

# The Influence of Contemporary Family on the Emotional Structure of Young People in Conflicts with the Law

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**Abstract:** *The family institution went through several historical and social processes that changed its dynamics until it was now tied by affection. However, the family continues to occupy a fundamental place in the present society and in the structuring of its offspring, regardless of its configurations. Against this background, this Bibliographic Review research aims to understand the influence of contemporary family on the emotional structure of young people in conflicts with the law. Starting from the detailed observation of various family transformations and the psychosocial and psychodynamic survey of a young man, this study identified significant contents that point us to the influence of contemporary family on the emotional structure of this population, among them, the introjection of laws and the way in which these young people deal with authority and frustrations. And with regard to the consequences of this process and its implications for these young people personality, when there are structural flaws in family relationships, a difficulty of this population in establishing affective relationships can be observed, as well as in dealing with authority, due to the antisocial personality characteristics and even to criminal behavior. This study aims to give a voice to a complex and often veiled theme in society, and to alert to the importance of the continuity of future research that will help us build better strategies and actions of public policies.*

**Keywords:** young people in conflict with the law, Family Configurations; socio-educational measures

## 1. Introduction

There is a growing increase in crime in Brazil, where the involvement of adolescents in acts of violence has played an important role. Several factors may lead a young man to commit some kind of infractions, given that, an adolescent is in a phase of bio-psychosocial transformations and needs an environment that favors his development in an appropriate and functional way, as well as guaranteed legally by the Statute of Estatuto da Criança e do Adolescente (ECA). It is through the family environment that an individual establishes first contact with society. This process plays a key role in presenting him to the norms of the civilization and culture in which he lives. The qualitative breadth of this apprehension associated with the introjection of laws and the registration of authority will play a primordial role in the psychic structuring of this individual, thus being the main socializing agent. Brazilian children and young people, especially those belonging to the poorest strata, grow up surrounded by enormous social vulnerability.

In this study, we will focus on understanding how the family institution has been undergoing changes over the years, how it is in the current historical moment and what are the consequences for the process of development and structuring of its offspring. It is important to understand how the contemporary family participates in the emotional structuring of this young man who is in conflict with the law, and how it could contribute to the insertion, permanence or exit of this young man from the criminal world. This research of an analytical and exploratory nature is a Bibliographic Review, and aims to understand the influence of contemporary family on the emotional structure of young people in conflicts with the law. To this end, this study will be divided into the following chapters: the first one aims to understand the transformations

undergone by the family institution over the years, and the second one situates this young man in the Brazilian reality, exploring the features involved in this context, and, in the end, seeks to understand from the psychodynamic point of view, which are the processes that are involved in the structuring of the psyche of individuals, and what is the significance of a contemporary family in the process.

## 2. Method

This Bibliographic Review research was built with systematic processes. Initially, the possible aspects associated with the topic in question were thoroughly discussed, and the main axes of this research were identified. These elements were transformed into keywords that helped us in search of the material, and they are: a) young people in conflict with the law, b) family configurations, c) socio-educational measures. From this process, the criteria for inclusion was determined: a) articles published over the last 10 years; b) profiles of 14- to 17-year-olds; c) various family configurations; d) reflections on socio-educational measures; e) processes of re-socialization; and exclusion: case studies. Then a survey of the material began, carried out on the scientific research platforms of Scielo and Google Scholar.

Initially, in these databases, scientific articles were selected by their titles, making a total of 65 articles. These were arranged in an Excel spreadsheet, with the following subdivisions: article name, year, authors, link to direct access, database, and justification of inclusion or exclusion, based on the objective of this research. Following this, we went through the detailed reading of the summaries of the pre-selected articles, and carried out a new selection, with indicators of inclusion or exclusion. At this stage, an amount of 60 articles was selected. Later, we went through the full reading of this included material,

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which resulted in 50 articles in this new selection. In order to organize the selected articles' reading and to start the data survey, these were subdivided into four blocks, comprising the following themes: a) families (19 articles), b) legal aspects and Restorative Justice (09 articles), c) psychosocial aspects (18 articles) and d) psychodynamic aspects (14 articles). Following the detailed reading of the articles of each block, biweekly discussions of these materials were held, the main contexts of interest were understood and identified, which served as a data survey and an argument for the structuring of this work.

### Different theories of families in contemporary times

The concept, theory and structure of the family have been undergoing transformations over the years and originating new family configurations, coming from the historical, social and cultural processes, such as changes of customs and paradigms; globalization, among others; and promoted by numerous academic discussions and social groups. Some processes arising from the last century, resulted in a significant and far-reaching changes in its dynamics, such as the definite inclusion and the empowerment of women, with their insertion in the labor market, determined by the consequences of the two world wars, by the number of issues discussed by social movements, such as of the counter-culture that spoke out loud of the issues, associated with homosexuality, deconstruction of roles and gender, sexism, patriarchy, and feminism, among many others, and that remain up to the present day. Bringing up the discussion of these contexts has promoted an enormous resonance in the people's life and their dynamics, and likewise, this process has directly affected the concept, structure and dynamics of the family, whose enormous influence can be observed today.

According to Cunico and Arpini (2013) the family has been transforming itself in its configurations and dynamics, because it is directly related to the processes of historical, social and cultural transformations. Considering its various forms of presentation and its plurality, it is interesting to present the term "families", in the plural form. In Arantes and Junior (2010), the human being has a need for living in society, joining someone in search of security and affection. The family model recognized socially and legally, was marriage; historically this model arises in a conservative society.

According to Cunico and Arpine (2013) family and family feeling have evolved, in the Middle Ages, for example, previously, the family function was to give life, goods and name. As stated by these authors, this function has changed in various historical and social moments, some phases of this family institution, can be perceived through its various forms of expressions, among them: 1) *Traditional Family*, where marriages were arranged by parents of the bride and groom, disregard the feelings, because the goal was to guarantee and extend the patrimony. In this model, we observe the absence of affection and submission to the patriarch. 2) *Modern or nuclear bourgeois Family* emerges with the rise of the bourgeoisie in the 18th century, when marriage is seen as permanent, the value of fidelity is of great importance, at

that time the values were focused on well-being of the children and on love of the spouses. Furthermore, an asymmetry in the relationship of a man and a woman is observed, where the man was the provider who carried out public life and was directly related to production; while the woman took her place in the private life, and was responsible for the housework and children, being dependent on the male figure in many different aspects: legal, moral, economic, and religious, and it is her resignation that was sustaining the marriage. The authors also add that in the 20th century, we observe the entry of women into the labor market, the feminist movements, and social changes, and consequently, the woman takes a less resigned and more autonomous position. At this stage, the dissolution of marriage and divorce are already to be considered, as the subjects are seeking more intimate relationships and sexual fulfillment. This model is called contemporary and postmodern, it arises after the counter-culture movement, when society was in search of citizenship rights and democracy, while the process of re-democratization was taking place, at that time the constitution of 1988 was established (CUNICO, ARPINE, 2013). These changes were aligned with the new social contexts promoted by the Federal Constitution of 1988, which extended the legal concept of family recognizing the stable union and the one-parent family, although it didn't cover all family configurations, added a new element into the concept of family: affection (COHEN, FELIX, 2013). Therefore, in the view of Cohen and Felix (2013), the social affectiveness that has origin in non-biological factors characterizes the new forms of family entities. "The family is now going to have a wider definition, there is a multiplicity of identities, based on ethics and affections" (ARANTES, JUNIOR, 2010, p. 15). "The affection, although not expressed officially in the Constitution, is now regarded as one, if not the most important of cornerstones of the Brazilian family" (COHEN, FELIX, 2013, p. 27). With the insertion of social affectiveness into description of family entities, innumerable family configurations appear, along with the new family theories, defined by Maluf (2010, p. 14) as "[...] the social organism to which a man belongs by birth, marriage, filiation or affinity, being inserted in a certain historical moment, taking into account the political formation of the state, the influences of customs and civilization, in short, in which it is inserted".

Currently, according to the Brazilian Institute of Geography and Statistics (IBGE, 2010), the family can be defined as a "set of people linked by relative ties, domestic dependency, or norms of coexistence, residents in the same household unit or a person who lives alone in a household unit". In view of these new family theories, there are studies and researches that are classified into several types, as can be seen in the description of the census conducted by the IBGE (2010), and according to Arantes and a Junior (2010), it can be well understood: a) *Family marriage*: arising from the marriage; b) *Concubinage*: the relationship of men and women who are not allowed to have a formal union; c) *Stable union*: where individuals live together and share a common domestic life, but are not married; d) *Parallel Family*: where a member participates in more than one family; e) *Single-parent*

*Family*: where there is only one of the parents present and responsible for the child's education and rearing; f) *Non-parent Family*: relationship between people who don't have a level of family relations and sexual relation either, these people have common goals, creating a family dynamics; f) *Multi-parent Family*: formed after the rupture of prior family relations and the establishment of the new ones, bringing together children from previous relationships; g) *Eudaimonic Family*: a union established due to the affection or affinity, that doesn't require blood relation; h) *Single-person Family*: made of a single person; and i) *Same-sex Family*: a family, resulting from the union of two people of the same sex, in order to build family relations. In this way, today we can consider the concept of family to have an important social function, regarding the protection and socialization of its members, in which affection and security favor the psychosocial development of the individual (MALUF, 2010). This function is also included in the Federal Constitution and described in Article 227.:

It is the duty of the family, the society and the State to ensure to children and adolescents, with absolute priority, the right to life, to health, to food, to education, to leisure, to professionalization, to culture, to dignity, to respect, to liberty, to family environment and community, as well as keeping them safe from all forms of negligence, discrimination, exploration, violence, cruelty and oppression.

In the view of Bucher and Rocha (2015), the family plays a fundamental role in psychic structuring, since it inserts the subject into society and directly interferes in how this subject deals with the law and authority. It is the function of the family to transmit culture as the main agent of socialization. On the other hand, recent studies show how these social transformations when poorly administered can increase vulnerability of the emotional development of these family members.

The different family configurations resulting from technological advances, the integration of women into the labor market among other issues arouse in contemporary times make time for their children less and less, often "outsourcing" parental care, and making the paternal function more and more non-existent.(Outeiral, 2007, p. 69).

In the vision of Quintella (2014), the subjective effects of the new family configurations that took place in the late 20th and early 21st centuries have changed the way the subject deals with the law and authority, since, the father figure is extremely important in this dynamics. And both maternal and paternal functions are often damaged. On the other hand, for Santos (2007), the new forms of contemporary families imply new types of individual identities, bringing conflicts between the individual and the collective within the family nucleus. With the integration of women into the labor market, there are changes in their identity and role that were previously restricted only to their children and subordination to their husbands. "The family influences its members in the most diverse ways, hoping to make them an extension of itself

and its cultural environment. Being the main agent of socialization, it had facilitated the child's apprehension of its role, participating in the social world and internalizing it" (SANTOS, 2007, p. 21). In this sense, Santos (2007), states that the family would be the whole where a member interferes in the family dynamics and, this, also transforms each subject of this relationship. However, for Tretin (2011, *apud* BUCHER, ROCHA, 2015), there is a relationship between family dynamics and the development of deviant behaviors. These behaviors are more easily observed where family support is more deficient. The influences of social external issues generating family conflicts contribute to the practice of illegal acts. Since the family is very important in the education and organization of the individual's personality, being the first social group where the child is inserted. For Zanetti and Gomes (2011), there is still a weakening of parental functions, in contemporary families' parents find it difficult to educate their children due to the weakening of their position of authority.

The historical, social, cultural and economic determinants contribute to the child being presented from an early age an environment of greater freedom to explore the world. Values such as freedom and equality as well as coexistence with diversity can provide the formation of subjectivity and identities in very rich families. However, these values can also weaken parental functions, failing to impose limits, which many confuse with the use of authority and authoritarianism, so opposed at the present time. Parents often get lost in the advancement of science that imposes a model of education, that not being built by them, loose their authenticity and do not take into consideration their personal experiences and values. In this context, Quintella (2014) adds that a lack of the father's authority in the family and of the emergence of the scientific discourse promotes a huge difference in the formation of the contemporary subject who have difficulties to tolerate limits and frustrations. Santos and Angonese (2016), in turn, claim that parents as educators need to have a mix of qualities, where they need in some moments to be rigid and in others more permissive. The way in which the interaction between parents and children takes place shapes the personality of the child, since, the father figure sustains the law and order in the child's life. In this context, Lacan (1984/1987, *apud* CARNEIRO, 2010) states that violation of social laws stems from the lack of symbolic relations in the child's family. Bauman (2007, *apud* CARNEIRO, 2010) points out a new problem of postmodernity that intervene in family relationships, which is consumption. In the current scenario an individual who is not able to produce is excluded from society. This context promotes a new way of dealing with human relationships which can lead to a disconnection between family members, especially between parents and children, as people are instigated by consumption that is never satisfied.

### **The young man in the Brazilian reality and those who are in conflict with the law**

According to the Statute of the Child and Adolescent (ECA), a person up to 12 years old incomplete is

considered as a child, and a person between 12 years and 18 years of age - as adolescent. According to the Instituto de Pesquisa Econômica Aplicada (IPEA) (2015), this population range amounted to 11% of the Brazilian population in 2013, totaling 21.1 million adolescents. Vilhena and Zamora (2014), state that the Brazilian legislation, in compliance with international treaties, adopts the paradigm of integral protection of children and adolescents, since the latter is in a condition of development. The ECA has a protective character and is a guarantee of rights, which aim to guarantee healthy development of this adolescent. For Berguer (2013) and Papalia and Feldman (2013), the adolescence period is between 11 and 20 years; in the vision of Mesquita, Jesus, Cavalcanti and Costa (2016), in this period the formation of personality suffers interference from bio-psychosocial transformations. According to Berguer (2013), identity building and self-knowledge are the main goals in adolescence, these goals can be changed by personal factors such as family relationships and external factors such as political and economic factors in society. For Papalia and Feldman (2013) the supportive relationships of society, school and parents influence the development of this young man.

According to Branco, Wagner and Demarchi (2008), for healthy development a balance is needed between informal support, consisting of friends; formal support: teachers, school and family support. They also state that some family characteristics, such as: good quality relationship and communication between young people and their parents, defined hierarchical structure and establishment of a secure attachment pattern, provide pro-social behaviors. Due to the social, historical and cultural changes, the participation of parents in the life of their children also suffered changes and consequences and, according to Zanetti and Gomes (2011), an undisciplined behavior more intensified in the children of today than in those of other generations can be observed. There is also a weakening of parents' authority.

Santos and Angonese (2016) highlight the importance of a structured environment to provide the individual with adequate development and select some environmental factors that promote an unstructured environment such as: family mismatches, neglect, physical, emotional and sexual abuse, extreme poverty, poor quality education and a lack of significant attachments. For Santos (2015), the degradation of family ties, a lack of public inclusion policies, racism and social inequality are related to increase of crime and are factors that show non-effectiveness of the SCA. For these authors, crime is a structure, and a number of factors influence the entry of an individual into this situation, such as: lack of educational policies, prejudice faced by black and brown young people from poor communities, lack of family education, identification of the young man with the figure of crime due to the family's failure and lack of opportunities.

Considering the implications of this context, according to the IPEA Survey (2015), 23,000 adolescents would be serving socio-educational sentences in restriction of freedom. The majority of minors who are in conflict with

the law are close to the age for criminal responsibility, and the highest incidence of the first offense is between 15 and 17 years. According to research released by the Institute of Applied Economic Research - IPEA(ESCOLA DO GOVERNO, 2015) among the characteristics of the young offender stands out: "95% are male, 66% live in extremely poor families, 60% are black, 60% are from 16 to 18 years old, 51% did not attend school in the period when the crime was committed". And with regards to education, 86% of the adolescent authors of offenses did not complete basic education and 8% were not literate (Conselho Nacional de Justiça CNJ, 2012). Regarding offenses against property, these are the most practiced, representing 40% in the southeast region (Conselho Nacional de Justiça CNJ, 2012). Furthermore, according to the data of the same research, related to the family, 14% of young people have children, 43% were raised by mother only, 38% by both father and mother and 17% by grandparents. According to Mesquita, Jesus, Cavalcanti and Costa (2016), the profile of the eldest author of offense in Brazil is composed of teenagers, close to reaching the age of criminal responsibility, absent from the school environment and with low education, children of separated parents, mostly drug users; and between them, the theft is the most committed crime among others. The profile of young offenders shows that these young people are the main victims of this oppressive system, which degrades, restrains and marginalizes. The same young person who is a victim of this system may be the future oppressor (SANTOS, 2015). These usually suffer from social abandonment that begins in the family, living with addicted parents, who do not offer decent conditions and do not have enough incomes to guarantee basic goods and services such as health, education, housing and leisure.

Socio-educational measures aim to reduce the occurrence of offenses and stimulate the exercise of citizenship (SANTOS, 2007). The ECA also describes adolescents under 18 years as criminally unimputable, whereas for all legal purposes, one should consider the age of the adolescent in the period of the offense committed. According to Santana, Silva and Almeida (2014), in each case the Court shall take into account various factors while choosing the appropriate sentence for illegal acts, such as: family references; personality; history; motives and circumstances, and the ability of a young person to comply with the imposed measures. Thus, for minor offenses, such as: minor assaults and petty thefts, warning will be applied. In more serious cases, which threaten the community or endanger the safety of a teenager in conflict with the law himself, the internment will be applied, in which the adolescent will be deprived of his freedom; latter being the final recourse after all reeducation efforts have been exhausted. It should be noted that, according to Vilhena and Zamora (2014), the ECA assures the author of an illegal act, in addition to the measures of socio-educational character, protective measures and pedagogical activities, both of which are mandatory. The authors emphasize that most of these young people, despite having ruptures in their family environment, were not abandoned, since 81% lived with their families in the period of the committed offense. They also add that the socio-educational system applied to these adolescents

reaffirms the selectivity of the poor and points to a concept of discrimination of poverty. According to Bocca (2009), it is necessary to understand that conflict with the law is a temporary issue and can be overcome. He also adds that numerous factors contribute to the triggering of an act of infringement, such as: a) structural factors: social exclusion, lack of employment and others that may contribute to acts of violence; b) cultural factors: these are the values determined by genders or age groups, the breaking of bonds and social rules; c) institutional factors: the influence of the agencies in the control of crime, impunity, etc.; d) psychological factors: that explain how each individual responds facing the situations of conflict in accordance with his mental structure. According to Santana, Silva and Almeida (2014), young people who commit crimes or offenses are sent to a sorting center, housed in precarious cells, until they are served by the Public Prosecutor's office. Upon its decision, the young man will await a court order. After a court order, he will be sent to another place determined by the justice system where he once again faces precarious structures, lack of officials and structure. After detention, in the state of São Paulo, this young man often does not have an adequate and functional infrastructure that corresponds to the socio-educational objectives that meet the prerogatives of the ECA. Faced with this context and aiming at a re-adaptation of this adolescent to society in an appropriate way, restorative justice is presented as a form of humanization of the socio-educational system.

### **Psychodynamics of a young man in conflict with the law**

The historical, social and cultural processes involving families, contextualized previously, are related to changes in family relationships and, consequently, implications for the emotional structure of the young people involved, among them, the fragility in the way they deal with limits and how much they accept the importance of authority in civilization. According to Carneiro (2010), we cannot take into account only poverty, hunger and misery as a cause for delinquency, although the external environment is of great importance, we must also consider the social identifications of these young people. According to Souza and Resende (2012) adolescence is a complex phase, from the psychological point of view, since there is a normal "syndrome" of adolescence that is part of the process of identity formation, in which the adolescent externalizes his conflicts according to his structure and experiences. According to Zappe and Ferrão (2006) there is a search of autonomy and social recognition in adolescence. However, due to lack of opportunities, scarcity of chances and social inequalities, violence and identification with crime can be a path to social recognition. The illegal act may be used as resource to become visible. According to Carneiro (2010), antisocial conduct or delinquency is this teenager's appeal to society to fulfill the role that his parents often failed to assume.

According to Zanetti and Gomes (2011), the family is responsible for the transmission and insertion of the individual into the culture and symbolic universe through parental functions. Parents have the role of delimiting

places through a symbolic ordering that delimits roles, so the category of children is defined by the category of parents. Today, however, we perceive a process of renunciation in educating dictated by an illusion of the ideal of education. In this sense, Souza and Resende (2012), bring another emerging question today, which is a culture of narcissism, which portrays an immediacy in the search of satisfaction. According to Quintella (2014), in the current culture, we can perceive a deconstruction of the patriarch, the authority of parents in the family plot is increasingly fragile and this context interferes directly with the contemporary subject formation and leads us to reflect on the authority of the family. Whereas in the vision of Sena and Machado (2007), the family today is insufficient since the members are unleashing rules of coexistence and hindering family cohesion. There is a loosening of the conjugal ties, together with the emancipation of the woman, the absence of love towards the children, weakening of the father's authority and overprotection of the children. In this context Bocca (2009), discusses the social and family neglect, which causes for the adolescent a feeling of abandonment, where it is understood by physical abandonment the lack of care, physical aggressions and deprivation of basic needs of the human being. Regarding the affective abandonment, he adds the lack of affection, understanding and emotional assistance; and the physical and affective abandonment, can lead to an abandonment of oneself and a feeling that the obstacles found in your life are insurmountable.

Brusius and Rodrigues (2016) reinforce the issue of our culture seeking to solve acts of infraction and violence, through exclusion and punishment, can generate the increase of conflict. The punishment does not allow, even symbolically, the subject to re-signify and restore the damage. Zappe and Ferrão (2011), share this opinion when they say that prison alone is not enough for recovery, that a search of the individual's re-socialization is necessary. They also emphasize the issue that when, through socio-educational measures, a teenager is deprived of freedom, they also end up depriving him of rights, such as respect, dignity, privacy, identity and even physical and psychological integrity. They add that the failure of the current system has revolts, rebellions and recidivism as immediate consequences. According to Costa and Assis (2006), the model we have today does not aim to invest in the subject's potential, nor does it guarantee protection for the life, health and healthy development of this adolescent.

In the vision of Zappe and Ferrão (2011), there is a harmful effect due to deprivation of liberty that is a reproduction of the adolescent's experience before the application of the socio-educative measure, in the means that, in the custody institutions the adolescent encounters inappropriate institutions, with precarious human resources, besides separation from his family provoked or intensified, reproducing a relationship marked by distance. In this context, Costa and Assis (2006) pointed out the need for proposal of promotion at the place of punishment, where in the point of view of this promotion, there is an appreciation of the individual's potential as his capacity to face their realities, bringing out the concept of resilience as a protective factor. The authors add that the paradigm of

health for the young offender is understood beyond the absence of disease, but as a health promoter, when treated together with food, housing, educational conditions, taking into account labor, leisure, the environment, transportation and access to health services. Therefore, the attention to an adolescent in conflict with the law drawn through this prism of paradigm of health, aims for the integral and positive development that is aligned with the ECA's prerogatives, regarding socio-educational measures. According to Costa and Assis (2006), the reading points to the need of promoting factors of protection to adolescent authors of illegal acts, helping them in facing their daily lives, seeking protective mechanisms that can make them resist rather than succumb to the problems faced, promoting resilience.

### 3. Final Considerations

The reflections of this study show that the juvenile offense has several aspects, being a multifactorial phenomenon. Social inequality, social vulnerability, family disintegration, neglect, physical and psychological violence, personal characteristics, changes in family dynamics, among other factors, can contribute to teenage involvement in violence and crime. These factors also reveal a distance between the reality of a young Brazilian and the theoretical and legislative proposals regarding protection and basic rights.

The family institution has gone through many transformations in its concept and dynamics, resulting from the social, economic and cultural changes that have occurred over the years, and especially over the past century, the entry of women into the labor market, feminism, sexual diversity and the deconstruction of roles and genders, promoted the social relationships' weakening and, at the same time, a new element appears legally in the family concept: affection. The changes in the dynamics and family configurations allow their members to relate themselves with greater diversity, however, on the other hand, it is possible to notice frequently, a loosening of the social relations; and the changing gender roles can be one of the things that lead to a weakening of the parental duties and an outsourcing of care, which intervenes directly in the process of the mental structuring of a young woman who changes the way he faces the law and authority, and, as a consequence, his adaptation to the society may be slowed down. Another issue affected by these changes is the current education model. Today authority is easily confused with authoritarianism, which is widely opposed. However, it is necessary to rethink of it, as it may be one of the reasons associated with problems for young people in dealing with limits and frustrations.

The world of young people in conflict with the law is very complex, it may be a direct consequence of the breakdown of the family, and in this context it is also important to highlight that a young person in conflict with the law, most likely, would be black, out-of-school environment, with low levels of education and from the poorest strata; what leads us to say that this is a population, excluded from the action of public policies and, therefore, have their rights violated.

A young man in conflict with the law can often occupy the role of victim and of oppressor, living a social abandonment. In parallel, we have the socio-educational measures recommended by the ECA, implemented with the aim of educating and minimizing the occurrence of illegal acts. However, it is observed that in practice, these socio-educational measures do not enhance the education, but rather punish. The detention takes place in inadequate environments, overcrowded places and with rigid discipline that instead of re-socializing, stigmatizes the subject and can reproduce consequently, the experiences that led him to commit the offense, often accentuating or provoking even more the gap in relations with his family nucleus. It should be emphasized the importance of these conditions to be re-thought, in order to ensure well-being of young people in conflict with the law, which would allow the re-signification of their acts, strengthening of ties, identification with the positive figures; and would strengthen the autonomy, allowing them to plan own life outside of the criminal context; therefore, seeking for the effective implementation of the ECA, giving the young Brazilian a favorable environment for their development, making processes more adaptive.

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