



ISSN: 2230-9926

Available online at <http://www.journalijdr.com>

# IJDR

International Journal of Development Research

Vol. 12, Issue, 03, pp. 54521-54526, March, 2022

<https://doi.org/10.37118/ijdr.23922.03.2022>



RESEARCH ARTICLE

OPEN ACCESS

## JUVENILE DELINQUENCY IN BRAZIL AND ITS LEGAL IMPLICATIONS

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### ARTICLE INFO

#### Article History:

Received 11<sup>th</sup> January, 2022  
Received in revised form  
20<sup>th</sup> January, 2022  
Accepted 19<sup>th</sup> February, 2022  
Published online 19<sup>th</sup> March, 2022

#### Key Words:

Brazil, Juvenile Delinquency,  
Legal Implications,  
Legal Psychology.

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### ABSTRACT

The importance and need for psycholegal actions related to the treatment of adolescents in delinquency. It aims to detail the general aspects of juvenile delinquency in Brazil from the perspective of Legal Psychology; expose the approaches presented in the literature on juvenile delinquency; present legal studies on juvenile delinquency; demonstrate the role of government agencies in the process of containment and resocialization of juvenile offenders. The research is bibliographical and the results address juvenile delinquency, its concepts, implications from the perspective of Legal Psychology, emphasizing social life institutions, psychological aspects, public policies and intervention proposals. It concludes that the debate on juvenile delinquency is stigmatized, given that mistaken concepts are disseminated by society, which refuses to understand young people, their particularities and their internal conflicts as the initial focus of delinquent behavior.

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Citation: Silveira, F.M.; Sousa, F.J.S.; Caetano, A.L.; Mendes, C. H. M.; Santos, H.V.A.; and Santos, R.C. "Juvenile delinquency in Brazil and its legal implications.", *International Journal of Development Research*, 12, (03), 54521-54526.

## INTRODUCTION

In contemporary society, juvenile delinquency is constantly present. In fact, it can be characterized as an "infrafractional act", which are criminal acts practiced in society by individuals in the age group between 12 and 18 years old. These delicts have been growing in numbers in the last years in Brazil, ranging from simple robbery and theft to homicide, thus being an essential theme to be studied. Furthermore, the genesis to the development of these violent characteristics is intimately linked to the sociocultural conditions in which the minor is inserted. So, matters like poverty, violent acts in the family nucleus and treatment programs are influences to the perpetuation of this problem. In this manner, the apparent relation of the origin of juvenile violence with the family and State is highlighted (FIORELLI; MANGINI, 2020), since they are both responsible for the education of the individual, as well as its social and cognitive formation. The government, through legislation, has the duty of creating legal situations to support those that are under 18 years old, in order to improve the living conditions in society, respect legal principles, resocialize and rescue youth through social programs with

guaranteed efficacy. The family, in turn, must be a role model, demonstrating the standard of conduct for life in society. However, in the situations of juvenile delinquency, it can be observed that both parties have neglected their responsibilities. Therefore, it is important that the study of the genesis of juvenile delinquency is done from a legal standpoint. It is so because the Law, derived from social relations, as a historical-cultural science that has the power of coercion to act in this matter, can regulate the conducts to generate the desired effects. It, then, possesses the necessary mechanisms to ease the occurrence of juvenile violence. The issue of the delinquent behavior of the adolescent is not recent, increasing in proportion in the national scenery, and being worthy of attention in the contemporary humanitarian outlook. Various discussions are presented about the necessity of recreating legal models that can intervene in a more categorical way in the violent behavior of the adolescent. This bibliographical research is about the problem of delinquency of kids and adolescents in Brazil, particularly about violent crimes committed by them, addressing how violence, crime and youth have been dealt with in a social and political viewpoint. It is also necessary to present the characteristics of the family

environment, observing the interactions of the minor with their parents, and to question if there is a link between crime in adolescence and the failing of the family's role. Furthermore, this research addresses the socio-political context and the importance of the public instruments, like the Statute of the Child and Adolescent (SCA) and the educational system, in repairing the situation of the young offender and in their process of resocialization. The questioning of the research is: how to approach the issue of juvenile delinquency through the perspective of legal psychology?

The general objective of this research is to describe the general aspects about juvenile delinquency in Brazil under the perspective of Legal Psychology. Its specific objectives are:

- To expose the approaches presented in the literature about juvenile delinquency;
- To present legal studies about juvenile delinquency;
- To demonstrate the role of government agencies in the process of containment and resocialization of the juvenile delinquents.

Among the natural stages of the human life, the transition from childhood to adulthood is called adolescence. In this stage, the individual goes through multiple changes in all aspects, including the psychological one, in which they are more susceptible to internal and external influences. Such influences can determine future decisions in the life of the individual and even if they will or will not commit infractional acts. As well as the childhood, adolescence is a moment of rapid physiological and psychological changes, in which values and personality are developed, both being important phases in the shaping of the adult. Some minors, then, lack an effective protection of the law, and can develop criminal behaviors. Such individual is given the name "young offender", and the legal psychology is the field of psychology that studies how thoughts can be externalized in such behaviors. This research, then, will verify how the young individual is influenced in their domestic and social environment to participate in delinquent acts. The proposed theme is related to the legal world, in addition to seek proximity to the theory considered in the perspective of legal psychology to highlight the reality of juvenile delinquency in Brazil. Therefore, the access to this reality is both a subjective and objective identification, also considering the importance of this matter to society. It is possible to perceive the increasing discussion around the delinquent behavior of the adolescent, as well as the motivation and the factors that lead them to develop violent and criminal actions. In this context, with the help of legal psychology, the objective is to discourse about the delinquent conduct by considering essential issues like the social setting in which the child or adolescent is inserted in, the family environment and relationship with parents, to comprehend the genesis of the juvenile delinquent in the criminal world.

Furthermore, because the Law is a legal instrument that can be used in the reverting this condition, possible solutions with the state apparatus are examined, such as the Statute of the Child and Adolescent (SCA), which has as an objective goal the protection of children and adolescents, as well as securing their rights. The methodology understands the bibliographical research as "[...] a rational and systematic procedure that has an objective to provide answers to the proposed problems." (GIL, 2002, p. 17), and has utilized books, legislation and other documents related to the subject, from the electronic library Scielo, Capes Portal of Periodics, Digital Library of Theses of the Brazilian Institute of Information in Science and Technology and informational portals about Law. The revision of literature is about violence and sociocultural influences; behavior of the delinquent from a psycholegal perspective; juvenile criminality; contemporary politics of containment of delicts in Brazil and its legal implications; and final considerations.

**Violence and Sociocultural Influences:** Violence has been pointed as a serious social problem that reaches and disturbs the health and safety of the general population. This article has the directed focus, specifically, to the scenario of juvenile delinquency, the situation of the kids and teenagers in conflict with the law and the genesis of this

structural problem. This problematic situation reaches a variety of spheres of today's social fabric, even though it is not a recent problem dealt with by the national legislation. That is why, in the past, the Statute of the Child and Adolescent (SCA) was created, with its objective being the integral protection of the child and adolescent. When dealing with adolescence, period of a troubled and confusing development in relation to the feelings and thoughts that emerge in the individual, it is attempted to avoid pejorative terms like "young offender", the term "adolescent in conflict with the law" is more adequate, given that every care is needed when dealing with the young (FIORELLI; MAGINI, 2020). Delinquency is a complex factor that has obscure origins. But, in the end, what factor contributes to the formation of a young "outlaw"? What is the reason for the emergence and perpetuation of this behavior, contrary to the community's legal instruments? What legal psychology explains about that?

Initially, in what concerns the delinquency, there is a big problem to be confronted: the focus is always on the criminal perspective, so the characteristics that lead the minor to commit a crime are not observed, only the ones related to the results. Legal psychology, however, reveals that this social problem has deeper roots, and a variety of aspects that originate in society need to be approached to comprehend it, since crime, delinquency itself, doesn't exist in its own right, but as a consequence from social relations. Furthermore, in the community, an enormous banalization of juvenile delinquency occurs, in which the adolescents in conflict with the law are considered "normal" and vanish from the popular attention, and the problem is ignored by it, instead of solved. Then, instead of confronting this in its genesis, pockets of safety -private condominiums- were created, an illusory solution that builds walls, instead of a response with real efficacy. Thus, a psychological blindness is created from society's complacency in the face of delinquency. Therefore, this form of exclusion perpetuates, indiscriminately, the practice of delicts by minors.

From the perspective of Legal Psychology, it is possible to verify that delinquency does not appear from the will of the individual, usually existing background complex socio cultural factors that influence minors to follow the path of committing delicts (FIORELLI; MANGINI, 2020). The influence of the ones closest to the child and adolescent, especially those at home and social groups in school, ends up shaping their personality, since what they learn throughout life is absorbed into their way of being. The development of the individual, then, happens through life experiences, lived and shared amongst their peers. Therefore, minors are clean sheets of paper that write their own story, but every external event is also noted, and, eventually, practiced. In what concerns the family, it is responsible for the base beliefs, behaviors, values, and ideas that will be reflected in the individual's conduct during the psychic development. Because of that, what leads people to conflict with the law has a direct connection to their values, beliefs and customs learned in their childhood (FIORELLI; MANGINI, 2020). In this manner, it is possible to observe the relation between the behavior of the minor and what was taught to them by the family. The quality of the first familiar relations will determine the development of the minor's future, reflecting, be it positively or negatively, the values learned in the parental environment. Therefore, children and adolescents are extremely affected by the environment in which they live. When it is rooted in family fragility, with inadequate, incorrect and harmful values, like corruption in the workplace of the parents, it shows that such behaviors are normal and advantageous. Because of such influence by the parents, then, the minor learns that such illicit practices are part of the general behavior of trying to gain an advantage in every situation, being conditioned to practice it themselves. These sociocultural influences are rooted in Brazilian society. These family fragilities lead to a difficulty in the linking between the minor and the parents, weakening their bond and the control over the adolescent's behavior (ZAPPE; DIAS, 2012). The distancing from the children, along with the learning of negative values, makes the minor susceptible to the practice of delinquency. This distancing creates conflicts and makes the teenager vulnerable, and the main agent that benefits from such is, many times, the drug dealer, since the teenager at this stage of life, in

such a situation, is prone to experiment on drugs, and eventually commit a more serious crime.

It is also important to consider the encouragement of violence that reaches minors as an incentive to delinquency. When the adolescent sees a parent or authority figure commit a delict to gain advantage without being punished, the expected impunity is a motivator to replicate such behaviors, so that they may gain advantage themselves. This “praise for wrongdoers” in the community causes others to copy them, especially young ones, since they are still developing their sense of self and discovering new experiences. Consequently, it can be observed that “The convict became the hero for the greatness of their largely broadcasted crimes [...]” (FOUCAULT, 1987, p. 83). So, with the trivialization of delinquency and the “praise for wrongdoers”, the media, especially the national soap operas, explore, maliciously, the events between victims and aggressors, in which the criminal is gloated over for the harm done to the victim, who ends up in suffering. Therefore, there is an incentive of “[...] the delinquent to the condition of a crime intellectual [...]”, they are seen as the “cool” ones or the “hero” of the situation. The capability of mass spreading ideas amplifies the concept of role models to be copied by adolescents, being yet another stimulus to violence. In addition to that, another factor that contributes to this unfortunate circumstance is the poor living conditions and the lack of governmental support. Because of that, prejudice is what labels such situations. In short, society thinks the homes in the periphery of the city are crowded with delinquents, which makes it difficult to solve the issue. Therefore, “the hand that represses, the justice that convicts, also suffer from social geographic myopia; showing itself more effective the worse the economic situation of the identified as the author of delicts is [...]” (FIORELLI; MANGINI, 2020, p. 333).

Under this perspective, “[...] theft and robbery suggest the presence of a poor, dark-skinned individual, presumed as intellectually underdeveloped, semi-literate and marginalized in the social hierarchy [...]” (FIORELLI; MANGINI, 2020, p. 333). In conclusion, there can be found various obstacles to solve the problem of children and adolescents in conflict with the law, in which its genesis is invisible to the State, that neglects the well-being of this socially marginalized population. Thus, to solve the juvenile violence that affects society, it is necessary to direct more attention to the family structures, and to use legal psychology alongside the law to deal with young delinquents, not in a corrective, but in a preventive way. “It is better to try preventing the delicts that happen in the community than having to punish them, and every legislator that is wise and finds the real causes to delinquency must seek to prevent the crimes instead of repairing them” (BECCARIA, ©2001, p. 67). With this, it is possible, with all the care with the adolescent, to solve this distressing situation.

**The Behavior of the Delinquent: The approach of Legal Psychology:** The object of study and analysis of legal psychology lies in the relation between the crime committed by an individual and their psychological motivations to do so, seeking to comprehend the set of “[...] psychological phenomena and their behavioral results in the situation which the delict exists or can exist[...]” (FIORELLI, MANGINI, 2020, p. 8, highlighted by the authors). That said, it is important to highlight the vast number of existing studies about juvenile delinquency, and, especially, the minor’s behavior from the perspective of psychology applied to the law, since these events are of great importance in the juridical landscape and need a rigorous investigation in order to revert the most serious cases of this issue. “Delinquency” has various meanings, so it’s important to delimitate a concept for this term, to better specify and direct the focus of this work. Because they are two different areas of study – but simultaneously correlated-, both Law and Psychology grant it different meanings, the first focusing on the juridical consequences of the criminal act, and the other highlighting the individual and their subjective perception of the act. Generally, “delinquency” has its origins from the latin word *delinquere*, which means to do wrong and to offend. Can also be defined as an “Act that consists in the opposition and/or resistance to regulations, norms, (moral) laws;

delict.” (DICIONÁRIO online de português, 2021, non-paginated). Nonetheless, it is essential to highlight how subjective the concept of a delict is because what is considered a crime is inherent to the location where it happens, like a region or a country. Then, something considered a crime in Brazil, like the use of drugs, could be legal in countries like Mexico or Chile (LUZES, 2010). It is, furthermore, important to put into evidence what is the most important thing in the subject of Legal Psychology, observed in the distinction between a simple breaking of a norm and the state of delinquency, caused by personal and singular psychological disorders. In this manner:

Delinquency in its psychological sense is more than actions contrary to norms, revealing a subjective condition or psychological state of the individual that trespass the law. To commit a crime and be subject to punishment does not classify the individual as a delinquent in the psychological sense, the delinquent that is an interest to the science is the one that has anti-social internal disorders that motivate the criminal action and its repetition, this individual suffers from disorders that make it impossible for them to adapt to the norms of the environment around them (LUZES, 2010, p. 3).

That said, it’s implied that the delinquent behavior, mainly the one committed by children and adolescents, is directly related to family failures, childhood traumas, psychological or sexual abuse, which tends to shape the way the victim sees the world, especially their relationship with rules and law. The theory brought by Fiorelli and Mangini (2020) postulates that the behavior of the delinquent happens through two concepts: by conditioning and role modeling. These two expressions encompass daily events lived by the delinquent, who develops a similar character to those he witnesses at home, being inclined to present the same practices and bad habits by losing sight of any moral value, which are progressively unclear through the lens of a delinquent. About the conditioning,

[...] it derives from the exposure to similar situations during childhood, that taught the individual to gain advantage (positive reinforcement) through aggressive behaviors. The child learns that, by causing pain, be it physical or psychological, in their mother, father, or siblings, they can achieve the object they desire (however exotic or naive they may be); with the repetition of such experiences, the individual is conditioned to cause pain even before considering other strategies (FIORELLI; MANGINI, 2020, p. 307).

On the other side of the same aspect lies the role modeling, complementing the conditioning, happening through the witnessing of aggressive behaviors from the role models at home, being an incentive to replicate the same behavior. So, “The observation of role models works in the same way. The individual develops a stereotyped and automatic repertoire of aggressive behaviors due to, in the environment in which they live, this being the communication language of their influencers.” (FIORELLI; MANGINI, 2020, p. 309). By associating these two concepts, the authors concluded that: “The conditioning and the observation of role models mutually reinforce each other to create an individual that does not distinguish the aggressive behavior from the others; not noticing when and how much they practice it, and not feeling satisfied, relieved when practicing it.” (FIORELLI; MANGINI, 2020, p. 309). Considering that the teenager is naturally more prone to psychological disorders ever more frequent in present times, like anxiety, depression, stress, and many others, because of the transitory phase in which they find themselves, the adolescent tends to see themselves more and more detached from the reality in which they live. And, along with the family and emotional issues involved, it is the perfect situation for the mass development of adolescents in conflict with the law. With that in mind, the need for a new perspective when looking at juvenile delinquency is needed, seeking to comprehend the psychological phenomena that envelops its psychological aspect. Similarly, as Benavente (2009, p. 637) postulates:

The relation between adolescence and infraction can be considered inevitable, and the latter is necessary for progress, development, and acquisition of new ways of socialization. The intent of transgression is related with the strategies that seek the solution for a conflict, to adapt.

Luzes (2010) points out that only through the relation between the objectivity of Law, and its legal implications, and the subjective aspect of psychology is that the juvenile delinquent can be seen correctly. Furthermore

This Science understands that the criminal system, fundamentally biased towards the objectivity of legal science, does not have efficacy in recovering these problematic individuals, the system does not see the subjective problems of the subjects, treating them in the same objective system of punishments, there is its flaw. (LUZES, 2010, p. 11).

Consequently, based in the presented information, it can be perceived that the delinquent behavior is present in a variety of age groups, from child to adolescent and adult. Because of that, a deeper analysis on the criminal conduct of the adolescent is needed, giving more focus to this phase of the human life.

**Juvenile Criminality:** The problem of juvenile criminality has become one of the main concerns of the present Brazilian society. About this, Adorno, Lima and Bordini (1999, p. 62) comment: "Indeed, a brief examination of public opinion polls indicates that crime constitutes one of the main concerns in the agenda of the most urgent social problems that are dealt with by the Brazilian citizen". The used approach in the previous topics about juvenile delinquency allowed the comprehension of adolescence as a time in which there can be observed a lot of changes and identity processes that expresses the changes in being part of a group, values, and behaviors, as well as exposing the adolescent with the social structures in their everyday life and how distortions in this contact can act in the individual's behavior and lead them to a process of marginalization. From these considerations, juvenile criminality can be analyzed as an answer to a society that finds itself in constant change of the parameters that conduct habits, norms, and values, often contradictory, cruel, unfair and unequal in opportunities. When they are incorporated by this society marked by violence and violation of rights – fragility in the health and educational system and flaws in the public safety system-, the minor presents violence as an element of identification and self-affirmation. The literature about delinquency establishes the relation between the violence that is suffered and practiced and the fragile social condition in which it happens. Vulnerability, commonly understood as a state of weakness, can also be referred, in the context of legal psychology, as a tendency of the subject to present negative results in their development, and such results can have an increase in probability in the presence of some risk factors, such as: premature drop out of schools, exposure to environments in which there is consumption of alcohol and psychoactive drugs, professional instability of the parents, unemployment, bad socioeconomical conditions, and excessive migration with little bonding to the neighborhood. Notably, poverty and the lack of perspective of an existential objective that could promote an improvement in their quality of life impose to the individual an unequal fight for their own survival.

According to Fiorelli and Mangini (2020, p. 359), "The aggressiveness brings in itself something of a combative force, an adaptive behavior and a life instinct". In this perspective, this significant portion of the youth faces the perception of not fitting in the adult world due to the lack of support from the basic pillars of their development, such as family and school, and eventually find their place in marginality. The minor, especially the ones living in the periphery, build their personalities at the center of an aggressive culture of consumerism and violence, glorifying crime and drug traffic not only as an economic objective, but as a way of living that is capable of providing their necessities and exerting power over others. This process, however, eventually leads the individual to moral and

social degradation, besides the reduction in their quality of life. This process of marginalization can be interpreted by Castel (2000), from his analysis on the French society about a crisis resulted from wage disaggregation that raises questions about the integrating function of work, destabilizing the social life and questioning society about the situations of *vulnerability*, precarization and marginalization. The excluded are, then, the ones that find themselves more distant from the circles of social interaction, living inferior situations than the previously occupied position in the work order and the protections correspondent to it. Therefore, the degradation, according to Castel, stems from processes that segregate the individual from its center of cohesion, originating in the center and not on the periphery of society. Data from the "2020 Atlas of Violence", in the chapter "the profile of homicides in Brazil", reveals that, between 2008 and 2018, the occurrence of homicides was more probable between younger men, most frequent with the 21-year-old ones (CERQUEIRA; BUENO, 2020). Furthermore, 55.3% of homicides by men happen during their youth, between 15 and 19 years, and 43.3% by woman at the same age group (CERQUEIRA; BUENO, 2020). Even though it only represents one crime, this data indicates the big problem that juvenile delinquency has become in the country. Violence, mostly related to homicides, reduces the possibility for a significant portion of the juvenile Brazilian population of having a satisfactory development, imposing evident limitations on the exercise of their most basic rights. It is understood that many young people go through their vital life phases in a positive way, developing skills and having healthy and constructive relations with their family and social environment, learning essential values for the adult life. However, because of various reasons, some do not follow the same trajectory, engaging in aggressive conducts and manifesting, through violence, their difficulties in adapting to the contemporary world.

**Contemporary Politics of Containment of Delicts in Brazil:** The subject of contemporary politics is approached by observing the correctional measures, its principles, efficacy, and efficiency in being tracked by the state managements. The way these observations are done, therefore, is by consulting the legal documents about the matter and the data collected by the government. The Federal Constitution, in the article 228, determines that people under the age of 18 years old are criminally unimputable (BRASIL, 1988), and are subjected to special legislation represented by the Statute of Child and Adolescent (SCA), that reinforces this unimputability in its 104<sup>th</sup> article (BRASIL, 1990). When violating the law, as postulated by the SCA, the minor commits an infrafractional act, and is subjected to correctional measures. These correctional measures are orientated by the National System of Socio-educational Treatment (NSSET), law n° 12.594/2012 (BRASIL, 2012). In its first article, the NSSET postulates that its objective is to disapprove of the infrafractional conduct, and socially integrate the adolescent, granting them their individual and social rights. It also determines that these actions are guided by the principles of the article 35:

- Legality, the teenager not being able to receive a higher punishment than what an adult would receive;
- Exceptionality of the legal intervention and imposition of measures, favoring ways of self-composing conflicts;
- Priority to practices and measures that are restorative and, whenever possible, attend the victim's necessities;
- Proportionality in relation to the committed offense;
- Brevity of the measure in response to the committed act, especially in what is postulated in the 122th article of the law n° 8.069, of 13 of July of 1990(Statute of the Child and Adolescent);
- Individualization, by considering the age, capabilities and personal circumstances of the adolescent;
- Minimal intervention, restricted to what is necessary to reach the objectives of the measure;
- Non-discrimination of the adolescent, notably in relation to their ethnicity, gender, nationality, social class, religious, political or sexual orientation, association or being part of a minority or status; and

- Strengthening of the familiar and community bonds in the socio-educational process. (BRASIL, 2012, non-paginated).

Furthermore, the Ministry of Woman, Family and Human Rights elaborates an annual survey to evaluate the application of the NSSET in the country (BRASIL, 2020). It is possible to notice, therefore, that there already exists a legal structure that predicts the cases and regulates the situation of adolescents in conflict with the law, with its implications monitored by the Federal Government. It is also important to point out that these measures still take into account the necessity of full psycho-social development of the adolescent. NSSET and posterior laws about the matter must, therefore, consider the pedagogical aspect of these sanctions.

**Defined by the SCA (BRASIL, 1990), the socio-educational measures are first presented in the article 112, which are:**

- warning: a verbal warning, with its due documentation;
- reparation of damages: if possible, it can be decided that the adolescent must compensate the patrimonial damage or restitute the damaged thing ;
- providing services to the community: considering the capabilities of the adolescent and respecting their school and work time, they will do tasks of general interest for up to 6 months;
- assisted liberty: a competent person will be appointed to supervise and orient the young, writing reports and assisting them their eventual insertion in the labor market;
- semi-liberty: with schooling and working remaining obligatory, it is an intermediary regime between complete freedom and internment;
- internment: deprivation of liberty, only applied when there is an infrafractional act with great menace or violence to someone, repetition of a grave infrafractional act, or non-compliance with another measure;

Internment is the most radical measure between the presented ones, only applied when there isn't any other adequate measure. Subject to the principle of exceptionality, there is a priority for the self-composition of conflicts (through mediation and conciliation). It is also subject to the principle of brevity, meaning that the maximum time of internment must not exceed 3 years. Furthermore, there will be compulsory liberty of the infractor when they reach 21 years old. Defined by the article 101 of the SCA (BRASIL, 1990), there are applicable measures to the child and adolescent when their rights are threatened or violated, and that also are socio-educational to children that commit crimes. They are the following: conducted to the parents or the adult responsible; orientation and temporary supervision; inclusion in services and programs of support and family promotion; requesting medical, psychological, or psychiatric treatment; inclusion in support programs for alcoholics and drug addicts; institutional or family fostering; substitution of family. In the intent of assessing the efficacy of this normative system, the annual survey of the NSSET collects data with the state managements. It is important to point, however that there still are various challenges for it to fully function, like the full transparency of information from all state managements, and the uniformization of the criteria of analysis of each situation. Such problems affect the results, so it is not possible to observe the entirety of the system, limiting the actions that can be taken to improve it.

The monitoring of minors that have dealt with the measures is unsatisfactory (BRASIL, 2020), with the South and Southeast regions not even surveying such data. The assisting of such individuals is worrying, being observed that more than half of all states does not have an accompaniment program for those that have gone through it. Regarding the extension of the monitoring, on the other three regions, the performance is regular (BRASIL, 2020), with schooling being monitored in its totality, and professional occupation and family, higher than 90%. Essential to assess the quality of the measures, recidivism and if the ex-offender returns, but in the criminal adult system, are sub notified data, with only 55,6% and 44,4% of

monitoring (BRASIL,2020), respectively. In 2019, the number of recidivists was appointed as being 17,4% of the adolescents that has gone through socio-educational treatment (BRASIL, 2020). The statistic that stands out is from the Southeast, with 22,8% of recidivist, inflating the national average and contrasting with the others, that variate between 10,2% from the South and 12,4 from the Center-West (BRASIL,2020). This difference can be explained by the size of the treated population, variations in the quality of treatment, and the non-participation of São Paulo in this part of the survey. These high rates are related with the lack of strengthening of the norms that protect minors, and the non-reduction of the risk factors that lead these young individuals to commit crimes, like socio-economic factors (BRASIL, 2020). Furthermore, the difficulty in observing the complete scenario significantly interferes in the precision of governmental efforts in securing their rights, as well as plainly integrating adolescents in conflict with the law into society. To be able to assess their re-introduction in the adult criminal system, then, is essential to understand where and how these socio-educational measures show efficacy in integrating these young individuals. Internal and external evaluation of the agencies that deal with this are necessary to understand the system. It is with the transparency of these information, therefore, that it is possible to improve this robust normative prediction that is the SCA and NSSET.

**Final Considerations:** Juvenile delinquency in Brazil presents itself in under various forms of non-adaptation or detour in behaviors that not only depend on intrinsic characteristics of the individual, but also on external influences. Therefore, it is thought that the existence of psycho pathological situations related to psychosocial phenomena can be admitted. The problem of research was to question the role of Legal Psychology in the process of analysis, comprehension, and coercion of the phenomenon of juvenile delinquency. The general objective of the research was to detail the general aspects about juvenile delinquency in Brazil under the perspective of Legal Psychology, and the specific objective was:

- To expose the approaches presented in the literature about juvenile delinquency;
- To present legal studies about juvenile delinquency;
- To demonstrate the role of government agencies in the process of containment and resocialization of the juvenile delinquents.

Through the observed literature, it can be perceived the existence of a great stigma vinculated to the debate of juvenile delinquency, with wrong concepts disseminated in society, that refuses to understand the minor, their particularities, and their internal conflicts. Because of that, the young finds itself ever more isolated and misunderstood by the ones around them, seeking in criminality an escape to their disorders and frustrations, eventually being sentences that are grotesque and disproportional to the delict, aggravating the situation. In this context, this bibliographical research has its importance when it seeks to clarify concepts, expose solutions and, above all, to comprehend the mentality of the juvenile offender through Legal Psychology. The objective, pure and cold text of the law is insufficient to comprehend the psychological disorders that afflicts the adolescent in this critical period of transition to the adult life. Therefore, Psychology must offer a more humane and emotional look to the legal apparatus to recover and resocialize the juvenile delinquent, as presented in this exposition. Once the importance of dealing with juvenile delinquency is comprehended, it is necessary to note the approach of Legal Psychology. Indeed, it is fundamental to know the influences in the mind of the individual that commits violent crimes, mainly when it is about the developing mind of the child and adolescent. With the help of the works of Fiorelli and Mangini (2020) and other studies about delinquency, it is possible to expose how the delinquent action is the result of a continuous influence in the development of the young offender. Furthermore, consulting the law is essential to know the legal implications of the infraction, and how the State seeks to deal with the adolescent, prescribing both the norms of protection and of socio-educational measures. The effectiveness of the government agencies, observing

the objectives of the SCA of integrating the young into society, can be demonstrated by consulting the data collected by the state managements. The role of the State is, indeed, essential for supporting the rights of children and adolescents. Through bibliographical research, it can be verified that the young individual does not deliberately chose to become a delinquent. The genesis of this social problem is in the social relations, in the behaviors learned in the family nucleus and in the groups the adolescent finds itself. It was also verified that the moment of transition of the adolescent is when they are most vulnerable to the events around them, making the more susceptible to copy undesirable behaviors, seeking new experiences. With the help of Legal Psychology, also, it was made evident that juvenile criminality is a reflex of values, norms and contradictory habits of a community that preaches cruel, unequal and unfair behaviors with their peers. When introduced to this stigmatized society by violence and violation of the rights of children and adolescent, violence presents itself as an element of identification and self-affirmation. The minor, then, makes use of violence as a method of alleviating their frustrations that happen in the time and space of their physical and mental development. Therefore, it is presented the challenge of rethinking the situation of children and adolescents in conflict with the law in Brazilian society in the confronted reality and, mainly, with the participation of social segments and public policies involved. In this manner, the social environment has much to contribute to this task, the appreciation of the family nucleus and social and community living, needing to be enhanced by the institutional practices. It can be understood, then, that the research done not only tried to highlight psychological theories for the explanation of the delinquent behavior, even though it considers them essential, but to leave the prejudicial perspective of the adolescent, to a more complex look into the factors related to the demand for juvenile criminality.

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