

# THE ROLE OF TECHNOLOGY IN THE DEMOCRATIC RULE OF LAW CONSTRUCTION

O PAPEL DA TECNOLOGIA NA CONSTRUÇÃO  
DO ESTADO DEMOCRÁTICO DE DIREITO

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## ABSTRACT

The study is an analysis of the use of technology as a factor for the improvement or construction of the Democratic State of Law. Its objective is to weigh the use of technology for the improvement of the Democratic State of Law, considering all the challenges presented by the globalized world and especially the changes that have occurred in the production, communication, and education modes, among other innumerable changes, which have become internationalized, especially through the use of modern technology. For many scholars, this has also contributed to the softening of the national State. The question is to be able to use technology in favor of the State, that is, in search of its improvement. Communication-oriented technologies, if well employed, are capable of improving public administration, with better practices in terms of administrative planning, as well as in terms of the transparency of the State's actions, in such a way as to create a positive response to the globalization process. The deductive method was employed, following the legal-sociological approach, of the descriptive and propositional type, based on theoretical research, that is, based on secondary data.

**Keywords:** improvement of public administration; democratic rule of law; globalization; use of technology.

## RESUMO

*O estudo trata de uma análise sobre o emprego da tecnologia como fator de aperfeiçoamento ou construção do Estado Democrático de Direito. Tem como objetivo sopesar a utilização tecnológica para o aperfeiçoamento do Estado Democrático de Direito, considerando todos os desafios apresentados pelo mundo globalizado e principalmente as mudanças ocorridas no modo de produção, comunicação, educação entre outras inúmeras mudanças, que acabaram se internacionalizando em especial pelo uso da moderna tecnologia, sendo que para muitos estudiosos, contribuiu, também, para o abrandamento do Estado nacional. A questão é poder afligir a tecnologia a favor do Estado, ou seja, em busca do seu aprimoramento. As tecnologias voltadas às comunicações, caso bem empregadas, são capazes de aperfeiçoar a administração pública, com práticas melhores no que se alude ao planejamento administrativo, de tal modo como em relação à transparência das atuações de Estado, de maneira a suscitar uma defrontação positiva ao processo de globalização. Foi empregado o método dedutivo, seguindo a vertente jurídico sociológica, do tipo descritivo e propositivo, baseando-se em pesquisas teóricas, ou seja, a partir de dados secundários.*

**Palavras-chave:** *aperfeiçoamento da administração pública; Estado Democrático de Direito; globalização; utilização da tecnologia.*

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## 1. INTRODUCTION

The purpose of this article is to provide the reader with a reflection on the use of available technologies to improve the Democratic State of Law, considering the new needs that have arisen from a globalized world.

In order for this analysis to be made in a pedagogical way, the studies began with conceptualizations, which were followed by a presentation of the historical part of the Democratic State of Law. After this, the theme of globalization took its course, with a brief study of it, in order to bring it into the main theme, which is the use of the same technology that may be contributing to the weakening of the National State in an inverted form, that is, to the strengthening of the Democratic State of Law.

Globalization is seen by some scholars of the subject as a stage of transformation of the capitalist mode of production, considering that the main studies on this phenomenon in general have only the economic bias. It is known that the economic analysis is only one of the ways to understand globalization, considering that the cultural, political, environmental, and other aspects should also be analyzed.

Faced with these countless ways of apprehending the phenomenon of globalization, one of them ends up standing out, that is, the possibility of a weakening of the National State because it is considered to be increasingly inoperative in the face of the social and economic transformations that are taking place. The creation of other points of gravitation of power is considered, especially in private international entities, which end up being endowed with another structuring of action that goes beyond the reach of the national State itself.

From another point of view, we have the national public administration, which has as its main purpose to take care of the common good of the citizen, aiming to meet the public purposes. The use of technology can contribute to the optimization of work, greater effectiveness, reducing bureaucracy in the provision of services.

The present study aims to discuss the use of technology in favor of the effectiveness of the Democratic State of Law, mainly in order to allow a better access of citizens to State decisions, as well as its improvement regarding the creation and management of public policies, which may contribute, at the same time, to its legitimization.

The deductive method was used, with bibliographic research that is not limited only to the legal area, promoting reflections on the application of technology in a way that promotes the modernization of the State.

## 2. COMPOSIÇÃO DO ESTADO DEMOCRÁTICO DE DIREITO

For a better understanding of the Democratic Rule of Law, a historical and conceptual approach is necessary, otherwise the study that we intend to develop here will not be delimited.

The concept of Democratic Rule of Law, as we know it today, follows events through historical evolution ('divided' into Liberal Rule of Law; Social Rule of Law and Democratic Rule of

Law). In the Modern Age, in the 18th century, under the influence of the Enlightenment, several transformations occurred, with philosophical lines characterizing a Liberal State, which was based on the hypersufficiency and equality of individuals, believing that individuals and their relations did not need a greater state intervention. Liberalism has as philosophy and policy a state intervention, based on the claim that individual initiatives are better for the economic, social and cultural life of the citizen, opposing nepotism. (AMORIM, 2010, pp. 34-35)

Dissatisfied with the situation and through a popular uprising, there is a transformation of the Liberal State into the Social State, at the end of the 19th century, considering the global changes that came to meet the thought of a State that emphasized the social aspects, where the State and society take responsibility for the individual's hyposufficiency, through market regulation, public policies and the formation of large economies. The welfare state brought with it an immense commitment to the people, through the promotion of positive actions, which would be demanded, constituting the very meaning of the welfare state, which came to have as a scope the organization of society in order to meet social demands. (SOARES, 2012, pp. 112-117)

In a simplified and objective way, the concept of the Democratic State of Law refers to a State where respect for civil liberties is necessary at all times and also for fundamental guarantees, including guarantees of individual and collective rights, social rights, and political rights.

This means that for a state to achieve the scope of being respected a Democratic State of Law, all citizens' rights need to have legal coverage and to be protected by the state, through its governments. In a Democratic Rule of Law, the rulers need to respect what is provided for in the laws.

As cited in Article 1 of the Brazilian Federal Constitution "all power emanates from the people", that is, the State needs to be guided by democratic precepts, certifying social justice and established in the principle of the dignity of the human person, with free elections, respecting public authorities, fundamental rights and guarantees, and the environment (BRASIL, 1998). For the author Alexandre de Moraes:

Characterizing the Constitutional State, it means that the State is governed by democratic norms, with free, periodic elections by the people, as well as respect by the public authorities for fundamental rights and guarantees [...] fundamentally expresses the requirement for full participation of each and every person in the political life of the country, in order to ensure respect for popular sovereignty (MORAES, 2010, p. 6)

Brazil is framed in the group of Democratic Rule of Law. Its main characteristics are popular sovereignty, representative and participatory democracy, a constitutional state, and a system of human rights guarantees, as previously stated, under the premise that democracy is a principle of government where the decisive power related to politics is in the hands of the people.

The State does not exist simply to be a State, as it is based on certain obligations essential to the proper society and human kind. Thus, the Democratic State of Law is not only concerned with acting legally, but mainly with making its decisions legitimate, a legitimacy that will only come about when accepted by the people, through their participation, either collective or individual.

For José Afonso da Silva the Democratic State of Law is the junction of Rule of Law and Democratic State, not only in a formal sense, but forming a new concept that ensures the principles of both and even adds a revolutionary element of the status quo. (SILVA, 1988, p. 1-2)

The rule of law is seen as a necessary instrument to prevent the use of arbitrary force, as it is considered an ideal for many who preach against authoritarianism and totalitarianism, being seen as one of the foundations of democracy. The idea of the Rule of Law goes against arbitrary power, which is why it is defended by many (democrats, egalitarians, liberals, etc)

The Rule of Law aims as a state structure for the Public Power to be supervised by a Major Law, that is, a Constitution, thus having a greater juridical character of the Political Power.

In Miguel Reale's understanding:

By rule of law we mean that which, freely constituted on the basis of law, regulates all its decisions by it. The 1988 constituents, who deliberated sometimes as illuminists, sometimes as enlightened, were not content with formal juridicality, preferring to speak of a Democratic State of Law, which is characterized by also taking into account the concrete values of equality. (REALE, 2000, p.37)

The democratic state assumes the design of equality, having the law as an instrument of social restructuring, going beyond the utopia of social transformation. The democratic principle explains in its essence the requirement for the active participation of all people in the political life of the country. There is a need for popular sovereignty within the democratic state. In the conception of José Afonso da Silva:

The democratic state is founded on the principle of popular sovereignty, which imposes the effective and active participation of the people in public affairs, a participation that is not exhausted, as we shall see, in the simple formation of representative institutions, which constitute a stage in the evolution of the democratic state, but not its complete development. (SILVA, 2007, p. 66)

The Democratic State has as its real intention to concretize a dignified life for mankind. It must go beyond the utopia of dignity to an effective reality, and it is up to the State, through its public participation, to create this reality. The people must have a direct participation in this State.

The State must keep in mind that democracy is the need and capacity to solve problems always for the sake of a greater good, seeking the materiality of an existence with dignity for its population, making a social transformation happen, through its regulations, where all the fundamental rights and guarantees are ensured and put into practice.

The Democratic State of Law provides for some important characteristics that are effective in its composition: equal participation in decisions; sovereignty and popular sovereignty; public administrative acts; free access to justice; guarantee of social justice; among others, and will be analyzed and discussed in this work when faced with globalization.

In the next topic the study will be conducted in the sense that these characteristics or factors can be better met, taking into account the challenges presented by a globalized world.

### 3. THE CHALLENGES OF GLOBALIZATION FOR THE DEMOCRATIC RULE OF LAW

For many, when talking about globalization, only the phase after the entrance of the Internet into the world comes to mind, but globalization has been happening since the time of the great

navigations, 15th and 16th centuries, in the mercantilist period, having its effectiveness in the 20th century, after the fall of socialism in Europe, and its greatest impulse was with neoliberalism from 1970 on. In Brazil, globalization had its greatest impact at the end of the 20th century, with the privatization of some economic sectors. (IANNI, 2001, p.86- 88)

The globalization arising from technology through the internet, digital systems, telephony, and satellite network communications, has stemmed from the need for cheaper product prices, greater competition, and the search for cheap labor, because the domestic markets were worn out; and, with the end of socialism, this search has extended to this new market.

Globalization is a capitalist phenomenon and a process of tightening economic, social, political and cultural relations among the various and different countries in the world, having the ability to destroy barriers to a free movement of capital. An interconnection between people, commerce, and states, linking to the concept of globalization those of universal and international.

It focuses on the growing relationship between countries through a reduction of their geographical distances (cross-border relationship), thus bringing about several changes: in the production of wealth, in the work sector, in the state function, in the information obtained from all over the world, in the cultural-social-political-economic vision. In this way, it can be said, it would be a unification, without conflicts, of the world territory.

For Marcos Gonçalves, *apud* by Janaína and Claudine:

This is globalization, this conception of the so-called “global village” that massifies the means of communication, making the whole orb as if it were a country town, where everyone already knows everything, states Gonçalves (1997). The Earth has become globalized, such that the globe has ceased to be an astronomical figure to more fully acquire its historical significance. (2014, p. 05)

With globalization and the unbridled use of technology, there is a prevailing view that states are increasingly influenced and limited by international political actions, and state sovereignty is at risk. It is up to the State to adapt to the globalized ways. Just as the world has adapted and adapts to globalization, Law must also adapt. The Democratic State of Law must be connected to all the changes, whether positive or negative, brought about by this new paradigm.

The figure of new actors in this modern world context has caused the National State to cease to be the dominant protagonist, with a decentralization of regulations and a deconstruction in the known hierarchy of Law, where the consequences go beyond the state territory. In this new globalized context, there is a relationship between world norms. (SOUZA, 2017, p. 1187). I

n this same sense, Eloísa Argerigh:

In this way we can see that, in the context of globalization, we are facing an extremely complex process, in which a new governance requires new knowledge, more integration, and more information from States, so that they can maintain themselves in the international scenario. A new posture with regard to changing the role of the state, as the dominant actor in the international system, is not only a necessity, but a growing demand. This is why it is not difficult to understand why the effects of globalization, especially with regard to the weakening of the sovereign authority exercised by the state and the loss of its autonomy, are so profound and controversial. (ARGERIGH, 2003, p. 145-146)

Today's society is more interconnected every day through technology, and there is a need for the Democratic State of Law to restructure and reinvent itself in order to respond to social demands.

One cannot impose innovations in the field of Law exclusively to globalization, but it is assertive that globalization brings reflexes in this environment, and a complex analysis of the world social, economic, political, and cultural situation is necessary for a conception of legal knowledge.

For the Democratic State of Law, globalization is a "double-edged sword", because at the same time that it provides countless benefits to the society that is under its aegis, it also brings, especially in the social aspect, extreme inequalities to the same population - a subject that will be dealt with in detail in the next item of work.

To Fernando de Sousa:

For globalization to be effectively a mechanism for promoting democratization, the traditional concept of "people's democracy" needs to be extended beyond territorial boundaries, in the sense that, in the face of global forces, this relationship cannot be restricted to the population-state duality included in the traditional understanding of the term. From this perspective, globalization has already had the effect of elaborating supra-state policies, which go far beyond national jurisdictions, demonstrating this need for openness to a broader understanding. through the expression of the popular will, the definition of a democratic supranational community has been complex. In this context of denationalization, international organizations allow narrow political decisions to be reflected in the context of global decision-making, seeking to strengthen political communities in the global context. They can therefore be vehicles for promoting democratization, through their regulatory and governance role at the supranational level, while respecting and reflecting democratic principles and social and economic promotion. (SOUSA, 2006, p.12)

With globalization, although Western and capitalist, comes the need to reinvigorate sustainability due to the exacerbated growth of many nations around the world. Rich countries or not, must walk together in the sense of taking care not only of the environment, but also of the social environment in which one lives, adopting precautionary decisions, to avoid further environmental destruction for the preservation of future generations. (EDDINE, 2008, p.436).

In current international trade relations, the environment has been highlighted, where each country in the trade relationship is obliged to take care of it within its internal domain, because many countries to achieve wealth have ended up generating social inequalities and degradation of its environment.

There is no longer any way to ignore the climate changes that have occurred. There is no such thing as a self-sufficient nation when it comes to the environment. A global agreement is needed to generate a short, medium, and long-term solution, because the common environment (oxygen, for example) is everyone's responsibility, and it can only be preserved if there is effective worldwide action.

In this same sense the words of Siomara Cador Eddine, in her article entitled "Globalization and the role of the State: challenges for a democratic and sustainable State":

To achieve sustainable development, it is fundamental to establish a clear commitment to sovereignty. This commitment will make it possible to build a more prosperous country, with a strengthened democracy and autonomous decision-making, providing more direct forms of popular participation and interference in the discussion of major national issues. For this, we need long-term strategic policies, with intense discussion about the purposes and paths of growth and the desired and possible sustainability for society and the State. (EDDINE, 2008, p. 442)

In order for democracy to succeed in the face of globalization, a commitment from the authorities, be they national or international, is necessary. The way of governing has to interweave democratic principles and legislative activity in the face of necessary reformulations.

There is the softening of state regulation by commerce, making it clear that the state must redefine itself in relation to democracy, seeking to recover the institutional guarantees that enable citizens to participate in it. Moreover, it is clear that the state must change its way of thinking in relation to the fulfillment of its public policies and services. (ARGERICH, 2003, p.4)

There is a new world configuration, where the traditional state sovereignty no longer replicates the current political conditions, having to rebuild the democratic component to overcome the shortcomings of democracy.

## 4. TECHNOLOGY WORKING IN FAVOR OF THE DEMOCRATIC RULE OF LAW

After a brief analysis of the concepts of Democratic Rule of Law and globalization, there is an urgent need to verify the effects of technology on them.

With the rapid development of technology, there has been a greater flow of information obtained in the globalized world, because the Internet is currently responsible for the dissemination of an exacerbated number of ideas, concepts, opinions, judgments concentrated in a single access. And this access is in the palm of most people's hands, because through a smartphone you can connect and know what is happening anywhere in the world.

The responsible use of technology is, without a doubt, a strong ally of democracy. Through it, it is possible to instantly broadcast any kind of news needed for knowledge or clarification on a certain subject. Through the Internet, it is possible to organize tactics so that decisions can be adopted in favor of democracy involving the population in general.

"Technology is doing for our brains what machines did for our arms in the Industrial Revolution. "This phrase is said by Mauricio Benvenuti, in his book *Audacious* (2018, p, 17), and he is absolutely right in his sayings. Technology has become something disruptive, because it has changed the usual continuation of a process. With it that normal segment of conveying information has been disrupted. To have an idea of the temporal change of receiving information, in 1965 the news of the death of the American president Abraham Lincoln took 13 days to cross the Atlantic Ocean and reach Europe. In contrast, in 1997 (22 years ago), the crash of the Hong Kong stock market took 13 seconds to spread worldwide and devastate the other stock markets.

Still in Benvenuti 's words:

*Today, a person in Kenya with a smartphone in his hands accesses more information than President Bill Clinton did when he ruled the United States in the 1990s. This Kenyan's Google is as good as that of Larry Page, the founder of Google itself. The knowledge he gets is the same as yours. Human empowerment, which started in communications and access to information, is expanding to all areas. And it brings advanced technologies ever closer to ordinary citizens. (BENVENUTTI, 2018, p. 23)*

*Popular participation is something primordial to guarantee democracy, thus, the facilitated access, through the internet, to political information, plays an effective role in decision making, improving it. There is, in this way, an action that facilitates information, making it possible, through social networks, for people to debate issues that were previously only plastered on the physical media. Before the arrival of technology, the Internet, it was not possible to debate what had happened. Simply, the information reached the population in the format that interested who was informing, and the population had to read it, or listen to it, but never debate it.*

*One of the many demonstrations of popular sovereignty in Brazil is the vote, and the internet has been extremely important here, because countless pieces of information and explanations related to the possible governors reach the entire population.*

*Another important way of improving democracy through the Internet are the government transparency portals. These portals require reliable sources of information about the public machine because they are not mere publications of data to the population, but clear, true, intelligible, organized and easily accessible data. Broad access to public acts is another way to ensure democracy, and was reinforced by the Access to Information Act, 2011.*

*To Marciele Bernardes and Aires Rover:*

*In this line, the electronic government programs (e-gov) take prominence because, from the incorporation of the Internet in the routine of administrations, they constitute a powerful tool for reform of the State and, thereby, facilitate transparency (accountability), efficiency in the provision of public services, the fight against bureaucracy and, above all, the individualization of service to the citizen (BERNARDES; ROVER, 2012, p. 2)*

The need for a wide dissemination of this data was also due to the population's own demand to know how their representatives are applying the resources destined to the present administration. With this data available on the Internet, society has the possibility of being more active, being able to supervise and opine in the formulation of proposals, with an approximation between the government and the population. In order for there to be real benefits in the use of the Internet for public data dissemination, it is essential that those who use it do so in a neutral and impartial manner, without manipulation of information. Another great advantage of obtaining and disclosing data, especially public data, through the Internet is its low cost compared to traditional means of communication.

With the publication of public spending on the Internet, it is much easier for the population to control this spending and its applicability, as mentioned above, thus strengthening the guarantee of social justice, which is an outstanding characteristic of the Democratic State of Law.

Social justice aims to ensure equality and solidarity, anchored in political and moral principles, seeking a social balance, for without it there is no democracy. The right to education, work,



health, leisure, access to justice, and others, must be preserved so that less social inequality occurs. And technology becomes primordial for this achievement, because with it, through the use of the internet, it is possible to highlight the social problems encountered, and thus, the Public Power can act in the search for an egalitarian society.

Globalization has a great responsibility towards the guarantee of social justice, because it is the one that guarantees the economic growth of a country making its people have minimum guarantees of dignity and equal opportunities. According to José Afonso da Silva:

To have social welfare and justice as an objective means that the country's economic and social relations, to generate welfare, must provide work and adequate living conditions, material, spiritual and intellectual, for the worker and his family, and that the wealth produced in the country, to generate social justice, must be equitably distributed. (SILVA, 2007, p. 758)

For an effective Democratic State of Law, free access to justice or the right to access to justice is necessary, which due to its importance is elevated to a Human Rights prerogative, surpassing a constitutional guarantee. It is up to every man to be heard and judged by a legitimate and impartial Court, the principle of equality always prevailing, since the race, sex, financial condition, or religion of the citizen is not taken into consideration when he seeks justice through the State.

The cost of this justice is high, as it requires several legal apparatuses and procedures for it to occur. Law 1.060/50 and the current Code of Civil Procedure bring the necessary requirements for the citizen to qualify for free legal assistance, transferring all expenses with justice to the State.

Technology meets these costs, when with its computers and internet, it has reduced the procedural time of the facts brought to the State for resolution. With the reduction in procedural time, there was a greater dynamism in the trials and judicial delays began to be seen as a problem for the State. An excellent example of procedural economy is the possibility of remote interrogations by videoconference, in some specific cases.

Besides the economy brought by technology to the State, it brought greater satisfaction to those who sought it, because the procedural resolution became faster and clearer, because the party can follow, via the Internet, the steps and course that its process is taking.

When it comes to a Democratic State of Law, there is a need for a higher law, and the entire population must follow it and live under its effects and orders. No citizen can allege ignorance of the laws that govern his government, especially in a democracy, where the people's participation must be effective.

Technology, once again, becomes essential, as it easily, quickly, and almost costlessly discloses information that is indispensable for living in harmony with other citizens. And for this to happen, it is necessary that access to the internet is easy and inexpensive, so that the entire population can make use of it.

Freedom of speech and of actions in a democracy are part of its essence. In Brazil, social movements emerged in the 19th century, with the Balaiada Movement in Maranhão. In the 1960s, social movements were already turning against the Military Regime, with the support of students and workers' groups. With the 1988 Federal Constitution, these movements became more effective. Social movements are groups of people with the same objective to be defended,

whether it be transformative or for the struggle for a common good in favor of society, and may be against or in favor of the State. They are organized movements with a purpose to be achieved. They can act in different areas: religious, racial, environmental, gender, and others. And they can also occur all over the world and at the same time, and that is where technology interferes. (GOHN, 2011, pp. 03 and 04)

The technology for the success of a social movement is primordial, because it is through the Internet that most of the members of social movements debate the issue of the agenda, organize themselves, articulate themselves, and propagate the time and place that the movement will take place. With the arrival of the Internet, these movements have gained strength, because the ease of information exchange has become easy and immediate. An idea can be transported, through the internet, all over the world, in a matter of seconds. And to this idea, supporters of thoughts can emerge where a social movement is formed. So that from an idea practical effects arise to the advantage of many. All change starts from an idea, and from this idea attitudes around it bring improvements.

There are several social movements worldwide, which only gained the strength and impact they have today due to the use of the internet, an example of this is the Feminist Movement. It emerged at the end of the 19th century, with the fight for women's legal rights, seeking the right to vote. Already in the 1960s and 1970s, this movement sought equal rights, between men and women, and greater feminist freedom. With the arrival and applicability of technology and this and other movements - such as the Black, Student, Labor, LGTBQIA+, Environmentalist movements - greater organization became possible. (BEZERRA, 2019, p. 04)

The largest Social Movement that took place in Brazil took place in 2013, where through the Internet it was possible to coordinate and disseminate to the whole world the places, days and time that this social and nonpartisan Movement would occur. (QUEIROZ, 2017, p. 03)

Still along this same line of population participation, it is necessary to mention the right to education as a characteristic and guarantee of the Democratic State of Law, because for the individual to become an effective citizen he has to be well trained and educated so that he doesn't become just a "puppet" in the hands of his rulers, because the low condition of education dampens the democratic system. The Federal Constitution of 1988, instituted in article 205:

Education, a right of all and duty of the state and of the family, will be promoted and encouraged with the collaboration of society, aiming at the full development of the person, his preparation for the exercise of citizenship and his qualification for work. (BRAZIL, 1988)

It is necessary that education be taken completely seriously in any country that wants to be a true Democratic State of Law, and for this to happen, it is necessary to have a capable educational system to designate citizens, so that political illiteracy is avoided. However, the educational system in any country requires spending within the government's plan, and technology, in this sense, is effective for the economy.

With technology, education can be offered to the entire population at affordable prices to the population, and also to the government. Online courses, Distance Education, digital libraries are realities offered and affordable in Brazil. Not only a financial economy is obtained with these courses, but also a time economy, because in a poor country where the population has to work, often three periods, being able to study in the comfort of your home, with your family,

is an achievement. With the use of technology, education can reach places that were not possible before, guaranteeing democracy.

Technology is present in the Democratic State of Law and, in a certain way, inherent to it, making it increasingly necessary to use it in order to make it effective, with consideration and responsibility

## 5. PROCESSES OF DEMOCRATIC DECONSTRUCTION IN THE FACE OF THE MISUSE OF TECHNOLOGY

At the same time that technology is something incredible and is rooted in the Democratic Rule of Law, it is necessary to ponder its use. The Democratic Rule of Law also needs other foundations and characteristics necessary for its existence.

The world used to be seen in a linear and local way and today it is seen in an exponential and global way due to the constant use of technology. Sensors, drones, 3D printers, internet of things, artificial intelligence, robots, etc., evolve absurdly fast, being protagonists of the changes noticed in society (DESIDERI, 2017). The linear thinking of man and the exponential growth of technology can generate excellent opportunities (as mentioned in the previous item) or an announced tragedy - as will be seen in this item.

According to a study done by the World Economic Forum in Davos in January 2018, it was clear that 65% of children in the current first grade will work in entirely new activities that do not yet exist, due to the constant use of new technologies, the impact of automation, and artificial intelligence. (BENVENUTTI, 2018, p. 55). This subject and these data scare most of the population, not only in Brazil, but also worldwide, because the doubt that hovers is whether jobs will cease to exist or will only need a new adaptation to the technological reality.

One of the foundations of the Democratic State of Law is to maintain the dignity of its population. And this dignity has decent work as its principle. Jobs have been changing for a long time. Since the First Industrial Revolution there have been discussions about the benefits or harms of the use of technology, all depending on the economic moment the world is going through.

It is clear that innovation scares and often hinders the economic market, because it brings difficulties in adapting and learning about the new. The relationship between employment and innovation often generates conflicts and is totally complex, according to Jorge Mattoso, professor of Economics at Unicamp:

The introduction of technological innovation in the productive process is not a recent phenomenon and is the result of competition between capitals. Its major objective is to raise productivity and reduce the live labor directly involved in this process. If “the machine is innocent of the miseries it causes” (Marx, 1975), unemployment is, contradictorily, a consequence of the development of technical progress, in the conditions proper to the uncontrolled functioning of the capitalist mode of production. In other words, although technological

innovation is the dynamic of accumulation in the incessant search for the highest possible valorization of capital, it moves against workers and society as a result of its private appropriation, of its unilateral use and without social regulation. (MATTOSO, 2000, p. 2)

The reduction of human intermediation in several activities, such as banking transactions, shopping, and online services, is already part of the day-to-day life of many populations, including the Brazilian population.

The need for new technologies to achieve modernization is indisputable, but at the same time, the loss of jobs is inevitable, with a giant loss for society, affecting in some way the democratic rule of law, considering that the decision-making power has been transferred to the international level, and most of the time is linked to large banking conglomerates.

According to data from CONTRAF/CUT's website of January 22, 2016, banks, aiming only to maintain their exorbitant profits, are laying off more and more employees, hiring fewer and lower salaries, because transactions made over the internet, through smartphones or computers, are much cheaper and faster.

In 2015, banks operating in Brazil closed 9,886 jobs, according to the Bank Employment Survey (PEB), released this Friday (22) by Contraf-CUT. The number almost doubled compared to 2014, when 5,004 jobs were closed in the banking sector, representing an advance of 97.6%. The study is done monthly, in partnership with Dieese, uses data from the General Cadastre for Employed and Unemployed (Caged) of the Ministry of Labor and Employment (MTE) and also reveals that in the last three years the sector has continued to shed jobs. In comparison with 2013, when 4,329 jobs were cut, the numbers for 2015 represent an even greater increase, of 128.4%. (CONTRAF/CUT website, 2016, p. 01)

Numerous other sectors already frequently suffer from unemployment in order to survive in such a competitive market due to technological innovation, and some others are about to.

The Democratic State of Law, with technological innovations, does not suffer negative impact only with the growth of unemployment, which hinders the achievement of one of its greatest results, which in this case is the dignity of the human person. It also ends up being eroded by the media, which are also called social media, such as through the propagation of false news.

The social movements organized through social networks already mentioned in the previous item can also generate damages to the Democratic Rule of Law, because by concentrating many people around a purpose, one can have the destruction of public and private property, physical/moral/sexual violence between participants and non-participants of the movement. The Democratic State of Law can suffer harm with the indiscriminate use of technologies, where those who hold power over them can exploit the uninformed, leaving them on the margins and leading them to exclusion from true ethical, moral, social, financial, employment, and other values.

The main question that arises is how to work on little known issues, with planetary scope, employing technological ingenuity with the same frameworks used when these new elements did not yet exist. Surely, these are the major difficulties that lead to doubts as to the type of action to be implemented so that the Democratic State of Law continues to exist?

## 6. THE USE OF TECHNOLOGY IN THE PROCESS OF IMPROVING PUBLIC ADMINISTRATION

The State is responsible for guaranteeing social guarantees, and even for accounting for the resources deposited by the community. To fulfill its role in the best way, it is necessary to implement the constitutional principles of legality, impersonality, morality, publicity, and efficiency.

These principles are set forth in Article 37 of the Federal Constitution. Besides the Constitution, there are other principles listed in other laws, to which all persons belonging to the public administration must conform, so that the activities of the public sector have an appropriate performance. The purpose of the national public administration is to work for the common good of the community, in the public interest, in the interest of its citizens and their rights. It is responsible for managing the various services, organs, and state agents in the quest to meet the needs of society.

In the words of Hely Lopes Meirelles:

Hence the undeniable duty of the public administrator to act according to the precepts of Law and administrative Moral, because such precepts express the will of the holder of administrative interests - the people - and condition the acts to be performed in the performance of the public duty entrusted to him. (MEIRELLES, 2010, p. 87)

In order for the public administration to achieve in a concrete way what is assigned to it, it is necessary to improve itself through the use of technology. The public sector needs technological innovation in order for there to be an evolution in the services it offers. The bureaucracy and the lack of efficiency in the services provided are less and less acceptable to the population. For this reason, the public administration needs to improve the services provided through technology, making it an ally of cost reduction, debureaucratization, and effectiveness in the services provided.

Technology, through the Internet, has the power to integrate the population and the public administration, and it is through the Internet that the disclosure of information reaches everyone. Transparency in public management is something primordial in the relationship between administration and population.

The development of information and communication technologies (ICTs), regardless of the possible risks arising from the technological revolution, enables a population participation together with the public administration, never seen before the Internet. In the words of Bernardes and Rovers:

As can be seen, despite the doctrinal differences about the ambivalences and risks arising from the technological revolution, the fact is that this scenario of greater openness to interaction and participation between people and institutions gives the user-citizen the opportunity to have more interaction with the government, to have access to relevant information about the management of public interests, to participate in administrative and political processes, in short, a new possibility of exercising democracy in a digital environment. Perhaps this represents one of the greatest contributions of the Internet. (BERNARDES; ROVER, 2012, p. 4)

These technologies create opportunities for the population to participate through plebiscite on the functioning mechanism of the administration and allow it to orient itself as to the needs of the population. It is necessary to see technological progress as an instrument to meet social demands. The transparency shown by the public administration through its portals can contribute to credibility and trust. However, it is not enough just to provide information, it is necessary for there to be a digital democracy that the citizen participates effectively in government programs, deliberating and demonstrating through his will the construction of a collective will.

An efficient administration is one that achieves positive results with minimum costs and reduced efforts. In other words, it is necessary to offer quality services to the population, in a reasonable amount of time and at a reasonable cost. Technology in public administration serves to reconcile what is needed to achieve efficiency in its management, allowing it to monitor public actions, assisting administrators in preparing the strategic program in order to obtain the best way to use financial resources.

Cláudia Mara de Almeida Rabelo Viegas and Cesar Leandro de Almeida Rabelo emphasize:

We have to take advantage of technology, information technology, and the Internet, as mechanisms to improve our lives, through effective participation in the life of the country, suggesting, controlling, and executing public policies. Thus, we must exercise participatory democracy, according to the model through debates on public issues in the virtual environment making use of the mechanisms of Electronic Government. (VIEGAS; RABELO, 2011, p. 3)

The insertion of technology in public services can largely change the form of the work produced, because computers accelerate the pace of the numerous activities performed, and can even promote greater efficiency and optimization of public services. Thus, the administration has celerity and economy in its services provided, improving its service to the population.

The use of ICT serves as a security instrument of credibility and reliability, speed, and quality of services, and may come to establish adjustments between public administrators and the citizen. With the use of the Internet, it becomes possible to share information and resources. The public administration, before this evolution, used technology in an isolated and plastered way, and often repeated the same thing. By sharing information, this same administration can provide a better and faster service. (CUNHA; MIRANDA, 2013, p. 03)

It is no longer acceptable for public management not to use technology. Communication and information technologies have come to restructure the understanding of public administration, making it more democratic, efficient, fast, and economical.

On the other hand, there are still challenges for the democratic rule of law, since even with the use of this technology in its favor, its ability to promote the defense of national interests depends on its subordination to the international financial market.

The attribution to the national state of the condition of protagonist, that is, capable of acting in a way to reorganize the strategic productive sectors by means of public policies, seems almost unattainable when one thinks about the gradual erosion of its power to establish a general equilibrium.

## 7. CONCLUSION

With globalization and the applicability of technology countless consequences have come to the Democratic State of Law. Examples include the unbridled and inconsequential use of technology, the internalization of international policies, and the very existence of internationally shared sovereignty.

The sovereignty of a state has always been seen as the generation of political and economic limits with the construction of territorial borders, which in most cases were insurmountable. With globalization, the world began to be understood in a homogeneous way, with the reduction of commercial and social barriers, and at the same time with the decentralization of political power.

Technology was one of the instruments used to promote this integration, consequently creating other spheres of power in order to redesign the very structure of the national state, which at each moment was losing its prominence. In this sense, we have technology employed in such a way as to produce a true corrosion of the national state and consequently of its power to act.

The processes of deterritorialization and new public management procedures have become a decisive milestone for the promotion of changes in the Democratic State of Law that are capable of establishing a process of reconstruction/adaptation to this new reality. The complexity of understanding this new internationalized world is growing, going beyond the rules of the past, whose main purpose was to regulate only what occurred within the national territory.

Within this context, a question arose, which is the main objective of this study. How to take advantage of this technology to improve the State, in order to enable the promotion of its main objectives? Firstly, the so-called information-oriented technology was explored, considering that through it the State will be able to strengthen democracy, by enabling the democratic participation of the population in decision making. Other purposes such as the improvement of education through new procedures, greater access to justice and the improvement of the administrative machinery may also be achieved through this process of resizing the Democratic State of Law.

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