


**ECONOMIC, CULTURAL AND TECHNOLOGICAL TRANSFORMATIONS -
FINANCIAL VIOLENCE AGAINST THE ELDERLY: ARTICLE 102 OF LAW
10.741/03** <https://doi.org/10.56238/sevened2024.041-002>**Sandra P. Paulino Tolentino¹.****ABSTRACT**

Financial violence against the elderly is a recurrent form of abuse that compromises the autonomy and quality of life of this population. This article seeks to understand the phenomenon, addressing its conceptualization, typologies and social, legal and economic implications. Through a qualitative literature review, the impact of public policies is discussed, with emphasis on article 102 of the Statute of the Elderly, which criminalizes practices such as the withholding of financial benefits. Preventive strategies are also explored, such as financial education and the strengthening of social and family support networks, essential to mitigate this problem. The results indicate that, although there are relevant legal frameworks, the effectiveness of actions to combat financial violence is still limited by challenges such as underreporting, lack of awareness, and institutional gaps. The study concludes that there is a need for an integrated approach that includes education, effective public policies and strengthening of social protection to ensure respect and dignity for the elderly.

Keywords: Financial violence. Elderly. Statute of the Elderly. Public policies.

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INTRODUCTION

Financial violence against the elderly is one of the most recurrent and least visible forms, violence affects this vulnerable population. Characterized by the improper exploitation or unauthorized use of financial resources of elderly people, this practice can seriously compromise the autonomy and quality of life of victims, generating psychological, social, and economic impacts. The relevance of this theme is amplified by the accelerated aging of the Brazilian population and by changes in family structures that often place the elderly in situations of financial dependence on others.

Data from the Brazilian Institute of Geography and Statistics (IBGE, 2021) reveal that about 17.7% of the Brazilian population is 60 years old or older, a number that is expected to grow significantly in the coming decades, highlighting the urgency of strategies to prevent and mitigate financial violence. In addition, article 102 of Law No. 10,741/03, the Statute of the Elderly, establishes that it is a crime to "withhold the magnetic card of a bank account related to benefits, earnings or pension of the elderly, as well as any other document with the intention of ensuring receipt or reimbursement of debt" (Brasil, 2003). Despite this legal framework, financial violence remains underreported and poorly understood.

The phenomenon of financial violence against the elderly occurs in a context marked by economic, cultural, and technological transformations that, paradoxically, can both empower and expose the elderly to new forms of exploitation. For example, the growing digitalization of banking services and the expansion of access to credit have facilitated financial autonomy, but they have also been exploited by family members, caregivers, and embezzlers to commit abuses. Recent studies indicate that, in Brazil, a significant portion of the elderly do not have sufficient digital literacy to properly manage their finances, making them more susceptible to fraud and manipulation (Silva; Oliveira, 2020). This vulnerability is exacerbated by family ties that often privilege dynamics of dependence and neglect respect for the autonomy of the elderly, perpetuating cycles of financial violence that are difficult to report due to fear of retaliation or social stigmatization (Costa *et al.*, 2019).

Although the Statute of the Elderly and other legislation seek to protect the rights of older people, the effectiveness of these measures is still limited by the difficulty of inspection and the insufficiency of public policies aimed at financial education and the empowerment of the elderly. Financial institutions, for example, still have gaps in adapting their services to meet the specific needs of this audience, and often do not have clear protocols in place to deal with reports of financial abuse. In addition, social and family support networks, which should protect the elderly, often fail to recognize or prioritize the

risks of financial violence, perpetuating a culture of invisibility and impunity in relation to this problem (Pereira; Souza, 2018).

The central problem of this article lies in the persistent negligence in relation to the financial protection of the elderly, even in the face of a robust legal apparatus. In this sense, the problem question arises: How can the implementation of public policies and social awareness contribute to the mitigation of financial violence against the elderly in Brazil?

The general objective of this study is to understand the factors that contribute to the occurrence of financial violence against the elderly and to propose strategies for its prevention and mitigation. Specific objectives include: (1) to analyze the social and economic impacts of financial violence on the lives of older adults; (2) to investigate the effectiveness of existing public policies, with emphasis on the application of article 102 of the Statute of the Elderly; (3) propose interventions that promote financial education and the strengthening of the social and family protection network for the elderly.

The justification for this study is based on the need to address a problem of great social relevance, especially in a country that is facing a rapid process of population aging. In addition to contributing to the advancement of academic knowledge on the subject, the research seeks to offer subsidies for the formulation of more effective public policies and for the strengthening of civil society actions in the protection of the rights of the elderly. Combating financial violence against older people is also crucial for building a more just and equitable society, where all generations can coexist with mutual respect and dignity. Recent studies show that interventions in this field can generate benefits that go beyond the individual sphere, promoting greater social and economic stability for the community (Ferreira *et al.*, 2021).

Furthermore, the choice of the theme is pertinent not only because of the scarcity of studies in the Brazilian literature on financial violence against the elderly, but also because of the urgency of discussing the role of families, financial institutions and the State in protecting this portion of the population. This study hopes not only to foster academic debate, but also to influence practices and policies that ensure respect for the rights of the elderly, as provided for in the Statute of the Elderly, and contribute to the construction of a more inclusive society.

METHODOLOGY

This study uses the qualitative literature review method as the main approach to investigate financial violence against the elderly, focusing on the social, legal and economic dimensions of the problem. The choice for this methodology is justified by the need to

consolidate and critically analyze existing knowledge, in order to identify gaps, trends and perspectives that support intervention proposals. To this end, a systematic literature survey was carried out in academic databases of wide relevance, such as SciELO, PubMed, Google Scholar, and BDTD, considering publications from the last 10 years (2013-2023). The research was structured in three stages: planning, selection and data analysis.

In the planning stage, the inclusion and exclusion criteria for the analyzed materials were defined. Scientific articles, books, book chapters and official documents that addressed topics such as financial violence against the elderly, public policies aimed at aging, and analysis of article 102 of the Statute of the Elderly were included. Studies in Portuguese, English, and Spanish were considered, as long as they had full text available and had proven relevance to the study objectives. Materials with an opinionated bias, without scientific basis, or that addressed the topic in a tangential way were excluded. The initial selection resulted in a total of 148 studies, which, after careful reading of the titles and abstracts, were reduced to 35 references that met the established criteria.

Data analysis was conducted based on the content analysis technique proposed by Bardin (2016), adapted to qualitative contexts of literature review. This technique allowed the findings to be categorized into three main thematic axes: (1) conceptualization and typology of financial violence against the elderly; (2) impact of public policies, with a focus on the Statute of the Elderly; and (3) preventive strategies, including financial education and strengthening of social protection networks. The results were triangulated to ensure greater rigor and analytical depth, allowing not only to describe, but also to interpret the phenomena studied, highlighting relationships and contradictions identified in the literature.

Finally, the qualitative approach adopted allowed us to understand the phenomenon of financial violence against the elderly in its complexity, going beyond a merely descriptive analysis to propose critical reflections. The methodology used strictly followed the principles of ethics in bibliographic research, respecting the proper citations and ensuring the reliability of the information. The critical analysis of the resulting corpus also allowed us to identify important gaps in the literature, such as the absence of extensive studies in Brazil and the insufficiency of data on the practical application of article 102 of the Statute of the Elderly in different socioeconomic contexts.

DEVELOPMENT

The development chapter explores financial violence against older adults from a mixed perspective, addressing its causes, consequences, and possible interventions. The analysis is structured in three interdependent sections that aim to understand the

complexity of the phenomenon and propose ways to mitigate it. Initially, the conceptualization and typology of financial violence is discussed, examining its different manifestations and the sociocultural factors that perpetuate it. Next, the impact of Brazilian public policies in preventing and combating this type of violence is evaluated, with emphasis on article 102 of the Statute of the Elderly. Finally, strategies focused on financial education and the strengthening of social and family support networks are presented, essential to empower the elderly and reduce their vulnerability.

The choice of these thematic axes reflects the need for a comprehensive look at the problem, which is not limited to the legal dimension, but also considers social, economic and technological aspects. Financial violence, as a form of violation of rights, is intrinsically related to structural changes in society, such as population aging and the digitalization of financial services. Thus, this chapter seeks not only to describe the nuances of the phenomenon, but also to propose critical reflections that contribute to the advancement of the debate and the construction of more effective solutions.

The approach adopted combines the qualitative literature review with the critical analysis of recent studies, providing a solid basis for understanding the existing weaknesses in the fight against financial violence against the elderly. Throughout the sections, the importance of integrating educational actions, effective public policies and the strengthening of social support is highlighted, composing a collective effort to ensure the respect and dignity of the elderly in its fullness.

CONCEPTUALIZATION AND TYPOLOGY OF FINANCIAL VIOLENCE AGAINST THE ELDERLY

Financial violence against the elderly refers to intentional or negligent actions that result in the misuse of financial resources or property belonging to elderly people, compromising their autonomy and quality of life. This type of violence can manifest itself in various forms, including exploitation by family members, fraud by third parties, and withholding of benefits. According to Costa *et al.* (2019), one of the most alarming aspects is that this violence is often committed by close people, such as family members or caregivers, making it less noticeable and underreported. This dynamic creates a relationship of abuse of trust, making it difficult to report and solve the problem.

In addition, the typology of this violence is broad and encompasses practices such as withholding of benefit cards, falsification of documents, compulsory loans, and extortion. Studies indicate that the retention of the benefit card, especially for the receipt of retirements and pensions, is one of the most prevalent forms in Brazil (Silva; Oliveira,

2020). In these cases, the elderly person is often pressured to hand over the card to family members who misappropriate their resources. This type of violence is explicitly addressed in article 102 of the Statute of the Elderly, which typifies as a crime the retention of cards and other documents in order to guarantee financial benefits for third parties (Brasil, 2003).

The literature also highlights the relationship between financial violence and the digital vulnerability of the elderly. In a scenario of increasing digitization of banking services, many seniors face difficulties in accessing or managing their resources, making them easy targets for fraud. Studies show that 68% of older Brazilians do not have adequate digital literacy, which significantly increases the risks of exploitation (Ferreira *et al.*, 2021). This issue is exacerbated by the lack of inclusive protocols on the part of financial institutions.

The impacts of this violence go beyond financial loss, encompassing psychological damage, such as anxiety, depression, and loss of self-esteem, as well as social impacts, such as isolation and dependence on others. According to Pereira and Souza (2018), financial exploitation deprives the elderly of a dignified life, limiting their access to basic needs and increasing their vulnerability to other forms of violence. Thus, it is essential that society adopts a more vigilant and proactive approach to identifying and combating these practices.

Another relevant point is the underreporting of financial violence. Many elderly people hesitate to report their aggressors, either for fear of reprisals, or out of shame or desire to protect family members involved. This cultural dynamic creates additional barriers to law enforcement and the effective protection of this group. The absence of a robust support and reporting system contributes to the perpetuation of the problem (Costa *et al.*, 2019).

Financial violence against the elderly is an expression of the fragility in social and institutional relationships, often caused by financial dependence and the invisibility of this type of abuse in daily life. According to Amaral *et al.* (2020), this violence occurs when financial resources of the elderly are manipulated, withheld, or used inappropriately, often by family members or close people. Among the most common practices are the withholding of social security benefits, compulsory loans, and misappropriation of assets. These cases often emerge from dysfunctional family dynamics, in which the elderly person is perceived more as a provider than as an autonomous individual.

Another relevant aspect is the overlap between financial violence and other forms of abuse, such as emotional abuse and negligence. Studies indicate that situations of psychological pressure often accompany cases of economic exploitation, creating an environment of fear and submission (Fernandes; Nascimento, 2021). This intersection

makes it difficult to identify financial violence, as victims are rarely able to recognize or report all dimensions of the abuse to which they are subjected.

Technological advancement has also brought new challenges, especially with the increase in digital fraud. Many seniors are drawn to scams because of a lack of knowledge about digital security or because they over-trust third parties. According to Gomes *et al.* (2022), about 60% of seniors interviewed in a national study reported difficulties in identifying fraudulent bank transactions, making them easy targets for fraudsters.

In addition, financial violence against the elderly is still culturally invisible, and is often perceived as a private matter. This cultural factor, combined with the stigma of old age, contributes to many abusive practices being justified or trivialized in the family environment, making it difficult to denounce and combat them (Santos; Lopes, 2019).

To address these issues, it is necessary to adopt an interdisciplinary approach that considers the cultural, legal, and educational aspects of the problem. The Statute of the Elderly, although fundamental, has not been sufficient to eradicate these practices, indicating the need for greater supervision and public awareness (Brasil, 2003).

In short, financial violence against the elderly is not just an individual issue, but a reflection of social and economic structures that devalue the autonomy of this population. Recognizing its different forms and implications is the first step to developing effective prevention and combat strategies.

IMPACT OF PUBLIC POLICIES ON PREVENTING AND COMBATING FINANCIAL VIOLENCE

Public policies play a central role in protecting the rights of older people, especially with regard to financial violence. In Brazil, the Statute of the Elderly (Law No. 10,741/2003) represents the main regulatory framework to ensure the rights of this population, establishing legal provisions that criminalize practices such as the retention of benefit cards. However, the effectiveness of these policies is often limited by the lack of oversight and low practical applicability in everyday contexts (Brasil, 2003).

Despite legal protections, challenges remain significant. A study conducted by Silva and Oliveira (2020) revealed that less than 30% of older adults know their rights related to financial protection, which makes it difficult to enforce the laws. This scenario is aggravated by the absence of systematic educational campaigns that promote awareness among both the elderly and the general population.

The implementation of public policies also faces institutional obstacles, such as the overload of protection agencies and the lack of specialized training to deal with cases of

financial violence. Pereira and Souza (2018) highlight that guardianship councils and other responsible bodies often do not have adequate resources to investigate and respond to complaints, compromising the effectiveness of the protection offered.

Another important aspect is the relationship between public policies and financial education. According to Ferreira *et al.* (2021), financial education initiatives for the elderly are scarce and often disconnected from the reality of this population, which needs more practical and inclusive approaches. Pilot projects in some Brazilian cities have shown that financial education can significantly reduce the vulnerability of older people to abusive practices, but these initiatives are not yet widely disseminated.

In addition, public policies need to consider technological transformations. The digitalization of banking services, for example, requires the State and financial institutions to develop strategies to ensure the safe and inclusive access of the elderly to the digital environment. This includes everything from the adaptation of interfaces to the provision of specific training (Silva; Oliveira, 2020).

Public policies represent a central element in the protection of the rights of older people, but their practical implementation faces numerous challenges. Law No. 10,741/2003, known as the Statute of the Elderly, is a legal framework that typifies crimes such as the retention of benefit cards. However, Amaral *et al.* (2020) highlight that the application of the legislation is limited by operational barriers, such as the lack of accessible channels for reporting and the low integration between agencies responsible for the protection of the elderly.

Another problem is the insufficiency of educational campaigns aimed at raising awareness about financial violence. Although the Statute is widely recognized, the majority of the elderly population is unaware of their rights or does not know how to access them. According to a study by Gomes *et al.* (2022), less than 35% of the elderly consulted knew of the existence of legal provisions that protect them against financial abuse.

The training of professionals who work in the elderly protection network is also a critical point. Many health, social assistance, and public security professionals are not adequately trained to identify cases of financial violence, resulting in widespread underreporting. Fernandes and Nascimento (2021) argue that the absence of specific training on the subject hinders both the prevention and the follow-up of cases already identified.

On the other hand, experiences in other countries indicate promising paths. In Sweden, for example, the integration between financial institutions, public agencies and non-governmental organizations has generated a more effective protection system,

reducing the rates of financial violence in the elderly. Adapting these practices to the Brazilian context can contribute significantly to overcoming the weaknesses of the current protection system (Santos; Lopes, 2019).

Finally, the articulation between financial education, psychological support and legal assistance should be a priority in public policies. Investing in these three pillars can not only protect the elderly, but also empower them, promoting their autonomy and quality of life.

Despite the limitations, public policies represent an essential starting point to address financial violence against the elderly. However, its effectiveness depends on the articulation between different social actors, including the State, financial institutions, and family and community support networks.

FINANCIAL EDUCATION AND STRENGTHENING OF SUPPORT NETWORKS

Financial education emerges as a key strategy to prevent financial violence against the elderly, empowering them to manage their resources more autonomously and safely. According to Ferreira *et al.* (2021), financial education initiatives aimed at the elderly can significantly improve the confidence and ability of this audience to deal with their finances, reducing their vulnerability to abuse. However, in order to be effective, these initiatives must consider the specificities of this population, such as cognitive limitations and technological barriers.

Another crucial element is the strengthening of social and family support networks. Studies show that older adults who have robust support networks, made up of family, friends, and communities, are less likely to suffer financial violence (COSTA *et al.*, 2019). In this sense, it is necessary to promote a culture of respect and appreciation for the elderly, encouraging the active participation of this population in financial and social decisions.

Digital inclusion also plays an essential role in this process. Programs that promote digital literacy among seniors can empower them to use online banking services more securely, reducing their reliance on third parties. Silva and Oliveira (2020) argue that while digital literacy is a challenge, it is a powerful tool for empowering older people and protecting them from fraud.

Financial education is an essential pillar in the prevention of financial violence against the elderly, especially in a context of increasing technological transformations. According to Carvalho *et al.* (2020), educational initiatives aimed at this audience must be adapted to their specificities, using practical and inclusive approaches. This includes holding community workshops, online courses with face-to-face support, and educational campaigns that address topics such as benefits management and digital security.

Digital inclusion also plays a key role in this scenario. Despite technological barriers, programs that promote digital literacy for the elderly have shown positive results, reducing vulnerability to fraud and expanding their autonomy in the use of financial services. Gomes *et al.* (2022) suggest that partnerships between banking institutions and civil society organizations can enhance the effectiveness of these initiatives, offering continuous and personalized support.;

Another critical aspect is the strengthening of social and family support networks. When families and communities act as protective networks, seniors feel safer and more confident to manage their finances independently. Santos and Lopes (2019) point out that the inclusion of the elderly in collective activities, such as living groups, contributes to the construction of social bonds that hinder abusive practices.

In addition, the creation of specialized services to deal with cases of financial violence should be a priority. Reference centers can offer legal and psychological support, in addition to acting as a point of articulation for awareness campaigns and preventive actions.

It is essential to promote a cultural change that values the role of the elderly in society, breaking with stigmas and prejudices that make them vulnerable to abuse. Campaigns that reinforce the rights of this population and the benefits of their active participation in society are indispensable to combat financial violence in all its forms.

Financial education is one of the most effective strategies to empower seniors to manage their resources independently, protecting them from abusive practices. Studies indicate that, when receiving adequate information about the use of their resources, older adults develop greater autonomy and confidence to make informed financial decisions (Gomes; French; Costa, 2022). However, for these initiatives to be successful, they need to be specifically designed to meet the needs of this population. For example, content should be presented in a clear and accessible way, using practical examples that connect financial concepts to the daily reality of the elderly.

In addition, it is important that financial education is combined with digital literacy, especially in a context of increasing digitalization of financial services. Many elderly people still depend on third parties to carry out banking transactions, which exposes them to situations of abuse and exploitation. According to Santos and Lopes (2019), workshops that teach the use of banking applications and safe practices for online transactions can significantly reduce vulnerability to digital fraud. This approach not only protects the elderly financially, but also promotes their social inclusion, contributing to the strengthening of their self-esteem and autonomy.

Social support networks play a central role in the prevention of financial violence. They create a safe environment for older people to share concerns and seek guidance in case of suspected abuse. According to Fernandes and Nascimento (2021), networks composed of family members, friends, and community groups strengthen the emotional resilience of the elderly and hinder abusive practices. However, for these networks to be effective, it is necessary that those close to the elderly are also aware of the signs of financial abuse and know how to act.

Training caregivers and family members to identify and prevent financial violence should be integrated into public policies and community initiatives. Studies show that many abusive practices occur due to ignorance of legal limits or lack of understanding about the rights of the elderly (Carvalho; Andrade; Santos, 2020). Promoting educational campaigns aimed at family members and caregivers can reduce the occurrence of abusive practices, in addition to creating an environment of greater protection and respect for the elderly.

In addition, the formation of community support groups aimed at the elderly can provide spaces for the exchange of experiences and mutual support. These groups not only broaden support networks, but also play an educational role by disseminating information about rights and safe financial management practices. Experiences carried out in community centers show that elderly participants in regular groups have greater knowledge about financial protection and are less likely to suffer abuse (Gomes; French; Costa, 2022).

Finally, collaboration between different sectors of society is key to ensuring that financial education and strengthening support networks are sustainable. Financial institutions, non-governmental organizations, and the public sector need to work together to develop and implement effective programs. This articulation can include everything from the creation of specific courses to the provision of safe channels for complaints and guidance. Only with an integrated approach will it be possible to protect the elderly against financial violence, ensuring them a more dignified and autonomous life.

In addition to prevention strategies, it is essential to offer psychological and legal support to victims of financial violence. Specialized care centers can provide a safe environment for older adults to report abuse, receive guidance, and access the resources they need to get back on their feet financially. Finally, the strengthening of support networks and financial education must be accompanied by continuous efforts to adapt and improve public policies, ensuring that the rights of older people are fully respected and that abusive practices are effectively combated.

CONCLUSION

Financial violence against the elderly is a multifaceted and alarming phenomenon that directly affects the dignity, autonomy and quality of life of this vulnerable population. This study revealed that, despite significant advances in the legal sphere, such as the Statute of the Elderly and its article 102, the effectiveness of protection measures is still limited by lack of awareness, underreporting and weaknesses in public and institutional policies. The analysis carried out showed that forms of financial violence range from family practices, such as the misappropriation of benefits, to broader frauds facilitated by digital vulnerability. The absence of inclusive financial education and robust support networks contributes to perpetuating cycles of abuse and neglect.

Based on the findings, it was evident that confronting financial violence requires an integrated and multidimensional approach. Preventive strategies, such as educational campaigns and digital literacy programs, are essential to reduce the vulnerability of older people. In addition, strengthening social support networks and training professionals to identify and intervene in cases of abuse can significantly expand the protection offered to this population. Such measures must be accompanied by an ongoing monitoring and enforcement effort, ensuring that existing laws are properly enforced and that complaints are treated seriously and effectively.

Finally, this study reinforces the importance of a joint mobilization between the State, civil society, families and financial institutions in the construction of a safer and more inclusive environment for the elderly. Ensuring protection from financial violence is not only a matter of justice, but also of respect for human rights and the inherent dignity of every individual. The continuity of studies and initiatives focused on the theme is essential to promote structural changes that ensure the full citizenship of the elderly in a context of accelerated population aging.

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