

**STUDIES ON JUVENILE
JUSTICE IN PERU**

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This book has been published by OPA-Niños Libres
- Arequipa - Peru

Peruvian National Library Register: 2025-04888

ISBN: 978-612-4874857

Studies on Juvenile Justice in Peru

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Primera edición

300 ejemplares

Hecho el depósito legal en la

Biblioteca Nacional del Perú

2025-04888

Editado por OPA-Niños Libres

Calle Beaterio 281-Arequipa-Perú

Impreso en:

E & M Impresores S.R.L.

Santo Domingo 306 Int 3

Arequipa – Perú

Junio 2025

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INTRODUCTION

We are pleased to present these two investigations regarding the situation of Juvenile Justice in Peru, led by Laura Karina Cervantes Chávez and Bruno Van der Maat, two outstanding professionals and members of our Association OPA-Niños Libres. They focus on two different aspects of Juvenile Justice in the country from different points of view. The former article analyses the way juveniles deprived of liberty experience the passing of time during their incarceration. The latter describes the situation of the different juvenile justice systems in Peru and their recent evolution. Together they tackle some of the problems that the juvenile justice system suffers in Peru.

We congratulate both authors and we are sure that these investigations will be of utmost interest for psychologists and criminologists not only in Peru but abroad as well.

Dr. Roberto Cervantes Rivera

President

OPA-Niños Libres

Arequipa -Peru

Arequipa June 2025

**TIMES IN CAPTIVITY:
THE SUBJECTIVITY OF ADOLESCENTS
IN CONFLICT WITH THE LAW**

Laura Karina Cervantes Chávez

INTRODUCTION

Conceiving an understanding of the subjective universe of incarcerated adolescents opens a complex labyrinth where the flow of time converges with the unique experiences of those who have been deprived of their liberty during a crucial stage of their lives. This book emerges as a resonant echo of an exploration into the subjectivity of adolescents in conflict with the law, confined within the walls of a juvenile detention center, with time as its central theme. Time as expressed through experience, through singular traces shared with others, through perceptions shaped by a concrete reality—through subjectivity itself.

At the foundation of this book lies a research thesis. Each page is an invitation to understand and reflect on a rarely exposed world, offering an open window into the complexities of subjectivity in the context of the deprivation of liberty among adolescents in conflict with the law. The themes that intersect within these pages are closely intertwined. The essence of subjectivity will be explored, unraveling how time, in its immutable

nature, can have a profound impact on those who live in confinement.

Here, each testimony from the adolescents at the juvenile detention center in Arequipa (Peru) becomes a window into their thoughts, emotions, and perceptions. Their sincere voices intertwine through a cognitive-emotional convergence. Beyond words, these narratives immerse us in their lived realities, offering an interpretation of time not only from a present-oriented perspective, but through multiple temporal lenses—past, future, and from a stage of life in which time reveals its own distinct characteristics.

Thus, this book positions itself against prejudice and stigma, in favor of deeper understanding. Ultimately, these pages reflect how interactions with peers, tutors, and others—alongside the opportunities (or lack thereof) available within confinement—shape their perception of time and, ultimately, their vision of themselves and their place in the world.

CHAPTER I

CONCEPTUAL APPROACHES

1. APPROACHES TO THE CONCEPT OF SUBJECTIVITY

Subjectivity is a term of profound conceptual complexity, which various psychological approaches strive to understand with precision. As society has undergone numerous transformations over the years, the uniqueness of individuals has come to be recognized, along with their relationship to their surroundings, the impact of these interrelations, and, ultimately, the construction of both individual and social subjectivity.

The conceptualization of subjectivity refers to the emotional and cognitive construction of individuals, which, through their uniqueness and relationships with others, forms an individual and social subjectivity. Experiences serve as the essential foundation, since through them the subject perceives and interprets their environment—guiding behavior and thought—while also being linked to other factors. Experiences are lived in relation to others, through social interactions that allow the exchange of meanings. It is essential to emphasize the importance of situating the cultural and historical context in order to meaningfully address subjectivity. Nothing is constructed without

acknowledging the impact of the environment on the subject and the diversity of cultural constructions present in each context. In this regard, it is important to highlight that subjectivity is characterized by its integrative and contextual nature within the human experience. It is not an isolated entity but is intricately connected to a range of aspects, including personal perceptions, internal configurations, social contexts, temporality, and cultural processes. Consequently, this term encompasses far more than mere individual perception, as it is deeply rooted in interaction with the environment and shaped by surrounding historical and cultural contexts. This perspective emphasizes that subjective experiences are shaped and mediated by external factors, contributing to the uniqueness of each individual's experience. Subjectivity refers to each person's uniqueness without detaching from the social dimension, and is always under construction; thus, subjectivity represents the singularity of experiences that hold unique meanings and values (González – Rey, 2008).

Subjectivity has often been misunderstood as something superficial or trivial, which distorts its true significance. In reality, it plays a key role in understanding social phenomena in depth and context. Unlike quantitative methods, qualitative research seeks to uncover the rich, lived experiences of individuals, going beyond surface-level data to capture the complexity of human reality. Subjectivity, as a network of perceptions, emotions, and thoughts that shape our experience of the world, is not a static phenomenon.

Throughout the human life cycle, it undergoes stages of metamorphosis that reflect the constant evolution of individual and collective psychology. Psychology reveals that subjectivity not only varies from person to person but also takes on unique forms in each stage of life. This is essential to acknowledge, as the subjectivity of adolescents cannot be understood in the same way as that of adults.

As adolescence unfolds, subjectivity enters a whirlwind of change and exploration. Identity becomes a process of continuous reinvention as adolescents navigate the turmoil of emotions and the search for belonging. Adolescent subjectivity is a crucible of internal and external influences, where social bonds, personal aspirations, and self-perceptions collide and blend into a constantly evolving mixture. Adolescents experience a fundamental need to define themselves within a world that often appears volatile and difficult to grasp—to know who they are and what their place in the world will be. In adulthood, subjectivity acquires a more nuanced depth, influenced by accumulated experiences and assumed responsibilities. Personal goals, social roles, and interpersonal relationships shape this stage of life.

In this sense, psychology reveals that subjectivity is a fluid and ever-changing entity, woven into the fabric of time and experience. Each stage of life shapes individual uniqueness through a mixture of not only cognitive but also emotional aspects.

2. APPROACHES TO THE CONCEPT OF TIME

Beyond its pragmatic utility, time is an enigma that has inspired philosophical reflections, scientific debates, and artistic explorations. Throughout the different eras of history, humanity has persisted in its quest to grasp and quantify time.

Time is not just a tool to measure events, it's a fundamental force shaping human life and development. Our daily actions unfold within its flow, making it a constant driver of change and transformation. We perceive its passage in the evolution of everything that surrounds us: what once was, is no longer, because time has left its immutable mark. Thus, the analysis of time becomes the ontology of human existence (Heidegger, 2011).

The notion of time demands a deeper understanding that transcends the mere quantification of passing hours. Beyond this quantitative dimension, qualitative perspectives emerge, providing meaning and significance to time in people's lives. It involves integrating the being who gives life to time's function, endowing it with purpose and transcendence. This integration, from a qualitative perspective, allows us to explore the connections between time and human experience, and how this relationship shapes our understanding of the world and our place within it.

Conceiving and theorizing time is a complex task. However, it is important to highlight that, when delving into the exploration of this concept, the idea emerges that time may be considered an inherent

bearer of meaning—thus playing an essential role as a facilitator in the production of knowledge. Fabian (2019) offers an interpretation of time based on the cultural foundations of historical evolution. He explains that, in past contexts, time held meaning primarily in relation to special dates, particularly within faith-based contexts. The trust placed in conceiving time in sacred terms emphasized its transcendence and meaning and guided daily life activities in accordance with sacred time.

For the performance of activities related to the sacred and to faith, it was necessary to establish a temporal space appropriate to the needs of the population holding that belief. For instance, in a study conducted by Usman (2018), the author explains that in the context of Islamic pilgrimage traditions, time and space are essential and significant for the activity to hold meaning and for the pilgrimage to be successful. That is, if the recommended time is not met, the pilgrimage would lose its sense entirely and be regarded as wasted time. In this sense, time carries a transcendental and mystical implication, accompanied by a religious narrative that demands the community's involvement. This intrinsic connection between time and subjectivity gains even richer dimensions when considering the subject in their context—rooted in space and intertwined in constant interaction with other beings and elements that compose their universe (Muñoz, 2015).

It is time that gives depth to our experiences, allowing moments to become memories and enabling experiences to be woven into the unique

narrative of our lives. Transcendence, therefore, is not limited to the pursuit of a higher state, but involves infusing each moment with meaning and exploring how every choice, encounter, and reflection is inscribed onto the ever-evolving canvas of time. Subjective configurations emerge from the interaction between individuals and their environment. The subject is shaped by the space they inhabit and those around them. Time, inherently dynamic, evolves with societal changes, reflecting shifting aspirations and models. It acts both as a subject and agent of transformation, influencing how individuals relate within a changing society.

In contemporary society, one of the most pressing challenges is the acceleration of the pace of life. Technology and globalization have created a culture of immediacy, where speed and efficiency are highly valued. This has led to the perception of time as a scarce and valuable resource that must be maximized. The essence of *why* things are done often seems irrelevant today. Fulfilling tasks without questioning or reflecting on them appears to be the most effective remedy in a pragmatic life. Frequently, such circumstances give rise to utilitarian mindsets devoid of meaning.

Confronted with a sociocultural imperative to keep up with others—driven by the belief that failing to do so is a waste of time and, by extension, a loss of opportunity and success—people now live in a state of constant hurry. This disrupts the understanding of transcendence, purpose, and the meaningfulness of experiences within a temporal

space. Such a way of life may lead to a harmful and hollow existence, particularly when it takes root during adolescence—a period marked by vulnerability.

The formation of subjectivities within this accelerated society poses a complex challenge. Individuals are pressured to adapt quickly to changes, which may generate tensions between personal identity and social expectations. The pursuit of meaning becomes an urgent task, as fleeting attention spans and constant exposure to stimuli hinder deep reflection and introspection.

The conception of time has shifted toward fleetingness, favoring chronology over meaning (Byung-Chul Han, 2016). Contemporary society, marked by constant digital connectivity, acceleration, and productivity, has become a “performance society,” where time is quantified and individuals are driven to optimize every moment. This pressure fragments experiences and diminishes opportunities for reflection and enjoyment. Han (2023) warns that such obsession with efficiency can lead to exhaustion and harm mental well-being, undermining our capacity to live time meaningfully.

CHAPTER II

THE CONSTRUCTION OF THE SUBJECTIVITY OF TIME

1. SUBJECTIVITY OF TIME

The subjectivity of time in the present era imposes new ways of conceptualizing how to cope with daily activities. This stems from the involvement in a highly competitive society that demands and imposes behaviors aligned with newly established social standards. In today's competitive society, time is no longer a comforting presence but a threatening force. The fear of wasting time turns it into a constant adversary, pushing individuals to keep moving and producing without pause. This antagonistic dynamic leads to exhaustion, frustration, and suffering.

In this context, it becomes essential to clarify how the conception of happiness intertwines with temporality. Paradoxically, the pursuit of happiness is always projected into the future—onto a horizon that has not yet arrived—causing the present to be dismissed and left unenjoyed. Living freely implies making decisions, assuming the role of active agents in steering our lives. This process of choice, while empowering, also imposes a burden of responsibility, as our decisions shape us and make us accountable for the paths we choose. Nevertheless, it is important to emphasize that the

notion of freedom should not only involve individual choices and actions, but must also be rooted in society's capacity to provide an environment in which real options are viable and equitable for all. In this sense, freedom cannot be fully experienced if it is constrained by unjust structures or systemic inequalities.

Accordingly, responsibility is not confined to individual accountability, but also extends to the community as a whole. A responsible society is one that acknowledges its role in creating and sustaining an environment conducive to the well-being of all. This entails taking collective action to address social challenges, promote justice, and ensure that decisions made in the name of society consider the well-being of all its members. Time reveals itself as an inexhaustible source of emotions—a receptacle in which a wide range of experiences converge. However, its significance transcends the mere accumulation of events; it extends into the very interpretation of these experiences, into the intricate phenomenology of human subjectivity. People's daily lives are guided by a conception framed by time. This suggests that human life has its genesis and development founded upon time.

Merleau-Ponty (2011), a key figure in phenomenological philosophy, argues that understanding time requires delving into what he calls a phenomenology of perception—an approach that reveals the existential experience of the individual. For him, perception and time are closely connected, with their interaction playing a crucial role in shaping our temporal experience.

Our relationship with time is not passive; it is an active, constructive engagement. Perception, in Merleau-Ponty's view, is not just about receiving sensory impressions but actively constructing meaning through ongoing interaction between our consciousness and the world around us.

2. ADOLESCENTS IN CONFLICT WITH THE LAW

Adolescence represents a phase of subjective transformations, as subjective meanings are shaped by significant influences from the external social environment. Psychological research highlights adolescence as a potentially vulnerable stage due to the instability, fragility, and uncertainty of the individual's position in relation to others. This exposure can be deeply frustrating for adolescents if they are not surrounded by protective factors but rather by risk factors (Fernández, 2018).

Adolescence emerges as a key period in the journey of human development, marked by profound subjective transformation. During this time, the fundamental pillars of subjectivity are significantly shaped under the influential guidance of the surrounding social environment. This stage is characterized by the search for identity, the exploration of new roles, and the construction of a deeper understanding of oneself in relation to society. Adolescents are immersed in a process of self-discovery, where interactions with peers, family members, and broader cultural influences play a vital role in shaping their subjective perspectives and sense of belonging.

Thus, during adolescence, young people are not only confronted with the challenge of forming a coherent identity in a constantly changing world, but they are also significantly influenced by their social environment—including family, friends, school, and the media. This complex interaction between internal and external factors can result in a fragmented and fluctuating subjective experience. Adolescents may feel pressured to conform to social expectations, often creating internal conflicts between their desire for personal expression and the fear of exclusion or rejection.

In this context, it is crucial to recognize the importance of protective factors in the adolescent's life. These may include a strong and supportive family environment, positive peer relationships, inspirational role models, and opportunities for self-reflection and personal growth. The presence of such factors can offer adolescents emotional security and a safe space in which to explore and build their identities without feeling overwhelmed by external pressures. In this regard, adolescence emerges as a period of deep subjective change, where the influence of the external social environment can be both formative and challenging.

Adolescents exposed to neglect or extreme adversity face significant personal and social challenges. These conditions increase their vulnerability and place them in particularly fragile developmental positions. The broad range of vulnerable situations faced by adolescents raises essential questions about society's response to these contexts and the

responsibilities that lie within it. It is imperative to reflect on the necessary measures and policies to adequately address these realities. Within the spectrum of vulnerable adolescents, a particular group requiring special attention is those in conflict with the law. These youths, in addition to facing the adversities common to adolescent development, are immersed in a legal system that often lacks the appropriate tools to meet their specific needs. The intersection between vulnerability and the juvenile justice system presents significant challenges for both society and the professionals working with these individuals. Understanding their experiences and needs is essential in order to provide them with real opportunities for rehabilitation and reintegration into society.

Kekes' (2006) reflection on how social conditions may or may not influence the commission of criminal acts is key when considering adolescents in conflict with the law as a vulnerable population. These young people often come from disadvantaged social backgrounds where limited opportunities and exposure to crime increase their risk of becoming involved in criminal activities. However, as Kekes points out, the explanation of such behaviors goes beyond the adverse conditions in which they grow up. It is necessary to delve into why these conditions persist and how society—including the State—is either fulfilling or failing to fulfill its fundamental commitments to childhood. The lack of protection and support for these vulnerable youths may contribute to their involvement in criminal acts, highlighting the importance of addressing not only the consequences but also

the root causes of juvenile delinquency. The reluctance to implement substantial measures to combat societal indifference toward children and adolescents underscores the need for a new paradigm and new alternatives in both approach and action.

An adolescent in conflict with the law is defined as a person who, due to various circumstances, has come into contact with the legal system for violating its provisions. Legally, an adolescent is considered a minor between the ages of fourteen and eighteen who has committed or is accused of committing an offense and is therefore held responsible either as the perpetrator or participant. Consequently, they fall under the jurisdiction of the State, which bears the responsibility of determining an appropriate socio-educational measure aimed at promoting their re-education and effective reintegration into society (Legislative Decree No. 1348, 2021). It is important to highlight the deliberate use of the term *“adolescents in conflict with the law”* instead of *“juvenile offenders.”* This conceptual choice is significant, as the latter term often carries a connotation that may be misinterpreted as an intrinsic personality trait of the young person, potentially having negative implications for their subjective development. In contrast, the phrase *“adolescents in conflict with the law”* emphasizes the situational nature of this reality, underscoring that these individuals are not destined to be offenders for life, but are temporarily involved in a legal conflict. This distinction is essential for understanding that adolescence is a stage of change and development, and that being in

conflict with the law does not permanently define their identity or future.

In this context, it becomes essential to consider the multiple facets that shape the figure of the adolescent in conflict with the law. This label does not merely refer to someone who has violated the law, but to an individual navigating a critical stage of personal and social development. This raises the question of how such an experience will influence the adolescent's identity construction and their perception of themselves in relation to society.

The distinction between the concepts of "*adolescents in conflict with the law*" and "*juvenile offenders*" is a fundamental nuance that underscores the importance of avoiding stigmatization and static views of subjectivity (Van der Maat, 2007). Referring to these youths as "*adolescents in conflict with the law*" highlights their potential for transformation and rehabilitation. This terminology reflects the understanding that their current circumstances do not define their long-term identity, but rather represent a moment in time that calls for support and guidance in overcoming difficulties and moving toward social reintegration.

Using the term "*adolescents in conflict with the law*" paves the way for a more compassionate and therapeutic approach. It acknowledges that these young people may be facing emotional and psychological challenges, such as behavioral issues, impulsivity, lack of conflict-resolution skills, or past traumas. This perspective suggests that, rather than simply punishing their actions, it is essential to address the psychological and emotional

needs of these adolescents in order to aid in their rehabilitation and reintegration. Furthermore, this approach can help mitigate the stigma associated with the label “*offender*,” allowing these youths to envision a positive change in their lives and a successful reintegration into the community.

Moreover, the legal framework governing adolescents in conflict with the law also acknowledges the need for approaches that prioritize re-education and reintegration into society. This aligns with the idea that the subjectivity and potential of these youths should not be judged solely based on their past actions, but considered within a broader context of development and growth.

Thus, understanding the adolescent in conflict with the law as an individual in a dynamic process of change and development allows for a more comprehensive view of their situation. By recognizing their capacity to evolve and transform, the door opens to strategies and measures aimed at promoting their successful reintegration into society, offering them the opportunity to rebuild their identity and forge a more positive path toward the future.

3. JUVENILE JUSTICE: DEPRIVATION OF LIBERTY

Legislative Decree 1348 (2021) states that deprivation of liberty for adolescents should be a last resort and as brief as possible. However, basing its duration solely on legal criteria may undermine the rehabilitative goals, as the focus

should be on the adolescent's specific treatment needs. Therefore, it is essential to emphasize that the duration of a young person's stay in a juvenile center should be approached from a psychological and rehabilitative perspective, rather than from a purely legal or punitive standpoint. Every youth who enters a juvenile facility has a unique life story, with personal experiences, risk factors, and specific needs that contributed to their involvement in criminal behavior.

In this context, the decision regarding the length of stay should be based on an individualized assessment of the adolescent's needs and progress in the treatment program. This involves considering psychological, emotional, and behavioral factors, as well as the young person's ability to achieve the established rehabilitation goals. Such an approach is better aligned with the aim of reintegrating the adolescent into society as a responsible individual who is aware of the consequences of their actions, rather than merely serving a predetermined sentence behind bars.

Article 37 of the Convention on the Rights of the Child affirms that deprivation of liberty for minors must be a last resort and does not exempt the State from guaranteeing their rights. It also requires humane and age-appropriate treatment, calling for critical analysis of how these standards are upheld (UNICEF, 2006). This calls for an analytical and critical understanding of how this last-resort measure, as expressed by the Convention, is respected. It appears that the juvenile justice system resembles the adult criminal justice system;

although in theory, the characteristics of each system differ, in practice, they are quite similar. In such a context, the specific needs of adolescents in detention may not be adequately addressed, which could result in the violation of their rights and hinder the objectives set by juvenile centers.

As Beloff (2021) states, the juvenile justice system must align its legislation with international standards. A major weakness of the juvenile justice system is that it has developed alongside the reform of the adult criminal justice system, and therefore, intervention processes with adolescents are often conducted from an adult-centered perspective, using language that is unclear to the adolescents themselves. This becomes a significant issue for juvenile justice reform, because if there is one thing that defines the essence of adolescence, it is time.

The discrepancy between the system's pace and the adolescent's perception of time can create a communication gap that hampers understanding and the effectiveness of measures. Adopting clear and accessible language for adolescents becomes an unavoidable imperative, as their understanding and meaningful participation in the system largely depend on the ability to adapt interventions and procedures to their unique temporal experience. Ultimately, the challenge of juvenile justice reform lies in its ability to synchronize the gears of the system with the vital pulse of adolescent time, recognizing that the very essence of this crucial stage is intertwined with a dynamic and distinctive notion of time.

Juvenile justice must take into account the historical and cultural dimension, which calls for a differentiated justice system for youth, since every adolescent's life story is different. Adolescence is considered a transitional stage to adulthood, which requires analyzing the needs of this age group when they are in a state of vulnerability to prevent negative consequences that may emerge in adulthood (Cardozo et al., 2019). Adolescents, being in a period of change and identity formation, are particularly susceptible to external influences and experiences that can shape their future development. Addressing these needs from a preventive and supportive approach can help mitigate the potential negative effects that could arise in adulthood. Therefore, understanding the specific needs of this age group becomes a fundamental pillar in building a juvenile justice system that not only punishes but also rehabilitates and provides the necessary support to ensure a healthy and productive transition into adulthood.

It is important to recognize that the individual exists within a temporal context and that human consciousness is determined by historical and socio-cultural dimensions. Time can gain depth when understood as having meaning and significance for the individual (Soto & Vargas, 2017). The subjectivity of an adolescent in conflict with the law is shaped by the significance of time; thus, the adolescent's social experience during deprivation of liberty creates an emotionally charged symbolic unity within a temporal context. As González-Rey (2008) states, a person's subjectivity is integrated within a specific social and

temporal space that originates from other social environments. Subjective configurations are not fixed but are continuously evolving. This process involves not only rational aspects but also symbolic and emotional factors, which play a crucial role in shaping everyday behavior.

The social issue of adolescents in conflict with the law is not an isolated matter detached from society and social actors; on the contrary, it involves them. The situation of adolescents in conflict with the law encompasses a deeper issue that should not be viewed solely from the present moment when the adolescent is found responsible for an offense, but rather from a broader temporal perspective, including the past shaped by the adolescent's life history and a future beyond the period of detention (Gómez, 2017).

Likewise, this holistic intervention approach would not only involve judicial institutions and administrators but also the adolescents themselves and society as a whole. As González-Rey (2014) points out, the recovery of a subject involves a historically given social genesis, which means that the problem should not be centered solely on an individualistic approach. This view resonates with the idea that social problems should not be reduced to mere individual aspects, but rather understood within a broader framework of social influences and dynamics. Considering both the personal history and the social circumstances in which adolescents live can shed light on the underlying causes of their behavior, and thus guide more comprehensive and effective intervention strategies.

Throughout its historical development, juvenile justice has gone through various phases of transformation. However, it is noteworthy that, despite the passage of time, the notion of punishment remains deeply ingrained as a method for re-educating and reintegrating adolescents in conflict with the law. It is paradoxical that the State assumes full responsibility at this crucial stage without having previously implemented preventive policies that could mitigate early contact with the legal system and other risks that endanger both the adolescent and the community. The absence of a solid and proactive preventive approach undermines the very purpose of juvenile justice, since effective reintegration and re-education must be based on prevention and the early addressing of risk factors.

The deprivation of liberty of adolescents in conflict with the law is a measure imposed as a last resort, with the aim of promoting the adolescent's reintegration into society as a functional member. This socio-educational measure is imposed by a judge for a determined period, during which the adolescent coexists with other young people also in conflict with the law, as well as with teachers or educators, administrative staff, and security personnel. In deprivation of liberty, the only right that is restricted is freedom, while all other rights remain intact; therefore, it is crucial to emphasize that deprivation of liberty does not exempt the State from fulfilling and protecting the adolescent's other fundamental rights. Likewise, within the juvenile justice system, deprivation of liberty includes the establishment of specific rules within

the juvenile center that adolescents must follow without protest (Bermúdez, 2021).

Wenk (2020) explores how adult-centered perspectives shape legal conceptions of childhood and adolescence. She argues that judicial practices often reflect adultist biases, rooted in the belief that adults hold superiority over young people. This adult-centered framework reinforces unequal power dynamics, portraying adulthood as the norm of value, visibility, and control, while viewing childhood and adolescence as incomplete stages merely preparing for adulthood).

CHAPTER III

SUBJECTIVITY OF ADOLESCENTS DEPRIVED OF LIBERTY

Currently, the socio-educational measures imposed on adolescents within the juvenile justice system have become one of the most impactful social problems in our Peruvian reality. Adolescents in conflict with the law enter a semi-closed or semi-open system. The semi-closed socio-educational measure seems not to guarantee their re-education and subsequent reintegration into society. Instead, it appears to be a mere waste of chronological time, where the adolescent simply waits to serve their sentence without meaningful purpose or consequence (Ramírez, 2019). The gap between socio-educational measures and their actual impact on re-education and reintegration highlights the need to reassess and reform intervention strategies. Programs should focus on providing real opportunities for change and growth for young individuals in the juvenile justice system.

The contextualization of juvenile justice issues opens sources of analysis in relation to this reality. This is not about simply justifying life stories linked to juvenile justice, as this problematic reality is more complex. The criticism here can be placed on the state's role before an adolescent comes

into contact with the law. Thus, the conception of social order as a power structure becomes evident, meaning that the state institutionalizes a young person in conflict with the law not to re-educate or restore the individual, but to demonstrate the state's power over anyone who attempts to violate it. As Van der Maat (2016) mentions, the rule of law functions as a basic principle in a democratic society and encompasses the justice system; however, in the face of growing complexity in understanding the rule of law, a myth persists that claims the law solves all problems and is the only way to save society. It is important to emphasize that life cannot be lived solely with the law; there are other factors that contribute to understanding a justice system.

Samaja (2017) states that subjectivity and time build upon one another, as their existence implies an understanding of both in an intimate relationship. Time passes when the individual perceives it as such; that is, the subject lives in subjective time. Adolescents deprived of liberty unfold their being through their subjective relationship with time. Their stay in institutionalized centers continues to shape new subjective configurations, which may not have been formed before or, in other cases, are reinforced by the context they are in. On the other hand, subjective time is not formed solely by the individual but through their connection with others, as humans are inherently social beings.

As Zhao (2020) mentions, subjectivity in today's society denotes new references to the transcendence of the subject from an endless

past to an endless future. This author asserts that experiences and events pass through time, but time itself remains unchanged, eternal, and indifferent to what happens. In light of this view, the only way time can find foundation is when it is endowed with subjectivity; therefore, time becomes the very medium and condition of the subject's existence.

According to González-Rey (2018), subjectivity encompasses the symbolic and emotional outcomes of lived experiences, bridging the individual and social spheres. Despite their connection, expressions and effects remain distinct in each context. This perspective suggests that how adolescents in conflict with the law perceive time is shaped by the emotions, meanings, and symbols linked to their unique circumstances. Within this understanding, the inseparability of the individual and social aspects of subjectivity is highlighted. This suggests that how these adolescents internalize and make sense of time is influenced by both their personal history and the social factors surrounding them. Despite this fundamental unity, unique expressions and effects in each system are observed, implying that the subjective experience of time can vary widely from one adolescent to another, even within the same deprivation of liberty setting.

The interaction between the individual and social aspects of time subjectivity may play a crucial role in how adolescents in conflict with the law perceive their experience of deprivation of liberty. The connection between emotions, symbols, and lived experiences can shape their understanding of

the passage of time and affect their ability to find meaning and purpose in this situation.

Humans are situated within a historical-cultural context that shapes the construction of their subjectivity; however, this is also linked to the subjective constructions of others, thus building a social subjectivity that goes beyond the conscious representations of the person. From the historical-cultural perspective, González-Rey (2018) maintains that subjectivity has an essential characteristic that denotes transformative and imaginative resources that promote human existence from essence and meaning. Recognizing the importance of interdisciplinarity is essential when discussing the inseparable unity of subjectivity, as from this perspective, it is understood that the human being is more than a behavioral analysis. Rather, they are embedded within a social system governed by policies that regulate the functioning of society and, therefore, the individual and social constructions of subjectivity (Fossa, 2021).

Each society addresses different social problems in various ways, and thus, the construction of social subjectivity occurs differently in each community. In the case of Peru, there are numerous vulnerable groups, particularly children, and adolescents, who face a wide range of needs and constant care across different dimensions, unlike the adult population (Cervantes, 2021).

According to the National Observatory on Gender Violence (2018), children and adolescents are at a disadvantage as they lack the autonomy to ensure the exercise of their rights, placing them in a

vulnerable situation. González-Rey (2013) describes from a social sciences analysis, a historical-social framework based on the dominance and influences of structuralism and rationalism that have subjected the transformative capacity of human beings for years. These currents express a clear incompatibility with subjectivity, reducing it to a secondary expression or an epiphenomenon.

CHAPTER IV

TESTIMONIES OF ADOLESCENTS

There is no universal subjective meaning, even if a person is immersed in a context similar to another person; subjectivity is a production that the subject constructs in relation to their world. Therefore, this production is singular, and it is in the singular that intellectual productions can be found as sources of study. Furthermore, there is a strong connection between social and individual subjectivity, as both are deeply intertwined, with the subject representing the link between the two in a singular way (González - Rey, 1997).

Through the interviews and dialogue, the adolescents interviewed emphasized their experiences regarding the perception of the subjectivity of time in an environment of deprivation of liberty. For privacy reasons, only the ages of the adolescents who participated in this study are mentioned, and each of them is given a fictitious name.

Juan (16 years old)

Juan is a 16-year-old adolescent who entered the Juvenile Center at the age of 14. He was born in a city outside of Arequipa and, due to his detention measure, this is his first time in Arequipa. In his hometown, he lived with his parents, with whom

he had a somewhat distant relationship, although he loves and misses them. He began consuming alcohol at an early age due to the influence of friends living near his house. He does not perceive the consumption of this psychoactive substance as harmful to his health or development; on the contrary, he sees it as a form of relaxation. His motivations for reintegrating into society and fulfilling the objectives of the center are unclear, and his lack of understanding about the goals and objectives of the center where he resides is also emphasized.

"I'm 16 years old, and I've been at the center for 2 years and 8 months... Every time we introduce ourselves, we always say our age and how long we've been here, only some of us, those who inspire confidence, tell their story about how they got here, but in the end, everyone finds out about your mistake, I don't know how, but everyone finds out why you're here at the center. So, when they ask how you're doing, you don't know what to say, you have to take a few minutes to think before you answer... I'm not from Arequipa; I'm from another city and I still can't get used to the weather here... To me, freedom is being with my parents, eating what I want, and going where I want, I really miss my mom's food".

"Being locked up is horrible, I wouldn't wish it on my worst enemy, from the beginning, you don't feel comfortable, but you have to adapt even if you don't want to. Being locked up has also taught me that there is no such thing as friendship, you're alone all the time. I don't believe in friends, I just

have acquaintances, especially with people from here... Being locked up also makes you reflect and think about our mothers, what we call the 'thinker' here, but when you think about your mom, you feel like crying, but that's not allowed here, I don't know why, but no one cries, only the newcomers... I think it's not fair, I should have received more years, I'm going to pay for what I did, I know what I did was wrong and that it shouldn't be done, but what makes me regret the most is being surrounded by people like those here, I feel angry at some who tell their stories like they're stars. I only hang out with my friends who are from my city".

"Being here is boring, I know what I have to do every day, nothing changes, we have our activities already scheduled, we rest a lot, it's fine, but sometimes it gets boring; sometimes I wish I could go out and have a couple of drinks, I've been drinking since I was 12 with my friends who lived near my house... To me, adolescence is about having fun because when you're old, you won't be able to enjoy life like you would now... I once thought that when I get out, I'll be older and maybe everyone will see me as old, but it's what I deserve, maybe my girlfriend won't want to be with me anymore because of the time I've been away from her for being here".

"The purpose of being in this center, I know I have to be here because of the mistake I made. I feel like everyone who is here should suffer for the damage we've done, and what bothers me is that some complain when others bother them, but I wonder how they don't feel ashamed to complain when they deserve to be punished for what they've

done... I feel like that purpose is being fulfilled, many of us suffer simply because we don't get to see our families... I don't really remember the objectives of the center, but they've told us, I just don't remember exactly, I just know it's not to be bad anymore... Some things have changed my way of thinking since I've been here, for example, I used to wear tight pants, jeans, but when I get out, I'll never wear that kind of clothes again. Also, something I've learned is that I used to think only women sewed, I never thought I'd learn to knit and sew, but I do it really well, I've sent some of the things I've made to my mom and she liked them... Living with my peers is not nice, but you have to get used to it because there's no other choice, I'm like leather, I can endure everything without complaining".

"Time goes by very slowly, every day is the same, except for the weekends when we can play soccer and the days we have family visits, that's when time flies, especially because visits are every two weeks. The only thing that hurts me about the visits is knowing the effort and the trip my mom makes to come see me... The sad part is that when I get out, I won't be able to go back to my city because if I go, I'm sure I'll cease to exist, so I have to stay here to find a job and bring my mom to live with me".

Marco (17 years old)

Marco is a 17-year-old adolescent who entered the Juvenile Center at 16. He was born in the city of Arequipa, lived with his parents with whom he considers he had a normal relationship, and greatly values and loves his brother despite not

living with him. Outside the center, his greatest interest was playing video games on the computer, and he considered dedicating himself to this after finishing school. Marco believes that his case is special and that he shouldn't be in the center, as he needs professional help from psychologists and psychiatrists in a mental health institution. He knows the center's objectives, but his confidence in their effectiveness is not strong.

"I'm 17 years old, and I've been in the juvenile center for a year. I still have four more years to serve... To me, freedom is food because eating what I like changes my mood, sometimes I don't like what they cook here, and that makes me angry; also, being free is about playing video games whenever you want, without anyone telling you that you can't".

"Being locked up, on the other hand, is not being able to do anything you like, enduring shouts, and being in the same place surrounded by the same people every day. That gets boring many times because there are no changes, everything is the same, but that doesn't affect me. I remember when I was caught and they told me I was coming here, I didn't feel anything; it was as if I was expecting the news... I don't know how to respond to whether I think the years I was given are fair or not for what I did. I feel that, on one hand, I deserve to be locked up, but not here; I should be in a psychiatric center that helps me with my condition. It's tormenting and sad to think that I'm wasting my time here when I could be following psychiatric treatment that helps me recover. I've requested this and am waiting for a response because I'm not okay, there's something

in me that needs evaluation and treatment”.

“Being here is easy to summarize; everything is the same. I usually spend my time feeling drowsy because I’m on psychiatric medication, and those medications make me very sleepy... Adolescence is a stage of life with different characteristics... I feel like I shouldn’t be here because this is not helping me, I need a psychiatric center that can help me with what I have, because staying here will only result in me leaving without any change. I want to change because when I was arrested, my parents were at a point where they couldn’t believe what was happening, and well, they don’t visit me, I imagine for different reasons, including disappointment. The only one who comes to visit me on family visiting days is my brother.”.

“The purpose of being here is to change the way of thinking, but not everyone achieves this. Some do, generally for their families, because they no longer want to make their mothers suffer, but others continue the same way, they just fake it... I don’t consider my peers here as friends, I wouldn’t even think that. If you get into trouble, you’re alone, no one will try to protect you, but I could say it’s good to join a group so they don’t see you alone... Every day that passes feels like a month, a wasted month, which makes me go into what they call ‘the thinker,’ where I feel that I’ll leave here older, and no one will welcome me outside. It’s very sad being locked up, and I get frustrated every time I have these thoughts. I feel that I’m not being helped here; on the contrary, they’re just controlling me... Any activity outside the routine is fun, we’re used

to living exactly the same way every day, and that gets boring, so any new activity is pleasant”

“Time passes very slowly. I don’t enjoy being here, but I wouldn’t want to escape because that would make me stay longer or send me to another center. I think that until now, I’ve never felt that time passes quickly, I only felt that way when I was outside playing video games, time there passed very quickly”.

Joaquín (16 years old)

Joaquín is a 16-year-old adolescent who entered the Juvenile Center a few months ago. He was born in a city outside of Arequipa, where he lived with his mother, with whom he had a close relationship. He loves and admires her a lot for the effort she makes to support him and provide him with the means to study. Outside the center, his main motivation was to finish his studies successfully. Joaquín believes that he had good grades in school and maintained a good relationship with his classmates and teachers; however, the friends close to his home were not a good influence, and he now considers them bad company because they led him to come into contact with the law. His stay at the Juvenile Center has provoked different responses, including a point of reflection. The adolescent states that the center’s objectives are indeed fulfilled, especially for him, because he feels that his time in the institution has provided him with many learning experiences, and he will leave renewed, determined not to return.

“I’m 16 years old, I just entered the center, and

I'll leave in 3 months. I'm not from here, I'm from another city. As soon as I leave this center, I will go back to my city to be with my mom... For me, being free means many things; you can do whatever you find fun, you can be alone whenever you want. Being free is living well".

"Being locked up means having your rights taken away, having to settle for the experiences you live through, having to conform to the people you live with; it's horrible, I never thought I would end up in this center, I never imagined being away from my mom at this age. At first, I was scared of everything and everyone. I thought when I got here, they were going to hurt me. It felt like the movies, where they do things to the newcomers, but that's not real. They do bother you, yes, but no one hurts you. I consider the juvenile center like a demanding school... I don't think the time they gave me is fair, I didn't have responsibility for what happened. I just ran into the person who did it, and we walked together until the police came. Being here will make me lose my studies. My mom already spoke with the director of my school, and she said that I'll have to repeat the year because I'll be absent for many months. This bothers me because my studies were the most important thing to me, especially because my mom worked hard to pay the tuition, and now it will all be wasted because I'll lose everything. That time can never be recovered... I feel that being here has made me reflect on the friendships I have outside, which are not good for me, and are more responsible for me being here, losing my year of study, and now everyone in my neighborhood will have a different view of me. I don't consider myself

a delinquent, and I wouldn't like to be seen as one when I get out. I'm scared of what might happen when I leave, that my classmates won't want to hang out with me, or that they'll be afraid of me, and that will make me end up alone".

"The purpose and goal of the center is to re-educate us and reintegrate us into society. I feel that this is accomplished, but not for everyone. For example, I thank God this happened to me at this age and not when I was older because coming here is not like a prison. Here, the educators treat you well. I feel it's like a rigorous school where you just have to follow the schedule. There's no problem with the teachers if you respect the schedule, if you're punctual, if they call you, you go quickly, or if the bell rings, you line up quickly. You won't have any problems... The most recurring emotions at first were fear and loneliness, but the guys aren't bad, some are, but others aren't. Thankfully, I came in with another guy, which made us friends, and I made a couple more friends. I told them my story, and I feel they always give me advice... I've learned new things, some I liked learning, and others not so much. For example, at first, I would lose my things, and I would go and complain to my educator. This is the worst, because they start calling you a snitch, and the educators yell at you for letting yourself be robbed. This made me think that it's better to stay quiet and solve your problems alone... My mom, despite living far away, came to visit me, and when she came, I couldn't help but cry with her. In a way, that experience made me feel guilty for seeing my mom cry, but at the same time, relieved because I promised my mom that she would never see me

in a center like this again, because I would study hard”.

“The visit time passes really quickly, it feels like you only have five minutes to talk to your family; in contrast, the time when you’re in your program or activities feels slow”.

Pablo (17 years old)

Pablo is a 17-year-old adolescent who entered the Juvenile Center two months ago. He was born in a city outside of Arequipa, and his first experience with the city of Arequipa is due to his measure of internment. He and his family have gone through many adverse situations due to economic reasons, which led to family conflicts. Pablo’s situation is a preventive measure and not a sentence, so the length of his stay is uncertain. He partially knows the objectives of the center; however, he believes that the time is the price he pays for his freedom.

“I’m 17 years old, I’ve been interned for two months since I arrived at this center, I’m not from this city; for now, I’m feeling calm. I thought I would never adapt to being here, but after a few weeks, I’m starting to adjust and understand how things work around here... Freedom is being on the street, studying, and always being with your family. You don’t really appreciate your freedom until you lose it. When you’re outside, it’s different; you can do many productive things, but one thing I know for sure is that whether you’re free or locked up, if you don’t have money, it’s like living in a cage”.

“Being locked up is ugly. When I arrived the first day, the first thing that came to my mind was that

they were going to beat me and that no one would protect me, but that wasn't the case. I mean, they don't beat you, but some do treat you badly, they say it's a tradition with the newcomers. Here in confinement, the quieter you are, the better. Not just with your peers, but with the staff working here. Your voice can be seen as a threat or a provocation for disorder... I know it was wrong to do what I did, I don't justify myself, I'm paying for it now, I'm serving my time, and that means I don't owe anyone anything because I already paid with my freedom, that's why I'm here. So, when they came to arrest me, I didn't resist, I cooperated in every way. I don't know how much time I'll have to stay here because my situation isn't sentenced, it's preventive, so what's left is to get used to it. I don't even want to think about it because when I get those thoughts, I remember my parents crying, and especially seeing my mom cry, it breaks my heart. I have to be strong no matter what".

"I don't exactly know what the objectives of the center are, but I know it's to help the kids here change their way of thinking. I don't think everyone achieves that, especially the ones who don't have family visits. They act like they don't care that their family doesn't visit them, but I feel that deep down, it hurts them to know their family has forgotten about them or no longer cares to visit. It's like indirectly telling them that they know they'll never change, so why try to convince them otherwise. In contrast, I'm one of those people who will meet the center's objectives. When I leave here, I won't owe anyone anything because I've already paid. I will change".

“When you’re locked up, your emotions are also locked up. It’s like being in airplane mode, and you don’t express anything... I’ve learned many things while being here. Not everyone is the same. From there, you realize that everyone thinks differently, even if they committed the same crime. My peers have taught me many funny things, and the workshops have also taught me things I can do outside. Well, now I know that one of the ways I can help society is by becoming an educator. I would already know what it’s like to be locked up, and I could guide the kids so they don’t get stuck”.

“Even though I feel like I’ve adapted quickly, being locked up still affects me. The days feel like years, and the days before family visits are slower, as if each day is two years long, especially because everything is boring here, it’s always the same. But on visit days, the minutes fly by, as if each minute were a second... From my peers, I’d like to say that I hope they change because there are already many of us in the center, and I imagine there are other bad kids outside. I feel like I have some friends here, but I mostly see the others as a threat, thinking that if they get the chance, they might hurt me or some other newcomer”.

José (14 years old)

José is a 14-year-old adolescent who entered the Juvenile Center a few months ago and has a 4-year sentence. His main motivations are his family and his faith in Jehovah. Before entering the center, he lived with his parents and sister, with whom he had a close relationship. He mentions missing them a lot and wanting to be with them. He had a good

academic development in school, and to avoid harming himself academically, he continues his studies at the CEBA (Basic Education for Adults) in the juvenile center. He considers that there are bad adolescents who can be harmful as friends, so he prefers to keep his distance from them. He partially knows the objectives of the center but finds internal motivations for change and transformation.

"I'm 14 years old; I've been in the center for a year, and I have about 3 more years left. When this happened, I was really scared because a huge number of police officers came to get me. I felt cornered, but I knew it was because of my responsibility for what I had done. What hurt me the most was seeing my parents witness the whole scene. There were screams, crying, everything. When they told me I would be transferred to a juvenile center, I didn't even know what that was, so I imagined they would take me to a prison, and I was even more scared. When I arrived at the center, they had me in isolation for a week due to COVID-19. I felt happy because I thought I would be alone, and that was good because my fear decreased. But when they took me out, everything changed. My fear went up again. That's especially true at first because you're new, and you don't know how things work and why they bother you for being the youngest. I'm one of the youngest in the center".

"For me, freedom is everything. It's being close to your family, your friends, your extended family, going wherever you want, eating what you want, watching videos and movies, having a phone, which

is what I miss the most, playing soccer... Freedom is everything... Being locked up is horrible. It's all rules and norms. You have to know what you can and can't do. Yes, I know I deserve to be here, but even though I know I deserve it, I don't like it. I'd rather be taken to a military school. What happened was a mistake, and it's something I would never do again. I always prefer to forget it and stay busy in the workshops so I don't remember it, but when I start thinking about it, it always comes back. It's like a nail that I will always be a prisoner of. I'm a believer in Jehovah, so I always pray for forgiveness and not to make the same mistakes again".

"One of the tests for God that I want to change is that I don't hang out with the kids I know are bad and will never change, and I want to continue my studies in the CEBA. I'm one of the top students... I feel like I'm not wasting time because I'm learning to change, something I couldn't change outside. So being here is beneficial for me, and I'm grateful that I'm not in a prison but in a juvenile center".

"My family is what I love most in the world, so one of my driving forces to not come back here is my family, especially my sister, who has been told that I went on a trip. She doesn't know I'm here. She's younger than me... I don't exactly know what the objectives of the center are, but I know it's for us to change our way of thinking and acting. Here, you learn many things, but in some cases, it's better to act dumb and not learn bad things, which are the new things learned here, which is the majority".

"Time goes by very slowly, but you get used to it, so it's better not to know what day it is. Here, we don't

manage time by days. You usually only see the passing of months, and in some years, the passing of the years of your sentence”.

Simón (17 years old)

Simón is a 17-year-old adolescent who has been at the center for two years. He has experienced situations that have left him vulnerable and put him at risk. His parents were unable to take responsibility for his care or that of his siblings, so both were placed in a shelter. Since childhood, Simón has lived deprived of freedom. He mentions that when he was a child, he often tried to escape from the shelters, but now that idea has changed, and he prefers to stay at the center to serve his sentence. He has a deep fear of being locked up as an adult, so he has set a life plan that moves him away from that perspective of confinement. He has a strong bond with his siblings, and it is expressed that Simón wants to take care of them when he comes of age and leaves the center. His mother visits him at the center, but there are a multitude of emotions that surface in the adolescent.

“I’m 17 years old and I’ve been in the center for two years. I get out in eight months. I’ve been in shelters since I was 9 years old. My parents were never able to take care of me, so they left me in a shelter. Since I was a child, I’ve always tried to escape those places. I never liked it. It’s hard to live like this, but at some point, you just give up trying to escape, and you get used to being locked up. What brought me here happened in a shelter, but everything got misunderstood. They never let me explain it, or maybe I didn’t know how to do it”.

"Thinking about freedom is complicated for me because I've never really experienced it. That's caused fears in me. I don't like being locked up, but I fear ending up in the Socabaya prison for some other reason, as if I'm destined to always live locked up... Being locked up becomes a way of life that time helps you get used to, and you stop resisting everything that comes with confinement. For example, here at the juvenile center, I feel like it's a school. If you don't mess with the right people, you'll be fine. I think that's a skill I've learned, knowing quickly who not to get involved with. What I liked about being in the shelter was that I could take care of my younger sisters. Since they brought me here, I don't know how they're doing. I only found out that in the future, they'll be with my uncles, but if I get out of here, I'll adopt them because I'll be of age... I don't feel it's fair to be here with the amount of time they gave me. Confinement eats away at your mind, especially because here, you don't know what's going on outside. You don't hear the news; you only find out about some things through the comments the educators make to each other. That's why I don't think my confinement is fair, but I'm taking it as an opportunity to improve, to mature once and for all, and to change the way I think".

"While I've been here, I've learned many things that will help me work outside. Now I know how to sew, knit, make scarves, and make traditional hats. I've also learned to play instruments. I can play at least three instruments well. So, I'm thinking of dedicating myself to that, to being a musician or a tailor, because I know I won't be able to get

another job”.

“The goal of being here is to reintegrate adolescents and teach us that every experience has its time, and every task requires discipline and consistency... I have family visits from my mom, but I don’t find much sense in them. It’s like a battle of emotions because I don’t know how to treat my mom, especially because she’s always seen me locked up, and I’ve always seen her free... Time passes normally, but sometimes it gets really boring”.

Tomás (17 years old)

Tomás is a 17-year-old adolescent who entered the Juvenile Center at the age of 14. Before entering the center, he lived with his mother and sister. He never felt a close relationship with his mother, but he did feel trust and affection for his sister. He understands the center’s objectives, but does not trust in their effectiveness. Education has never been a priority in his life, so his life project focuses on distancing himself from academic paths and instead finding a job that allows him to live comfortably. Economically, his family has faced many hardships, which led to vulnerable situations. He knows certain adolescents with whom he coexists in the center and perceives reintegration as unattainable.

“Being here is boring. I’ve been here for 3 years and five months already, and everything is the same—the same routine, everything is the same every day. I even have it memorized, what I have to do. Time goes by very slowly; there are days that feel like months. The only moment when I feel like time goes

fast is when my sister comes to visit me. We're only given 30 minutes to talk, but it feels like as soon as she arrives, she's already leaving".

"Sometimes I feel like I'm wasting my time, that nothing will be the same when I get out. My mom passed away last month, so the first thing I'll do when I get out is go to the cemetery to visit her. After that, I hope to study music; I really like instruments, but I don't like studying... Freedom, to me, is the most precious thing. When you're outside, you don't value it as much as you do in here—you can do whatever you want, visit your relatives, so many things".

"Being locked up means that everything is controlled, that you can't do anything unless someone tells you to or tells you not to... I totally deserve the sentence they gave me. I want to change, but I'm afraid that will never leave my mind, and that kills me from the inside... The center's goal is for us to change the way we think and to stop doing the things we did before. I feel like not everyone reaches that goal; most won't—or maybe some will, sometimes you're surprised by certain cases. As for me, I just want to get a job and make money. I've gone through a lot of hardship outside that I don't want to experience again. For example, here we can eat three times a day; outside, it was rare that I ate three times in one day, even though my mom did her best for me and my sisters".

"Some of the boys here I already knew from outside, and I know they're not going to change—they like living like this. There's nothing you can do with them. Time passes way too slowly and it's

always boring. The only thing that wakes you up a bit are the morning showers, but you don't always shower, because it's uncomfortable to bathe in front of everyone. That was hard for me at the beginning, but later you get used to it—you get used to everything in the end".

CHAPTER V

AREAS OF ANALYSIS AND INTERPRETATION

To delve into the experiences of adolescents in conflict with the law and their rehabilitation process, it is essential to consider four fundamental points that emerged from interpreting their testimonies. These key points illuminate critical aspects of their lives, emphasizing the complexity of their situations and the need for appropriate intervention and treatment. In this context, four crucial dimensions are explored in detail: the impact of the family environment on their lives, interpersonal relationships within the juvenile center, how they perceive their stay in the center, and, finally, how they conceive of time. Each of these elements contributes to the complex fabric of juvenile justice and sheds light on how we can more effectively address the rehabilitation and reintegration of these young individuals into society.

1. FAMILY ENVIRONMENT

Adolescents in conflict with the law often experience feelings of low self-esteem, anger, and resentment. The family can be a crucial source of emotional support. The lack of such support may

lead the adolescent to seek validation elsewhere, which could include engaging in criminal behavior. The socio-economic conditions of the family can influence the opportunities and challenges that the adolescent faces.

Family visits to adolescents in juvenile centers play a crucial role in the rehabilitation and reintegration process of young people in conflict with the law. From a psychological perspective, these visits can have a significant impact on the emotional well-being, mental stability, and overall development of adolescents. Moreover, these visits act as a psychological buffer by reducing the stress and anxiety levels that adolescents may experience in a juvenile center. By providing a familiar and secure family environment, the presence of family can enhance the adolescent's adjustment to the detention setting. The time spent during family visits is the most meaningful and significant temporal space for the adolescent.

Family visits allow for the channeling of emotions that are surrounded by stigmatizations within the center, such as crying. The family becomes a protective factor against the adolescent's adverse reality, which may contribute to the formation of resilient meanings. Resilience generates an awareness of change, modifying previously established subjective structures. In response to the subjective perception of this experience, meaning changes, as does the perception of time during deprivation of liberty. Therefore, deprivation of liberty is not merely a space for receiving adolescents in conflict with the law, but

also a temporal space for guided reflection toward change.

The situation of adolescents who are deprived of liberty and do not receive family visits is very delicate and complex, as there is no indirect connection with society outside or any protective factors that motivate or create spaces for reflection that lead to change or transformation. The only meaningful temporal space may be the juvenile center itself, because the outside society may be more threatening than the center itself, thus, deprivation of liberty becomes, in this sense, a lifestyle and a protective factor.

Over the years, societies have evolved alongside technological advancements. However, it seems that penitentiary and juvenile centers have been left behind, as they do not make use of technological tools. Family visits still face access and contact difficulties, impeding the process of re-education and restoration of adolescents. In the past three years, everything has worsened. Due to the COVID-19 pandemic, juvenile centers became more closed off due to safety protocols, and the connection between adolescents and their families weakened more and more (Tolou-Shams et al., 2022). As mentioned earlier, the family is a strong influence on the consolidation of the adolescent's reintegration; however, it cannot be the only source of impact in ensuring social reintegration. State-directed activities and justice agents' measures must also contemplate activities and significant measures for adolescents in conflict with the law.

It is also necessary to mention that in certain cases,

the attitude of the family is no longer a protective factor or motivation but becomes a risk factor by promoting negative emotions and feelings, such as the adolescent's frustration of being alone and the fear that no one will support them once they leave the center or being confronted with a family that was never protective but rather harmful and abusive. This generates the formation of subjective constructions similar to those formed within the center, such as the notion that no one cares about them and that everyone is alone, thus reinforcing the idea of individualism detached from social norms in order to satisfy personal needs. These realities raise crucial questions about the function of both the juvenile center and the state in ensuring and promoting a healthy family connection when an adolescent is within and later exits the juvenile justice system. These questions go to the heart of the responsibility placed on institutions and government policies to protect and rehabilitate young people in conflict with the law. Additionally, they highlight the importance of creating an environment that not only sanctions transgressions but also actively seeks the well-being and integration of these adolescents into their families and communities.

In light of the clear significance of the subjective experience of time for adolescents in conflict with the law, deprived of liberty, a critical question arises: why is this pattern of family visits not recognized as a guideline for achieving the objectives of juvenile centers? Adolescents find the juvenile center to be a space where time moves very slowly and the days become boring. The meaning and significance

of their time is centered on the hope of seeing their families. Therefore, the significance of the subjective experience of the juvenile center in deprivation of liberty is based on the creation of meaningful connections for the adolescent, one of which is the family (Young & Turanovic, 2021).

Many of the families of adolescents institutionalized in juvenile centers are from other cities. This becomes a limiting factor, not only for the connection and contact of adolescents with their families but also for the adolescent's treatment and intervention. Given this reality, it is necessary to use technological tools to alleviate the issues of meaningful connection between adolescents and their families.

In this context, the family bond emerges as an extremely significant element in the life of an adolescent in conflict with the law. However, it is important to note that this bond can play a dual role, acting both as a protective factor that provides emotional support and stability, and as a risk factor in situations where family dynamics may have contributed to the adolescent's criminal behavior. This emphasizes the need for intervention and psychological treatment to not only focus on the adolescent but also extend to the involved families. Therefore, the goal is to adopt a comprehensive approach that seeks to address the complex interactions between the individual and their family environment, recognizing that family dynamics can play a crucial role in the rehabilitation and reintegration of adolescents in conflict with the law.

As Tolou-Shams et al. (2022) point out, the significance and meaning of the subjective experience of time in the context of adolescents in conflict with the law and deprived of liberty are intrinsically linked to their family relationships. Adolescents in contact with the law often face mental health difficulties before entering the juvenile justice system. In this regard, separating these young individuals from their families could negatively impact their mental health, further exacerbating their issues. Therefore, it is crucial to recognize the importance of maintaining continuous and meaningful contact between these adolescents and their families as an integral part of their rehabilitation and reintegration process.

INTERPERSONAL RELATIONS

The social dynamics within the juvenile center are inherently complex and diverse. For some adolescents, peers may be perceived as threats, while for others, these interactions offer opportunities to establish friendships and mutual support. However, it is important to note that the development of genuine relationships can be hindered by a general lack of trust in this closed environment. Furthermore, newly arrived adolescents may face additional challenges, as they are sometimes subjected to mistreatment by those who have been in the center longer—often as a form of initiation ritual that reflects the informal hierarchy within the group. This complex social dynamic shapes adolescents' experiences and may significantly affect their emotional well-being and rehabilitation process.

The reality of confinement for adolescents can be counterproductive and detrimental, as research by Rengel & Calle (2020) suggests that the incarceration of children and adolescents weakens the process of socialization. This can lead to various consequences, including difficulty in assuming norms with meaning and critical insight, as within a context of confinement, the adoption of rules tends to be driven by motivations of reward or avoidance of punishment. Such a limited motivational framework may result in a superficial understanding of norms and a lack of appreciation for their broader societal significance. The absence of opportunities to question, analyze, and grasp the purpose and relevance of rules may hinder the development of critical thinking and the internalization of values. Ultimately, this may undermine the formation of a solid foundation for ethical and moral decision-making once the adolescents are reintegrated into society. Therefore, it is crucial to consider how the confinement environment shapes adolescents' perception of and relationship with social norms. There is a clear need to explore more balanced and enriching approaches within socio-educational measures, aiming to foster a deeper and more authentic understanding of norms and values.

Socialization is a process formed through the individual's free decision to engage with others and establish interpersonal relationships. However, adolescents may feel anger and frustration at having to share a temporal space with individuals they do not get along with. This can generate negative emotions that are not being addressed and that contribute to the development and reinforcement

of a subjectivity marked by stigmatization and negativity. Interacting with others is essential in subjective time, as it gives meaning to the connection with the other. However, when the other is perceived as offering nothing positive, the relationship becomes burdensome—especially when there is no way out or control over the situation.

Juvenile justice has multiple facets that complicate its understanding: on the one hand, the aspect of the offender; on the other, the aspect of the victim, which is equally essential. In this case, staying in the current city is the adolescent's safest option due to the fear that people from their hometown might seek vigilante justice. This reflects the wide range of emotions that emerge in relation to the adolescent and society, and how these emotions persist over time. The subjectivity of time, grounded in past temporal spaces, can continue to influence the present and hinder the formation of new subjective constructions due to deeply rooted social perceptions of adolescents in conflict with the law.

For adolescents who have spent a prolonged period in the center, forming friendships is perceived as nearly impossible. In this context, peers are more likely to be seen as threats than as potential friends. This raises important questions and opens a key space for analysis: is it possible to survive and develop integrally in an environment perceived as threatening for an indefinite period of time? This prompts us to explore how such perceptions influence adolescents' emotions and subjective

constructions, and how these experiences can profoundly impact their personal and social development. It also suggests that subjective constructions may evolve over time, as experiences reshape perceptions of aspects of daily life such as friendship. How could one trust that the State will take responsibility for one's contact with the law and promote reintegration activities, when even the basic principles of trust are absent among the peers with whom one lives every day?

2. PERCEPTIONS OF THEIR STAY IN THE CENTER

Adolescents indicate through their testimonies that the activities proposed in the center aim to meet institutional objectives, yet they are perceived as ineffective since the adolescents do not recall anything in particular that motivates them to reintegrate into society. Moreover, it is necessary to emphasize the adolescents' lack of awareness regarding the center's stated goals. This may suggest that the talks provided do not leave a lasting impression, leading them to easily forget the objectives presented. Perceiving deprivation of liberty as an extremely boring temporary space can be counterproductive to the intended rehabilitative purpose, as such boredom often signals negative and unpleasant emotions. The subjectivity of time is reflected in experiences that hold meaning and significance for the individual.

Living for a period within a micro-world—such as a juvenile center—can anchor attitudes and notions shaped by this small society. When adolescents

leave the center, they often fail to recognize their time there, or the goals and purposes behind being deprived of liberty. They return to a state of abandonment that restricts the full exercise of their citizenship. This reveals the ineffectiveness of using fear as a tool for reintegration. As Sztajnszrajber (2022) explains in his analysis of Hobbes' theory, fear is not dissipated but intensified—to the point where life is understood as a constant flight from the law, rather than a commitment to live within it. This represents a meaningless use of time when deprivation of liberty lacks personal significance for the adolescent in conflict with the law.

The experience of time for these adolescents tends to be marked by boredom, as they fail to find meaning in the chronological time spent in the juvenile center. Boredom is a risk factor that can lead to negative emotional states, lack of motivation, and low physiological arousal (Biolcati et al., 2018). According to Witowska (2020), boredom is a common experience with heightened relevance during adolescence due to the lack of satisfaction in fulfilling the need for engagement in meaningful experiences. These episodes are generally described as unpleasant, as they fail to generate any positive emotional impact.

Boredom is considered within normal limits when it is transient and does not become a generalized or enduring state across experiences. However, it can construct negative subjective meanings when the temporal space remains unchanged and reinforces unpleasant emotional states. While literature on the impact of boredom on subjectivity remains

scarce, some studies confirm that a key factor in the emergence of boredom and negative emotional states is the perception of time passing very slowly (Witowska, 2020).

Adolescents serving a socio-educational sentence of deprivation of liberty often enter a state of monotony that can be detrimental to their holistic development, particularly when boredom stems from repeated exposure to a negative temporal space. If this persists over time, negative emotions become more entrenched, shaping the adolescent's subjectivity in a way that aligns negatively with their current context—this, in turn, impacts their attitudes and behavior.

Moreover, this reality of boredom-based confinement can be harmful, as studies by Rengel & Calle (2020) suggest that confinement weakens various aspects of development, including socialization. A weakened socialization process leads to significant repercussions—among them, difficulty internalizing norms with depth and critical awareness. In confinement settings, compliance with rules tends to be driven by the desire for rewards or fear of punishment, rather than genuine understanding of their meaning and purpose. This can distort perceptions of authority and law, causing adolescents to see rules as arbitrary obstacles rather than safeguards of social coexistence. Additionally, ineffective socialization may foster cynical attitudes toward institutions and society at large, complicating the adolescent's successful reintegration once their sentence is completed. This reflects how the subjectivity

of time during deprivation of liberty becomes shaped by the intention to avoid problems, resulting in time passing without meaningful value. Adolescents may adopt strategies of concealing their ideas, as these could challenge the norms of the center, its authorities, or its social actors. This avoidance is particularly damaging because, instead of expressing ideas—which, though often flawed, could be addressed—they remain hidden and continue to prevail within the adolescent's subjectivity.

3. PERSPECTIVE ON TIME

It is important to note that these adolescents are currently under state protection, which provides them with various areas of care, including psychological support. However, there is growing concern about what will happen to them once they leave the center, particularly if no life project has been established. This issue within the juvenile justice system is complex in both its origins and its phenomenology, as it requires consideration of time on multiple levels—with different implications for both individual subjectivity and social subjectivity. Concern for the well-being of these young people is twofold: it involves their individual development and the way society perceives them. This dynamic is especially relevant in the juvenile justice context, where it intersects with stigma, reintegration, and the construction of a positive identity.

The stigma often attached to adolescents in conflict with the law is a major challenge that must be addressed. Society tends to hold

conflicting expectations for these youths: should they be permanently confined within the juvenile justice system, or should they be given a genuine opportunity to reintegrate into society? The answer to this question has deep implications for how these adolescents develop their sense of self.

The true goal of rehabilitation and reintegration is to support the development of the adolescent's subjectivity in a way that enables them to envision a life project independent from conflict with the law. This objective not only benefits the youth themselves but also contributes to a more just and secure society by reducing recidivism. Rather than perpetuating stigmatization and exclusion, the aim should be to foster an approach that acknowledges the potential for transformation within these adolescents' subjectivities and provides them with the tools and support needed to build a future free from crime and rich in opportunity.

The stigma surrounding adolescents in conflict with the law is a complex phenomenon that originates not only from external sources but can also be internalized by the adolescents themselves. It is essential to recognize that the new learnings acquired within a custodial setting can negatively impact the re-education process. For instance, it is concerning that some adolescents may adopt distorted ideas encouraged by peers—such as aspiring to be transferred to an adult prison or striving to be feared in society.

Recognizing the implications of their decisions can serve as a starting point for reflection and positive change. However, it is critical to channel

these reflections effectively. If not managed well, they may focus on negative emotions or remorse regarding their current situation. This underscores the need for a comprehensive approach within juvenile justice—one that not only addresses criminal behavior but also promotes healthy subjective development, encourages informed decision-making, and prepares adolescents for successful reintegration into society.

Mental health is often neglected not only in obvious cases, but also in those that remain unseen. It becomes visible when the adolescent comes into contact with the law and subsequently enters into conflict with it. If the primary purpose of placing an adolescent in deprivation of liberty is merely to isolate them from society and satisfy society's desire for retribution, their mental health will not improve in any meaningful way. On the contrary, this may reinforce pre-existing or learned subjective structures. On the other hand, when an adolescent's mental health issues are not evident but concealed, it refers to situations in which they were not yet in contact with the law, but were instead living in a state of neglect by the State and society (Tolou-Shams et al., 2022).

CHAPTER VI

FINAL CONTRIBUTIONS

Time orients everything; its very existence is deeply linked to the subjectivity assigned to it. Chronological time may pass—hours may go by—but if no meaning is given to that chronological time, the construction of subjectivity takes place in a void, without sense or transcendence. In this way, time becomes complicit with being, since being unfolds within a specific temporal space that influences it. Juvenile justice must recognize the subjectivity of time as a fundamental principle for ensuring the goals of re-education and reintegration of adolescents in conflict with the law. The juvenile system fails to address the specific needs of adolescents as a distinct age group, especially in vulnerable contexts such as deprivation of liberty.

This article has deliberately and meaningfully chosen to use the term *“adolescents in conflict with the law”* instead of *“juvenile offenders.”* This conceptual decision emphasizes the temporary nature of their situation and avoids implying that the offense defines a permanent aspect of their identity. From a psychological perspective, this distinction is crucial, as it acknowledges that many of these adolescents may be facing emotional and psychological challenges that influence their behavior. Addressing their psychological and emotional needs is essential for their rehabilitation

and reintegration. Furthermore, this approach helps reduce the stigma associated with the label “*offender*” and supports the idea of positive change in their lives. In this sense, adolescence is recognized as a developmental stage, and the experience of being in conflict with the law is not seen as something that permanently defines who they are. Instead, it highlights the importance of understanding and addressing their challenges from a more compassionate and therapeutic perspective to facilitate successful reintegration into society.

There are multiple effects caused by deprivation of liberty, one of which is boredom. This is a risk factor due to its role in generating negative and unpleasant emotions that can hinder the adolescent’s overall development. When the experience of deprivation of liberty is marked by boredom, it contributes to the construction of subjectivities centered on stagnation—contrary to the objectives of juvenile centers, which aim to transform the adolescent’s internal structures and promote re-education and eventual reintegration into society.

The length of time an adolescent is sentenced to spend in a juvenile center as part of a socio-educational measure is determined solely by legal parameters based on the offense committed, as if following a manual. However, given the fundamental importance of time, it is necessary to highlight the need to incorporate other analytical parameters, particularly from a psychological perspective. These may provide greater meaning, suggesting that the duration of confinement should

be linked to the time required for treatment based on the adolescent's individual situation and the development of their personal life project.

In this regard, within the context of adolescents' stay in juvenile centers, it is essential to adopt a psychological and rehabilitative approach rather than a purely legal or punitive one. Each young person has a unique history that contributes to their involvement in criminal activities; therefore, the duration of their stay should be determined through an individualized assessment of their needs and progress in treatment. This implies taking into account psychological, emotional, and behavioral factors, and adjusting the length of the socio-educational measure as needed. A flexible, treatment-centered approach allows for adaptation to the adolescent's evolving needs throughout their rehabilitation process, promoting their reintegration as individuals who are aware of the consequences of their actions in society.

Family is the most meaningful and significant factor for adolescents in conflict with the law who are deprived of liberty, as it serves as a protective link connecting them to the outside world. For this reason, family visits are perceived by adolescents in temporal terms as fleeting or fast-moving times. In this context, the family bond plays a highly relevant role. This bond can act as a protective factor—providing emotional support and stability—or as a risk factor when family dynamics contribute to the adolescent's criminal behavior. This highlights the importance of extending psychological intervention and treatment to the families involved, recognizing

the complexity of the interactions between the individual and their family environment.

The subjectivity of time in adolescents in conflict with the law is closely related to their family relationships. Separation from their families can have negative effects on their mental health, especially considering that many of them were already experiencing difficulties in this area before entering the juvenile justice system. Therefore, maintaining ongoing contact and a meaningful connection with their families becomes an integral part of the rehabilitation and reintegration process.

On the other hand, it is crucial to emphasize that education plays a fundamental role in the context of juvenile justice and deprivation of liberty in juvenile centers. Education not only provides academic knowledge but also becomes an essential element in the construction of the adolescent's subjectivity and the formation of new horizons of understanding. In this sense, it is essential that adolescents perceive what they are learning in these environments as meaningful and relevant to their lives, and that this knowledge is connected to the temporal space they are currently inhabiting.

It is important to remember that once these adolescents are released from the center, they will face a social reality that is often competitive and challenging. Education not only equips them with academic skills but also provides them with tools to adapt to this constantly changing reality. Additionally, education can serve as a means to foster self-esteem, self-confidence, and self-efficacy in adolescents—key elements for their

successful reintegration into society.

It is of utmost importance to recognize the uniqueness of each adolescent in conflict with the law and to value the methodologies employed in juvenile centers. Furthermore, it is essential to acknowledge both the individual and social subjectivity of educators and center staff—their perceptions of their work and the emotional burden it entails. Recognizing these elements opens the door to a more humane and compassionate practice. This involves listening to all actors involved in the center, recognizing that each plays a fundamental role in the rehabilitation and reintegration process. In this context, the adolescent must be seen as the central protagonist and an active producer of knowledge in their own process of reintegration into society. Valuing their voice and perspective means that our work is not done *for* the adolescent, but *with* them. In this way, the notion of being adversaries or antagonists of adolescents in juvenile centers dissolves, and instead, the focus shifts to finding alternatives that allow them to conceive and build a new life project. This requires acknowledging their capacity for transformation and their potential for positive reintegration into society, taking into account their stage of adolescence—a crucial phase in their development.

It is essential to highlight that individual subjectivity develops in parallel with social subjectivity, meaning that individual subjective constructions have a significant impact on the formation of social subjectivity. In the context of adolescents in

juvenile centers, this interaction between personal perspectives and social dynamics is particularly relevant. The experiences and subjective constructions of adolescents in conflict with the law not only influence their own perception of reality, but also contribute to the social dynamics within these centers. Therefore, understanding how these individual subjective constructions intertwine with social subjectivity in the context of juvenile centers is essential for developing effective rehabilitation and reintegration strategies.

The issue of juvenile justice requires a more humane perspective and innovative approaches to address adolescents in conflict with the law. This is because when a young person enters and leaves a juvenile center with the same subjective constructions, it reveals the inefficacy of the juvenile system. It is crucial to recognize that the repetition of behavioral patterns and similar subjective constructions indicates that the current system is failing to achieve its main goal: the rehabilitation and successful reintegration of these youth into society.

In this regard, it is necessary to consider more holistic, individual-centered approaches that take into account the emotional, psychological, and social needs of adolescents. This involves implementing more personalized treatment programs and fostering an environment in which adolescents can learn and develop effectively, acquiring the skills and perspectives necessary to lead a crime-free life after leaving the center. Additionally, special attention must be paid to the

educational and training opportunities offered within the center, as these can play a crucial role in transforming adolescents' subjective constructions and in strengthening their ability to forge a new path in society and avoid recidivism.

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TENDENCIES IN THE DIFFERENT JUVENILE JUSTICE SYSTEMS IN PERU 2010-2025

Bruno Van der Maat

Introduction

According to public opinion, influenced by the mass media, Peru seems to be at the mercy of a horde of increasingly violent juvenile delinquents. The proposed remedy to this plague is to increase punishment and to reduce the age of criminal responsibility. Politicians are more than eager to comply to this vox populi, as this solution is politically profitable.

However, other answers to this phenomenon are not only possible, but even desirable. Some are being implemented, although with some difficulty. Peru has implemented three different systems to respond to juvenile misbehaviour and offences. One is the iron fist (“mano dura”) that sends Juveniles in Conflict with Criminal Law (JCCL) to closed facilities that are run mostly like prisons for juveniles, called Juvenile Centres for Diagnosis and Rehabilitation (JCDR). A second system works in open facilities, where JCCL – mainly with minor offences – periodically come to receive a treatment or follow-up. These centres are called Orientational Service for Adolescents – OSA (in Spanish:

“Servicio de Orientación al Adolescente – SOA). A third system follows the guidelines of Restorative Justice, which uses diversion, so as to prevent the juvenile to go to court. This system is managed by the Public Prosecutor’s Office and is limited by law to minor offences.

This article presents an investigation that highlights the tendencies of these three Juvenile Justice systems in a bit more than the last decade, from 2010 to 2025 (provided data are available). It is clear that the two years during the Covid-19 pandemic (2020 and 2021) somehow show an exceptional situation because of the impact of the pandemic, as life in Peru changed considerably: lock-downs, restrictions on travel, limitations on social gatherings, etc. This profoundly altered social relations, which makes that the statistics on Juvenile Justice cannot be compared with the previous years.

We will present the evolution of the three systems of juvenile justice, with a brief analysis of their respective characteristics. The interrelations between the three systems will also be investigated, in order to present a general hypothesis that will try to present the reasons of the evolution that has been described.

But before we start this analysis, we will briefly tackle the methodological problems encountered to obtain the statistical data on the situation of juvenile justice in Peru.

CHAPTER I

Some problems regarding statistics on juvenile justice in Peru

1. Preamble

Before presenting some of the results in this investigation, it is necessary to warn about its limitations, due to a serious problem in the data collection. Peru does not have a unified system to collect statistical data on juvenile justice issues (neither on general criminal issues). This seriously limits the possibility to investigate and analyse the situation of JCCL. We briefly present some of the most serious data problems.

2. Availability

Many data are not available. Many figures we use in this investigation have only been obtained through a process of soliciting them to certain authorities, because they were not publicly available. It is not that they did not exist, but the format used by some institutions is not always the most useful. For example, some statistic bulletins periodically present the stock on a given moment, but the annual flow is not available. The institutions have the data to elaborate the flow, of course, but they do not calculate it or publish it. Another problem is

when the responsibility of an institution is passed to another entity. Then the new entity just starts from zero, and the previous data are not available anymore. This makes it very hard to analyse medium or long- range trends.

3. Accessibility

Many data are not (easily) accessible. Some institutions cease to publish data after a certain period of time. If one has not accessed them in time, they simply disappear from the institutional web-page.

4. Changing definitions

Sometimes, an institution modifies the definition of a concept within its own publications, without indicating the change, which makes it impossible to use the data in a time flow. For example, one source indicates that during three consecutive years the number of arrested juveniles has decreased by more than 50 %. This surprising phenomenon probably responds to a change in the definition of the item “arrested juvenile”. Otherwise, it would be incoherent. The problem is that the change in the definition of the concept is nowhere to be found¹.

On top of that, the many institutions collecting

1 This difficulty is not new. More than ten years ago, the National Youth Secretariat already remarked that: “(t)he data of the National Police that register the cases of adolescent offenders show an evolution that is not consistent. By times the numbers fall drastically and in other moments they increase again. These tendencies can only be understood when one knows the limitations of the data registered by the Police.” (Secretaría Nacional de la Juventud 2013: 138)

data on juvenile justice use different categories to register their data². For example, INEI (the statistical body of the Peruvian State) uses different age groups than the Police or the Judiciary. This makes the data of the different government bodies unfit for comparisons. Of course, simulations can be made (as we have been bound to do sometimes) but they reduce effectiveness of the results one can obtain.

5. Incoherent data

The published data do not always mention the date to which they refer. The year may be mentioned, but not necessarily the month. That is why sometimes for the same year different data are published. Another problem is that sometimes it is not clear whether the data refer to a stock or a flow. Sometimes a number of juveniles is mentioned as having been attended during a year. But comparing this data, it turns out to be the same as the stock of juveniles attended in December of that same year. In other cases, the supposed annual flow is inferior to the stock of a given month in the same year, which is impossible. Sometimes the sums of the different sub-groups do not add up.

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- 2 This problem was already mentioned by the Peruvian Ombudsman more than a decade ago. "In relation with the statistics that the Judiciary uses referred to the juridical characteristics of the juveniles in conflict with criminal law (sentenced, processed, recidivist, type of offence, etc.) are not to be trusted, as there is no 'National Register of Juvenile Offender' ". Defensoría del Pueblo (2011:96). See also: Defensoría del Pueblo (2007:156).

6. Coordination efforts

Some efforts have been made to try to coordinate data collection among the different institutions that tackle criminality in Peru: the National Statistics Institute (INEI), the National Prison Institute (INPE), the Justice Ministry (Minjus), the Judiciary (PJ), the Prosecutors' Office (MP), the Police (PNP), etc. Some UN agencies like UNODC and even some countries have tried to give a hand. That was the case when an Interinstitutional Statistics Committee on Crime (Comité Estadístico Interinstitucional de la Criminalidad - CEIC) was established in 2013, and the subsequent 'Datacrim' publications.

But sadly, these efforts do not seem to have persisted. Any researcher trying to investigate has to take arms against a sea of incompatible data that make it quite hard to establish medium term flows. If the State really wants to tackle crime – committed either by adults or by juveniles – the unification of data collection criteria is a real *conditio sine qua non*.

7. Implications

When one has to fight all these problems, it is understandable that it is difficult to elaborate an exact calculation that reflects the situation or even the evolution of the phenomenon of juvenile justice in Peru. Medium term historical flows are impossible to establish when the data of (some) year(s) are lacking. It is also impossible to establish some ratios with data from different institutions, when these are based on different concepts.

Neither is it a surprise that the Committee on the Rights of the Child has summoned the Peruvian State to solve this matter. *“The Committee recommends that the State party continue reviewing and updating its data-collection system, with a view to including all areas covered by the Convention.”* (Comité de los Derechos del Niño 2000:14).

We have tried to find solutions for many of the problems making use of simulations and estimations, but it is clear that the results are approximates. However, in this case, the aim was not so much to obtain exact figures, as to show trends, even using approximative data.

One last remark: it is not clear how an institution can plan and act without reliable and comparable data. How can the State plan, monitor and evaluate its policies with such an opaque data base? How can it elaborate a National Action Plan in these conditions? It seems urgent to work on this issue on an interinstitutional level.

8. Some remarks on demography

To counter the Peruvian mass media with their representation of a country that seems to be invaded by juvenile delinquents that daily attack lives and property, it is necessary to take a close look at demographic figures and analyse what they tell us about the juvenile segment of society.

In the former paragraph it has already been explained how difficult it is to obtain coherent figures on JCCL in Peru. INEI groups young people in a segment that encompasses the 15 to 29

years old, while the Police groups them in a 0 to 17 years segment. On the other hand, Pronacej (the programme in charge of the custody of JJCL) publishes figures of the segment from 14 to 21 'years or more' (sic).

The only way we have to calculate a relevant age-segment for our investigation (that is 14 to 18 years old, the group that falls under juvenile justice laws) is to start from the INEI population pyramids, that presents 5 years cohorts. The INEI segment that interests us is the one from 15 to 19 years. However, this segment does not exactly represent the age group we need, as it does not include the 14 years old, and it includes the 19 years old which falls beyond our interest group. Notwithstanding this limitation, we will use the figures anyway, as the 14 years old group is the least represented in the JJCL. Their exclusion from our figures should not alter dramatically our final results. The fact that the same limits will be maintained throughout the whole investigation period gives a certain stability to the tendencies that will be highlighted³.

3 To estimate the 15-19 years group in the period we are investigating, we have started with the percentage that this group represented as part of the total population, according to the population pyramids of INEI (2020). Then we have applied this percentage to the evolution of the total population on a year-by-year basis, according to the yearly population figures published by the World Bank. To verify the solidity of our estimates, we have compared our results with the intermediate figures published by INEI in a MINSA Report (MINSA is the Health Ministry). Our estimate was a population of 2'551,791, while MINSA's estimate was 2'548,344, a close difference of 3447 (just 1.3 percentual points), which makes our population estimate quite acceptable.

During the last decade, the population in Peru has grown by around 1.5 % per annum (INEI-UNFPA 2020:11).

If we look at the part of the age group of 15-19 years in the total population, INEI estimated that between 1950 and 1960 this group increased by more than 200,000, while between 2010 and 2020 it decreased by 400,000. Between 2060 and 2070, INEI projects a decrease of nearly 200,000. This age-group also reduces its relative presence within the total population, representing 10 % in 1950 and representing only 7.6 % in 2020.

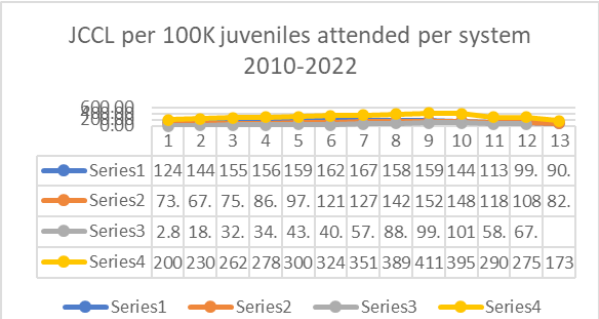
This phenomenon reflects a constant ageing of the population. INEI states that, consequently, the medium age increases over time from 1990 on. In 1950 the national medium age was 19.2 years, in 1970 it was 17.6 years, but in 1990 it climbed to 20 years, attaining 25.4 years in 2010, and 30.6 years in 2020. The estimation for 2030 is 33.8 years. (INEI-UNFPA 2020:14). We are going to live with much less juveniles every year.

When we calculate the ratio of JCCL as part of the total juvenile population, there has been a slight increase from 201 per 100,000 juveniles in 2010 to 395 per 100,000 juveniles in 2019 (the last useful year of comparison). That is to say that we went from 2 to 4 juveniles per mille who are in contact or conflict with criminal law. In absolute terms we are talking about an increase from 4,453 JCCL in 2010 to a maximum of 10,053 JCCL in 2018, reducing afterwards to 7,021 in 2021 (the last available useful figure), on a juvenile population that shifted from 2'217,715 to 2'548,689 in 12 years. Adults in conflict with criminal law added up to 126,064 in

2019 (INPE 2019:8), roughly 18 times more than the juveniles. Thus, the figure of JCCL, that is below 10,000 in total should not justify a panic reaction in the more than 33 million Peruvians.

When we look at the ratio of JCCL per justice system, we have the following view:

Graphic 01: JCCL per justice system 2010-2022



Source: different statistics. Series 1: Closed facilities, Series 2: Open facilities, Series 3: Restorative Juvenile Justice, Series 4: total

In conclusion we can say that the tendency of the population of the 15–19-year-old JCCL Peru marks a process of an aging population. In this context, juveniles represent a decreasing portion of the total population. Regarding the JCCL, they show a slight decrease from 2019 on, after a continuous increase since 2010.

However, these are not the figures that are posted by the social media. As always, it is necessary to differentiate the perception from the registered figures.

- a. The problem is – as always – that statistics are very difficult to find or that the figures don't round up. For example, the complaints on juvenile offenders registered by the national police during the period 2010-2021 don't represent even 25 % of the complaints registered by the Prosecutor's Office, notwithstanding that to register a complaint at the Prosecutor's Office, a Police certificate of complaint is required. Consequently, it is difficult to decide which data to use.

Another problem is that the criteria to collect the data seems to have changed. Surprisingly, the data collected by the Police registered a significant decrease in the complaints on juveniles: from 12,464 in 2015 to 4,924 in 2018, maintaining the same tendency in the following years (PNP 2015-2021). The only reasonable explanation is that the criteria to collect the data has changed. However, the statistics that are published do not contain a note on the methodology used. Due to this incongruency of the Police data, we will turn to the data published by the Prosecutor's Office.

- b. But, even with an historical flow of coherent data, surges an interpretation issue. Much depends on the base year used. Let's see the following example.

Table 01: Total complaints regarding juvenile offenders according to the Prosecutor's Office 2010-2021

2010	19,264
2011	13,465
2012	15,707
2013	14,052
2014	14,733
2015	13,557
2016	15,303
2017	17,305
2018	19,896
2019	22,997
2020	13,020
2021	17,751

Source: Ministerio Público – Línea de Acción Justicia Juvenil Restaurativa (2022)

If the reference taken is the year 2011, we can see an increase between 2011 and 2021 from 13,465 to 17,751 cases, i.e. equivalent to 32 %. The year with the major number of complaints was 2019, reaching 22,997 (71 % more than in 2011).

But, if we take as reference 2010, with 19,264 complaints, and compare that with 2019, the number of complaints only increased by 19 %, just a bit more than the population growth during the same period. And if we compare the year 2010 with 2021, we even perceive a decrease by 8 %, probably due to the impact of the Covid-19 pandemic that limited social contact.

So even with objective data, the described

tendencies can vary significantly by carefully choosing the years one wants to compare. It is not the same to argue that juvenile delinquency has increased by 19 % or even 71 % in the last few years, or to state that it has decreased by 8 %! Given that all these figures are objective, it is easy to understand that public opinion can be directed towards very different reactions by using totally objective data but with different ideological purposes.

In this investigation, this bias cannot be prevented. Working with approximative data, we will try to spot certain tendencies, with the intention of explaining them in a context where three different juvenile justice systems co-exist.

CHAPTER II

THE THREE JUVENILE JUSTICE SYSTEMS IN PERU

1. Juvenile Justice codes

It is rather common to hear that delinquency in the country is rising. This phenomenon has largely increased with the present Government's and Congress' laws that virtually protect many criminal gangs.

However, this conclusion is also applied – without any criteria – to juvenile delinquency. This leads to a situation where the juveniles are represented as dangerous delinquents who are increasingly becoming more daring. This has led the authorities to reduce the age of criminal responsibility from 18 to 16 years, against the opinion of the ministries and specialised organisations concerned⁴.

The Criminal Responsibility Code for Adolescents from 2017 (DL 1348 See Congreso del Perú 2017) proposes a range of interventions against juvenile

4 The corresponding text of the Congress' Commission that presented the law cites the negative opinion of the Supreme Court, the Ministry of Women and Vulnerable Populations, the Ombudsman, and the Ministry of Justice and Human Rights against this project. Notwithstanding, the Commission approved the project, despite the negative opinion of the consulted authorities. Cfr: Congreso del Perú (2024: 6-10). Unicef and many organisations from civil society have also popposed this project to reduce the age of criminal responsibility.

offenders, divided in two categories: measures without deprivation of liberty and measures that contemplate internation in a juvenile facility. The former ones consider admonition, assisted liberty, community service, and restricted liberty (art. 158-161). The other one is internation in a juvenile facility, considered as exceptional and as ultima ratio (art 162-163). The main condition is that the act committed by the juvenile is considered in the Criminal Code (for adults) as leading to an imprisonment term of at least 6 years.

This measure of imprisonment is euphemistically called 'socio-educative measure with deprivation of liberty'. The term depends on the age of the juvenile and on the nature of the offense committed, and ranges from one to six years for adolescents up till 16 years of age. If the offense is considered very serious the measure ranges from six to eight years for adolescents (14 to 16 years old), and from eight to ten years for juveniles aged 16 to 18.

The new law (2025) states that juveniles from 16 to 18, who have committed serious crimes, as detailed in the law, should be tried and punished according to the adult criminal code. In any case, it is to be noted that the term of internation is considered to depend on the offense and not on the time needed for rehabilitation, as the doctrine on juvenile justice proposes.

2. The three systems

Before 1902 Peru did not count with a specialised institution that received juvenile offenders. These

were either sent back home or to adult prisons.⁵ The creation of the “Escuela Correccional de Surco” (Correctional School in Surco – Lima) was the first centre to take in juveniles. The following decades nine more centres were inaugurated, all but one for young males. The only facility for young women was Santa Margarita, even till now, which is in Lima. All these facilities received JCCL condemned to deprivation of liberty, although it must be said that some of these centres started to work on an open system for JCCL who were close to liberation.

Today, Pronacej (the entity responsible for these centres) has 10 “Juvenile Diagnostic and Rehabilitation Centres”. They suffer from a structural deficit of adequate personnel and infrastructure. According to the last available data (March 2025) only 35 % of all staff was dedicated to treatment of the JCCL (education, social work, health, psychology), 43 % to administration and services, and 21 % to security. Centres were seriously understaffed regarding treatment. The workload for a psychologist ranged from 27 to a maximum of 170. Social workers attended from 41 up to 174 juveniles, educators from 6 to 34 JCCL. Security guards had a charge of 7 to 34 juveniles⁶.

- a. With the aim to decongest these closed centres that suffered from severe overcrowding, an open system was promoted. In 1965 the “Centre for

5 For a brief history of the institutions charged with the treatment of JCCL I refer to a Van der Maat (2007:148-190).

6 Calculations made according to the latest Statistical Report from Pronacej. Minjus (2025)

Supervised Liberty” was opened in Lima. As already indicated, the closed centres also managed a certain amount of JCCL that did not remain in the facility. In 1992 came the next step in the non-privative system, with the creation of the first SOA (Servicio de Orientación al Adolescente - Orientation Service for Adolescents) in the Rimac district of Lima ⁷.

- b. In 2013 two more SOAs were created (in Tumbes and Huaura), followed by Cañete, Iquitos and Ica the following year. In 2015 seven more were inaugurated. This trend continued till the 25 SOA's that are now in place in the whole country. The original idea behind these facilities, was not only to reduce the number of JCCL in the closed overcrowded centres, but also to offer a type of treatment to JCCL that did not need to be interned in a closed facility, and to propose a treatment to JCCL close to home, which could also integrate their family in the reintegration process.

Additionally, these SOAs offer the advantage of attending not only boys but also girls, who otherwise would have to be sent to Lima. We can synthesize the arguments in favour of the SOA's as: decongestion, desinstitutionalisation, and decentralization.

⁷ https://scc.pj.gob.pe/wps/wcm/connect/Centros+Juveniles/s_centros_juveniles_nuevo/as_centros_juveniles/as_medio_abierto/as_soa_rimac/as_historia/

- c. Around the beginning of this century, the Swiss NGO “Terre des Hommes – Lausanne”, with the help of the Association “Encuentros” started with the promotion of a different juvenile justice system, based on restoration. This Restorative Juvenile Justice model prevents the judicialization of juvenile criminal cases mainly through the use of diversion, which is a procedure that the Public Ministry can use to suspend the whole case on the condition that the juvenile offender admits his fault and engages into repairing the damage done. The Public Prosecutor then maintains the case without transferring it to the judge. A special multi-disciplinary team, under the supervision of the Prosecutor, then manages the follow up of the final agreement reached between offender and victim.

This new system was promoted through the Public Ministry, that officially assumed it in 2010. Today 19 Restorative Juvenile Justice centres exist throughout the whole country, with the aim of having at least one centre in every Public Ministry District. This system avoids the opening of a judicial case for the JCCL concerned. In this way the JCCL will not have a criminal record, and it will prevent the trauma and stigmatization of the experience of being deprived of his liberty.⁸ It must be said, however, that, for

8 On the negative impact of early contact with the law for juveniles, see e.g.: Bick, Johanna; Nelson, Charles A. (2016); Boyce, Niall;

the moment, this programme is limited to guidance of the juveniles, leaving the matter of victim-support for a second stage of the process.

Thus, Peru has three different types of response to juvenile offender behaviour: a closed system that deprives of liberty, an open system where the JJCL is invited to present himself regularly for treatment and follow-up, and a system which could be called “alternative”, that seeks to accompany the JJCL who is willing to repair the damage done, so as to avoid a judiciary process.

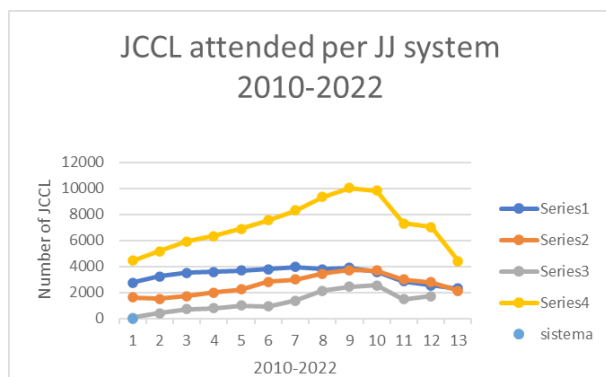
Each one of the three systems has its own logic and supervising institutions: the open and closed systems depend of Pronacej (the National Programme of Juvenile Facilities, which now depends on the Justice Ministry, after having circulated through seven other authorities since its creation in 1902). On the other hand, the restorative system depends on the Public Ministry, through a specialized programme.

3. Evolution of each system

The following table presents the number of JJCL attended by each system since 2010.

Motz, Ryan T.; Barnes, J.C.; Caspi, Avshalom; Arseneault, Louise; Cullen, Francis T.; Houts, Renate; Wertz, Jasmin & Moffitt, Terrie E. (2019); y Godsland, Jane; Sonuga-Barke, Edmund (2020) and the study of The Lancet.

Graphic 01: Number of JCCL attended by each system 2010-2022



Sources: different documents from JJ Authorities

Series 1: Closed facilities, Series 2: Open facilities, Series 3: Restorative Juvenile Justice, Series 4: total

Putting aside the figures of 2020 and 2021 that are conditioned by the Covid-19 pandemic circumstances, and consequently lack representativity, one can see a clear tendency of increased number of JCCL in the three systems from the 2010 starting year on, with a peak in 2018. Considering the increase from 2010 to 2018, the total number of JCCL attended by the three systems more than doubled to 226 %. The closed system incremented by 41 %, the open system by 129 % and the restorative justice system increased to 3937 %. If numbers are compared with 2022, these increments are less important.

However, it is necessary to analyse these figures and explain their tendency, in order not to fall into a

certain catastrophic view that juvenile delinquency has more than doubled in roughly 12 years.

The increase in the open system, as well as in the restorative system are simply due to the growing number of facilities that have opened. More SOA's mean that more JCCL can be attended, and more Restorative Juvenile Justice venues have had the same effect.

The increase in attended JCCL in the three systems has no relation whatsoever with the number of complaints registered by the Public Ministry (Table 01). Just a few examples: in the years 2013 and 2015 there is a clear decrease in the number of complaints, but during these same years, the number of JCCL increases in both the closed and the open systems.

This proves that the number of complaints registered by the Public Ministry is not a good indicator of the gravity of juvenile offences. In the period under investigation, there is no correlation between the number of complaints and the number of JCCL attended in the three juvenile justice systems.

4. CHARACTERISTICS PER SYSTEM

Table 02: JCCL attended per year and per system
2010-2022

Year	Closed system	Open system (SOA)	Total Pronac ej	Restorative Juvenile Justice system	TOTAL
2010	2769	1622	4391	62	4453
2011	3236	1510	4746	415	5161
2012	3497	1704	5201	723	5924
2013	3569	1976	5545	782	6327
2014	3674	2231	5905	998	6903
2015	3785	2826	6611	936	7547
2016	3947	3003	6950	1355	8305
2017	3799	3427	7226	2134	9360
2018	3891	3721	7612	2441	10053
2019	3594	3695	7289	2530	9819
2020	2856	2982	5838	1468	7306
2021	2534	2776	5310	1711	7021
2022	2308	2114	4422	n.a.	(4422)

Sources: different documents from JJ Authorities

a. Age and sex

Referring to the specific characteristics of each system, based on the available data, the average age of the JCCL slightly increases from 18.10 to 18.76 in the open system, while the average age in the closed system barely varies in the investigation period and stays just below 18 years.

There are no significant changes in the distribution by sex, as the proportion of girls in the closed system remains around 5 %. However, in the open system, the proportion of girls increases from 0.95 % in 2010 to 9 % at the end of the period under investigation. The explanation for this increase is the increase in the number of SOAs. It is important to bear in mind this explanation, as shall be demonstrated afterwards. In the Restorative Juvenile Justice system, the proportion of girls increases constantly, from 18 % (in 2016) to 24 % (in 2019), also probably due to the increase of RJJ centres.

b. Types of offences

Regarding the type of offences, we only have figures from the last 5 years. The proportion of most offences is stable, but there are some exceptions. In the open system the proportion of rape (against minors and adults) increases from 9.9 % (2018) to 15.2 % (2022), while theft rises from 0.6 % to 3.2 % in the same period. Meanwhile, homicides halve their number, as do practically aggravated theft and heist, although they practically keep being the most occurring offences (respectively 14.8 % and 20.8 %).

In the same period, in the closed system, the same aggravated theft and heist decrease (the former one even by 40 %), but the cases of rape of minors doubles (from 7.5 % to 14.5 %), as do homicides that increase from 6 % to 8.7 %. Thus, in both systems (open and closed) the proportion of rape increases, while theft and heist increases in the open system, and homicides in the closed system.

However, these are proportions. When analysing the absolute figures, the total of JCCL in both systems accused of aggravated theft has decreased. This is easily explained by the context of social restrictions imposed by the Covid-19 pandemic. This also explains the relative and absolute increase of rape in the open system. In the closed system, where the gravest cases arrive, the number of rapes decreased in absolute terms between 2018 and 2021.

In synthesis, again we have the recurrent problem to differentiate tendencies, due to the short period under investigation (2018-2022) and, on the other hand, because of the changing context imposed by social pandemic measures.

Unfortunately, the Restorative Juvenile Justice system does not use the same offence typology, which makes comparisons quite complicated. However, investigating the period for which there are data available, there is a considerable decrease in offences against property (from 73 % to 57 %, although the absolute number of cases increases from 804 to 1366). The proportion of offences against public security increases (from 87 to 119, showing a peak of 159 in 2017). The offences that increase significantly between 2016 and 2019 are offences against life, body and health (rising fivefold from 109 to 504), as well as offences against public administration (rising threefold from 18 to 61) and offences against the criminal code, increasing from 31 to 211 cases (rising in relative terms from 3% to 9 %). However, in this Restorative Juvenile Justice system, it has to be remembered that the increase

in absolute numbers is due in large part to the increase of centres that have opened in the same period.

In synthesis, the most common offence in the closed and open systems is aggravated heist, (respectively 45 % and 21 %), although the open system has a much more scattered distribution of diverse offences. The restorative Juvenile Justice system boasts a major proportion of offences against property (57 %). Consequently, one can state that the most common offences of JCCL are against property. However, based on the available figures from before the pandemic, the number of these offences has not increased in absolute terms.

5. Evolution between the three systems

We have already mentioned the increase of JCCL attended in each system during the last decade (see Table 02). We can now turn to the comparison between the three systems. Within the so-called “traditional” system, i.e. the one that depends on Pronacej (Justice Ministry) and manages the closed and open centres, there is a significant transfer from the closed system to the open system, probably due to the substantial increase of SOA’s in these years.

Table 03: Proportion of attended JCCL in both the closed and open system within Pronacej. 2010-2024

	Closed % O	pen %
2010	78.43	21.57
2011	80.99	19.01
2012	79.70	20.30
2013	75.78	24.22
2014	74.80	25.20
2015	68.39	31.61
2016	59.69	40.31
2017	54.11	45.89
2018	55.24	44.76
2019	54.74	45.26
2020	50.35	49.65
2021	59.86	40.14
2022	54.75	45.25
2023	53.00	47.00
2024	53.56	46.44

Source: personal calculation

In 2010 the large majority of JCCL (78 %) in the “traditional” system of closed and open centres was attended in the closed system, 15 years later (2024) this group was still a majority (54%) but nearly equal to the proportion of JCCL attended in the open system, probably thanks to the increase in open centres.

When looking at the total number of JCCL in the

closed system, as part of the total number of JCCL (closed, open and restorative systems) the evolution is even more remarkable. The proportion of JCCL in the closed system as part of the total of the three system came down from 62 % in 2010 to 37 % in 2019. In other words, when in 2010 nearly two thirds of all JCCL were being attended in the closed system, ten years later this was only one third anymore. An impressive evolution.

However, the measure of deprivation of liberty still is not the ultima ratio, the last resource, as the international conventions and rules require. In 2010 the Report of the Judiciary already stated that: *"In spite of the tendency to increasingly apply alternative measures instead of the privation of liberty, this is still insufficient, because internment still is the socio-educational measure that is most widely applied. In Peru there is a lack of major support for the application of open measures, the offer is insufficient."* (Poder Judicial 2010: 48)

Calculating the proportion of JCCL attended by the Restorative Juvenile Justice system in the grand total of all JCCL, the result is that is rose from 1 % in 2010 to 26 % in 2019.

Most probably this increase in both open systems (SOA and restorative justice system) is due to the gradual and constant increase of centres of those two systems in the country.

However, even if the proportion of JCCL attended in open systems rose, one must also recognize the fact that in absolute terms the number of JCCL sent to the closed system has constantly gone up in the

period of this investigation. The lodging capacity of closed centres has increased from 1,473 (in 2015) to 1,665 (in 2020), but the monthly attendance in closed centres has never fallen under 2000 JCCL (with exception of the pandemic months). This indicates that the phenomenon of overcrowding is constant. The issue of overcrowding is not the main theme here. To explore this issue, I refer to another contribution I have written some years ago⁹.

This leaves us with another poignant question, namely the implications of these tendencies of a constant use of socio-educational measures that sentence JCCL to deprivation of liberty, in spite of the increasing number of possibilities of alternative measures in open systems.

6. Some explanatory hypothesis

According to the available data, there has been a constant increase in the number of JCCL sent to the three juvenile justice systems during the last decade. There is a favourable tendency towards the open systems (SOA and Restorative Juvenile Justice system), but, in absolute terms the closed system has not decreased in numbers (save due to Covid-19 measures). A rapid interpretation of these trends would explain this increment as an effect of an increase in juvenile delinquency. According to the number of JCCL that were accused and sentenced or diverted in the three juvenile justice systems, one could conclude that juvenile

9 See: Van der Maat, Bruno (2020) “Indicadores de Hacinamiento Carcelario y Estándares nuevos para el Perú”, presented at the 9th Peruvian Human Rights Congress – Lima - nov 2020.

delinquency has more than doubled since 2010. That is mostly what public opinion and the mass media think. However, this easy answer is not at all satisfying.

As we have seen, the rate of JCCL attended has no relation whatsoever with the number of registered complaints. That is why another explanation has to be found. A different hypothesis would be that the increase in the number of registered JCCL in this last decade responds to a rather more institutional cause. We will explain this hypothesis in the next few paragraphs.

It is strange that the inauguration of “alternative” systems to the deprivation of liberty, like the open system (initially begun as a system of supervised liberty, that was transformed later into the SOAs) under the auspices of the Judiciary, and later the creation of the Restorative Juvenile Justice programme (under the authority of the Public Ministry) have never led to a decrease in the closed system.

In effect, even when these two “open” systems were created – among other objectives – to decongest the chronically and structurally overcrowded closed centres, this latter system has maintained, and even increased its attention of JCCL. Paradoxically, the implementation of two open systems has never led to a decrease in the number of JCCL attended by the closed system. On the contrary, the closed system has incremented its attention of JCCL. The creation of an “alternative” restorative system has had the same negative effect on the number of JCCL in the closed system,

and even in the open system.

This situation makes one think of a comment by Michel Foucault when he was giving a conference at Montreal University on March 15th 1976 on “alternative measures to incarceration”. When asked what he thought about the “alternative measures to incarceration” he answered that it was no use talking about alternative measures to the deprivation of liberty. These measures (like the limitation of certain rights, supervised liberty, house arrest, etc.) were by no means alternatives, but rather merely extensions of incarceration measures. They were like a repetition, a diffusion an extension of the prison, and no replacement of it. (Foucault 2021: 20-21)

In the same way, the creation of alternative systems in our juvenile justice are nothing but extensions of the closed system. Neither of the two installed “alternatives” has achieved the purpose of reducing the number of JCCL sentenced to the deprivation of liberty in a closed centre. The well-known adagio “a newly built prison is automatically filled” has come true once again.

Every time more and more JCCL are absorbed by the juvenile justice system, be this one closed, open or restorative. Every time more juveniles are drawn into the criminal justice system.¹⁰

10 A decade ago, the French law-sociologist Laurent Mucchielli indicated that juvenile delinquency in France could be summed up in three words: criminalization, judicialization and ghettoization, referring to the increase in sanctionable offences, the growing judicial recuperation of issues and the delinquency of exclusion. The instauration of alternative sanctions did not result in the decrease of the other sanctions, but in the archiving of cases.

Maybe, to be honest, one should recognize that the restorative system does not introduce the JCCL into the jurisdictional sphere, but keeps them, in a certain way, set aside from the Judiciary, but not from the justice system.

Knowing the disastrous influence that an early contact of juveniles with the justice system has in their further life¹¹, it is highly recommended to reduce this first contact for the largest majority of juveniles.

Thus, it is not so much a question of promoting alternative sanctions, but alternatives to the resolution of conflicts. That is why the initiative of Restorative Juvenile Justice is to be preferred, although other alternatives may be possible.¹²

Of course, the quest for conflict resolution alternatives by all means implies a revolution in our traditional way of thinking about justice. The judicialization of conflict resolution has medieval roots, as Foucault has demonstrated a long time ago (Foucault 1978). To change this tradition does not mean, however, that something new must be created. It would rather reach back to millenary subsidiary justice traditions, like the ones used in Babylonian or Hittite areas, from the second millennium before our era.¹³

(Mucchielli 2014:53-61)

11 Cfr. E.g. Bick & Nelson (2016); Boyce e.a. (2020); Motz e.a. (2019); Nowak (2019).

12 Cfr. Lima e.a. (2020).

13 Cfr. Van der Maat (2015b).

CHAPTER III

CONCLUSIONS

By way of conclusion, we would like to highlight some points on this matter of juvenile justice systems in Peru.

First of all, it seems urgent and indispensable to create a unified data collection system across all concerned entities in a coherent and interinstitutional way. We cannot continue with isolated statistic systems based on peculiar and incompatible concept definitions. It is necessary to coordinate efforts to get a unique and global view if we want a coherent national policy on civil security regarding juvenile justice. More than a decade ago some steps were taken. It is time now to resume these efforts.

It is necessary to remember the relative decrease of the juvenile population as part of the total population in Peru that is going through an inexorable aging process. Every year the 14-18 years group diminishes its portion of total population.

In these last decades, the closed juvenile justice system has been supplemented with the creation of two “open” systems: the SOA’s (open venues depending of the Judiciary) and the Restorative Juvenile Justice Programme, that is led by the Public Ministry. These three systems have experienced a continuous increase in JCCL assigned to them, at least till 2018.

However, the creation of the two open systems has not led to a decrease in the closed system, on the contrary. It seems that every year more juveniles are drained into the juvenile justice system. A critical appraisal of this tendency is needed. We are experiencing an increase in JCCL, a trend that does not seem to correspond with the number of offences. There seems to be a trend of over-sanctioning and harsher judicialization of juveniles, in spite of the open juvenile justice systems. The closed system is not used as a last resource, as international regulations require. Taking into account the harmful impact of liberty deprivation on juveniles, it seems necessary to critically evaluate the results it has produced until now, among others in economic, psychological, criminological and social terms. At the same time, it is necessary to promote ways of conflict resolution that do not lead to deprivation of liberty nor involvement of the Judiciary.

The mode of restorative justice practices appears as the best path to be followed, although there may be others as well, to decrease the number of JCCL in the Judiciary. To achieve this aim, a common effort among the different actors in this field is needed. At the same time, a radical change of paradigm is required, shifting from a punitive to a restorative option. A timid start has already taken place. Let us make vows for this march to continue in favour of all the juveniles and of the whole community

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Esta publicación fue Impresa
en los Talleres Gráficos de
E & M Impresores S.R.L.
Santo Domingo 306 Int. 3
Arequipa - Perú