

EFFICACY OF BRAZILIAN SOCIO-EDUCATIONAL MEASURES¹

EFFECTIVENESS OF BRAZILIAN SOCIO-EDUCATIONAL MEASURES

John Pedro Duarte BORTOLOTTI²

Ricardo Alexandre Rodrigues GARCIA³

SUMMARY

This article proposes a discussion about Brazilian socio-educational measures, seeking to detail the developments of each of them, also presenting the evolution of the legislation dedicated to the youth of the country. The objective of the work was to debate whether socio-educational measures really achieve the desired and idealized purpose of the legislator, since they seek at the same time that the minor redeems himself for his inappropriate behavior and is reintegrated into society in a dignified and fruitful way. The deductive methodology was used, with bibliographical and doctrinal research. Finally, it was concluded that socio-educational measures, if applied as the only means of sanctioning minors, do not have the desired effect, since in most cases there is much more lacking than the measures in question provide, such as a regular family structure and decent living conditions. It should also be noted that unfortunately Brazilian society does not sufficiently welcome minors who commit offenses, failing to provide them with opportunities for growth, work or even professionalization, thus corroborating their permanence in the world of crime.

Keywords: Socio-educational. Measures. Minors. Infractions. Effectiveness.

ABSTRACT

This article proposes a discussion about Brazil's socio-educational measures, seeking to detail the consequences of each of them, while also presenting the evolution of legislation dedicated to young people in the country. The aim of the work was to debate whether the socio-educational measures really achieve the end desired and idealized by the legislator, since they seek at the same time for the smallest to make amendments for the inappropriate conduct and to be reintegrated into society in a dignified and fruitful way. A deductive methodology was used, with bibliographical and doctrinal research. Finally, it was concluded that socio-educational measures, if applied as the only means of punishing minors, do not have the desired effect, since in most cases much more is lacking than the measures in question provide, such as a regular family structure and decent living conditions, and it should also be pointed out that unfortunately Brazilian society does not sufficiently welcome minors who commit infractions, not providing them with opportunities for growth, work or even professionalization, thus corroborating their permanence in the world of crime.

Keywords: Socio-educational. Measurements. Minors. Offenses. effectiveness.

¹ Final course work, presented to the Law course at the Santa Fé do Sul University Center-SP, to obtain the degree of Bachelor of Law.

² Student of the Law course at the Santa Fé do Sul University Center, UNIFUNEC.

³ Professor of Law, UNIFUNEC.

1 INTRODUCTION

Over the years, we can see the progress and evolution of society in various areas, among them a great change in social and cultural factors is noticeable, such as events influence the community as a whole, and bring with them eventual conflicts.

The present work aims to show the evolution of legislation aimed at youth population, present the socio-educational measures that are currently applied in Brazilian minors and debate whether such behaviors actually achieve the desired end.

It should be previously stated that socio-educational measures must have resocialization approach, seeking to reinsert the juvenile offender into society and provide him/her with adequate conditions to seek a future far from marginalization.

An analysis of all forms of measures was discussed during the study. socio-educational measures present in the Brazilian legal system, seeking to detail them and verify their true nature, that is, whether they wish to punish the infant, or actually provide the possibility of reflection and recovery of this individual.

A tracking of the profile of minors in compliance with socio-educational measures and the infractions committed by them, this information is based on research from nationally renowned institutions, such as the National Council of Justice.

In short, the work in question, in addition to listing all the points mentioned above, also sought to bring an observational content about the external factors that corroborate the practice of the criminal act, since there is almost no point in using the measures socio-educational measures as the only means of state sanction in relation to inappropriate actions on the part of teenagers.

Therefore, it is necessary to carry out a complete analysis of the environment in which the minor is inserted, since in most of the criminal acts the environment in which they live has a strong correlation with the conduct practiced.

2 HISTORICAL EVOLUTION OF BRAZILIAN CHILDREN'S AND YOUTH LEGISLATION

First of all, it is essential to state that children and adolescents are holders of human rights, as well as any person, in this way the rights of these members of society must be analyzed in conjunction with fundamental rights, which

in a subjective dimension, resulting from the condition of a person still in development deserve differentiated treatment.

Until the 19th century, including at the time of the arrival of Don João VI in Brazil, the current legal system was the Ordenações Filipinas (the longest-standing legal system in Brazil), which established that criminal liability began at the age of seven, and that children in the aforementioned age group (from seven to seventeen years old) would not be subject to the death penalty, but would be subject to a lesser penalty. Children from seventeen to twenty years old could receive the full or reduced sentence, according to the judges' discretion, and those over twenty years old would receive the full sentence, incurring any crime. It can be seen that children were punished without much difference from adults. This fact can be noted in title CXXXV of the Ordenações do Reino:

When any man or woman who is over twenty years old and commits any crime, he or she shall be given the full penalty that would be given if he or she were over twenty-five years old. And if the offender is between seventeen and twenty years old, it shall be at the discretion of the judges to give him or her the full penalty or to reduce it. In this case, the judge shall consider the manner in which the crime was committed and the circumstances of it, and the person of the minor; if he or she finds such malice that it seems to him or her that it deserves the full penalty, he or she shall give it, even if it is a natural death. And if it seems to him or her that it does not deserve it, he or she may reduce it, according to the quality or simplicity with which he or she finds the crime to have been committed. And when the offender is under seventeen years of age, even if the crime deserves a natural death, in no case shall he or she be given the full penalty, but it shall be at the discretion of the judge to give him or her a lesser penalty. And if the crime is not such as to warrant the penalty of natural death, the provisions of common law will be observed.

With the promulgation of the Imperial Penal Code, the Philippine Ordinances lost their validity, and the criminal age began to be considered from fourteen years old, where the penalty was subjective and applied arbitrarily by the judge, and may even result in imprisonment perpetual.

In 1890, the Penal Code of the Republic was created, attesting that minors under nine years were completely unaccountable, and those older than that age, up to fourteen years were subjected to so-called discernment tests, carried out by the judge, and the sentences were defined on a case-by-case basis.

In 1927, the Mello Mattos Code came into force, which regulated that adults over fourteen and those under eighteen would be subject to a regime supervised by this same code.

Subsequently, the 1971 Juvenile Code was adopted, which did not provide for expressly the rights of children and adolescents, even with the existence of the letter of 1924, the Declaration of 1955, the Universal Declaration of Human Rights of 1948 and some international pacts.

The 1979 Minors' Code also emerged, which stated that they were irregular children and adolescents (up to eighteen years of age) who were in poor conditions family relationships, state of abandonment by society or who committed an offense.

With the advent of the Federal Constitution of 1988, the responsibility for the care and protection of minors was also attributed to society and the State, as expressly provided in its text in art. 227.

Art. 227 It is the duty of the family, society and the State to ensure that children, adolescents and young people, with absolute priority, have the right to life, health, food, education, leisure, professional training, culture, dignity, respect, freedom and family and community life, in addition to protecting them from all forms of neglect, discrimination, exploitation, violence, cruelty and oppression.

There was also a major transformation in the rights of infants with the creation of the ECA (Law 8.069/90), which brought with it the theory of comprehensive protection, that is, based on the fundamental rights of children and adolescents, since they are in conditions of special people, being entitled to full protection. It should also be mentioned that the Law 8.069/90 presents the need to integrate the three powers in their actions and community at large.

This thought is supported by the ideas of Jefferson Moreira de Carvalho (1997, p. 3 and 4):

All statutory content demonstrates the need for total integration of the State with the Community, of the Municipality with its population, so that issues relating to children and youth are well resolved; thus, the legal norm and the isolated will of the Municipal Administration or Society are not enough [...] It is required that the State and Society work together.

Thus, the ECA is not a common law and is not applied equally throughout the national territory, since Brazil is a country of continental dimensions and varied social problems. Thus, the Judiciary, with the help of the community, knowing its problems in greater detail, can act more effectively.

3 THE INFRACTIONAL ACT AND SOCIO-EDUCATIONAL MEASURES

Under the light of article 104 of the ECA, children and adolescents (up to eighteen years of age) will be held liable for an infraction, not a crime, and the measure must be applied to them socio-educational or protective measures, and never penalties, once it is recognized that such individuals are not have a degree of discernment equal to those who have already reached the age of criminal responsibility, and such measures are absolute in nature as to their application, and it should also be emphasized that according to the interpretation of the Law, those over twelve years of age are subject to these sanctions (resulting from the understanding that at such age they already have sufficient maturity) and that minors of that age are unaccountable.

The definition of an infraction is described in article 103 of Law 8,069/90, as provided: "Art. 103. Conduct described as a crime is considered an infraction or criminal misdemeanor". (BRAZIL, 1990). Reinforcing what was previously mentioned,

the practice of crimes carried out by such people does not constitute a crime, but rather an infraction governed by the ECA.

Another extremely important point that cannot be ignored is the agent's age. at the time of the event, in analysis of the express provisions of the sole paragraph of article 104 of the referred to legislation, it is established that the age that must be observed is that of the date of the facts, therefore, even if you reach the age of majority during the course of the proceedings, the following conditions will be applied: provisions of the statute, since at the time of the conduct he had not completed eighteen years.

Regarding socio-educational measures, these are present in article 112 of the Statute of Children and Adolescents:

Art. 112. If an infraction has been committed, the competent authority may apply the following measures to the adolescent:

I - warning;

II - obligation to repair the damage;

III - provision of services to the community; IV

- supervised freedom;

V - insertion in a semi-open regime;

VI - admission to an educational establishment; VII -

any of those provided for in art. 101, I to VI.

§ 1º The measure applied to the adolescent will take into account his/her ability to comply with it, the circumstances and the severity of the offense.

It is therefore up to the judge to assess which of the measures present in the aforementioned article, taking into account the infant's ability to comply with it, the circumstances and severity of the offense, choose the one that best fulfills the function socio-educational, without leaving aside the pedagogical character that such measures carry, as well such as the preference for measures that do not deprive freedom, thus respecting the right of minor to live with family and community. We cannot forget the regulated in § 3 of art. 112 (BRAZIL, 1990) of this same legislation, which provides that the adolescent with mental illness or disability will receive individual treatment and specialized, guaranteeing, in addition to the rights of this individual, humanitarian treatment and respectful to people with disabilities.

Still in compliance with article 5, item XLVII, paragraph c, of the CRFB/88 (BRAZIL, 1988), the ECA also provided for in its article 112 § 2 the prohibition of forced labor, since that this type of conduct is not permitted even for prisoners.

3.1 Warning

Based on article 115 of the ECA, this form of correction consists of a warning verbal, and must be reduced to writing and signed, being the function of the magistrate, when carrying out this

act to present to the infant the gravity of his conduct, and explain the possibility of loss of parental authority and withdrawal of the right to custody or guardianship of parents.

In this socio-educational media, the judge assumes the role of educator, being concerned with the construction of a good self-image by the minor, considering the degree of discernment of the author, his conditions, the specificities of the offense, age, state emotional, among others.

The focus of this type of measure is to provide the infant with reflection, and in compared to the infraction, the warning should be sufficient for the specific case.

3.2 Obligation to repair the damage

If the criminal act committed by the adolescent causes financial damage, there is the obligation to repair the damage, as provided for in art. 116 of Law 8,069/90:

Art. 116. In the case of an infraction with financial implications, the authority may determine, if applicable, that the adolescent return the item, provide compensation for the damage, or, in some other way, compensate the victim for the loss.

Sole paragraph. If there is clear impossibility, the measure may be replaced by another suitable one. (BRAZIL, 1990).

For this measure to be adopted, the authorship and materiality of the crime must be proven, with the judiciary itself being responsible for applying it, without needing any external interference.

Regarding ways to repair the damage, the simplest way is to deliver the property. subtracted, reimbursement occurs when restitution is not possible, which must occur in the form of money in an amount equivalent to the good, the idea cannot be ignored that the compensation may only be imposed if there is a possibility for the adolescent himself to comply there, not extinguishing the parents' liability in the civil sphere, and in impossibility of these two situations, compensation will be analyzed, which does not occur due to money, but rather by providing some type of service to the offended person.

3.3 Provision of services to the community

Provided for in article 117 of the ECA, this measure is linked to the provision of services in a not burdensome in hospital, care and similar establishments, or even in government programs, for a maximum of six months.

This type of measure has a pedagogical nature and allows the minor to redeem his/her offending conduct through their own work, and this work activity must

take into account the physical and mental condition of the infant, in addition to not being able to exceed the working day eight hours a week, on Saturdays, Sundays, holidays, or even weekdays, not being allowed to disrupt the workday or school attendance.

3.4 Supervised freedom

In its article 118, the ECA deals with supervised freedom, which is intended for monitoring, assistance and guidance of the adolescent (BRASIL, 1990), during the period in that the infant is on supervised freedom, it is up to him, under the tutelage of his advisor, to integrate when I need an official or community social assistance program and maintain attendance school, and it is also the role of this advisor to intervene positively in the professionalization of teenager and help him/her enter the job market, presenting a report, in accordance with art. 119, I to IV of the ECA (BRAZIL, 1990).

In general, supervised freedom is used in cases of repeated minor offenses, although the possibility of it being applied to more serious offences cannot be ruled out, depending on the understanding of the social study, which indicates as the best alternative to maintain the minor in a family environment, favoring their social reintegration, not forgetting that this measure it can also function as a kind of progression of the semi-freedom regime or hospitalization.

This type of sanction will be maintained for at least six months, not excluding the possibility of extension, revocation or even replacement by any of the others measures.

It is the advisor's responsibility to seek the effectiveness of the measure, through the responsibilities provided for in Law 8,069/90, including social inclusion and insertion in programs government, supervision of the infant in the school environment, controlling grades and attendance, professionalization of adolescents and integration into the labor market, finally presenting a report on compliance with the average within six months.

Taking into account the explanations presented, it is noted that it is of utmost importance that the community welcomes such individuals mainly in relation to professionalization, since who, unable to find work, that is, basic resources to meet their needs, chances of reoffending become even greater.

3.5 Semi-open regime

This form of measure may be determined at the beginning of the enforcement of the sanction, or still as an instrument of transition to the open environment, present in article 120 of the ECA authorizes activities to be carried out in an external environment, regardless of judicial authorization, being that professionalization and schooling are mandatory, always aiming at reintroduction of the minor into the social environment.

In accordance with §2 of art. 120 of the ECA, semi-freedom has no term determined, with the provisions of hospitalization being applied to him, that is, after a period of three years of compliance, reaching the age of 21, and merit of the adolescent who demonstrates the unnecessary nature of the measure.

3.6 Hospitalization

Regulated in article 121 of the ECA, it is a measure that deprives freedom, and must be applied on an exceptional basis, and the appropriateness of this type of measure is present in the article 122 in its sections I, II and III, more specifically when the infraction is practiced in a scenario of violence or serious threat against a person (item I), by reiteration in serious infractions (item II) and for repeated and unjustified non-compliance with some measure previously imposed (item III), in which case the hospitalization will not may be longer than three months, and must be decreed judicially, after due process legal.

This measure must be complied with in an entity exclusively for minors, as provided for in art. 123 of the ECA:

Art. 123. The internment must be carried out in an institution exclusively for adolescents, in a location separate from that intended for the shelter, with strict separation being observed based on criteria of age, physical build and severity of the offense.

Sole paragraph. During the period of hospitalization, including temporary hospitalization, educational activities will be mandatory.

The measure must be complied with in a suitable place, and minors are prohibited from doing so. eighteen years old, comply with pedagogical measures together with non-imputable individuals, seeking to avoid that the teenager suffers bad influences and enters definitively into the world of crime instead of recovering, highlighting that article 124 of the ECA establishes the rights of infants during hospitalization, seeking to provide them with dignified treatment and promote social reintegration, this fact, because socio-educational measures carry the purpose of

social reintegration and not punitive. It cannot be forgotten that at twenty-one years of age the teenager will be compulsorily released.

4 STATISTICAL EVOLUTION OF INFRINGING ACTS AND MEASURES SOCIOEDICATIVE

When it comes to the evolution of the profile of juvenile offenders over the years, there is a noticeable series of changes in the numbers and profiles of the teenagers in question, making an analysis from the data made available in the Brazilian Public Security Yearbook it is noticeable that in 2004, there were 147,678 criminal acts committed throughout the country, with leaders in numbers are the states of Minas Gerais, Rio Grande do Sul and São Paulo, which together they add up to more than 106 thousand infractions.

Analyzing a few years later, more specifically in 2007, we see that 154,615 criminal acts were committed, higher numbers than the previous year presented, taking into account that in the yearbook in question some states that presented their data in the previous year abstained, such as Acre and Sergipe.

In 2007, they were subjected to socio-educational measures involving deprivation of liberty. 16,509 adolescents, with a total of 11,143 minors being interned, provisionally interned 3,852 minors and 1,214 minors were in semi-liberty.

Jumping ahead a few more years, in 2009, 123,381 criminal acts were committed, or that is, 31,234 less than in 2007, a fact that generates strangeness when realizing that even with more than 30 thousand fewer infractions, there were 431 applications of restrictive measures freedom more than in the aforementioned year, being 11,901 hospitalizations, 1,568 hospitalizations provisional and 1,568 minors in semi-liberty.

In 2011, 19,595 people were subject to custodial measures. infants, with 13,362 hospitalizations, 4,315 provisional hospitalizations and 1,918 in semi-freedom, It is worth adding that in the same year, of the adolescents who were hospitalized, 559 were girls and 13,803 were boys, of those who were provisionally hospitalized 272 were girls and 4,043 were boys and of those who received semi-freedom 104 were girls and 1814 were boys.

Among the criminal acts committed this year, the main ones were robbery, with the percentage of 38.1% (8,415 crimes), trafficking with 26.6% (5,863 crimes), homicide with 8.4% (1,852 crimes) and theft with 5.6% (1,244 crimes), the list also includes a series of

other criminal acts, but with less incidence, for example carrying a firearm attempted murder and robbery.

Continuing the analysis in 2013, they suffered restrictive measures of freedom 23,066 minors, of which 15,221 were hospitalized, 5,573 were hospitalized provisional, and 2,272 semi-freedom, with the most common criminal acts being robbery with 42.0% (10,051 crimes) trafficking with 24.8% (5,933 crimes) homicide 9.2% (2,206 crimes) and theft with 3.6% (856 crimes) with the practice of other acts as well. smaller proportion, such as attempted murder and attempted robbery.

In 2015, there were a total of 26,868 minors in conflict with the law, with the main offenses being robbery with 46.4% (12,724 crimes) and trafficking 24.3% (6,666 crimes) homicide with 10.2% (2,788 crimes) and theft with 2.9% (783 crimes), in addition of other lesser-incidental crimes, such as robbery and attempted murder.

Analyzing the year 2017, there were 26,109 adolescents serving sentences socio-educational in closed environments, in addition to 117,207 who completed grades in open environments, totaling 143,316 minors who served socio-educational sanctions.

Reaching the year 2020, the number of minors complying with measures in the middle closed suffered a decrease of more than 10 thousand minors in relation to 2017, reaching 14,235 teenagers.

In 2022, 12,515 people served socio-educational measures in closed environments infants, that is, almost 15 thousand fewer teenagers than in 2015, the year with the highest rate ever registered, totaling 26,868 minors.

Finally, in the year 2023, (latest data available), measures will be complied with socio-educational institutions in closed environments 11,757 adolescents, which once again confirms the growing reduction of young people serving their sentences in prisons.

When tracing a chronological line of analysis of the number of teenagers who fulfilled socio-educational measures in a closed environment, an increase is noticeable, starting from the analysis in the 1990s, more specifically in 1996, 4,245 people complied with these measures minors, moving forward to the year 2006 the number of juvenile offenders rose to 15,426, in 2013 the number of infants in these conditions rose by more than 7 thousand people, reaching 23,066 teenagers, in 2016 the level of teenagers in debt with the judiciary reaches 26,450 people, in 2019 the drop in infants in compliance with such measures, reaching 22,031 teenagers, continuing to fall consequently, in the year 2022 with the lowest rate in the last 18 years, that is, 12,515 minors in compliance of socio-educational measures restricting freedom, finally arriving in the 2023 yearbook,

with continued reduction in the number of minors serving measures in closed environments, more precisely 11,757 offenders.

In data released by IBGE, in 2023 the national rate of adolescents serving socio-educational measures in a closed environment, using as a reference the value of 100 thousand teenagers, reaching the final result of 46.0 teenagers, being that in some federal entities the index was higher than the national average, such as São Paulo (96.4), Acre (146.8) and Espírito Santo (117.7), in the same way that other states had an index negative, such as Rio Grande do Norte (-59.5%) and Rio Grande do Sul (-0.7%).

In short, socio-educational measures that restrict freedom are falling, a fact which has been observed since 2016, although the phenomenon in question is being studied by researchers from different areas, such as activists and civil servants, have not yet reached a cause definitive, with some hypotheses being raised, such as recommendation no. 62 of the CNJ of 03/17/2020 (provides measures to prevent the spread of COVID-19 in the system Brazilian prison and socio-educational system), the decision of collective Habeas Corpus No. 143,988/ES, the reduction in records of theft offenses (one of the most frequent, as already explained previously) and also the drop in the number of adolescent arrests in the states of Rio de Janeiro and São Paulo.

5 PROFILE OF ADOLESCENTS SERVING SOCIO-EDUCATIONAL MEASURES IN CLOSED ENVIRONMENT

According to data released by SINASE (National Health Care System Socio-educational) in the year 2023, there were 11,214 male inmates, 46 of them transgender, and 471 girls, 10 of them being transgender, which is close to 96% of the minors received in these institutions.

Regarding the racial profile, the survey found that approximately 63.8% of adolescents declare themselves as black or brown, 22.3% white, 0.1% yellow and 0.4% indigenous people, and for 214 minors there was no record of this type.

The predominance of black and brown teenagers, according to researchers has its origins in the racist social reflex that is very present in Brazilian daily life, and the main criminal acts in most states are robbery, drug trafficking and homicide, and it must be shown that the criminal acts that generate financial advantages are preponderant.

6 RE-OFFENSE OF THE YOUNG OFFENDER

Before making any observations, it is important to emphasize that the recurrence that will be treated is the reiteration of the practice of the infraction, which the socio-educational measure has been applied twice or more.

Based on research by the Casa Foundation in 2016 in a collection process of sampling data, out of a total of 300 adolescents, 32.6% were repeat offenders, that is, approximately 98 minors.

In a survey carried out by the CNJ that lasted from 2015 to 2019, of the total of 5,544 minors convicted with final judgment re-entered the system socio-educational 1,327 individuals, that is, 23.9%. When it comes to recidivism also with final judgment, the rate reaches a total of 13.9%, in other words in a way approximately 2 out of every 10 teenagers were re-arrested by the police and received a new conviction.

When analyzing more specifically regarding re-entry by the sex of minors, it is found that 298 girls and 5,246 boys entered the socio-educational system, that 43 girls (14.4%) and 1,284 boys (24.5%) reoffended, going against the "rule" should be presented that in the state of Minas Gerais the recidivism rate was higher among females (41%) while boys reoffended (29%).

Regarding the measure, there is a greater recurrence of open sanctions. with 3,745 convictions, with 980 people reoffending, that is, 26.2%, in contrast to the closed measures, which resulted in 1,799 convictions, with 347 people reoffending, or be 19.3%.

When it comes to recidivism, regardless of the numbers, the fact always generates great outcry in society, and with each recurrence socio-educational measures receive more discredit and its effectiveness is increasingly questioned, as evidenced by the great movements already carried out to reduce the age of criminal responsibility.

Another point that cannot be ignored is that delinquency is linked umbilically with the socioeconomic conditions of individuals, a factor of the rich that is recognized even by the CASA Foundation, which in research found that delinquency is always associated with situations of need, low income and issues of a economic, considering that the labor market offers individuals with lower level of education less pleasant job opportunities, and in the world from crime, constant figures emerge as symbols of professional achievement.

7 EFFICACY OF SOCIO-EDUCATIONAL MEASURES

As previously mentioned, socio-educational measures have the purpose of resocialize the infant, seeking to reeducate them, so it is necessary to analyze whether the measures are achieving the desired ends.

Regarding socio-educational measures carried out in an open environment, such as the provision of services to the community, a study on the functionality will be used as a basis of the system in the Federal District, which demonstrated that minors who were subjected to provision of services to the community presented a low rate of recidivism, which is directly related to the effectiveness of the measure.

It is important to present the factors that can lead to delinquency or even recidivism, regardless of whether it results in punishment or socio-educational measures, do not have a large relation to the response offered criminally, as none of them have an intimidating effect sufficient to prevent an individual who sees no other alternative from committing a crime.

The flaw addressed does not lie solely in the effectiveness of the measures socio-educational, but they also find support in the inefficiency of public policies that combat hunger, social inequality, unemployment, or even marginalization.

This broader view of the social root of the problem is of utmost importance, since individuals may receive a verbal warning, repair the damage caused, provide services to community, live in supervised freedom or even be hospitalized, attending school concomitantly with compliance with any of these measures, provided that after all these experiences return to reside in a scenario of vulnerability, the chance to return to reoffending is high, which calls into question the practical effectiveness of socio-educational measures, without considering that there are institutional factors that must be improved, such as training of agents, supervision and improvement of institutional environments.

In this way, even with the ECA complete in terms of measures socio-educational activities, the big problem lies at the time of their implementation, fact that occurs as a result of an outdated system and with failed supervision, which causes a greater sense of inefficiency when one thinks of measures as the only instrument resocializing, since after all the measures have been complied with, even if successful, the the overwhelming majority of individuals return to the environments that led to the practice of infringement.

This fact does not necessarily occur by the agent's will, but often by lack of family structure, adequate opportunities in the job market, which end up leading them more vehemently towards the path of crime, lack of support of society and public policies that adequately support minors, and in fact provide them with conditions to rewrite their stories.

8 CONCLUSION

After all these allegations, it can be concluded that Brazilian child and youth legislation went through several transformations until reaching the current configuration of the ECA, which presents in its art. 112 the provision of all socio-educational measures that can be applied. Details were also given on the definition of each of the measures listed in the cited article. priori, also presenting statistical data from renowned Brazilian institutions regarding this matter the profile of the juvenile offender and the criminal acts committed by them, concluding that the number of adolescents serving socio-educational measures in closed environments is constant reduction, and that among the crimes committed, the most common are always robbery, trafficking and theft. It was also detailed about the recidivism of minors, noting that the number of infractions committed by boys is significantly higher when it comes to compares with those committed by girls, which does not appear differently in recidivism, since male offenders end up reoffending more than those of the opposite sex. For end the debate was about the effectiveness of socio-educational measures and it was concluded that regardless of the levels of recidivism, the practice of criminal acts by adolescents always generate social outcry, and that often the root of the conduct in question comes from factors social factors, such as influences in the environment in which they live, the lack of opportunities in the job market work and efficient public policies to adequately accommodate these individuals and resocialize them, facts that together place the effectiveness of socio-educational measures at risk increasingly in evidence and questioning.

9 REFERENCES

BRAZIL, **Statute of Children and Adolescents**. Law 8,069/90. São Paulo, Atlas, 1991. Available at: https://www.planalto.gov.br/ccivil_03/leis/l8069.htm. Accessed on: 03/13/2024.

BRAZIL. **Constitution (1988)**. Constitution of the Federative Republic of Brazil. Promulgated on October 5, 1988. Brasília, DF: Federal Senate, 1988. Available at: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed on: 03/17/2024.

CASSANDRE, Andressa Cristina Chiroza. **The effectiveness of socio-educational measures applied to juvenile offenders**. 2008. Available at: <http://intertemas.toledoprudente.edu.br/index.php/Direito/article/viewFile/876/846>. Accessed on: 03/17/2024.

BRAZILIAN PUBLIC SECURITY FORUM. Brazilian Public Security Yearbook. São Paulo: FBSP, 2007, 2014, 2015, 2018, 2022, 2023 and 2024. Available at: <https://www.forumseguranca.org.br/publicacoes/anuario-brasileiro-de-seguranca-publica/>. Accessed on: July 9, 2024.

Law No. 8,069 of July 13, 1990. Provides for the Statute of Children and Adolescents and other measures. Brasília, DF. Available at: http://www.planalto.gov.br/ccivil_03/leis/L8069.htm. Accessed on: 06/19/2024

VIEIRA, Kelly Santos. **Socio-educational measures and the recidivism of juvenile delinquency**. 2020. Available at: <https://dspace.uniceplac.edu.br/handle/123456789/964>. Accessed on: 08/05/2024.

REENTRY and repeat offenses: a look at the Brazilian socio-educational and prison systems. CNJ, 2019. Available at: <https://www.cnj.jus.br/wp-content/uploads/2020/03/Panorama-das-Reentradas-no-Sistema-Socioeducativo.pdf>. Accessed on 06/12/2024.

SILVA, Carlos Henrique da. **The effectiveness of socio-educational measures in relation to adolescents who commit crimes**. UOL. Available at: <https://monografias.brasilescola.uol.com.br/direito/a-eficacia-das-medidas-socioeducativas-relacao-ao-adolescente.htm>. Accessed on: 06/17/2024.

SILVA, Gislaine da; OUFELLA. Jociane Machiavelli; SANTOS, Adalcio Machado dos. **The (In)Effectiveness of Socio-Educational Measures**. Legal Point of View Magazine. April 24, 2018. Available at: <https://periodicos.uniarp.edu.br/index.php/juridico/article/view/1434>. Accessed on: 05/13/2024.