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Artículos Científicos

La violencia cometida al adolescente en conflicto con la ley del Centro de Justicia Penal del estado Guerrero, y su relación con la conducta antisocial

*The violence committed to the teen in conflict with the law of the Criminal
Justice center of the Guerrero State, and it's relationship to antisocial
behavior*

*Violência cometida contra adolescentes em conflito com a lei do Centro de
Justiça Criminal do Estado de Guerrero e sua relação com o comportamento
anti-social*

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Resumen

El presente es un estudio descriptivo de la violencia infringida a los adolescentes en conflicto con la ley penal y su relación con las conductas antisociales cometidas por este grupo étnico, recluidos en el Centro de Justicia Penal del municipio de Chilpancingo de los Bravos, Guerrero. Se seleccionó por conveniencia a 30 % de los ellos (28) utilizando un instrumento que fue elaborado por los autores, el cual consta de diez preguntas cerradas. La variable dependiente es la conducta antisocial cometida (efecto), y las variables independientes (causa) son la violencia y/o el maltrato. Los criterios de selección fueron edad de 14 a 18 años, ambos sexos, que se encontraran en el centro de reclusión al momento de la entrevista y que firmaran el consentimiento informado. Los datos se capturaron en el programa Microsoft Excel y se calcularon la frecuencia y el porcentaje. Los resultados arrojaron que 100 % de los adolescentes encuestados presentó algún tipo de maltrato físico o psicológico, siendo agredidos mayormente por sus cuidadores (padres). Asimismo, 21 % afirmó haber sufrido abuso sexual, siendo el agresor más frecuente el padre o sustituto, o desconocidos. El delito mayormente cometido fue homicidio y lesiones con 26 %. De hecho, 11 % cometió más de un delito. Los delitos en su mayoría fueron cometidos por hombres, con edades de 15 a 17 años, con un nivel socioeconómico bajo y con escolaridad no concluida. No se encontró asociación entre maltrato y el tipo de delito cometido.

Palabras clave: adolescentes en conflicto con la ley, centro de justicia penal, conducta antisocial, violencia en adolescentes.

Abstract

Descriptive study of the violence infringed on adolescents in conflict with the criminal law and its relationship with the anti-social behaviors committed by this age group, held in the Criminal Justice Center of the Municipality of Chilpancingo de los Bravos, Guerrero. 30% of them were selected for convenience (28), using an instrument that was developed by the authors and consists of ten closed questions. The dependent variable is the anti-social behavior committed (effect) and the independent variables (cause) are violence and / or abuse. The selection criteria were; the age of 14 to 18 years, both sexes, who will be in the detention center at the time of the interview and who will sign the informed consent.



The data was captured in the Microsoft Excel Program, and frequency and porcentaje were calculated. The results showed that 100% of the adolescents surveyed presented some type of physical or physical abuse, being mostly attacked by their caregivers (parents). 21% claimed to have suffered sexual abuse, the father or surrogate being the most frequent agresor and strangers. The crime mostly comitted is homicide and injuries with 26% . 11% committed more than one crime. The crimes are mostly committed by men, ages 15 to 17, with a low socioeconomic status and schooling not completed for their age. No association was found between abuse and the type of crime committed.

Keywords: adolescents in conflict with the law, criminal justice center, anti-social behavior, violence in adolescents.

Resumo

Este é um estudo descritivo da violência infligida a adolescentes em conflito com o direito penal e sua relação com as condutas anti-sociais cometidas por essa faixa etária, realizada no Centro de Justiça Criminal do município de Chilpancingo de los Bravos, Guerrero. 30% delas (28) foram selecionadas por conveniência por meio de instrumento desenvolvido pelos autores, que consiste em dez questões fechadas. A variável dependente é o comportamento anti-social cometido (efeito), e as variáveis independentes (causa) são violência e / ou abuso. Os critérios de seleção foram idades entre 14 e 18 anos, ambos os sexos, que estivessem no centro de internação no momento da entrevista e que assinassem o termo de consentimento livre e esclarecido. Os dados foram capturados no programa Microsot Excel e calculadas a frequência e o percentual. Os resultados mostraram que 100% dos adolescentes pesquisados apresentaram algum tipo de abuso físico ou psicológico, sendo agredidos principalmente por seus cuidadores (pais). Da mesma forma, 21% afirmaram ter sofrido abusos sexuais, sendo o agressor mais frequente o pai ou substituto ou estranhos. O crime mais cometido foi homicídio e lesões corporais com 26%. Na verdade, 11% cometeram mais de um crime. A maioria dos crimes foi cometida por homens, com idade entre 15 e 17 anos, baixo nível socioeconômico e escolaridade incompleta. Nenhuma associação foi encontrada entre o abuso e o tipo de crime cometido.

Palavras-chave: adolescentes em conflito com a lei, centro de justiça criminal, comportamento anti-social, violência contra adolescentes.



Introduction

Most of the criminal behaviors of adolescents in conflict with the law have a trigger source, and their causes are diverse: intra-family violence, physical and psychological abuse, lack of school education, abandonment, lack of supervision and the null job opportunities of their parents or guardians; on occasions, one or all of the elements that contribute to the adolescent committing the criminal behavior may be present. According to NOM-046-SSA-2005, family violence is exercised both in the private and public spheres, through manifestations of abuse of power that damage the integrity of the human being.

In November 2018, the diagnosis called "Study of risk factors and victimization in adolescents who committed crimes of high social impact in Mexico" was presented, in which a sample of 502 adolescents deprived of liberty in detention centers in the states of Mexico City, Guerrero, Michoacán, Nuevo León, Puebla, Tabasco, Veracruz, Sinaloa and Yucatán. This sample is equivalent to 84% of the total population of the states mentioned and approximately 32% of the national population. Among the most relevant demographic characteristics of the studied population, 91% were men and only 9% women, which correspond to an average age between 17 years of age and less than 18 years of age "(Reinserta Un Mexicano, AC (2018 Study of risk factors and victimization in adolescents who committed crimes of high social impact, Retrieved from the Reinserta Un Mexicano AC website: p. 21, 22.

The National Law of the Comprehensive System of Criminal Justice for Adolescents establishes, for the first time in this matter, the principles and norms that oblige states to harmonize their local laws for adolescents who commit crimes. In the first place, it decrees the principle of non-discrimination and substantive equality due to ethnic, national, gender, age, disability, social, health, religion, opinion, sexual preference, gender identity, marital status or any other.

It also establishes that the maximum penalty of deprivation of liberty for adolescents will be five years, a limit that the international organizations specialized in the matter have upheld.

Likewise, and in line with the new accusatory criminal justice system that fully entered into force at the national level in June 2016, the new law establishes due process guarantees for adolescents; Among the principles that govern justice for adolescents based on this law are specialization, legality, minimal intervention, application of the most favorable law, presumption of innocence, application of alternative mechanisms, restorative justice and social reintegration.

Similarly, the law establishes the right of adolescents to be heard in the judicial proceedings that concern them, as well as the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

The World Health Organization (WHO) defines adolescence as the period of human growth and development that occurs after childhood and before adulthood, between 10 and 19 years. However, countries have established in their legislation the age by which an adolescent can be tried for antisocial behavior.

In order to face the problem of violence against adolescents, laws have been reformed and institutions have been created expressly based on the new criminal justice system in Mexico, as in the case of criminal justice centers for adolescents in all the Federal entities. For its part, the state of Guerrero has a criminal justice center for adolescents in which the justice standards for this sector are applied, which state that they must be between 14 and less than 18 years of age; 13-year-old adolescents can only be subject to rehabilitation and social assistance, derived from acts against the law, which are duly classified.

Without a doubt, antisocial behaviors represent one of the problems that most concerns society; In the case of the state of Guerrero, the main problems are public insecurity and violence, situations that have grown alarmingly.

An important part of the crime phenomenon is the monitoring that has been given to antisocial behaviors that are attributed to adolescents; For this reason, the present investigation was carried out, which aims to describe the different ways in which violence and / or abuse manifests itself in adolescents in conflict with the criminal law of the Center

for Criminal Justice for the Execution of Measures to Adolescents from the municipality of Chilpancingo, Guerrero, and their relationship with the antisocial behavior committed.

Methodology

This was a quantitative, descriptive study. From a population of 96 adolescents held in the Criminal Justice Center for Adolescents of Chilpancingo de los Bravo, Guerrero, 28 of them were surveyed, chosen by the authorities of the Internment Center. A self-administered questionnaire was used, developed and validated by the authors. The participants signed the informed consent, respecting the ethical criteria for research in humans.

Results

Of the total of the adolescents studied in conflict with criminal law and held in the Criminal Justice Center of the municipality of Chilpancingo, Guerrero, 64% were men and 36% women. The age group that prevailed was 16 to 17 years old, with 86%. Likewise, 17.86% had no formal education, 28.57% had incomplete high school studies, 14.28% completed high school, and 39.29% had incomplete high school. 43% of those surveyed were in the low socioeconomic level and 96% entered the criminal justice center at 14 years of age.

Tabla 1. Tipo de delito cometido por los adolescentes en conflicto de ley

Delito	Frecuencia	%
Daños a la salud	4	13 %
Portación de armas	4	13 %
Homicidio y lesiones	8	26 %
Tentativa de secuestro y secuestro	6	19 %
Violación	0	0 %
Cómplice de violación	1	3 %
Extorsión	1	3 %
Delincuencia organizada	4	13 %
Robo	3	10 %
Total	31	100 %

Fuente: Encuesta violencia y adolescentes 2018

The crime most frequently committed by adolescents in conflict with the law was homicide and injuries with 26%, and only 3 adolescents (representing 11%) committed more than one crime.

Tabla 2. Maltrato físico por parte de la madre a los adolescentes en conflicto con la ley

Maltrato físico (madre)	f	%
Leve	12	42.86 %
Moderado	7	25.00 %
Severo	9	32.14 %
Total	28	100 %

Fuente: Encuesta violencia y adolescentes 2018

Tabla 3. Maltrato físico por parte del padre a los adolescentes en conflicto con la ley

Maltrato físico (padre)	f	%
Leve	15	53.57 %
Moderado	5	17.86 %
Severo	8	28.57 %
Total	28	100 %

Fuente: Encuesta violencia y adolescentes 2018

Tables 2 and 3 show that physical abuse was committed by both parents, with a higher frequency in the mild degree.

Tabla 4. Maltrato psicológico de la madre de los adolescentes en conflicto con la ley

Maltrato psicológico (madre)	<i>f</i>	%
Leve	10	35.71 %
Moderado	10	35.71 %
Severo	8	28.57 %
Total	28	100 %

Fuente: Encuesta violencia y adolescentes 2018

Tabla 5. Maltrato psicológico del padre de los adolescentes en conflicto con la ley

Maltrato psicológico (padre)	<i>f</i>	%
Leve	11	39.29 %
Moderado	9	32.14 %
Severo	8	28.57 %
Total	28	100 %

Fuente: Encuesta violencia y adolescentes 2018

Tables 4 and 5 show that the adolescents in conflict with the law surveyed have suffered psychological abuse by both parents, mainly in mild and moderate degrees.

Tabla 6. Agresor de abuso sexual

Agresor	<i>f</i>	%
Padre o sustituto	2	7 %
Tío(a)	1	4 %
Novio(a)	1	4 %
Desconocido	2	7 %
Nadie	22	79 %
Total	28	100 %

Fuente: Encuesta violencia y adolescentes 2018

Table 6 shows that 21% of adolescents have suffered sexual abuse. The main registered aggressor has been the father or surrogate, or someone unknown (79% have not been sexually abused).

Discussion

The Mexican State continues to forget and exclude adolescents, who day by day face challenges such as poverty, family disintegration, school dropouts, unemployment, violence, among other adverse situations, which impact their lives and lead them to engage in antisocial behaviors that they create a conflict that transcends the personal scope of each one of them.

Adolescent abuse is one of the causes attributable to the commission of criminal behavior, so it is important to know the relationship between the criminal behavior of the minor and the type of crime committed, which have increased in the last decade. Even so, the authorities of our country in charge of protecting the family and particularly children have not been in charge of preventing and dealing with such situations.

Violence is one of the greatest threats worldwide and one of the main sources of concern for public health and social security, not only because it is a cause of numerous premature deaths, but also because of the injuries or disability it causes among the population. (Unicef, 2019).

The WHO (2002) defines violence as the intentional use of physical force or physical power, or the threat to use it against oneself, another person, group or community, that causes or has a high probability of causing injury, death, harm psychological, developmental disorders or deprivation. In this regard, said organization has proposed a classification of violence at three major levels: interpersonal, self-inflicted and collective; It has also established, taking into consideration the International Classification of Diseases (ICD 10), two categories for injuries, which are grouped as unintentional (which include transport accidents, drowning, falls and suffocation, among others); and intentional or violent injuries. According to this classification, intentional violence is the one analyzed. When the latter end in deaths, they are known as deaths by violence and can be suicides or homicides.

According to various studies, violence during childhood and adolescence is a severe risk factor, since it can damage psychological, emotional and cognitive development;



Likewise, it implies greater possibilities of suffering other types of violence or presenting antisocial and / or criminal behaviors (Unicef, 2014).

In Mexico, there is a disagreement between the discourse of the protection of the rights of infancy and childhood and some practices that violate human rights and the dignity of children and adolescents. The most recent data indicate that seven out of ten young people suffer violence in their dating relationships (76% psychological violence, 16.5% sexual violence and 15% physical violence). Regarding violence in the family, only 34% of those over 15 years of age did not witness physical violence between their parents, while the remaining 66% have experienced at least one of the forms of violence (Bott, Guedes, Goodwin and Adams Mendoza, 2012).

On the other hand, violence against children and adolescents in environments such as the family, school, community, work centers or institutions is socially legitimized and accepted, in a way that becomes natural, which contributes to its persistence. and reproduction.

The National Report on Violence and Health for 2007 indicated that, during the last 25 years, two children under the age of 14 have been murdered every day. Furthermore, between 55% and 62% of boys and girls say they have suffered some form of abuse (physical, emotional or sexual) at some point in their life. Young Mexicans represent a little more than 38% of homicide victims in the country in the last decade, according to the report Youth violence in Mexico, published in June 2012 by the World Bank (Ministry of Health [SSA], 2017) . The youth homicide rate tripled in just two years (from 2008 to 2010), when it reached 25.5 homicides per 100,000 inhabitants.

Family violence is the abusive act of power or intentional omission aimed at dominating, subduing, controlling or physically, verbally, psychologically, financially, financially and sexually assaulting women, inside or outside the family home, whose aggressor has or has had a kinship by consanguinity or affinity, marriage, cohabitation or maintains or has maintained a de facto relationship; This is established in Chapter II of the General Law on Women's Access to a life free of violence (Congreso de la Union., 2018).

According to the 2017 diagnosis of risk factors and victimization, the demographic characteristics of the population studied were that 91% were men and that the average age of the inmates was 17 years of age and less than 18 years. The results of the investigation



carried out in the Criminal Justice Center for Adolescents of the municipality of Chilpancingo, Guerrero, was similar in relation to sex, since 64% were men; however, the age of these adolescents was less than 16 to 17 years in 86% of the cases; that is, adolescents in the state of Guerrero commit antisocial behaviors at a younger age in relation to the comparative study.

Physical and psychological abuse at different levels caused by both parents was also identified in 100% of the participating adolescents, a figure that exceeds that reported by Barrera, Espitia and Gaitán (2012), who indicated that among the most frequent forms of violence identified in the adolescents in conflict with criminal law were intrafamily with 87%, physical abuse with various modalities and emotional abuse with 78%.

The study carried out on the type of abuse differs from that reported by Muñoz, Gámez and Jiménez (2008), since these authors reported that 78.5% of their participants had suffered some type of emotional abuse, 67% physical abuse and 37.6% sexual abuse. Indeed, in adolescents in conflict with the law of the Criminal Justice Center of Chilpancingo, Guerrero, Mexico, this last type of abuse was found in 21%.

The foregoing shows that treaties, conventions, declarations, as well as national regulations and institutions in charge of protecting the rights of adolescents, are not enough. Children and adolescents continue to be a completely forgotten sector of the population in the field of law enforcement, since according to the National Human Rights Commission, of the 45 internal treatment centers that are in operation throughout the In the Mexican Republic, 6 (13%) are male, 35 (78%) house men and women, and 4 (9%) are exclusively for women. Of this universe, 431 (30%) are subject to a procedure and 1,014 (70%) 5/62 are fulfilling a treatment measure; Likewise, 1,362 (94%) of them are interned for facts that the law indicates as crimes of the common jurisdiction and 83 (6%) for facts that the law indicates as crimes of the federal jurisdiction (National Human Rights Commission [CNDH], 2018).

In this context, the results offered by Azaola (2015) stand out, who carried out an investigation in the detention centers for adolescents in the states of Coahuila, Hidalgo, Morelos and Sinaloa. Their main findings were the following: 78% of the adolescents interviewed were between 16 and 18 years old, 22% had never lived with their father or had the opportunity to meet him, 41% suffered some type of mistreatment or abuse during their



childhood, 52% attended a high school degree or managed to complete this level, 35% were accused of robbery with violence, 22% for homicide, 17% for carrying prohibited weapons, 15% for vehicle theft, 15% for kidnapping and 10% for crimes against health.

In this same sense, another important document is the Special Report on Adolescents: Vulnerability and Violence, produced by the National Human Rights Commission (CNDH) in collaboration with the Center for Research and Higher Studies in Social Anthropology (Ciesas), published in the year 2017. In this document, the population under study was 17 entities, representing all regions of the country: Chihuahua, Durango, Sonora, Coahuila, Sinaloa, Baja California, Zacatecas, Puebla, Morelos, Hidalgo, Mexico City, State of Mexico, Jalisco, Oaxaca, Yucatán, Tabasco and Veracruz. The study variables were violence, vulnerability factors prior to crime, crime, detention and due process, institutionalization and the future of adolescents. The results were as follows: 49% of the adolescents interviewed were between 17 and 18 years old, 22% did not know and had never lived with their father, 41% suffered some type of mistreatment or abuse during their childhood, 28% managed to complete high school, 34% were accused of homicide, 24% robbery with violence, 13% for kidnapping, 12% for rape, 3% for crimes against health.

The aforementioned studies do not consider the state of Guerrero, however, the results of this investigation are similar to those reported in criminal justice centers in other states of the republic. In fact, it can be indicated that the majority of adolescents who commit behaviors in conflict with criminal law are of the male sex, and are between the ages of 16 and 18 years. Likewise, those with scarce resources, low education and a significant part of them have suffered some type of abuse and violence in its different forms; the most committed crimes are homicide, kidnapping, organized crime, robbery and possession of prohibited weapons.

The State, society, the family and educational institutions have the duty to care for and protect what is most precious in a nation: its children, girls and adolescents. Otherwise, there will be no present or future that could generate the conditions of a generational replacement.

The study of abuse and violence committed against adolescents is very complex and its approach is difficult; However, the present research has the strength of providing information on a population that had not been studied, which will allow planning and



implementing actions that prevent antisocial behaviors of adolescents.

The limitation of the study is that it was not feasible to investigate all the adolescents at the Criminal Justice Center of the municipality of Chilpancingo, Guerrero, so the results cannot be extrapolated to other criminal justice centers with similar characteristics. Consequently, it is suggested to continue exploring this line of research in order to provide information that is useful for the generation of public policies aimed at crime prevention and improving the quality of life of adolescents.

Conclusions

The results of the survey applied to adolescents in conflict with the criminal law of the Criminal Justice Center of the Chilpancingo municipality show that there is a relationship between violence and the type of crime committed. Violence is a complex legal and public health problem, and it is difficult to study. However, for social and cultural reasons of different kinds, it is known that children and adolescents suffer violence and / or mistreatment in those spaces and places that should be of protection, of affection, of encouragement to their integral development and of protection and promoting your rights.

The analysis of the results obtained from the population studied allows us to affirm that 100% of the adolescents surveyed presented some type of violence (physical or psychological) and had been attacked mainly by their caregivers.

Regarding other types of violence such as sexual abuse, of the total of adolescents surveyed, 21% stated that they had suffered this type of abuse at some point, the most frequent aggressor being the father or surrogate and strangers. On the other hand, the crime with the highest rate committed was homicide and injuries with 26%.

The factors associated with the violence committed against adolescents were poverty, unemployment, lack of education and family disintegration; For this reason, the State has the obligation to fulfill the function of guaranteeing Mexican families work, decent housing, education and social security in general. In fact, the conditions must be created for the defense and protection of rights for the benefit of adolescents, ranging from the legislative sphere to the effective participation of the institutions in charge of the protection of children's rights.



To prevent adolescents in conflict with criminal law from committing antisocial behaviors, it is necessary for the three levels of government (federal, state and municipal) to guarantee the basic needs of this sector of the population.

The institutions in charge of monitoring and safeguarding the rights of children and adolescents in Mexico must create more effective public policies that allow real monitoring of cases where family problems are detected in order to prevent mistreatment, abuse or violation of teenagers.

Federal and local legislators must promote laws that oblige the authorities in charge of protecting the rights of children and adolescents to act informally, that is, once a child or adolescent is detected in the streets on time from school, working or away from home, should be grounds for an investigation, and not wait for a prior complaint to exist.

Governments should increase the allocation of public budgets in focused and comprehensive policies for adolescents; As a priority, it is necessary that the System for the Protection of the Rights of Girls, Boys and Adolescents has a sufficient and progressive budget. Eliminate financial barriers in services for adolescents in order to reduce the risk of impoverishment for families by having to invest in elementary services such as health, due to the lack of quality, relevance and opportunity.

Implement and support public campaigns to transform norms and behaviors that affect the rights of adolescents, particularly regarding family violence, school dropouts, health care, sexual and reproductive information, crime prevention programs.

Likewise, create follow-up programs for adolescents interned in criminal justice centers with the aim of knowing the causes that originated or led to commit antisocial behavior so that once the internment measure has been fulfilled, the government of the day grants them all the necessary conditions so that it can be reintegrated into society.

On the other hand, and knowing that in the state of Guerrero there are multiple cases of crime, poverty, school dropouts, illiteracy, unemployment, social inequality, etc., the Legislative Power, together with the Executive (governor and municipal presidents), must promote laws for the benefit of adolescents, as well as allocating more economic resources and early care programs to create jobs for their parents or guardians.

Likewise, work on the creation of express institutions that monitor family problems, such as violence (in all its forms), abandonment, school bullying, etc. Regarding the



criminal justice centers for adolescents, the law on the matter needs to be modified, particularly with regard to the length of detention, that is, to go from 5 years to 3 years as the maximum penalty, when antisocial behavior is considered as serious. On the other hand, it is necessary to create a committee of specialists in problems of adolescents in conflict with the law to monitor and monitor the stay in the detention center, the conditions in which they live and the evolution of their behavior.

Finally, the surveillance and monitoring committee, once the adolescent has completed his internment, must monitor how he develops at home and with the family, and channel the skills acquired (work) in the internment center so that they can insert him to school or the job market depending on their age.

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