69 of Law 8,212 / 1991, referring to retirees and pensioners of the General Regime, and in item II of article 9 of Law 10,887 / 2004, referring to retirees and pensioners of the Private Pension System, determine the periodic census by the government, with the purpose of verifying any existing irregularities or failures in the granting and maintenance of benefits.

In a first exegetical approach, it is possible to affirm that, from the norm under study, the application of a sanctioning precept is not extracted for non-compliance with the obligation to re-register. This interpretation is sustained, not only by virtue of the philological sense of the action core — re-register — but also, and mainly, by the constitutional character that filters the interpretation and application of any and all norms of the Brazilian legal system. Thus, the rule contained in the aforementioned article 9 of Law 10,887 / 2004 and of paragraph 4 of article 69 of Law 8,212 / 91 seems to be based on a constitutional parameter of extraordinary significance. The principle of democratic participation is, therefore, the normative web that must prevail in the process of registering retirees and pensioners, which some seem committed to harm,

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Census: meaning and importance

The Latin noun *censu* corresponded, in the Roman Empire, to the survey and registration made by the censors, first with a periodicity of four years and, later, five, of the Roman citizens and their properties (HOUAISS, 2002). The semantics of the terms - census, census and census - remain the same as in the Roman Empire. The prefix has the function of indicating an action that is repeated. In the Portuguese language, the radical *cens-*, even in the derivation by prefixing - census - did not lose its original meaning, therefore census means repeating the census. The term census is due to the periodicity required by law for the State to maintain its control and inspection, so doing the population census means doing the census of a specific population again.

Obeying the analytical axis of constitutional rights, it was necessary to trace the path of the Laws that support this article, in order to support the hypothesis of the inefficiency of public management in matters of re-registration through legislation that, although recognizing the obligation to respect citizens' social rights, however, produces a paradoxical effect.

For this article, the rules contained in the Federal Constitution of Brazil (1988) were consulted, namely the articles: 1, 5, 6, 7, 37, 40, 201 and 236, considering, from the beginning, Titles I and II with the purpose of apprehending the two institutes – re-registration and registration. This consultation brought to the surface the complex system of laws linked to Human Rights, the principle of human dignity, Social Rights and Social Security.

The “principle of the dignity of the human person” is an integral part of the Fundamental Principles enshrined in the Constitution of the Federative Republic of Brazil (item III of Article 1 of Title I) and is the maximum vector of our constitutional hermeneutics. In a first approach, it is necessary to think about the meaning of this principle, belonging to any person, who, over time, has become the most important guarantee of the human being vis-à-vis the State and against the oppression of social groups or other people. It is a moral and spiritual value inherent to the human person. It is, therefore, the epicenter of the legal system to show the existence of a minimum standard of guarantees and material and moral rights for each human being, regardless of their condition of life, constituting the absolute value of the democratic and social state of law.

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Article 5 of Chapter I - Individual and Collective Duties, Title II - Fundamental Rights and Guarantees - inaugurates in the Brazilian Constitution "the rights called first generation rights". This classification came about with liberal constitutionalism, in response to the absolutist state, and was influenced by the French Revolution and the Independence of the United States. It refers to the individual rights of each human being who has a duty to defend himself against possible State interference and abuse. Examples of fundamental rights of the first generation are the right to life, freedom, property, freedom of expression, political and religious participation, inviolability of home, freedom of assembly, among others.

It is relevant to observe item II of article 5 of chapter I of title II, according to which "no one will be obliged to do or fail to do anything except under the law". We are, obviously, facing a mechanism that has the consequence that the whole law obeys the Constitution itself. This is the principle of legality as a guarantee of the citizen vis-à-vis the State. Once again, this legality obeys strict observance of the fundamentals and objectives of the Charter of the Republic.

At the Inter-American Specialized Conference on Human Rights, which took place in San José, Costa Rica, in November 1969, the American Convention on Human Rights was signed, to which Brazil is a signatory, having introduced its principles into the Brazilian legal system, by through Decree 678/92 of 6 November.

The text of the said Convention reads: "The States Parties to this Convention undertake to respect the rights and freedoms recognized therein and to guarantee their free and full exercise to all persons subject to their jurisdiction, without any discrimination for any reason. of race, color, sex, language, religion, political opinions or of any other nature, national or social origin, economic position, birth or any other social condition".

Human law exists, albeit intuitively, in the consciousness of ordinary people without legal knowledge, who feel its absence, even if they cannot clearly understand it. It is an intrinsic phenomenon of human personality. Man seeks the materiality of what he feels. Human right is a substance without a rule to be recognized. It results from the coexistence of infinite personality attributes, so that each subject with their idiosyncrasies deserves the tutelage of the State as a way of overcoming social prejudices and misunderstandings.

In turn, the Article 6 of Chapter II - On Social Rights - Title II presents the so-called "second generation rights", listing a set of social rights that, all over the world, were enshrined in the countries' Constitutions, as a result of the struggles of class. These are social rights: "education, health, food, work, housing, leisure, security, social

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security, protection for motherhood and children, assistance to the destitute, in the form of this Constitution" (Redaction) given by Constitutional Amendment 64/2010 of 4 February).

In order to reconstruct the trajectory and the linear legal history of Social Security in Brazil, a brief history of the legislative framework is necessary, considering, in general, Social Rights and not specifically Social Security.

1988 Brazilian Constitution: the north of human rights

The Brazilian Constitution of 1988, when dealing with the dimensions of fundamental human rights, addresses the issue of Social Security, with regard to the legal regime for the protection of human rights for public servants. Its reference is the American Convention on Human Rights, signed in San José, Costa Rica, on November 22, 1969, later ratified in Brazil by Decree 678/92 of November 6.

Article 40 of the 1988 Federal Constitution enshrines that "to civil servants who hold effective positions in the Union, the States, the Federal District and the Municipalities, [...] a contributory and solidary pension scheme is ensured, through the contribution of the respective public entity, active and inactive civil servants and pensioners "(1988). Also, article 201, referring to the organization of Social Security, postulates that it has "the form of a general regime, of a contributory nature and of mandatory affiliation, observing criteria that preserve the financial and actuarial balance" (1988).

To this end, the Brazilian legal system establishes that the protection given by Social Security to people who do not have a relationship with the Public Administration must be carried out through a set of rules and led by a public entity with whom such people establish the legal relationship, as the principles of the American Convention on Human Rights, ratified in Brazil, as mentioned above, in 1992. The public entity enshrined in the Brazilian legal system for this purpose is the so-called National Institute of Social Security-INSS.

The set of rules that regulate the Brazilian Social Security System is consolidated in two legal diplomas - Law 8,212 / 91 of July 24, which institutes the Social Security costing plan and Law 8,213 / 91 of July 24, which institutes the general Social Security regime, detailing the coverage, claims and the hypotheses of affiliation. As for the own regimes, these are expected to respond to the Social Protection of

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Public Servants by the various elements of the federation. Consequently, states, municipalities, the Federal District and the Union, through specific legislation, create the Social Security System in which their public servants are inserted.

It is precisely this universe of retirees and pensioners, covered by the Social Security Regime, which is affected by the requirement, by the Public Power, to re-register, thus fulfilling the objective of providing proof of life. This requirement generates contradictory effects that, moreover, undoubtedly go against the legal system itself.

PRIVATE LAW LEGAL PERSONS

The Brazilian Civil Code, enshrined in Law 10,406 / 2002 of January 10, in its article 45, already establishes “the legal existence of legal entities under private law with the registration of the constitutive act in the respective registry, preceded, when necessary, authorization or approval by the Executive Branch”. The Civil Registry of Natural Persons was instituted by Law 6.015 / 73 of December 31, which received a new wording by Law 6.216 / 75 of June 30, and was renewed by Article 236, paragraphs 1 and 2 of the 1988 Federal Constitution. The Civil Registry of Natural Persons-RCPN and the Government Agencies therefore exist an intimate legal relationship that has been strengthened thanks to the contribution of other institutions such as: the National Institute of Social Security-INSS; the National Institute of Social Security-INPS; the National Institute of Medical Assistance for Social Security - INAMPS; the Ministry of Welfare and Social Assistance-MPAS; the Ministry of Budget Planning and Management-MPOG; the Information Technology Inspection Secretariat-SEFTI; the Federal Court of Accounts; and the General Coordination of the Union-CGU.

These institutions are linked to the Information Systems for people taken on a legal and natural basis, namely: Computerized Death Control System-SISOBI; Information System-SI; Information Technology-IT; Unified Benefit System-SUB; Mortality Information System-SIM and Brazilian Institute of Geography and Statistics-IBGE.

From the history of the Brazilian Registries, Decree 520/1847 of 11 June is included as a document, which, in its article 172, establishes the rules for the registration of births, marriages and deaths in specific books. By consular regulations, there were already, in the 19th century, death records that were valid for those who did not reside in Brazil.

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During the Monarchy, D. Pedro II, Prince Regent, instituted Law 586/1850 of 6 September, whose paragraph 3 of article 17 deals with the relevance of the General Empire Census and the control of births and deaths through regular birth records and annual deaths.

By Decree 798/1851 of 18 June, clerks are assigned to record birth and death records in books without receiving a salary for doing so. The same Decree legislates on the responsibility of the clerks regarding the registration of deaths and their entry in proper books, being subject to the application of penalties in case of errors, omissions or some type of malfeasance: "The registrars of the registries are responsible for the damages that they cause with the delay of the launching of the terms in the books, and of the issuance of the certificates, besides the penalties that they incur for the omissions, errors and prevarications that they commit "(1851, art. 21º).

History and definition of public administration

Constitutional Amendment 19 of June 4, 1998 changes the provision in the caput of Article 37 of the 1988 Federal Constitution, including the principle of efficiency in the Brazilian legal system. Castro (2006), at the 30th meeting of the National Association for Research in Administration-ANPAD, considered "effectiveness" more beneficial than effectiveness, in the domain of the public area, when it aims to satisfy a population that needs effective public services.

The Civil Registry of Natural Persons-RCPN, instituted by Law 6015/73, of December 31, renewed by article 236 of the Federal Constitution of 1988, outlined and regulated by Law 8,870 / 94, of April 15, was created, specifically, to register marriages, births and deaths. Article 68, in paragraphs 1 and 2, obliges notaries, the Civil Registry of Natural Persons and the National Social Security Institute to report to the competent Government bodies, within stipulated deadlines, the number of deaths. In this collection, when referring to the rights and duties of employees, the bases and rules are established for better communicability between the Civil Registry of Natural Persons and public managers. Also in this area, the Information Technology Inspection Secretariat was created. Laws,

The responsibility for information relating, for example, to death notifications, attributed to employees is enshrined in Law 8,870 / 94 of April 15, which stipulates, in

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the 1st and 2nd paragraphs of article 68, that it is the employee's obligation to notify the deaths of citizens , until the 10th of each month, so that all burial is duly certified by means of an official register of the place where the death occurred, by plowing the seat and death certificate, passed by the doctor or by two qualified people who have witnessed or verified the death, as determined by the provision expressed by the Law. How easily it appears, there is no burial without the proper certificate and, consequently, without notification to the National Social Security Institute - INSS.

To administer means to manage public or private affairs, to rule with supreme authority, to govern, to direct, to confer, to minister. Therefore, Public Administration, as an institutional effect, historically takes care of the economy of geopolitically organized society. The modern state can be thought of as a set of gears to which specific functions are attributed.

Public administration in Brazil, even when the country was a Portuguese colony, inherited from the colonizing country the European paradigm of the relationship between positive law and the state. In the colonial phase of Brazil, there were no autonomous institutions that made up political society. The representatives of the Crown were only concerned with the formation of future theologians, reproducing their own hierarchical cadres and training educators, recruited almost exclusively from among them. In this way, the Catholic Church assumed itself as a hegemonic force within civil society, in a way extending its area of influence to the political society itself.

With the affirmation of political society in republican Brazil, and thanks to the large-scale production of coffee to satisfy the demand from the international market, the Brazilian State had the need to articulate itself with a society, then configured by economic requirements. From then on, it was the State that endorsed, for example, investments in the railway sector, contracted loans to expand coffee production in countries with a hegemonic economy, or encouraged the immigration of the workforce necessary for expanding farming through financing.

The large coffee-producing landowners, until then a hegemonic class, were forced to share power with the new emerging bourgeois class. As a result of this new situation, there was a reorganization of the repressive apparatus of the State, in a process in which political society assumed the role of controller and organizer of civil society.

With the help of certain military groups and supported by the bourgeois class, Getúlio Vargas took power in 1930, implementing, seven years later, a regime of dictatorial features called the Estado Novo.

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In Brazil, the Public Administration organization has as a reference the administrative doctrine created, in the first decade of the 20th century, by the French engineer Henry Fayol (1978). According to its propagandists, Fayolism was a school of chiefs that responded to the essential need for the organization of efforts that manifested itself during the First World War, having since then gained popularity and gained a great impulse. A Fayol (Coltro, 2005) due to the creation of the Center for Administrative Studies, where people interested in the administration of commercial, industrial and governmental businesses met weekly. The cited publication date corresponds to the edition of the Brazilian translation consulted. The original work, entitled *Administration Industrielle et Générale*, was published for the first time in 1916.

With the native population growing and the number of immigrants increasing, and without the necessary preparation to carry out a development process, at some point, the Brazilian Public Administration was faced with the need to insert a new data into the equation: public policy.

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Public policy

In a brief passage through the bibliography about the commitment of Public Management to public policies, we find that they have become autonomous, both in Europe and in the United States, since, above all, from the mid-20th century. The North American Lasswell, who, in 1936, published the book *Politics - Who Gets What, When, How*, contributed to this, in which he argues that political science is a science of power whose object is the conquest and conservation of power and can be understood as a zero-sum game. It is easy to see that Lasswell (1936) introduces in his argument a note of irony in relation to the State, when he asks himself about who wins and what or when.

The construction of a specific disciplinary area, encompassing public policy, however, occurred in the middle of the last century, with the publication of *The Governmental Process* (Truman, 1951) and *Policy Sciences: Recent Developments in Scope and Method* (Lasswell & Lerner 1951). The beginning of studies on public policies in Brazil took place a little later, in the late seventies, beginning of the eighties of the twentieth century.

In fact, this new object of science was gaining expression due to the influence of the capitalist production market in central countries whose hegemonic class was the bourgeoisie and whose understanding of modernity was associated with the development of capitalism. According to Sousa Santos (2000), capitalism became a vector of development that occurred in three periods.

The first period corresponds to that of liberal capitalism, in the 19th century; the second to that of organized capitalism, which reached its peak in the period between the two wars and in the first two post-war decades; and the third to that of disorganized capitalism, beginning in the late 1960s of the 20th century, and extending until today (Sousa Santos, 2000). The specifications of these three periods help to understand the relationship that, in modern times, was established between legal power and the liberal state, in which the ethical principles of the legal order lost space and positive law potentiated and streamlined the market regulation devices.

The rational system of laws, which emanates from the State, legally legitimizes Public Administration. Formal and rational law guarantees the will of the State thought of as an agent of will and power. Modern law, according to the thought of Weber (1992), stems from an act of will, the State being the agent of that will (Sousa Santos, 2000). The minimal state of liberal constitutionalism contains within itself the seeds of the benevolent Welfare State of civilized capitalism (Santos Santos, 2000).

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The relationship between the Law, the modern State and the economic demand of liberal capitalism implies the recurrence of the devices for the institutionalization of Public Administration in function of the notion of society as a group of individuals committed to fulfill the duties of serving the State, therefore individuals subject to the legal regime of that State.

As a consequence of capitalist development, radical measures were taken that led to the pact between capital and labor, under the administration of the State; in this way, the welfare state emerged as a possibility for politically managing capitalism in central countries. With the Welfare State, a political obligation also emerged between taxpayers and the State and between beneficiaries of social policies and the State. In Brazil, Decree 83.740 / 79 of 18 July instituted the National Plan for Debureaucratization - PND, substantially coinciding with the beginning of the process of extinction of the military regime. It was then possible to resume administrative reform, with a special emphasis on the citizen's interest as a user of public services. For the first time, the federal government started to treat the issue of reform not as a voluntary proposition by the State itself, but as an essential condition of the process of redemocratization. Currently, the National Management and Debureaucratization Program is in force, regulated by Decree 5.378 / 2005 of 23 February.

Public management

Public management is not just a question of efficiency and effectiveness; in reality, it also involves issues of legality and legitimacy. Do notit deals only with internal management, but also, and above all, with external management in a complex socio-political context. This complexity comes from the endless needs of citizens of all classes and from all regions, especially in developing countries (Kickert & Stillmann, 1999, apud Matias-Pereira, 2012). The Federal Constitution of 1988 established decentralization and participation as central axes of the process of democratizing Brazilian public management, in the three spheres of government: federal, state and municipal. The Management Councils have become the new locus of political articulation in search of the definition and formulation of public policies.

FINAL CONSIDERATIONS

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Throughout this work, examples were presented that illustrate the inefficiency of Brazilian Public Management in relation to the exercise of death control activities. In this sense, this dissertation can constitute a valid contribution to the necessary and relevant task of returning the responsibility for death control to the Public Administration in the country, and thus freeing the citizen from the undue and unusual burden of proving that he is alive. through the practice of re-registration.

Paradoxically, re-registration configures a situation of legitimacy for non-compliance with the laws, transferring to citizens a function that is the exclusive responsibility of the Public Power, as proved by several legal diplomas such as Law 6.015 / 73 of December 31, which creates the Civil Registry of Natural People - RCPN; Law 8,935 / 94 of December 18, designated by the law of notaries; Law 8,212 / 91 of July 24, The Organic Law on Social Security - LOSS; or Decree 3,048 / 99 of 6 May.

This is also the understanding of the Federal Court of Accounts that, in Judgments 2,349 / 2006 of December 13 and 2,812 / 2009 of November 25, detected several failures in the functioning of SISOBI, namely the losses to the Brazilian public coffers resulting the fact that there is a high number of pension and retirement payments to family members of pensioners and retired people who have died but whose death is not known to the competent authorities. Many of these failures are due to non-compliance with the stipulations in the various legal diplomas, and a lack of coordination between SISOBI and the INSS.

SISOBI - Computerized Death Control System, was created in 2001, through Ordinance 847/2001 of March 19 of the Minister of Social Security and Assistance-MPAS, with the main objective of streamlining and making payment cancellation procedures safe and secure undue benefits and whose success in the execution of these tasks depended on the good functioning of the Public Administration.

As was clear, it is incumbent on the Civil Registry of Natural Persons to communicate to the INSS, the register of deaths that occurred in the immediately previous month. Therefore, there is an inconsistency in Public Management in relation to the requirement to re-register all retirees and pensioners as proof of life.

From the point of view of the effectiveness of death control, the system was expected to have better results. The Ministry of Social Security then issued Ordinance 269/2011 of 21 June, which replaced the Computerized Death Control System-SISOBI with the National Civil Registry Information System-SIRC, without this resulting in the solution of communication failures death records for the INSS, since only the

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application of the operational data transmission system for birth, marriage and deaths has changed.

Currently, it is incumbent on the employees of the Civil Registry of Natural Persons-RCPN to receive the death certificate, issued by the doctor, which certifies the cause of death, so that, within a legally determined period, the INSS is informed, through the National Information System. of Civil Registry-SIRC, of the death of the beneficiary. It follows that, if the RCPN complied with the law, not only retirees and / or pensioners would not have to undergo re-registration, but there would be no fraud, with serious losses for the public purse.

Another conclusion to be drawn is that, despite the efforts of the Brazilian Public Administration, the Civil Registry of Natural Persons - RCPN continues to exercise its action somewhat on the periphery of the rules.

In the current economic situation, attempts have been made, in various ways, to stop or seal the “leaks” that threaten the Brazilian public coffers. It is in the light of this context that the exclusively state paradigm of death control and inspection must be seen, since it is also part of a perspective of control, by the Public Power, of the Social Security budget. It can be concluded, then, that the most recent attempt to stop or prohibit the waste of public money consists of the creation of the Computerized Death Control System-SISOBI and the Civil Registry Information System - SIRC. An attempt that goes against the provisions of Law 8,212 / 91 of July 24 - Law of the Social Security Organization-LOSS - particularly against its article 68, which provides for the organization of Social Security³, and institutes the payment plan. Hence another conclusion is possible: that re-registration fosters non-compliance with the law.

The malfunctioning of the referred systems led the Brazilian State to erroneously choose to impose the Re-registration, a solution by which the Public Power transfers, to society, the burden of controlling an aspect of the Social Security budget that, ontologically, is part of the your assignments.

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³ Equivalent, in Portugal, to Social Security

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