

Recurrence of Adolescents in Crimes against Sexual Freedom in the Region of Lambayeque-Peru

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Summary: - *Objectives and purpose of the work:* The objective of the investigation was to determine the factors that influence the commission of crimes against sexual freedom by recidivist adolescent offenders.

Materials and methods: For the purposes of the study, 12 judicial files of adolescent offenders who committed crimes against sexual freedom and who were admitted in the “José Abelardo Quiñones Gonzales” Youth Center for Diagnosis and Rehabilitation in the city of Chiclayo, region of Lambayeque-Peru, were analyzed. The method used was that of a non-experimental, transactional, or descriptive cross-sectional design and the instrument in use was that of collecting data from the judicial files of 12 recidivist adolescent offenders. The study was developed in 2016.

Results: The research showed that the factors that influence the commission of sexual crimes by recidivist adolescent offenders, were of 2 types: family type and psychological type.

Conclusions: As a result of this research, it was concluded that the factors that most influence recidivist adolescent offenders in crimes against sexual freedom are the family factor and the psychological one, the family factor being the most influential.

Keywords: - Recidivism, crime, sexual freedom.

Introduction

The recidivism of adolescent offenders in sexual crimes is a criminal offense that violates current criminal regulations whose administrator is the justice system. This criminal offense is nothing more than the imbalance of a group of risk factors, in which many recidivist adolescent offenders are immersed, who were not treated with psychological and legal guidance when they were in the juvenile diagnostic and rehabilitation centers and which is later manifested when they commit the same crime for which they were sentenced at the first opportunity.

Mora (2015), states that the problem of Ecuadorian minors offenders in the recidivism of crimes is due to the negative influence that other minors or adults in their environment or their families exert on the minors once they have recovered their freedom. This influence is one of the main social causes in cases of criminal recidivism. Likewise, in minor repeat offenders, there is an almost total absence of

values and moral principles imparted by their parents or family members, which leads to recidivism. On the other hand, Carrillo (2015) states, in a study on the prosecution of adolescent offenders in Colombian criminal law, that it is necessary to assess the situation of adolescent offenders in the Colombian State individually, to determine the seriousness of the damage caused and the treatment it requires. Cruz (2010), in a study carried out in minors offenders of criminal law, argues that international human rights instruments should be considered as the most important advances that civilization has made in the legal field for the protection of values that can be judged of universal importance; Therefore, the tendency to be followed by legislators from different countries should be, broadly speaking, the guarantee model, the starting point of which is the international instrument known as the 1989 Convention on the Rights of the Child. In this sense, the interest superior of the child is the guideline to be followed in the Law of Juvenile Offenders.

The crime of recidivism is a problem that worries not only criminal lawyers, criminologists, penitentiary specialists, but also the administration of justice itself, due to the notable increase in recent times of this crime, which is reflected in the society in general because of the population's fear of an increase in crimes committed by repeat offenders. In order to counteract the increase in the crime of recidivism, our legislators have modified the rules of the Criminal Code and the Code of Criminal Procedure. Through Law 28726 of May 9, 2006, the generic aggravating factors of habitual behavior (inc. 12) and recidivism (inc.13). Consequently, Articles 46 B and 46 C indicate that a repeat offender "is one who, after having served a sentence of deprivation of liberty in whole or in part, incurs a new fraudulent offense within a period that does not exceed 5 years and has the condition of recidivist ". The current Code of Children and Adolescents defines as an adolescent criminal offender "one whose responsibility has been determined as the author or participant of a punishable act classified as a crime or offense in criminal law. Such offense or crime will depend on its levels of aggravation". Likewise, through Legislative Decree N° 982, dated July 22, 2007, article 57 of the Penal Code is modified, in relation to the determination of the sanction.

Pérez and Merino (2014), when analyzing the legal figure of recidivism, point out that this crime is the repetition of a certain vice, mistake or slip. The concept is usually used in the field of law with reference to the fact of committing the same type of crime on two or more occasions. Recidivism, in this sense, is considered an aggravating factor when sentencing a person. That is to say, those who at the time were convicted of a certain crime and then relapsed receives a more serious sentence the second time. Recurring, in short, consists of repeating guilt. At the legal level, began to be taken as an aggravating factor of responsibility, in the first decades of the 19th century. Before, only responsibility was taken into account in crimes committed against property. If we focus on the legal, only the person who was previously convicted

of a crime can fall into recidivism. Recidivism implies that the person has a criminal record.

In judicial terms, we speak of recidivism when there are two or more final convictions. In criminal law, recidivism is defined as the factual situation consisting of the commission of a willful crime at a time when the actor has previously received a criminal sanction for the commission of a previous willful crime. Our penal code collects this institution in its articles 46 and 46 B for the purpose of applying the penalty for the crime committed.

Martínez (2014), when commenting on recidivism in the criminological field, points out that the dimensions of recidivism are discussed, distinguishing legal recidivism defined as the commission of a crime by the person who previously has been convicted of another criminal offense and criminological recidivism, which is defined as someone who, having been the subject of a previous conviction, commits a crime, whether discovered or not (p. 65).

The factors that currently contribute to the recidivism of adolescent offenders in sexual crimes are of a family and psychological nature. The family factor exerts a decisive influence on the way of being and acting of people. For this reason, the lack of parental control and supervision regarding respect for other people, especially their sexuality, is fundamental in this first stage of the individual's personality. In this sense, Graña, Garrido and Gonzales (2008), point out that inappropriate educational guidelines are understood to be situations such as: inadequate supervision, difficulty in controlling behavior, inadequate discipline, inconsistent education on the part of parents, bad relationships between their members, etc. (p. 21). Likewise, they state that in the various studies it is found that repeat offenders have suffered throughout their lives more processes of breaking ties with their parents than non-repeat offenders. These processes of ruptures expose them to unstable coexistence, with family referents that have had difficulty in transmitting certain coherence in pause and valid educational models (p. 114).

As soon as to the psychological factor, it can be indicated that the adolescent offenders who are admitted to the "José Abelardo Quiñones Gonzales" Youth Center for Diagnosis and Rehabilitation in the city of Chiclayo, region of Lambayeque, have not received psychological prevention treatment so that they do not commit new sexual offenses. Capdevila, Ferrer and Luque (2005), point out that of the psychological variables enunciated by the different recidivism studies, behavior problems at an early age, impulsivity, poor problem-solving skills and antisocial attitudes stand out. Drug use and abuse, as well as starting consumption at an early age, are the most consistent variables to understand future relapses to crime (p. 28).

Due to the aforementioned limits, the recidivism of adolescent offenders of sexual crimes in the Lambayeque region is increasing, as evidenced by the statistics of the Judicial Power in recent years; generating with this fact an insecurity and malaise in the population, especially female. Likewise, the "José Abelardo Quiñones Gonzales" Youth Center for Diagnosis and Rehabilitation has not been able to prevent these adolescent offenders from re-offending or committing illegal acts for which they were previously sentenced.

The problem of recidivism of adolescent offenders in crimes against sexual freedom, it is increasing every day in Peru, and the Lambayeque region is not alien to this reality. It is for this reason that this research has been carried out, with the objective of describing the factors that influence the commission of crimes against sexual freedom by adolescent repeat offenders. The study was carried out at the "José Abelardo Quiñones Gonzales" Youth Center for Diagnosis and Rehabilitation in Chiclayo, region of Lambayeque in 2016.

Materials and methods

Table 1. Age of the recidivist adolescent offenders

Age	Fi	Hi	FI	HI	%
13	0	0.00	0		0
14	0	0.00	0		0
15	2	0.17	2		17

The universe of the study was made up of twelve recidivist adolescent offenders in the crimes of rape from the "José Abelardo Quiñones Gonzales" Youth Center for Diagnosis and Rehabilitation in the city of Chiclayo, region of Lambayeque. We worked with information on repeat offenders who meet the inclusion criteria, such as: repeat offenders in sexual offenses, offenders between 13 and 18 years of age; The following were considered as exclusion criteria: adolescent offenders of sexual offenses for the first time and adolescent repeat offenders punished for other non-sexual offenses.

In the present work, a non-experimental design was used because it was not intended to intentionally change the study variable. The phenomenon was only observed as it occurred in its normal context and then analyzed.

The design diagram was as follows:



Where: M = Sample (represents the concrete fact: recidivism of the offending adolescent); O = Observation (represents the relevant or interesting information that we collect from the specific event).

The present investigation was a case study of the descriptive type, characterized by describing events of great legal relevance. This method is characterized by handling a considerable amount of information about the case under study. For data collection, the judicial files of the adolescent offenders in sexual crimes, from the year 2016, were used.

Results

Table 1 shows the ages of the adolescent offenders who are repeat offenders in crimes against sexual freedom.

16	3	0.25	5		25
17	7	0.58	12		58
Total	12	1			100

Source: Own elaboration

Table 2 shows the place of origin of the adolescent repeat offenders in crimes against sexual freedom.

Table 2. Place of birth of recidivist adolescent offenders

Place of birth	fi	hi	FI	HI	%
Lambayeque	1	0.08	1		8
Chiclayo	7	0.58	8		58
Ferreñafe	2	0.17	10		17
From another place	2	0.17	12		17
Total	12	1			100

Source: Own elaboration

Table 3 shows the type of rape carried out by adolescent offenders who repeatedly commit crimes against sexual freedom.

Table 3. Rape carried out by recidivist adolescent offenders

Type	fi	hi	FI	%
Basic sexual violation	8	0.67	8	67
Disability violation	0	0.00	0.00	0
Rape of minors	4	0.33	4	33
Other type of violation	0	0.00	0	0
Total	12	1		100

Source: Own elaboration

Table 4 shows the occupation of recidivist adolescent offenders

Table 4. Occupation of recidivist adolescent offenders

Occupation	fi	hi	FI	%
Student	6	0.50	10	50
Motorbike-taxi driver	0	0.	0.	0.
Trade	3	0.25	5	25
Other occupations	3	0.25	5	25
Total	12			100

Source: Own elaboration

In table 5, we can see the level of education.

Table 5. Educational attainment of recidivist adolescent's offenders

Instruction	Fi	hi	FI	HI	%
Illiterate	0	0.00	0	0.00	0
Complete primary	3	0.25	3	0.25	25

Incomplete primary	2	0.17	5	0.42	17
Incomplete secondary	7	0.58	12	1	58
Completed secondary	0	0.00	12	1	0
Total	12	1			100

Source: Own elaboration

Table 6 shows the training of recidivist adolescent offenders in crimes against sexual freedom.

Table 6. Training of recidivist adolescent offenders

Training	fi	hi	FI	HI	%
No	10	0.83	10	0.83	83
Yes	1	0.08	11	0.91	8
In some trades	1	0.08	12	0.99	8
Total	12	1			100

Source: Own elaboration

Table 7 shows the control and supervision of the parents of the recidivist adolescent offenders

Table 7. Parental control and supervision of recidivist adolescent offenders

Control and Supervision	fi	hi	FI	HI	%
No	7	0.58	7	0.58	58
Yes	3	0.25	10	0.83	25
Sometimes	2	0.17	12	1	17
total	12	1			100

Source: Own elaboration

Table 8 shows the values and principles instilled by parents in recidivist adolescent offenders.

Table 8. Values and principles instilled by parents in recidivist adolescent offenders

Values and principles	fi	hi	FI	HI	%
No	10	0.83	10	0.83	83
Yes	1	0.08	eleven	0.91	8
Sometimes	1	0.08	12	0.99	8
Total	12	1			100

Source: Own elaboration

Table 9 shows the family status of adolescent offenders who are repeat offenders in crimes against sexual freedom.

Table 9. Family status of recidivist adolescent offenders

Family	fi	hi	FI	HI	%
Your parents live together	2	0.17	2	0.17	17
Your mother abandoned you	3	0.25	5	0.42	25
Your father abandoned you	5	0.41	10	0.83	41
You are an orphan	2	0.17	12	1	17
Total	12				100

Source: Own elaboration

Table 10 shows family violence in adolescent offenders who repeatedly commit against sexual freedom.

Table 10. Family violence in recidivist adolescent offenders

Family violence	fi	hi	FI	HI	%
No	2	0.17	2		17
Yes	8	0.67	10		67
Sometimes	2	0.17	12		17
Total	12	1			100

Source: Own elaboration

Table 11 shows the family size of adolescent repeat offenders in crimes against sexual freedom.

Table 11. Family size of recidivist adolescent offenders

Family	fi	hi	FI	HI	%
Numerous	7	0.58	7		58
little	1	0.8	8		8
Median	2	0.17	10		17
I am an only child	0	0.00	10		0
I am orphaned	2	0.17	12		17
Total	12	1			100

Source: Own elaboration

Table 12 shows the psychological treatment of adolescent repeat offenders in crimes against sexual freedom.

Table 12. Psychological treatment of recidivist adolescent offenders

Psychological treatment	fi	hi	FI	HI	%
No	10	0.83	10	0.83	83
Yes	1	0.08	11	0.91	8
Sometimes	1	0.08	12	0.99	8
Total	12	1			100

Source: Own elaboration

Table 13 shows the age at which the recidivist adolescent offenders have had sex.

Table 13. Sexual relationships of recidivist adolescent offenders

Sexual relations	fi	hi	FI	HI	%
Before 13 years	0	0.00	0	0.00	0
Between 13 and 14 years	3	0.25	3	0.25	25
Between 14 and 15 years	8	0.67	eleven	0.92	67
Between 15 and 17 years	1	0.08	12	1	8
At 18 years old	0	0.00	12	1	0
Total	12	1			100

Source: Own elaboration

In table 14, it is observed whether repeat offenders have had sexual thoughts and desires.

Table 14. Sexual thoughts and desires of recidivist adolescent offenders

Sexual thoughts and desires	fi	hi	FI	HI	%
No	0	0.00	0	0	0
Sometimes	4	0.34	4	0.34	3.4
Yes	8	0.66	12	1	66
Total	12	1			100

Source: Own elaboration

Table 15 shows the declaration of love of the adolescent repeat offenders.

Table 15. Declaration of love of recidivist adolescent offenders

Declaration of love	fi	hi	FI	HI	%
Yes	4	0.33	4		33
No	6	0.50	10		50
Sometimes	2	0.17	12		17
Total	12	1			100

Source: Own elaboration

Table 16 shows how sex and violence movies are viewed by repeat offending teens.

Table 16. Sex and violence films watched by recidivist adolescent offenders

Sex / and violence	fi	hi	FI	HI	%
No	0	0.00	0	0.00	0
Yes	10	0.83	10	0.83	83
Sometimes	2	0.17	12	1	17
Total	12	1			100

Source: Own elaboration

In Table 17, we can see the conversations about sex of the recidivist adolescent offenders.

Table 17. Conversations about sex of recidivist adolescent offenders

Sex	fi	hi	FI	HI	%
Parents	0	0.00	0	0.00	0
Brothers	0	0.00	0	0.00	0
Friends	4	0.33	4	0.33	33
With no one	8	0.67	12	1	67
Total	12	1			100

Source: Own elaboration

Discusión

The data in Table 1 indicate that there are no repeat offender adolescents between the ages of 13 and 14 years (0%). 15-year-olds show a 17% recidivism; those of 16 years, a repeat offense of 25% and those of 17 years, a repeat offense of 58%.

Table 2, indicates that 8% of repeat offenders come from the province of Lambayeque; 58% come from the province of Chiclayo; 17% comes from the province of Ferreñafe while 17% comes from other regions.

The data in table 3 indicate that 67% corresponds to the type of viola-base sexual orientation; 33% correspond to the type of sexual violation of minors, while 0% corresponds to the type of sexual violation of disabled people and others.

The level of occupation (table 4) corresponds 50% to students; 0% to motorcycle taxi drivers; 25% to merchants and 25% to adolescent repeat offenders of other types of occupation.

In Table 5, regarding the level of education of repeat offenders, it is observed that 0% corresponds to illiterates, 25% have completed primary school; 17% have incomplete primary school; 58% have incomplete secondary school, while 0% corresponded to adolescents without complete secondary school.

The data in Table 6 indicate that from the analysis of the files on job training at the rehabilitation center the 83% qualification corresponds to adolescents who did not receive training and 16% to those who did receive some type of training.

Regarding the analysis of the judicial files in relation to the socio-demographic factor, it is shown with tables 1, 2, 3, 4, 5 and 6 that the majority of the adolescent repeat offenders have committed sexual offenses, when they were between 15 and 17 years old; most of them come from the province of Chiclayo (Chiclayo is the city with the largest youth population in the region of Lambayeque). This majority has incomplete secondary education and has not been trained in any trade.

In table 7, it is observed that 58% did not have parental supervision regarding his behavior and conduct with respect to other people; 25% said yes and 17% indicated that they received supervision only a few times.

Table 8 reveals that 83% of parents did not instill values and principles in their children, as opposed to 8% who did and 8% who did, but only sometimes.

From the analysis of the files on family integration (table 9), 17% of the adolescent repeat offenders had parents who did not live together; 17% of them

had suffered abandonment by their mothers and 17% were orphans.

Regarding family violence (table 10), 17% of the adolescent repeat offenders have not reported family violence; 67% indicated that there was such violence, while 17% reported violence only on some occasions.

Regarding the size of the family (table 11), it is observed that 58% come from large families; 8% of small families; 17% of medium families and 17% correspond to orphans.

The interpretation of tables 7, 8, 9 and 10 indicates that the repeat offender adolescents never had parental control and supervision, and even less were values and principles instilled in their formation. They come from families where their parents abandoned them and have large families where family violence has greatly influenced their behavior.

The data in table 12 indicate that 83% of the adolescent repeat offenders, residing in the Youth Center of Diagnosis and Rehabilitation "José Abelardo Quiñones Gonzales" did not have psychological treatment; 8% had such treatment and the remaining 8% only in some cases.

The data in table 13, on maintaining sexual relations, 25% of the repeat offenders whose ages fluctuated between 13 and 14 years, indicated that they had; 67% of adolescents between 14 and 15 years of age also had it; and (8%) did so between the ages of 15 to 17 years of age.

According to the data in Table 14, 34% of the repeat offenders indicated that they sometimes had sexual thoughts and desires; and 66% did.

Table 15 indicates that 33% of repeat offenders did declare their love for a woman; 50% did not and 17% only sometimes.

Table 16 indicates that 83% of the repeat offenders like to watch movies sex and violence and 17% only in some cases.

The 17% table indicates that 33% of the repeat offender adolescents discussed sex with friends and 67% with no one.

The interpretation of tables 12, 13, 14, 15, 16 and 17 shows us that the lack of psychological treatment in the aforementioned youth center strongly influences the case of recidivism.

Conclusions

The results of the investigation led us to the following conclusions:

The factors that influence the recidivism of adolescent offenders in crimes against sexual freedom at the "José Abelardo Quiñones Gonzales" Youth Center for Diagnosis and Rehabilitation in Chiclayo, Lambayeque-Peru are of the family type and of the psychological one.

The family factor that most influences in recidivism in crimes against sexual freedom, has to do with the lack of control and supervision on the part of the parents towards the children regarding the behavior and conduct with respect to other people, in addition to the fact that the parents also have never instilled values and ethical principles of respect for people, especially of the female sex. On the other hand, many of these adolescents come from large families, where the parents abandoned their children or where there was always family violence and a lack of good educational training.

The psychological factor is another reason for recidivism in the commission of crimes against sexual freedom. The lack of the respective treatment, the initiation of sexual relations at an early age, uncontrollable sexual desires and the inferiority complex in many cases are variables that contribute to it.

References / Literature

1. Capdevila, M., M. y Luque, E. (2005). *La Reincidencia en el Delito en la Justicia de menores*, Barcelona, España.
2. Carrillo, D.M. (2015). *El Juzgamiento de Adolescentes Infractores en la Ley Penal Colombiana*. Universidad Militar de Nueva granada. Bogotá, Colombia.
3. Cruz, E. (2010). *Los Menores de Edad Infractores de la Ley Penal*. Universidad Complutense de Madrid, España.

4. Graña, J., Garrido, G. y Gonzales, C. (2008). *Reincidencia Delictiva en Menores Infractores de la Comunidad de Madrid: Evaluación, Características Delictivas y Modelos de Predicción*. Madrid: Agencia para la Reeduación y Reinserción del Menor.
5. Martínez, F. (2014). *Reincidencia y Política Criminal*. En: *La Medición de la Reincidencia y sus implicancias en la Política Criminal*. Instituto de Asuntos Públicos, Universidad de Chile, pp. 20-31. Recuperado de http://www.cesc.uchile.cl/Publicacion_CESC_w eb_creditos.pdf
6. Mora, M.I. (2005). *La Problemática de los Menores Infractores en la Reincidencia de Delitos en la Legislación Ecuatoriana*. (Tesis inédita de pregrado). Universidad Regional Autónoma de los Andes, Quito, Ecuador.
7. Pérez, J. y Merino, M. (2014). *Definición de Reincidencia*. Recuperado de <http://definicion.de/reincersion-social/>