

Scientific Journal of Applied Social and Clinical Science

QUALITATIVE ACCESS TO THE INTERNET: A REFLECTION OF FREEDOM AND A MITIGATOR OF REGIONAL DISCREPANCIES ¹

Gabriel Arruda de Abreu

Master in criminological-forensic sciences
from UDE/Uruguay, with a title recognized
by UNESA in Brazil

PhD student in the social function of Law at
FADISP

<http://lattes.cnpq.br/6642387571095379>

All content in this magazine is
licensed under a Creative Com-
mons Attribution License. Attri-
bution-Non-Commercial-Non-
Derivatives 4.0 International (CC
BY-NC-ND 4.0).



1. Submission: April 4, 2024.

Abstract: The scope of this article is to analyze the limited access to quality internet in many parts of the country. The objective is to verify, in the same way, the effects of this scarcity on the fundamental right to freedom of movement (digital), as well as on the human development of small and medium-sized cities. In the midst of the transition to the fourth industrial revolution, which is disruptive in nature and which redesigns the substrate of human relationships. Debating how so many citizens still find themselves deprived of such a vital tool. In this vein, without neglecting the socioeconomic disparities experienced, we propose a look at cybernetic geographic inequality, antagonistic to the anti-caste principle – defended by Cass Sunstein. To achieve the proposal, quantitative-qualitative research was chosen, through the compilation and review of data from official bodies, compared with bibliographic sources on the topic. Along this path, it was found that access to a fast and stable connection, in addition to a basic individual right, represents a catalyst for human capabilities, providing opportunities for a global and inclusive connection and mitigating the possible effects of a feared “slavery” 4.0.

Keywords: quality internet. small and medium-sized cities. human capital.

INTRODUCTION

Many of the technological advances of recent years cause enormous astonishment, being hailed as colossal marvels by many. However, it is necessary to inquire whether such gains are not, profoundly, selective, not only from a quantitative perspective, but, especially, from a qualitative point of view, in its most basic angles, that is, in the access to the global computer network itself, observing aspects such as the speed and stability of the connection, taking into consideration, the different regions of the country and the

different income ranges surveyed.

Therefore, although, for some, this type of exclusion is just a step-in technological advancement, it is hypothesized that this is not the case in comparison, since, in the middle of the fourth industrial revolution, of artificial (dis)intelligence, still There is an urgent need to debate this implementation in many parts of the country. In other words, the revolution that took place some time ago in world centers and a few years ago (to a certain extent) in the metropolises of peripheral countries, may not have embraced small and medium-sized Brazilian cities in the same way. This fact separates the marginalized from the beneficial effects of technological implementations – certainly not sparing them from their harm.

Among the harmful effects that the denial of decent access to the internet causes, the present work aims to demonstrate that it includes the restriction of the fundamental right to freedom, this in its most nuclear facet, that is, that of free movement – the right to go and come (digital). In such a way, the cyber world has become a true parallel universe, with several questions, but full of opportunities. However, any strays are denied access to this border, even though this is, in theory, a world without these types of barriers – encouraging true geographic castes.

This scenario feeds a vicious circle in many regions, with an emphasis on small and medium-sized cities, which contributes to the maintenance and perpetuity of the status quo. This reality, although it may even be of interest to some (or does not attract due attention to those entitled to it), has repercussions on hateful practices of differentiation between citizens. Furthermore, although it is even more striking in the less favored sections of society, its selectivity is guided by a geographical criterion, location. In a scenario such that even the wealthiest do not see themselves on an equal footing with their peers in large centers.

Along these lines, we aim to observe, furthermore, to what extent the deleterious effects of this virtual segregation do not end up transcending the individual scope, with direct consequences not only on the development of human capital in these affected regions, but, consequently, on themselves, with effects maximized in small and medium-sized cities. Furthermore, beyond its borders, how this (dissimulated) caste system has repercussions on the public organizational system, including in large metropolises.

Therefore, the central objective of the present work is to analyze the current Brazilian situation on the topic, through quantitative-qualitative research, starting from the verification of data obtained from official bodies and entities, in order to, using a bibliographical analysis, propose access to quality internet as part of the fundamental right to freedom and as an inducer of human development in small and medium-sized cities, in line with the legal system, especially the Federal Constitution of 1988 and in light of the anti-caste principle .

GEOGRAPHIC INEQUALITY IN INTERNET ACCESS

Even though the National Household Sample Survey (PNAD)² demonstrate that the internet is already a reality in more than 90% of Brazilian homes, which means 65.6 million homes connected in 2022, and that this represents an increase of 5.8 million compared to 2019, this access is still selective in qualitative terms. In other words, the more developed regions from a financial point of view and, particularly, the wealthier classes in

these centers, in general, have faster and more stable access, as well as better equipment and in greater numbers.

Along these lines, a recent survey carried out by CETIC, 2022 revealed several disparities when it comes to internet access in Brazilian homes. Such discrepancies are not just limited to the access itself, but also concern the speed, type and amounts spent on the connection, quantity and quality of devices ³ available in their respective homes, among other aspects. This, in an analysis from a regional point of view (separating the five regions of Brazil), as well as from the perspective of different income ranges, social classes and between urban and rural environments.

Several observations can be extracted from the research, worth highlighting (for the proposed study) the fact that, on average and proportionally, urban connections are greater in number, faster and more expensive than rural ones, the same occurring when compared to the southern regions. and southeast ⁴ with the others. Another important point is highlighted when the reason for the absence of internet in the homes targeted by the research is questioned, being the lack of interest ⁵ and financial reasons the biggest motivators in the countryside, as well as in the north and northeast, respectively.

However, it is even more alarming that this impediment is not restricted to housing. In a similar sense, as highlighted by a report from TV Cultura, although 94% of Brazilian schools have access to the World Wide Web, only 58% have computers and 42% do not provide the tool to students. Access is also very slow, with only 52% of state schools

2. Available at: <https://www.gov.br/casacivil/pt-br/assuntos/noticias/2022/setembro/90-dos-lares-brasileiros-ja-tem-acesso-a-internet-no-brasil-aponta-search>. Last accessed: September 29, 2023.

3. Besides, according to CETIC: "The majority of Brazilian Internet users (62%) access the network exclusively via cell phone, a reality for more than 92 million individuals."

4. According to official data from IBGE, these regions have the largest share of GDP, Gross Domestic Product, in Brazil. Available at: <https://www.ibge.gov.br/explica/pib.php>. Last accessed: September 30, 2023.

5. This is the main reason for 88% of those belonging to class A, while for 62% of classes D and E, the main reason is the cost of the service.

having a speed greater than 50 Mbps, a reality that is even worse in the municipal network, in which this agility is only a reality in only 29% of educational centers.

This leads to another problem, as such absence in the academic environment commonly results in low-quality use for students, even for those students who enjoy greater connectivity in their homes. Finally, it is worth highlighting the fact that, “we are witnessing a unique event, whose promise is not eternal disruption, but rather disruption followed by capture and domination” (Tavares, 2022^b, p. 432). In this sense, the school, the cradle of training, would be a suitable environment to mitigate the negative side of these changes, particularly on vulnerable classes and especially in small and medium-sized cities.

SELECTIVITY OF DISRUPTIVE (BENEFICIAL) EFFECTS

In line with the teachings of Jessé Souza (2017, p.48), most scholars, especially those with a more neoliberal bias, understand social exclusion as temporary, just a necessary stage in the development of civilization and which cannot be reproduced ad infinite. However, the author concludes that this is exactly the Brazilian case, as the narrated transition, in countries doomed to exploitation, seems to never end, with the use of cheap labor (at a low price) for domestic and heavy activities, so that privileged people can dedicate themselves to more productive purposes from a remunerative point of view.

Along the same path, it is clear that maintaining the status quo has deeply structural bases, as highlighted by Boaventura de Sousa Santos (2018, p.407), according to the

Human Development Report of the UNDP, United Nations Development Program, in 2001, the fifth of the richest countries on the planet had 79% of access to the world wide web, making clear the distance to a truly global information society. In fact, the same report found that, until then, the width of all broadband used only in the capital of South Korea, Seoul, was almost the same as that of all of Latin America.

In this line, the CETIC data (described above) demonstrate how, after more than two decades, Brazil continues to internally echo this disastrous discrepancy, in a horrifying replicating effect of various injustices and, above all, of opportunities. Furthermore, upon closer analysis, it is clear that this is a counter open to a few, as the inequality of access at the beginning of the century, highlighted by master Boaventura, remains in symmetry with the fact that most developments in new technologies take place in privileged centers. An example is South Korea itself, which saw its GDP – Gross Domestic Product – jump from US\$547 billion in the year of the aforementioned report to US\$1.811 trillion in 2021⁶. It is interesting to note that Brazil, in 2020, reached US\$ 1.445 trillion, in symmetry with the year 2007 and around 45% lower than that produced in 2011, of US\$ 2.614.

In other words, in addition to perpetuating socioeconomic injustices, this lack of opportunities is reflected in an immense waste of human talents, leaving aside not only the segregated, but the financial development of marginalized regions and the country itself as a whole. In fact, observing how fundamental these aspects are, big techs themselves ⁷ are aware of this need to diversify points of view ⁸, not with an inclusive or charitable

6. Available at: <https://www.ceicdata.com/pt/indicador/korea/nominal-gdp>. Last accessed on: November 2, 2023.

7. According to Tavares (2022c, p. 57) “The aforementioned disruptive technological effects serve exactly to reinforce the position and power of some of the Big Techs. Technological decisions are no longer decisions aimed at innovation, as is sometimes assumed in an a priori and generalizing manner.”

8. Bigtechs have paid great attention to diversity and inclusion. In this sense: “Big techs are also getting involved in social

endowment, but as a catalyst for their own capital accumulations⁹.

Nevertheless, it is essential to admit that there is a certain disparity between the, as called by Zaffaroni (1998, p.40), “central ideological plants”, and the, in the words of Alarcón (2021, p.227), “peripheral or peripheral states”. semiperipheral.” However, it is completely unacceptable that, on the cusp of a fourth industrial revolution¹⁰, marked by its unpredictable disruptiveness, the advances related to the previous revolution¹¹ are not yet minimally widespread.

This is because the harm caused by transformations is always unavoidable, as was the case with the invasion of territories in the so-called discoveries, as well as with the end of some jobs and the emergence of new professions in previous industrial revolutions. It is useful to highlight, from this angle, that mimics of 19th century English Luddism¹² have no chance of thriving.

Furthermore, as Harari (2017, online) highlights, the crucial problem is the creation of new jobs, which humans can do better than algorithms, because by 2050 a new class of people could emerge – “the useless class”. People not just unemployed, but unemployable. So, with the future unknown:

“History teaches us that what seems to be around the corner may never materialize due to unforeseen barriers and that other unimagined scenarios will actually happen. When the nuclear age broke out in the 1940s, many predictions were made about the future nuclear world of the year 2000. When Sputnik and Apollo 11 fired the world’s imagination, everyone began to predict that by the end of the century people would be living in space colonies on Mars and Pluto. Few of them became reality. On the other hand, no one predicted the internet” (HARARI, 2015, p.424)

In this sense, attention must rest on preventing the benefits of technological advances, brought about by the ongoing revolution, from exclusively benefiting a small portion of citizens, with the internet being the basic tool for this journey, for the freedom to come and go in the world. cyber, training and inclusion in the new job market. Involving, in addition to stable, fast and economically accessible access, effective digital education, which is capable of reducing disparities in CENIT’s upcoming research and which provides a qualitative use of current and future technologies.

issues, such as diversity and inclusion. They are working to increase diversity in their workforces and promote inclusion in their products and services.” Available at: <https://www.galiciaeducacao.com.br/blog/quem-sao-as-big-techs/#:~:text=As%20Big%20Techs%20tamb%C3%A9m%20est%C3%A3o,in%20your%20products%20and%20servi%C3%A7os>. Last accessed on: November 2nd, 2023.

9. The strategy seems to have an impact on results (without considering this the only factor), as, for example, the price of Apple shares, traded on the NASDAQ, has multiplied exponentially in the last decade. Available at: https://www.google.com/finance/quote/AAPL:NASDAQ?sa=X&ved=2ahUKEwj_m83-6aiCAXW5qJUCHYATDAIQ3ecFegQINhAh&window=MAX. Last accessed on: November 3, 2023.

10. “In this revolution, emerging technologies and widespread innovations are spread much more quickly and widely than in previous ones, which continue to unfold in some parts of the world.” (SCHWAB, 2016, p.16)

11. “The Third Industrial Revolution began in the 1950s and implemented computing in general, with the subsequent spread of personal computers and the incredible reality of everyone’s permanent connection, through a global computer network, the internet. The computer and, with it, the chip, played a crucial role at this moment in Humanity.” (TAVARES, 2022a, pp.15-16)

12. “A movement that, contrary to industrialization and the mechanization of work, had its origins in England, at the beginning of the 19th century, and believed that technology was the reason for unemployment and misery”. Available at: <https://www.dicio.com.br/ludismo/>. Last accessed: September 30, 2023.

ACCESS TO THE VIRTUAL AS PART OF THE FUNDAMENTAL RIGHT TO FREEDOM

Prima facie a fundamental right closely linked to the object under analysis is the right to equality. This is because, as highlighted by Ramos (2020, pp.465-466), this precept defines comparative standards of treatment between human beings, with dignity as its main scope and having a robust aversion to hateful discrimination. This, in fact, was one of the milestones of the 18th century revolutions – initially restricted to the point of view of formal equality.

However, currently the principle has taken on a new look, transcending the limits of mere formality, or state abstention, demanding social or material equality, from a benefit perspective. Like this:

John Rawls supports the need to implement equality through distributive justice, which consists of the activity of overcoming factual inequalities between individuals, through state intervention to reallocate existing goods and opportunities in society for the benefit of the community. material is no longer just socioeconomic equality, but also an equality of recognition of one's own identities, distinct from hegemonic groups. Therefore, the struggles for the recognition of equality guided by the criteria of gender, sexual orientation, age, race, ethnicity, among other criteria, are consecrated. The logic of identity recognition is the observation that, even in dignified material conditions, there are groups whose identity factor leads them to situations of vulnerability, such as, in the case of gender, the situation of domestic violence that also affects women from different classes. wealthy. (RAMOS, 2020, p. 468)

However, in another guise, the proposed approach turns the spotlight on another fundamental right, the right to freedom, more specifically regarding its spectrum of coming

and going – virtual. In this sense, given the digital world created in recent decades, the absence of such access transcends the barriers of inequality, so observed in the provision of other public services, with an insurmountable immigration post, at the entrance to a world theoretically without borders.

As is the case in the physical world, especially along the dividing lines of (so-called) developed countries, there is explicit selectivity in access to this new – digital – world. In non-casuistic symmetry, the main obstacle in this case is also financial, with the negative transcending the individual, focusing on the regions as a whole. This, also in a similar condition to the imaginary border lines between countries, with clear discrimination and different requirements, depending on the origin of entry¹³.

At this juncture, Tavares (2022^a, pp.94-95) states that, various reinterpretations of fundamental rights seek to reaffirm the Law in the new digital world, with proposals, including, for a digital constitutionalism, particularly in view of the (growing) power exercised by digital platforms, warning, the learned minister, that:

“The current enthusiastic culture of innovation assumes that everyone will enjoy new technologies equally and will benefit from the technology used. However, reaping its benefits will depend much more on what is being created, how the innovation operates and who this innovation will be aimed at, in addition to depending on the location where it was developed, given the known economic barriers typical of peripheral countries to reach stages most advanced technological development. The truth is that innovation can deepen inequalities or create injustices” (TAVARES, 2022a,p.96)

Among these deepening inequalities suggested by the noble master, what perhaps becomes a harmful evil stands out, in line with Harari's ideas, highlighted above,

13. See the visa requirement (or not) for tourists, depending on the respective country of origin.

remembering; the creation of unemployable human beings. Nevertheless (and even for this reason) access to the universal digital world is urgent. This has the function not only of including current affairs, as well as ensuring the freedom to come and go in this new virtual world, but, similarly, to prepare for the disruptive uncertainties arising from the fourth industrial revolution, under the danger of promoting creation (or expansion) of slavery 4.0.

For this reason, for more than a decade, some courts have recognized digital inclusion as part of the existential minimum. From this perspective, the Federal Constitutional Court of Germany was one of the vanguards, as follows:

“On February 9, 2010, the BVerfG reiterated that the existential minimum encompasses a sociocultural dimension and does not just seek to ensure physical survival, and recognized a right to digital inclusion, in the sense that the range of situations covered must ensure access to the internet broadband as a guarantee of the right to information and participation in political and cultural life” (STRECK, 2018, p.180-181).

Along this path, its fundamentality, whether as a pair of new fundamental rights that have been typified, or as a reinterpretation of existing ones (particularly as a bundle of the right to freedom), cyber-inclusion, not only from the observed perspective of access to internet, but also to minimally decent equipment and digital teaching that provides use beyond the merely recreational nature of social networks and streaming.

In this sense, typification (or constitutional mutation) is not enough ¹⁴⁾ of a new fundamental right only from a formal point of view, as is already the case with many social rights ^{15,16}, among them, including the right to food ¹⁷, its materialization being crucial. To this end, constitutional patriotism ¹⁸ It is indispensable, therefore: “To the extent that citizens perceive the Constitution as a guarantee of their rights and effective control of power, they will adhere to it and the constitutional sentiment will prevail” (USERA, 2011 p.245). This is observed not only in this, but in so many rights that, in a local reading, Latin American constitutions fail to implement.

14. “In fact, changes to the Constitution can be made formally and informally. The formal route is manifested through constitutional reform, a procedure provided for in the Charter itself regulating the way in which its amendment must be carried out. Such a procedure, as a general rule, will be more complex than that of issuing ordinary legislation. This circumstance results in constitutional rigidity. Informal changes are made through the so-called constitutional mutation, a mechanism that allows the transformation of the meaning and scope of the Constitution’s norms, without, however, any modification to its text. Mutation is associated with the plasticity that countless constitutional norms are endowed with.” (BARROSO, 2010, p.119)

15. “Social rights are also held by the individual and can be enforced against the State. The rights to health, education, social security, housing, among others, are recognized, which require positive benefits from the State to provide them and are called equality rights because they guarantee, precisely to the most miserable sections of society, the realization of the abstract freedoms recognized in first declarations of rights.” (RAMOS, 2020, p.44)

16. According to the dictates of the Federal Constitution, in its Article 6: “Social rights are education, health, food, work, housing, transportation, leisure, security, social security, maternity protection and to childhood, assistance to the destitute, in accordance with this Constitution.” (we highlight this excerpt).

17. However, the typification of the aforementioned right does not guarantee its materialization (or its maintenance), having even regressed in recent years, according to official data from the federal government. Available at: <https://www.gov.br/secom/pt-br/assuntos/noticias/2023/07/fome-no-brasil-piorou-nos-ultimos-tres-anos-mostra-relatorio-da-fao> . Last accessed on: November 2nd 2023.

18. Masson (2016, pp.114-115) highlights that, according to Habermas’ teachings: “the idea of people must be dissociated from its communitarian notion, which leads the author to advocate something new, conceiving an original way of composing the public and private autonomy that goes beyond the geographical limits of national States. His proposal imposes the conception of constitutional patriotism, thereby incorporating notions linked to pluralism, tolerance and the right to difference. Thus, a consensus on democracy, limited government, the rule of law and respect for the best interpretation, on the scope and application of fundamental rights would constitute Habermas’s commitment to a new social ethos of a universal nature.”

FULL ACCESS TO THE INTERNET AS A SUBSTITUTE FOR THE ANTI-CASTE PRINCIPLE

From this perspective, the non-inclusion of small and medium-sized cities on an equal basis with large centers, when it comes to access to the world wide web, results in a restriction on the basic individual right to come and go (digitally). In this step, as can be seen from the CETIC data, initially mentioned, although social inequality is (unfortunately) universal across different regions in the country, even the privileged classes in smaller cities do not have the same quality of service available as their peers in large cities. metropolises.

Under this bias:

“Furthermore, contexts of economic oppression and social subordination can end up creating “castes” or groups of people who live under the domination of others. [...] Cass Sunstein aptly defined this potential mission, through what he called an “anti-caste” principle. In his words: “The anti-caste principle prohibits social and legal practices from translating morally irrelevant differences into systemic social disadvantages, unless there is a very good reason for society to do so” (GARGARELLA, 2019, p. 163).

This is what can be seen in this case, the feedback of a geographic caste system, a national reality that has been experienced for a long time. According to Sunstein (1994, pp.2428-2429), in light of the US Constitution (largely replicated by the Federal Constitution of 1988), a fundamental principle that stands diametrically opposed to the caste system is that of equality, having as its foundations the aversion to the monarchical system and its titles of nobility.

For the renowned Harvard professor, the opposite of this would be the effort to eliminate, structurally, the caste system, which identifies predominantly based on gender and race, as proposed (to a large extent) in the geographic criterion. In any case, it is not possible to talk

about equality in a system that contributes to the existence of castes, as no group of citizens can be classified as second class.

However, from the point of view of internet access, it turns out that this is exactly what happens, since the data mentioned demonstrates how unequal the situation is in the country. From this perspective, the development of human capital is hampered and these overflows, as pointed out, the deep social disparities, making opportunities even scarcer for some, in a peculiar symmetry with the old professional corporations¹. In such a factual context, even the holders of local capital, mainly land, observe their children who are often doomed (without any demerit to any profession) to follow their paths. Even so, a certain leniency of these local dominant groups could be conjectured with the situation presented.

Following the same path, Sunstein (1994, p.2418) understands that, commonly, in this system, a vicious circle is installed, in which the status quo has enormous chances of being maintained. In other words, marginalized groups² end up having less willingness towards certain practices, due to the lack of contact with them, as well as due to the lack of symmetry with other groups, whether in terms of salary or opportunities, which encourages even less interest, given the lack of recognition for their, often herculean, efforts.

This way, when it comes to access to the internet, a parallel world is created, in which part of society finds itself cut off from such a context, with a colossal delay – as if it had been living a few decades ago. This would not be a touchstone if this reality were given liberally, even in the face of the need not only for digital freedom, but, to a large extent, also for digital. However, this is not what happens, as the low-quality, economically unviable and unstable internet denies the right to choose to these citizens, who, in fact, find themselves

(generally unconsciously) segregated.

It is true that this is not a panacea for all ills, particularly in a country where even food security is a privilege, however, the internet has long since become fundamental, being central to breaking with the geographic caste system that can be seen in the country.

THE DEVELOPMENT OF HUMAN CAPITAL IN SMALL AND MEDIUM-SIZED CITIES

As it can be seen from what has been presented so far, the socioeconomic development of a region is closely linked to the digital access provided to its citizens. In this sense, small and medium-sized cities end up suffering due to the lack of interest from specialized providers, which must be covered by public policies as a state duty, given the fundamentality of this basic right. This is a topic of immense importance, which will be given due attention in another specific article, particularly given its complexity, as well as the need for further elaboration. However, although it surrounds it, it escapes the central scope of the work at the dance.

Nevertheless, the problem deserves to be presented, with the ability to demonstrate that the lack of attention to this right, along with its fundamentality in the lives of those involved, overflows the interest of only these regional castes. This is because, in addition to recreational access, the internet provides training tools and even inclusion in the remote job market, which triggers the development of small and medium-sized cities, which have long lacked due attention from central governments.

19. Available at: <https://www.ipea.gov.br/portal/categorias/45-todas-as-noticias/noticias/13534-20-5-milhoes-de-trabalhadores-estao-em-ocupacoes-com-potencial-of-remote-working-in-brazil>.

20. The innovations are such that the biggest challenge for Law is no longer just understanding the specific case or adapting it to normative abstraction, but keeping up with the speed of such changes. This is because: "If the decision involves technological aspects, five years can mean profound changes in society." (PINHEIRO, 2021, p.51)

21. The number of physical branches has been decreasing for many years in Brazil and in 2020 and 2021 alone, more than 2,000 branches were closed. Available at: <https://www.bloomberglinea.com.br/2022/01/14/brasil-perde-mais-de-2300-agencias-bancarias-em-2-anos-de-pandemia/> Last accessed on: 03 November 2023.

In this regard, it is essential to highlight that, according to recent data from IPEA, Institute for Applied Economic Research: 20.5 million occupations have remote work potential in Brazil.¹⁹ In such a context, distances were, to a large extent, shortened to a click, but, to do so, the fundamental right to access to quality internet is required and, for this reason, there is an intimate connection with the ancient right to freedom, in a gap that needs to be filled. It is worth adding that:

"Every man enjoys the freedom to come, come and remain. Here, simply expressed, is one of the safest and most sacred fundamental rights, whose habeas corpus is its instrumentalizing expression. However, such a right can no longer be conceived within such minute material limits, at a time when ensuring the right to come and go, or even to remain, cannot be confused with mere tolerance, that is, non-state interference, previously sufficient. We need to go further" (TAVARES, 2020, p. 655).

In this case, the freedom to come and go is reflected in this new frontier, therefore, whether in a more in-depth aspect, such as in the multiverse and in the constant changes of this new world²⁰, whether even on more basic lines, such as access to the banking network of new digital players or, even, in the face of the closure of so many physical branches,²¹ the global computer network is fundamental and needs to be inclusive, under serious risk of resulting in a decline in the quality of life of a significant portion of society.

Along this path, with the implementation of such a basic right, small and medium-sized cities find themselves catapulted into a new scenario, in which some of their residents can

work remotely, bringing in foreign currency for the municipality, increasing the value of properties, promoting commerce and provision of local services, among countless other gains. On the other hand, many other citizens can have access to a universe of training opportunities, largely free or much cheaper than traditional models, given their scalability. Ultimately, the gains are immeasurable, creating a replicating effect and a virtuous circle, within the meaning of the anti-caste principle.

From a final perspective, the reflex advantages meet the interests of large urban centers, mitigating one of the biggest problems of the last hundred years in the planned development of metropolises, namely, the uncontrolled migratory flow.²² This causes overloading of infrastructure and basic services, with direct effects on the quality of life of residents. It must be noted that this (quality of life) ends up being the greatest benefit of the universalization of the fundamental right to quality internet, in symmetry with the central core of human dignity.

FINAL CONSIDERATIONS

Based on the above, an analysis of the relevant data revealed a profound disparity in access to the World Wide Web between the regions of Brazil. These differences do not only concern access itself, but its speed, signal stability and connection price, as well as the quantity and quality of equipment. Furthermore, and perhaps more alarmingly, it was observed that the scenario is the same in the public-school network, an environment conducive to the birth of transformations and learning, dooming many to merely

22. With effects in the most diverse areas, including studies of criminogenesis, as follows: "In the same context, in countries like Brazil, with a younger population greater than the elderly and instability between rural and urban areas, there is an imbalance between the urban area and the population contingent, generated not only by rural exodus but also by disordered internal migration. Furthermore, with the high birth rates, the reduction in the level of job offers, as the globalized world increasingly demands more specialization of labor, we are witnessing a veritable multitude of unemployed people, which could mean a worrying criminogenic factor" (PENTEADO FILHO, 2012, pp.86-87)

recreational use, without contact with the universe of opportunities provided by the internet.

However, in addition to the essential inclusion of those segregated in this world of current possibilities, access to quality internet is indispensable as a fundamental and materially universal right, to prepare everyone in the current disruptive situation experienced. In other words, the coming uncertainties colossally outweigh the injustices currently experienced and, in line with the effects of the fourth industrial revolution, it is crucial that the beneficial transformations are felt by everyone, particularly because the harms are certainly intractable and will hit, with even more vigor, the already marginalized.

Therefore, the right to dance must be taken with due seriousness. In other words, in addition to a direct (and necessary) reflection of the right to substantive equality, it is also a bundle of the fundamental right to freedom, in its central core, of (digital) locomotion. Thus, it becomes unacceptable to keep so many in cyber exile, denying entry visas to a world, *prima facie*, without borders. Thus: coming, going, staying, exploring, understanding, learning, participating, evolving, using, creating, undertaking and so many other behaviors, in this new world, spring from freedom – in its purest state.

On the other hand, the failure to implement this unavoidable inclusion, as a matter of urgency, not only reverberates, but greatly worsens the experienced scenario of geographic castes. In this context, the maintenance of the status quo of the neglected, or (what is more likely) an expansion of these abysses of injustice are indispensable. This is because the disruption

experienced and its consequent uncertainties must favor an increasingly smaller number of people, returning others to the beginnings of civilization, without even the chance to resiliently dream, in an authentic slavery 4.0.

Furthermore, this reality transcends the scope of segregated communities and, as could not be otherwise, is reflected in cities, especially small and medium-sized ones. In this wake, they are relegated to a

secondary level, as if (again) in the virtual world itself there were borders, not only between countries, but also between their internal divisions. Furthermore, it is never too much to remember that the development of human capital is the central driver in the advancement of any region and directly assists in the migratory flow and, consequently, in the planning of large centers – nationally and globally speaking.

REFERENCES

ALARCÓN, Pietro de Jesus Lora. A propósito da proposta de código de processo constitucional e do pensamento de Jeremy Waldron: elementos do histórico controle prévio jurisdicional brasileiro. In: TAVARES, André Ramos; HERANI, Renato Gugliano, Direito processual constitucional: como técnica e como poder. In: Um Código de Processo Constitucional para o Brasil; TAVARES, André Ramos; GAMA, Marina Faraco Lacerda (org.). Belo Horizonte: Arraes, 2021, p. 3-48.

BARROSO, Luís Roberto. Curso de Direito Constitucional Contemporâneo: os conceitos fundamentais e a construção do novo modelo. 2ª ed. São Paulo: Saraiva, 2010.

DAVIS, Mike. Planeta Favela. tradução de Beatriz Medina. São Paulo: Boitempo, 2006.

GARGARELLA, Roberto. *La revisión judicial en democracias defectuosas*, Revista Brasileira de Políticas Públicas, v. 9, ago. 2019, p. 152-167.

HARARI, Yuval Noah. Sapiens: uma breve história da humanidade. Trad. Janaína Marco Antônio. Porto Alegre: L&PM, 2015.

HARARI, Yuval Noah. *The meaning of life in a world without work*. Disponível em: <https://www.theguardian.com/technology/2017/may/08/virtual-reality-religion-robots-sapiens-book>. Último acesso em: 21 set. 2023.

MASSON, Nathalia. Manual de Direito Constitucional. 4ª ed. rev. amp. Salvador: Jvspodium. 2016.

PENTEADO FILHO, Nestor Sampaio. Manual esquemático de criminologia. 2ª ed. São Paulo: Saraiva, 2012.

PINHEIRO, Patricia Peck. Direito digital. 7ª ed., rev. atual. ampl. São Paulo: Saraiva Educação, 2021.

RAMOS, André de Carvalho. Curso de Direitos Humanos. 7ª ed. São Paulo: Saraiva Educação, 2020

RAMOS, André Luiz Santa Cruz. Direito empresarial: volume único. 10ª ed. Rio de Janeiro: Forense; São Paulo: MÉTODO, 2020.

SANTOS, Boaventura De Sousa. Construindo as Epistemologias do Sul: Antologia Essencial. Volume I: Para um pensamento alternativo de alternativas compilado por Maria Paula Meneses... [et al.]. 1ª ed. Ciudad Autónoma de Buenos Aires: CLACSO, 2018.

SCHWAB, Klaus. A Quarta Revolução Industrial. Tradução de Daniel Moreira Miranda. São Paulo: Edipro, 2016.

SOUZA, Jessé. A elite do atraso: da escravidão à Lava Jato. Rio de Janeiro: Leya, 2017.

STRECK, Lenio Luiz. Jurisdição constitucional. 5ª ed. Rio de Janeiro: Forense, 2018.

SUNSTEIN, Cass. *The Anticaste Principle*. *Michigan Law Review*. v. 92, n. 8, 1994. Disponível em: <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3289&context=mlr>. Último acesso em: 29 set. 2023/

TAVARES, André Ramos. 18^a ed. São Paulo : Saraiva Educação, 2020.

TAVARES, André Ramos. Constituição em rede. In: Revista Brasileira de Estudos Constitucionais – RBEC, Belo Horizonte, ano 16, n. 50, p. 53-70, jul. dez. 2022^c.

TAVARES, André Ramos. O risco democrático na Era digital. In: BRANCO, Paulo Gustavo Gonet et. al. Eleições e Democracia na Era digital. São Paulo: Almedina, 2022^b.

TAVARES, André Ramos. O juiz digital: Da atuação em rede à justiça algorítmica. São Paulo: Expressa, 2022^a.

USERA, Raúl Canosa, La interpretación constitucional como modalidad del control del poder. In: HÄBERLE, P.; BELAUNDE, D. G. El control del poder: Homenaje a Diego Valadés. México: UNAM, 2011.

ZAFFARONI, Eugênio Raul. *En busca de las penas perdidas: deslegetimación y dogmatica juridico-penal*. 2a reimp. Buenos Aires: EDIAR, 1998.