


YOUTH, VIOLENCE AND EDUCATION: NARRATIVES OF THE SOCIO-EDUCATIONAL SYSTEM <https://doi.org/10.56238/sevened2024.037-034>**Laura de Souza Alves dos Reis¹, Alice Vitória de Miranda Dantas² and Lobelia da Silva Faceira³****ABSTRACT**

This article aims to reflect on socio-educational measures in the state of Rio de Janeiro, through the analysis of the documentary "Juízo" (2022), directed by Maria Augusta Ramos and produced by Diler Trindade, in conjunction with the study of the Statute of the Child and Adolescent (ECA/ Law No. 8.069/1990). The work was produced by students with scientific initiation scholarships and academic incentive scholarship holders, linked to the research entitled "Social policies and Prison: an evaluation of the penal execution policy", developed by the Graduate Program in Social Memory and the School of Social Work of the Federal University of the state of Rio de Janeiro. The research was carried out through literature review and analysis of legal documents: law n° 8.069 (Statute of the Child and Adolescent), decree n° 17.943-A (Melo Mattos Code), law n° 6.697 (Minors Code), decree n° 847 (Penal Code of 1890) and law n° 12.594 (National System of Socio-educational Assistance). The article highlights the importance of problematizing the possibilities around the elaboration and execution of socio-educational measures by means other than punitive and individualizing, as well as the realization of critical analyses of the neoliberal context within capitalist society and the various expressions of violence, intersecting the markers of class, race and gender.

Keywords: Socio-educational measures. Youth. Documentary "Juízo". Violence.

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INTRODUCTION

This article was produced in the meetings of the study group, linked to the research entitled "Social policies and Prison: an evaluation of the penal execution policy", being the result of studies, debates and production of syntheses carried out by scientific initiation fellows and academic incentive fellows. We clarify that this research was coordinated by Dr. Lobelia Faceira, in the period 2018-2024, with support from CNPq through a Research Productivity Grant.

The article proposes reflections based on the documentary feature "Juízo" (2022), directed by Maria Augusta Ramos and produced by Diler Trindade, in conjunction with the study of the Statute of the Child and Adolescent (Law No. 8,069/1990, ECA). The ECA repeals the Minors Code (Law No. 6,697/1979) and attests to the contradictory position in which the conception of rights is established through the invisibility and annulment of these subjects by the assistential-repressive perspective from the existence and precariousness of spaces provided by the socio-educational care units (internment and semi-freedom) and by establishing a thin line between protection and punishment.

The article was structured from the theoretical and methodological framework of historical and dialectical materialism, building a critical analysis of the audiovisual production through a literature review, having as theoretical framework the productions of Hebe Signorini Gonçalves and Joana Garcia (2007); Jacqueline de Oliveira Moreira, Andréa Maris Campos Guerra and Carlos Roberto Drawin (2017); and Maria Liduina Silva (2011) for the analysis of national laws and guidelines regarding the scope of socio-educational measures.

In the first part of the work, we present a brief theoretical debate on the theme of childhood and youth and socio-educational measure. We also carried out the documentary analysis of the laws: Law No. 8,069 (Statute of the Child and Adolescent), Decree No. 17,943-A (Melo Mattos Code), Law No. 6,697 (Minors Code), Decree No. 847 (Penal Code of 1890) and Law No. 12,594 (National System of Socio-Educational Assistance).

In the second part of the text we highlight the information about the documentary "Juízo" highlighting the synopsis of the documentary, the director's technical sheet and the profile of the characters.

In the third part, we present a critical analysis of the documentary through a review of literature and legislation.

We conclude the work by presenting some reflections and final considerations on the theme of "socio-education" and "childhood and youth" in the scenario of knowledge production and, specifically, on the look of theory in relation to social reality, emphasizing



the importance of complementarity between rationality and sensitivity in the process of knowledge construction.

A BRIEF LOOK AT THE THEMES OF VIOLENCE, YOUTH AND SOCIO-EDUCATIONAL MEASURES

According to the Atlas of Violence (2024), the Brazilian child and adolescent population continues to be immersed in a context of deep violence and extreme social insecurity. In 2022, almost half of the homicides recorded in the country (49.2%) were of young people between 15 and 29 years old — a total of 22,864 young people, out of an average of 62 murdered each day. Although this is a significant number – and an important one, considering death as the maximum expression of rights violations – non-lethal violence is much more present among young people and adolescents than, proportionally, in other population groups. In the decade analyzed (2012-2022), 280,213 adolescents were raped, with most of the violent acts committed at home. When we use the gender perspective, we see that boys suffer more from lethal violence, while girls are the majority of victims of physical, psychological, and sexual violence — in a movement that impacts the possibility of a fully healthy development, as it inserts them in a cycle of violence that is invisible and, therefore, does not have adequate public policies to be effectively ended. (Gonçalves; Garcia, 2007; Scallop; Coast; Oliveira, 2021)

Despite the situation observed above, and the range of rights violations that occur in such a context, children and adolescents have a specific set of legislation, and internationally considered innovative, which characterizes them as a group in a peculiar condition of development — that is, not yet full of physical, psychological, social and political maturity — which, therefore, it must be considered an absolute priority of the nation, in terms of enabling rights, and the responsibility of the family, society and the State with regard to ensuring well-being, safety and care.

However, before the sanction of the Federal Constitution of 1988, whose article 227 consolidated the formal change of the paradigmatic approach, the issue of children and adolescents, previously called the issue of the 'minor', was already the object of State agency. Let us take as a basis the three main previous legislations on the subject: the Penal Code, of 1890 — which considered the criminal age to be 9 years old and instituted disciplinary imprisonment in industrial houses for the moral correction of "minors" and reparation to the State. The Juvenile Code of Brazil, also known as the Mello Mattos Code, of 1927 — responsible for inaugurating the consolidation of protection and assistance norms outside the legal sphere, although linked to the hygienist ideas of social control to



maintain order in urban centers. And the New Minors Code, of 1979 — which updates the Mello Mattos Code, and institutionalizes the Doctrine of Irregular Situation⁴.

Although full of continuities with regard to selective and stigmatizing practices (Cifali; Chies-Santos; Alvarez, 2021), juvenile justice in Brazil has experienced remarkable advances from the implementation of the Statute of the Child and Adolescent (ECA), the adoption of socio-educational measures, and the creation of the National Socio-Educational Service System (SINASE) — legal and structural frameworks that are important instruments for the promotion of the rights and full protection of children and adolescents in situations of vulnerability.

The Statute of the Child and Adolescent, enacted in 1990, establishes a comprehensive normative framework that guarantees a range of fundamental rights to this population. Among these rights are access to health, education, protection against child labor, as well as the right to family and community life. In addition, the ECA introduced the principle of absolute priority, determining that children and adolescents should be considered as a top priority in public policies, programs and services.

Such principles also govern socio-educational measures, also instituted by the ECA, so that young people in conflict with the law have an alternative to deprivation of liberty in the fulfillment of legal sanctions in case of an infraction. To this end, the National System of Socio-Educational Assistance (SINASE), created in 2006, establishes national guidelines for the execution of socio-educational measures throughout the country – providing for the standardization and quality of socio-educational assistance and promoting the professionalization and education of adolescents in conflict with the law. In addition, the system has mechanisms for monitoring and evaluating the effectiveness of the measures, with the participation of various social actors, ensuring transparency and continuous improvement of the process. (Moreira; War; Drawin, 2017)

According to Rodrigues (2023, p. 31), the realization of a "[...] An effective socio-educational measure depends on the adolescent's adherence to the service, it is necessary to recognize him as an active subject in the process.", in addition to guiding the necessary improvements so that there is a welcoming environment, a monitoring of structural quality

⁴ The "irregular situation" referred to in the term is related to what, legally, was understood as the "state of social pathology" that justified the arbitrary and punitive intervention of the State in the lives of children and adolescents. Irregular status encompasses situations of conflict with the law, but also of poverty and social vulnerability — without differentiating between such phenomena. From this perspective, vulnerable children and adolescents are considered *objects*, and not *subjects*, of law: they are made marginal to society, they do not have guaranteed rights, autonomy and are treated as an object of intervention by the family and the State. See: https://www.mprj.mp.br/documents/20184/2764825/Carla_Carvalho_Leite.pdf



and qualified listening, so that it is possible to establish a relationship of trust between adolescents and professionals.

Thus, it is noticeable that juvenile justice — considering the centrality of the provisions made in the ECA and Sinase — by recognizing the transition phase between childhood and adult life, proposes that socio-educational measures have an educational bias and not merely punitive. In the following sections, we present a brief analysis of the documentary "Juízo" and the contradictions implicit in the socio-educational context, permeated by moralism, the arbitrariness of the Brazilian judicial system and punitivism — translating, in practice, into a direct correspondence between an infraction/crime and a socio-educational measure/penalty; in distrust of non-custodial measures; and in a necessarily high number of hospitalizations. (Passeti, 1995 *apud* Cifali; Chies-Santos; Alvarez, 2021, p. 220).

THE DOCUMENTARY "JUÍZO"

The documentary *Juízo* (2022) was elected by the Brazilian Association of Film Critics as the 67th best Brazilian documentary in 2017. The feature film, produced by Diler Trindade and directed and written by Maria Augusta Ramos, follows the trajectory of young people under 18 years of age before the law, between the moment of arrest and the moment of trial for robbery, trafficking and homicide. With sequences filmed in real audiences and during visits to the Padre Severino Institute, *Juízo* was released on March 14, 2008 by Filmes do Estação, after some national and international premieres. Below we highlight the cast of the respective documentary: **Judges:** Luciana Fiala de Siqueira Carvalho and Guaraci de Campos Vianna; **Prosecutors:** Renato Lisboa, Alexandra Carvalho Pires and Eliane de Lima Pereira; **Defenders:** Tadeu Valverde and Patrícia Vilela; **Teenagers:** Alessandro Jardim, Daniele Almeida, Guilherme de Carvalho, Isabela Cristina Durães, Karina Lopes, Marco Aurélio Sant'ana, Wilson dos Santos, Ighor dos Santos Villela and Maicon da Silva Singh.

The second feature film of the documentary effort that became known as *Trilogy of Justice*, the documentary "*Juízo*" (2007), by Maria Augusta Ramos, projects a critical look at the reality that emerges from the hearings of the 2nd Court of Childhood and Youth of the State of Rio de Janeiro, Brazil and the conditions of "resocialization" to which underage offenders (from 12 to 18 years old) are subjected, contemplated with the socio-educational measure of internment, among the several recommended by the controversial Statute of the Child and Adolescent (ECA - Law No. 8,069, of July 13, 1990).



As a production that generated debate at the time of release, and still generates it today — see the viral⁵ that became, in 2023, on the social network Tiktok with lines by Judge Luciana Fiala — "Juízo", brings some elements in its execution that deserve to be highlighted in this analysis.

Starting with the title. The noun 'judgment', which gives the documentary its name, according to the Michaelis dictionary of the Portuguese language, has as one of its common meanings the "ability to ponder in dealing with delicate or difficult issues; tendency to predict and try to avoid dangers, inconveniences, risks, etc." (Juízo, 2024), while, in a legal environment, the term relates to the space "(...) in which claims, litigations and demands are judged and sentenced, and in which justice is administered." It is exactly from the point of imbrication between these two understandings that the documentary begins: in the first scene, the aforementioned judge appears reading the process, together with the prosecutor and the defender, and questioning the defendant about his conduct. What could be a standard procedure for listening to the accused, in fact, turns into a moralistic sermon about the attitudes that led him there, the shame he causes to his family and how, as punishment, he would not be entitled to a measure of semi-assisted freedom. This dynamic is repeated throughout the documentary, which explains how the representatives of the State, authoritarily in their place of privilege that is established in the observed power relationship, try to impose themselves, in a biased way, on children and adolescents in conflict with the law.

Another interesting point, this time with regard to the editing of the film, is the circularity and the idea of 'production line' that the sequences convey. This is a familiar image if we think of a Taylorist model factory: along a conveyor belt, workers, who perform only one function, add parts to form what will be a final product. When we return to the documentary, we see that there is a similar logic with regard to the path taken by children and adolescents in the socio-educational system which, far from working as provided for by law, has acted much more for the mass production and reproduction of marginalization and impoverishment of young people in Brazil.

Finally, we can also point out a series of rights violations that cross the various correlations, mentioned above, through which, in practice, interned adolescents transit. Although it is a 2007 film, and has generated debates at the national level in order to understand the disparities between what is provided for in the law and its execution, the conditions observed in the film are still present today in the daily life of several socio-

⁵ About isso, ler: <https://www.techtudo.com.br/noticias/2023/03/conheca-juizo-documentario-sobre-reformatorio-disponivel-na-netflix-streaming.ghtml>



educational units, which is why we consider this an essential axis for the analysis that follows.

A LOOK AT THE THEME OF CHILDHOOD AND YOUTH IN THE DOCUMENTARY "JUÍZO"

It is interesting to begin by highlighting the fact that the documentary comes into contact with a legislative conflict: the filming of the faces of adolescents is prohibited during hearings in the Court for the Protection of Children and Adolescents by determination of the ECA, as well as the obligation to protect the identification of young people interned at the Padre Severino Institute, created in 1954 and deactivated in 2012, located on Ilha do Governador.

Consequently, the feature is now considered a "hybrid documentary", in which there are elements of fiction in the choice of actors. And although the socialization of the performers is also intrinsically marked by environments that share the same conditions, being affected daily by the same expressions of the social issue, there are still other characters playing true roles.

In this way, the context presented carries the idea of Theater of Justice, representing the way in which Brazilian Justice "is made by logics of choices, codes, spatial exhibitions (...) and by gestures". (Rufinoni; Lavor, 2018, p. 59) That is, the way in which social theater and the functioning of the judiciary are shaped by power relations and, essentially, by capitalism through the "system of social inequality that produces the defendant; also reveals the abyss we live in terms of this inequality" (Rufinoni; Lavor, 2018, p.59) reflected in the consequences between the dubiousness caused by the central issue in the search for the truth for the system and for the judicial process.

In the same sense, it is possible to interpret judicial 'counseling' as a crucial part of the dynamics of dramatization on which the rites of the legal system are based. Bonfim (2015) characterizes Brazilian morality by the contradiction between image and self-image that the people nurture of themselves, and the consequence that such disparity generates in terms of the realization of these values through actions, especially at the level of structural organization. This is a movement that is far from being conceptualized uncritically, but is based on the sociopolitical and economic characteristics of the Brazilian formation that — crossed by racial tensions, by the updating of colonial violence and by the absence of a complete revolution in the traditional sense, with the maintenance of a monopoly of land and the social relations that arise from it — lead to, contemporaneously, in a circumstantial and authoritarian execution of the laws, characterized by paternalism, in



order to confer "[...] to bourgeois discourse a special character of authoritarian thought, good-natured and benevolent, paternal." (Bonfim, 2015, p.17).

Thus, we observe that the situation presented is a reflection of such determinants: the treatment of the issue of socio-education is purposely moralizing as a result of the social self-image, which sees in the 'council' of the state authority an attitude that is not only praiseworthy, but necessary to 'fix' the life of the adolescent in a situation of conflict with the law that. On the other hand, and characterizing the contradiction mentioned above, the critical analysis of the social image points to an authoritarian appropriation of the function of official representative of the State, which is manifested in the advantage guaranteed by the disparity of power conferred on one and the other agent in the social dynamics in question — the accused black men, mostly young and in situations of social vulnerability; the white, adult and privileged female judge within the contemporary class dynamics in the capitalist system – and acts, effectively, for the individualization of the expression of the social question in the ideological sense of hiding the class conflict behind the problem that is the constitution of children and adolescents as lawbreakers. Thus, the level of discourse is readily pointed out as a relativization strategy observed in the applicability of socio-educational measures, and also potentiated in articulation with others.

Another point related to the reproduction of bourgeois ideology and the processes of oppression of the working class base is the double notion that the socio-educational measure can assume – salvation or threat – depending on the way in which the justice system denies the subject's eligibility for the application of punishability, imputing responsibility in an individual way and detached from reality to the extent that it perceives the deviation from the 'school-home' trajectory to be a 'lack of judgment', as stated in the following excerpts:

"Defender: Now, you should note his low physique. In other words, this adolescent in a CRIAM, or anywhere else in DEGASE, that is, he will be massacred because of his physical condition. Especially because it is primary (...) It has family support. (...)

Judge: I assure you... Look at me! I guarantee you that, if you were at home, you would not have been arrested. You wouldn't be at Padre Severino right now.

Prosecutor: If you were in school. Are you studying?

Teenager: No.

Judge: I was hanging out on the street, in a place where drugs were sold. I was in trafficking, wasn't I?

Teenager: No.

Judge: The police have already arrived here, they have already said that you were in trafficking.

Teenager: They were looking at me...

Judge: I mean, so what happens now? I guarantee you that if you were at school, at home, you would be free from the situation you are going through here now. Free from the embarrassment you're putting your mother through. The question for you is... Look at me! Thanks? (...) Was it worth not studying? Was it worth it to be away from home?



Teenager: No..." (Judgment, 2022, 1h11min26s)

According to the situation described, we can see how the perspective that ECA marks the rupture with the project of society represented by the Minors Code is questionable, especially from the discontinuities and political continuities present in the current law which, although it is an achievement for social struggle movements, has not been revisited since the year of sanction. Silva (2011), based on this contradiction, provokes reflections on the impasse in the 'citizenship of children', in the sense that the ECA has it "(...) formally regulated, without, however, there being real conditions for it to be put into effect and enjoyed" (p. 109), in the same way that it presents the issue of socio-penal control of adolescents mediated by the State, but which is also the object of claims that civil society wages to guarantee that these individuals have rights and opportunities that were denied to them.

This contradiction between the formal guarantee and the feasibility of the rights of children and adolescents can also be evaluated from the perspective of the consolidation of neoliberalism in Brazil in the 90s. This model of organization of the productive process and capitalist accumulation — characterized "(...) by the denial of state economic regulation, by the abandonment of full employment policies and by the reduction of social security mechanisms, in favor, of course, of regulation operated by the market" (Mota, 1995, p. 56) — quickly materialized in the sharpening of the expressions of the social question and in the deepening of the precariousness of the social relations of production. Although the ECA and the Federal Constitution of 1988 establish the perspective of guaranteeing rights in an equal way for all children, the bourgeois notion of universal right - on which Brazilian legislation operates - makes it so that only the children of this class become subjects of rights, leaving the children of the working class with the notion of object of rights, which not only takes away their access to citizenship, but relegates them to the place of misery and of becoming the target of highly repressive policies of the State, a situation that intensifies as race and gender intersect. (Melo, 2023)

In this way, we do not refer lightly to the 'production line' to which the documentary refers us when it shows, circularly, boys and girls going through hearings, being taken to the units, going through vexatious procedures and running away. Although neoliberalism is the ideological framework of the productive organization characterized by flexible accumulation, which, in practice, eliminates the figure of the treadmill, this is a structurally organized conjuncture so that, socially and from childhood, the cycle of violence to which children and adolescents are subjected in Brazil is produced and reproduced. In other words, the violation produced by them is preceded by the action of "(...) a tyrannical and



unequal productive system, [governed] by a State that defends the interests of the minority" (Ros, 2011, p. 5). Thus, we see how the institutional hierarchy and workflow, even if operationalized based on the public policy of orientation to socio-education, are organized around a punitive and repressive logic such as a 'black grinding machine'⁶ and impoverished people, in the sense of perpetuating the project of exploitation and domination of the working class, whose ultimate goal is, if not physical extermination, symbolic death.

FINAL CONSIDERATIONS

Although the approval of the Statute of the Child and Adolescent in 1990 had repercussions in all spheres of public life, forcing other legislation aimed at children and youth to adjust to the perspective of full protection, we have that this is not a completely feasible change in certain realities – especially in those experienced by the working class.

With regard to accountability for the commission of criminal and misdemeanor violations, the understanding of the peculiar stage of development is precisely what differs socio-education from prison in Brazil. The socio-educational system in its ethical-pedagogical and legal-sanctioning dimensions was not designed to punish the public for which it is intended, but to guarantee access to education, health, social assistance, culture, professionalization and sports — except for the right to unrestricted freedom, for obvious reasons, but still ensuring that internment is considered as a last resort. (Laroqui; Camel; Coutinho, 2022; Brazil, 2012)

The perspective of socio-education in relation to the guarantee of rights and social protection constitutes a complex challenge within the context of the contemporary socio-educational system, which is structured from a punitive logic and a functionalist ideological bias of structuring strategies of "resocialization", "re-education" and "reinsertion", individualizing, criminalizing and naturalizing the issue of violence and the expressions of the Social Question, in addition to annulling all social relations and sociability of the subjects in the period prior to hospitalization and application of the socio-educational measure.

With this, it is possible to affirm the unconstitutional state of affairs related to the treatment given to the issue of the involvement of adolescents with violence associated with crime. In this sense, it is important to point out that children and adolescents are the group with the largest number of legally constituted rights – which further intensifies the seriousness of the negligence shown by the Brazilian State.

⁶ Ver: <https://www.intercept.com.br/2019/09/22/degase-jovens-socioeducativo-rj/>



Thus, and far from intending to exhaust the theme, we think that other arguments could be developed in order to understand the possibilities around the elaboration and execution of socio-educational measures by means other than the individualizing punitive one — as well as the realization of critical analyses that consider the State's motives in perpetuating such treatment in contemporary times. considering the neoliberal context of the organization of capitalism and intersecting the markers of race and gender to understand the different types of repercussions of this process on the working class.



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