

**THE ROLE OF LEGAL PSYCHOLOGY IN THE REINTEGRATION OF JUVENILE OFFENDERS**

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**Abstract**

This work addresses the role of legal psychology in the social reintegration of juvenile offenders and aims to highlight that high levels of violence have been intensifying over the years. A child may, for various reasons, commit illegal acts, but should not be excluded from society because of it. Despite being one of the most worrying issues in Brazil, it is clear that it is the State's responsibility to care for, guide, rehabilitate, and reintegrate these young people into the community in a dignified manner. This study also addresses two relevant aspects: first, what leads a minor to commit criminal offenses to the point of becoming a delinquent in adulthood; and second, it seeks to explore the possible negative consequences of these actions committed by minors, analyzing them from the perspective of legal psychology, considering family, school, and social factors. Furthermore, it is noteworthy that, despite the significant number of crimes committed by minors, legal psychology, based on the Statute of Children and Adolescents (Law No. 8,069 of July 13, 1990), has developed strategies to reduce the incidence of these crimes among young offenders.

**Keywords:** Psychology, Childhood, Violence.

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## INTRODUCTION

Legal psychology is a branch of psychological study consisting of the application of psychological knowledge to matters related to law, especially with regard to mental health, socio-legal studies of crime, and the personality of the natural person and their subjective conflicts. According to Diniz (2003), a natural person is the human being considered as a subject of rights and obligations. The role of psychology is not only to diagnose and present expert reports, but also to promote the resocialization of the individual returning to society.

Therefore, this work seeks to develop an understanding related to the behavior of minors who commit an offense and how legal psychology can contribute to preventing this type of occurrence—or how to prevent us from losing, to criminality, children who are the future of our nation. To this end, the present work aims to clarify what leads minors to commit offenses and the consequences of these acts from the standpoint of legal psychology for society and the judiciary, and to analyze how the psychologist can contribute to the rehabilitation of juvenile offenders.

The objective of this article is to discuss what psychologists do within institutions that provide socio-educational services to adolescents. The main aspects of the psychologist's practice in the socio-educational system were discussed, such as:

- Acting in different fields of knowledge and their strategies;
- Boldness and creativity in implementing socio-educational measures;
- Participation of the adolescent in the service network, seeking to develop strategies for involvement with the labor market;
- Encouraging the inclusion of the family, which is of great importance in the resocialization of this adolescent;
- Covering public policies for socio-educational care.

Another main objective is to identify the type of work carried out by the psychologist in these entities, within the context of policies for guaranteeing the rights of children and adolescents, providing

the psychologist with contact with reality and, in this way, offering a basis for reflection on the role of this professional in the field of practice in question.

The research was conducted with support from readings of articles and doctrinal works focusing on adolescents in conflict with the law and the psychologist's role in their rehabilitation. It is considered broad and diversified research; however, with regard to the topic of the psychologist's work in institutions where these adolescents are confined, the amount of information is small and is found only in studies that involve other themes analyzing adolescents' conduct and situation, as well as policies and structures of the socio-educational system.

## **THE WORK OF THE LEGAL PSYCHOLOGIST WITH JUVENILE OFFENDERS**

Psychology is a science that has greatly expanded its field of practice related to the socio-educational processes of adolescents in conflict with the law who are held in detention facilities specialized in their social reintegration.

The psychologist is among the health professionals who, together with social assistance and education professionals, make up the interdisciplinary technical team responsible for service programs for adolescents under 18 years of age. In socio-educational institutions, these professionals face a broad system that involves the adolescent, their mental and physical health, their judicial process, their social and family relationships, and their disciplinary and educational process.

The role of these professionals in the reintegration of adolescent offenders is highly complex due to the breadth of the social aspects that surround them. It encompasses: public policies for socio-educational care, the environment where protective measures are carried out, the environment into which the adolescent will be integrated after fulfilling the measure, the workplace of the legal psychology professional and its association with the justice system that enforces the penalties provided by law—even in the form of socio-educational measures—endowed with the rigor of a system to which the professional

must adapt, ensuring that their practice is aligned with the methodology of psychology within this context (Fonsêca; Develati, 2013).

Within the system of guarantees, the psychologist, together with other professionals, assumes the role of enabling rights, and must have deep knowledge of legislation, since decentralization demands from these professionals new and properly qualified competencies; political-administrative autonomy imposes participation. And oversight requires a theoretical, technical, and operational perspective, envisioning the strengthening of practices and spaces for debate in the proposing and monitoring of policy, toward autonomy and user protagonism, as well as in the relationships among managers, technical staff in governmental spheres, leaders and technicians, service providers, council members, and users.

In the operationalization of the system of guarantees, the psychologist's work takes place along the following axes: situation analysis, in the sense of diagnosing reality through research that enables analysis and planning of actions and resources to confront risk situations; and mobilization and articulation of various segments (governmental, non-governmental, and civil society at national, regional, and local levels) (Alberto, 2008).

The new demands for psychologists' work in social policies for children and adolescents require a multifunctional professional who works in an interdisciplinary manner and in networks. However, this new model that emerges from the 1988 Federal Constitution and from the Statute of the Child and Adolescent requires documents that guarantee them the condition of subjects of rights—demands to which the psychologist adapts with regard to the working classes, marginalized populations, those without schooling experience, and poor communities (Alberto, 2008).

Among the activities the psychologist develops is that requested by the Judiciary; there is also the psychotherapeutic process, which cannot be overlooked, especially because it is closer to the psychologist's professional performance in relation to their client (the adolescent). And this adolescent, in turn, in conflict with the law, is subjected to a regulating and punitive environment, without social

coexistence skills that would provide them with a life different from the one in which they find themselves (Fonseca; Develati, 2013).

The punitive environment that characterizes detention institutions gives the psychologist an important task: reducing the effects produced by such places. Ethics in the psychologist's work must contribute to maintaining a collaborative relationship with the client. This professional becomes a point of reference for the adolescent for three reasons:

- Due to the aversive environment of the detention unit, with rules and norms, and in the presence of the therapist there is the possibility for the adolescent to express themselves more freely;
- Given the condition of limited interaction among those detained, leaving the dormitory may be seen as a stimulus;
- And finally, because the psychologist does not provide a punitive hearing but rather one of acceptance, the adolescent may present their inappropriate behaviors, allowing the psychologist to work on them while strengthening the relationship through the adolescent's own acceptance of the process (Fonsêca; Develati, 2013).

For the psychology professional, as well as for the other parties involved, it is incumbent to develop applied work grounded in more critical theories of reality and of their practice. This work should be as minimally politicized as possible, attributing an ethical stance to the execution of activities, seeking not to become merely another agent in the maintenance of order within units through punitive measures imposed on inappropriate behaviors, but rather a psychotherapist who seeks the transformation and adjustment of these behaviors toward a new way of living for adolescents, with attention and care (Fonsêca; Develati, 2013).

The most effective way to resocialize juvenile offenders is through social assistance, with the combined action of the following components: Family, State, and Society. The psychologist can also contribute by bringing the minor back into society in a dignified manner, with changed thinking,

encouraging the adolescent to adopt new forms of conduct, to acquire social values, and to discourage the emission of antisocial behavior—thus motivating them to develop other means of redirecting their distress.

The psychologist, together with the shared responsibility of the family, society, and the State for children and adolescents, seeks to strengthen social support networks, as well as to build a complex and articulated assistance network among these various actors.

The adolescent who commits an offense (a crime), in many cases, comes from families with a negative history; the family is seen as foundational in the adolescent's development. Therefore, the acts committed are direct and immediate consequences of the social structure in which these minors find themselves before entering criminality. Socio-educational measures have, as their primary purpose, intervening in the family and social nucleus of the adolescent offender. The Statute of the Child and Adolescent provides for the following measures in art. 112, items I and VI:

Warning: a verbal reprimand of the adolescent offender, applied by the judge of childhood and youth, in the presence of those responsible for them.

Obligation to Repair Damages: the obligation of the adolescent or their family to repair the damage caused to the victim.

Community Service: to provide physical or intellectual services, with pedagogical guidance, aiming to raise awareness of the importance of work and of one's role in society.

Assisted Freedom (Probation): monitoring, assistance, and guidance for the adolescent who is in conflict with the law.

Among the measures mentioned above, the most important—and most frequently used—is assisted freedom, because it enables the juvenile offender to be included both within the family nucleus and also to reintegrate into society in a dignified manner.

It is worth emphasizing that coexistence and interaction with the social group of origin, where affective and social bonds are established, are indispensable for the adolescent's socio-moral development, given the importance of affectivity and peer interaction for learning and internalizing rules and social contracts—factors essential to the formation of morally autonomous subjects (PIAGET, 2004).

## FINAL CONSIDERATIONS

It is important to develop work strategies and interventions with parents so that they can develop appropriate attitudes toward their children, since parental educational practices influence the behavioral patterns observed in childhood.

The complexity of involvement in offenses during adolescence reveals the fragile foundations that support the formation of these individuals. In this work, it is possible to observe certain elements that characterize the misconduct of these adolescents who, over time, became offenders, highlighting the relevance of analysis not only within the family context but also within society.

It is appropriate to analyze whether risk factors are organized within a complex network of relationships. The same occurs with protective factors, requiring the involvement of diverse social nuclei ranging from families themselves to legal, health, and educational institutions. The family and society play a supportive role in the adolescent's reality; unfortunately, in the contemporary world, they reproduce exclusionary and unequal realities that do not sustain the effectiveness of human rights, nor the representativeness of justice.

Thus, the research conducted contributes to updating knowledge about adolescents' offenses, and can also collaborate with the progress of legal proceedings by providing judges and prosecutors with support for more appropriate decisions for the adolescent in question.

Throughout this work, what falls under psychologists' responsibility as professionals within a judicial institution was mentioned, as well as the parameters of the legal system regarding the entire set of problems that take hold of issues specific to childhood and youth—fulfilling its function of ensuring the applicability of laws, above all the rules of the Statute of the Child and Adolescent. In this sense, new proposals were presented, such as:

- The importance of family participation in resocialization alongside the young offender;
- The role of public policies in the intervention of socio-educational measures;
- Educational measures to integrate the young person into community service measures; and

- Assisted freedom (probation), monitoring, assisting, and guiding the adolescent who is in conflict with the law.

These proposals are capable of being incorporated into this instrument that is legal psychology, seeking greater success in the continuity of this task of resocializing the minor.

This work sets forth the transformation of the existing problems in order to promote actions through which this can become a place for individuals' growth, maintaining a critical stance that ensures the development of the juvenile offender within society.

In view of the foregoing, it can be seen that this form of intervention occupies a strategic space situated between offenses and the consequences of the unlawful act, even if carried out at a single, brief, and specific moment. Finally, it is society that receives the positive effects of a work such as this, which not only aligns with the premises of the ECA (Statute of the Child and Adolescent), but also promotes spaces for reflection and dialogue with these young people, contributing to more efficient models of reintegration.

It is hoped that the discussions addressed in this work will serve as a basis for reflection for professionals and students in the field of law as well as psychology, in order to stimulate and enable new research and changes in the identity of this professional.

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