

Minors in conflict with criminal law: An exploratory study for care

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ABSTRACT

An exploratory study was carried out on the preparation of teachers who work in the field, an exploratory study was carried out on the preparation of teachers who work in trade schools to the study was carried out on the preparation of teachers who work in vocational schools for the care of minors in conflict with criminal law. In conflict with the criminal law. The study was initially based on a theoretical and methodological analysis of the process, as well as on a theoretical and methodological analysis of the process theoretical and methodological analysis of the process, as well as the identification of patterns and common and methodological analysis of the process, as well as to identify common patterns and characteristics of analysis, diagnosis and professional procedures for the professional for the comprehensive care of minors in conflict with the criminal law at different latitudes, in order to verify the ways to achieve a solid base in the implementation of implementation of more effective intervention and prevention strategies. more effective intervention and prevention strategies. In order to develop this exploratory study, research methods and techniques were applied based on the following and research techniques were applied to develop this exploratory study, based on the review of normative documents, and their managers were involved in this type of preventive training, psychosocial files preventive preparation, the psychopedagogical files of the minors, interviews, interviews, questionnaires related to the object of research and a statistical analysis of the sources of the sources consulted, where a group of regularities in the applied diagnosis were applied diagnosis. From an analysis of the subject, we proceeded to the collection of precise information about certain behaviors of the children. information about certain behaviors of these minors, the facts that inclined them to activities with a tendency to delinquency and associated risk factors associated risk factors. A statistical analysis was carried out to identify significant regularities in the quantitative and qualitative order that allow us to draw up and qualitative regularities that allow us to draw up interdisciplinary intervention strategies educational and preventive intervention strategies in school contexts.

KEYWORDS: Teachers, prevention, Penal Law, Study.

1. Introduction

At the international level, analyses have been collected by a variety of researchers on the subject who have focused their interests and concerns on the necessary attention to these children who are in conflict with the law, which have had their spaces in the Congresses of the UN, UNICEF, proposing guidelines for joint work, for comprehensive care. The inquiries carried out at this level to date show some general references of international organizations and entities that are dedicated to researching and addressing the issue.

UNICEF (United Nations Children's Fund) works to promote and protect children's rights worldwide. UNICEF's mission is based on hope. It is hope that motivates us to build a world in which the rights and well-being of this generation of children and future generations are protected and defended. And it is also hope that fuels our optimism when we think that it is possible to fulfill this mission. (UNICEF 2023).

This international organization has carried out research and published in several reports the situation of minors in conflict with the law, about their rights and specific needs.

Since the re-election of the Convention on the Rights of the Child and the force of similar international norms referring to the observance of children's human rights, where the principle of non-regressivity is protected. Likewise, the principle of integration must be taken into account, which refers to the application of the entire corpus juris that protects the rights and guarantees of adolescents in conflict with the criminal law. (Barletta, 2015), (Morales, 2020).

It should be noted that the term "children in conflict with the law" refers to any person under the age of 18 who comes into contact with the judicial system because he or she is suspected of or accused of committing a crime. (UNICEF, 2015), (Morales, 2020).

The United Nations Office on Drugs and Crime (UNODC, 2024) is the United Nations agency in charge of combating organized crime and drug trafficking. UNODC is also working to improve crime prevention and assist in criminal justice reform in a number of countries. The Office works with Member States to strengthen the rule of law, promote stable and viable criminal justice systems and combat the growing threats of transnational organized crime and corruption.

Research conducted by professors at universities and research institutions in Latin America has conducted research in the field of juvenile justice and on children in conflict with the law. The research carried out in Latin America on the problem is diverse and multifactorial depending on the countries and organizations.

If it is taken into account that on many occasions schoolchildren with behavioral disorders tend to attack, attack the environment in various ways, it is necessary to take urgent measures, to preserve the quality of the environment and remedy as much as possible the damage caused, so that we can bequeath to future generations a habitable planet. These are the reasons that inevitably pose a challenge for educators

who work with schoolchildren with behavioural disorders to use Environmental Education as a psycho-pedagogical resource in the educational care of these schoolchildren (Hernández-Barrapi, 2015), (Bosch, 2021).

According to (Morales, 2020), being Peru a developing country, it is relatively easy to predict the fate of many adolescents, especially those who come from families with limited economic resources. The mediating variables of development such as family, school, nutritional levels, and the quality of normative experiences are not very differentiating when it comes to explaining the direction of development in the vast majority of poor adolescents.

This condition increases the level of endogenous vulnerability and social risk, representing a potential source of future social costs expressed in high rates of unemployment, illiteracy, delinquency, drug dependence, prostitution, physical and mental morbidity and mortality, and generalized reproduction of poverty.

Multiple authors and organizations in the region have been developing lines of research in favor of the preparation of teachers in favor of minors who are in conflict with the law, stating among them; risk and protection factors from exploring the elements that increase the possibility that children are prone to conflict with the criminal law, a family environment where they are exposed to violence, hardship and not being able to access education.

There are also protective factors that contribute to preventing crime and promoting well-being, such as support in the social sphere and the community environment, the search for resilience and better access to elementary services where the school and the teacher are the articulating axes of this process.

In the preparation of teachers, re-education programmes are implemented on the basis of a variety of guidelines and programmes aimed at the rehabilitation and integration of minors in conflict with the law. This may include actions in therapy, vocational guidance, trades and socio-emotional support.

The preparation of teachers in human rights and justice is grouped into the analysis of the possibilities of minors who are at risk of committing criminal acts of lesser or greater degree.

When evaluating both policies and programs in the studies carried out, it is also possible to recognize by teachers the execution of specific policies and programs aimed at addressing the problem of minors in conflict with the criminal law, which aspects to take up and which to redesign in each context and situation they present.

Some of the deviant manifestations of behavior – wandering, school dropout, poor academic performance, dysfunctionality in the family, difficulties in complying with social and/or group rules, deficient interpersonal relationships with adults and peers, etc. – when they remain stable and lasting over time, bring with them that transgression of legal and societal norms. Vega (2017). (Pérez, 2023).

When we refer to minors, we start from a socially constructed and therefore historical category: childhood is the result of a complex process of definitions, institutional actions and social changes in their feelings, which do not take place in politically neutral contexts. (Gallardo 2017), (Montaño-Peña, 2020).

From a detailed analysis, the concerns with the legal protection of minors date back centuries, considering that legal defense has been considered necessary.

As has been seen in Cuba, the provisions of the United Nations in this regard have been complied with, special attention was given to minors who were in conflict with the criminal law, taking into account the main causes that led them to find themselves in this situation.

2. Methodology

The preparation of teachers in the school educational process is an element of great significance, so it requires preparation in knowledge, skills and values based on activities that, in a stable and systematic way, are designed, executed and directed to raise the pedagogical-methodological and scientific preparation of teachers, for which an integrative diagnosis was made that allowed the author of the research to determine the potentialities and essential needs of teachers with respect to their protagonism and preparation in terms of the care of minors in conflict with the Criminal Law.

To carry out an exploratory study on children who are in conflict with the law in our context, different instruments and techniques can be used to collect data to obtain relevant information on the subject. Some of these tools include:

The results of the initial diagnosis regarding the process of preparation of teachers of trade schools in the subject of care for minors in conflict with the Criminal Law, based on the potentialities and needs detected, proposing the design of Workshops, to contribute to the solution of these and achieve the transformation of the current state to the desired one.

In order to comply with this exploratory study, a population made up of 57 teachers who work in Trade Schools was selected, being selected a sample made up of 15 professionals, (26.32%) who teach subjects in the teachings of Skilled Workers and Middle Technician. Of these, 8 are full-time teachers and 7 teachers who work with administrative responsibilities in the school. Of them are 3 Masters, 3 Engineers, 9 Graduates. They teach the subjects of Mathematics, History, Spanish, Political Culture, Physical Education, Citizenship Preparation, English, Computer Science and Technical Subjects.

An intentional non-probabilistic criterion was used for the selection of the sample, defined by the selection criteria:

- All of the 15 teachers have a direct relationship with minors in the education of Trades, and in this case they work in a trade school where minors are trained who for various reasons have a tendency to present conflicts with the law.
- They have little knowledge of the legal order and actions to prevent from educational care to minors in conflict with the Criminal Law.

After having defined the teacher's preparation, we carry out the necessary operation

of its application with its dimensions and indicators, which are listed below:

Cognitive Dimension: Teachers' knowledge of the care of minors in conflict with the law.

The indicators declared for the study of this cognitive dimension are expressed in the identification of the elements that constitute the care of minors in conflict with the criminal law, knowledge of the categories and characteristics of minors in conflict with the criminal law, the mastery of indications, resolutions and legislation used in the centre for the care of minors in conflict with the criminal law.

The application of the knowledge acquired by teachers from the preparations received is selected as a procedural dimension, deriving indicators such as: Ways in which care is directed to minors in conflict with the Criminal Law, The use of techniques and instruments by teachers for the care of minors in conflict with the Criminal Law, as well as the use of innovative actions in the care of these minors.

The attitudinal dimension is measured from the attitude of teachers in the care of minors in conflict with the Criminal Law. Its indicators are based on verifying the attitude of teachers towards the importance of the work they do in the care of minors in conflict with the Criminal Law, the attitude of teachers towards the need for preparation and improvement for the care of minors in conflict with the Criminal Law and the performance of the teacher in the execution of legislative knowledge for the care of minors in conflict with the Criminal Law.

The instruments applied made it possible to evaluate each dimension and indicator. For this reason, it was necessary to carry out an evaluation scale where they were assigned the categories of High (A), Medium (M) and Low (B).

The analysis of the indicators and their scale by dimensions was expressed as dimension 1: Cognitive: Teachers' knowledge about the care of minors in conflict with the law.

High (A) is evaluated those teachers who master the categories and characteristics of minors in conflict with the Criminal Law, are able to identify the elements that constitute the care of these minors and have mastery of the indications, resolutions and legislation in force in this regard, being able to use it in practice.

Teachers who are not always able to identify the categories and characteristics of minors in conflict with the Criminal Law, the elements that constitute the care of these minors and have little command of the indications, resolutions and legislation in force in this regard, being able to use it in practice only occasionally.

Teachers who do not master the categories and characteristics of minors in conflict with the criminal law, are unable to identify the elements that constitute care for these minors and do not have mastery of the indications, resolutions and legislation in force in this regard, so they are not able to use it in activities typical of their function.

In dimension 2: Procedural: Teachers' performance skills in the care of minors in conflict with the Criminal Law.

It is evaluated as High (A) whether the care for minors in conflict with the Criminal

Law is directed in an enjoyable, clear, simple way, the appropriate methods are used, as well as the methodological standards and orientations and the quality of the insertion of minors in the activities of the school is achieved.

A medium (M) evaluation is given whether the care of minors in conflict with the criminal law is directed in an enjoyable, clear, simple way, the appropriate methods are used, as well as the methodological norms and orientations, and the insertion of minors in teaching activities is partially achieved.

It is evaluated as Low (B) whether the care of minors in conflict with the Criminal Law is directed with limitations, using traditional methods for their care, as well as the methodological norms and guidelines are not used adequately to achieve the insertion of minors in school activities.

Considering that dimension 3 confirms the attitudinal focused on the modes of action of teachers in the care of minors in conflict with the Criminal Law.

Teachers who express appropriate behaviors are evaluated as High (A), based on the preparation and improvement they have from the implementation of legislative knowledge regarding the care of minors in conflict with the Criminal Law.

Medium (M) is evaluated those teachers who assume behaviors in the face of the moderately adequate preparation and improvement requirements based on the implementation of legislative knowledge regarding the care of minors in conflict with the Criminal Law.

Low (B) is evaluated those teachers who assume responsibility for the work they do, their modes of action in the face of the demands of preparation and improvement are not adequate, they do not achieve a correct execution of the legislative knowledge they have with respect to the care of minors in conflict with the Criminal Law.

A comprehensive scale was also developed for the measurement of the dependent variable (teacher preparation), which was developed as follows:

- It is evaluated as High (A), if the 3 dimensions are evaluated as High, or in the case that it has been evaluated as Medium or Low the Attitudinal dimension.
- It is evaluated as Medium (M) if the 3 dimensions are evaluated as Medium or in the case that the cognitive dimension is evaluated as High and the remaining as medium or is evaluated as medium and the remaining as High or Low.
- It is evaluated as Low (B) if the 3 dimensions are evaluated as Low or in the case that the cognitive dimension is evaluated as High and the remaining dimensions as low or are evaluated as medium and the remaining ones as Low.

Individual or group interviews are a fundamental technique for inquiring about the experience of children in conflict with the law. Interviews can be conducted with the children themselves, as well as with family members, juvenile justice professionals, representatives of government institutions and non-governmental organizations involved in the justice and rehabilitation system.

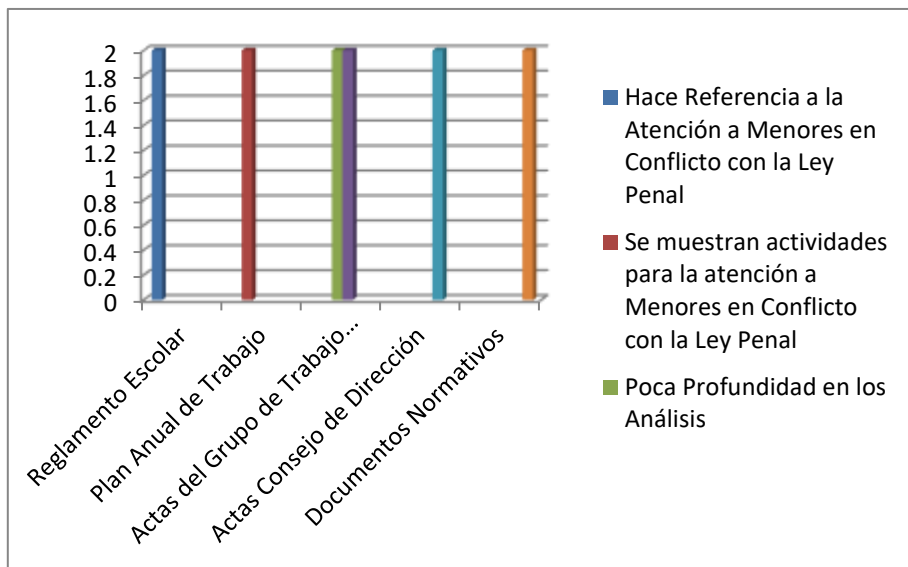
By observing teachers about their actions in terms of visits to environments in which children live, the functioning of family dynamics, their actions in educational institutions or reintegration programs, it is possible to obtain initial information about their situation and the dynamics that influence their experience.

The review of the literature on this topic can provide a solid theoretical framework and important background for teachers in terms of their preparation in favor of the topic, a fact that has allowed them to know the need for deepening and contributes to guide the exploratory study.

Surveys and questionnaires were applied to obtain quantitative aspects of demographics, certain criminal antecedents, risk factors, and other relevant aspects related to minors who tend to present a conflict with the criminal law, allowing the reliability of the data collected.

Teachers perceive that children have little interest in the study of general training subjects, great motivation for practical teaching subjects, and have limited motivations towards cultural and sports activities. In addition, a total of 16 students are considered to have bad toxic habits and 5 of them drink alcoholic beverages, 11 smoke and 3 drink and smoke. These aspects are denoted in Figure 1 derived from the results of Document Analysis.

Figure 1 Results of the Document Analysis. In original language English



In the analysis of the normative documents and indications relating to the care of minors in conflict with the Criminal Law.

In the analysis of the normative documents and indications established for the work and care of minors in conflict with the Criminal Law, the Manual of General Guidelines for the work of the Director of the School of Conduct Disorders, Orosco et al. (2010), was first reviewed, in which it was found that it has a section related to

the Organization of the educational process and the direction of learning, clearly alluding on page 24 to clarifications regarding classes in students with behavioral disorders.

Among the other documents reviewed is Preventive and Community Work. Actions for its strengthening in the National Education System, which refers on page 16 to the functions of the Municipal Preventive Working Group, which is also responsible for studying and analyzing the information by the heads of different educational levels, evaluating the decisions required by each case.

Regarding the analysis corresponding to the Book of Preventive Work from the Improvement of Inclusive Practices in Attention to Diversity (Leyva, 2016), it was possible to appreciate assessments about educational inclusion and modes of action that are exclusive and entail marginalization in practice, which is closely related to the research topic, teachers do not have adequate knowledge of the issues addressed in these normative documents on work with minors in conflict with the Criminal Law.

The resolutions and procedures for the design, execution and control of preventive work in Technical-Professional Education are also reviewed, which governs preventive work in all its dimensions, where the lack of content and proposal on the investigated topic is confirmed.

Another of the instruments used for the initial diagnosis was observation in the different activities of the educational teaching process such as: classes, mornings, socially useful work. To obtain information in the initial diagnosis process to assess how schoolchildren comply with school-oriented activities. 12 classes of the prioritized subjects were observed: 5 of History, 3 of Mathematics and 4 of Spanish, 5 socially useful work activities, the indicators that a good class must have, as well as the guidelines drawn by the school to evaluate the morning classes, as well as the necessary aspects to evaluate a socially useful work activity.

Regarding motivation, it was found that in all classes there are problematic situations, understanding, enthusiasm and joy are not achieved in the school groups, since in 9 classes for 75% it was observed that the schoolchildren in conflict with the Criminal Law, were distracted, not very participatory, without interest in the task.

In the analysis carried out in the direction of the educational teaching process, there are difficulties in terms of attention to the diversity of schoolchildren in conflict with the Criminal Law, of the 12 classes observed, only 5 teachers representing 41.67% of the sample attend to this indicator, in terms of the orientations to organize the group and guarantee the preconditions only 7 that represent 58.33% are carried out.

Regarding the creation of conditions to solve the tasks proposed, it was found that 5 teachers representing 41.67% comply with it, 7 teachers representing 58.33% do not comply with this important aspect of the class. With respect to the finished orientation of the objectives at the time, where the importance of the content received is shown, 3 teachers representing 25% manage to carry it out correctly, 7 teachers representing 58.33% achieve it moderately and 5 teachers representing

41.67% do not achieve a finished orientation of the objectives.

Similarly, in the aspect referring to the preparation of preventive and stimulation activities in students in conflict with the Criminal Law, only 6 teachers representing 50% comply with it, there are 9 teachers representing 75% who do not know how to complete it.

With respect to attention to individual differences based on the needs and interests of the students, 3 teachers representing 25% perform this activity correctly, 5 teachers representing 41.67% perform it moderately and 7 teachers representing 58.33% do not achieve correct attention to individual differences.

In the use of educational methods and procedures for attention to diversity, only 7 teachers representing 58.33% use educational methods and procedures from the point of view of attention to diversity, 4 teachers representing 33.33% use them less frequently and the remaining 4 with the same percentage could not be verified that they used methods and procedures for attention to diversity in their activities.

In the indicator level of correction in the face of student behavior, 25% representing 3 teachers achieve compliance with it, 4 teachers representing 33.33% achieve it moderately and 8 teachers representing 66.67% do not comply and do not know how to do it. In correspondence with the planning of activities related to the characteristics of the schoolchildren and their diversity, 25% representing 3 teachers achieve a planning of activities in accordance with the needs of minors in conflict with the Criminal Law, 9 teachers representing 75% achieve the planning of activities and 3 teachers representing 25% do not manage to plan activities related to minors in conflict with the Criminal Law.

The interview, conducted with the aim of verifying teachers' preparation for the care of minors in conflict with the law, showed that this preparation is still insufficient and corroborated that:

In relation to the third question, 9 teachers, representing 60%, agree that some activities have been planned and developed, mainly conferences, training, but that the necessary level of preparation related to the subject has not been guaranteed, either in methodological preparations, cycle meetings, the remaining 6 teachers (40%) state that they have not received preparation activities on topics specifically related to the attention to minors in conflict with the law.

They also report that the individual self-preparation route has not been sufficiently exploited, considering the frequency with which the subject is worked on to be insufficient, which constitutes a limitation in raising the level of preparation of teachers.

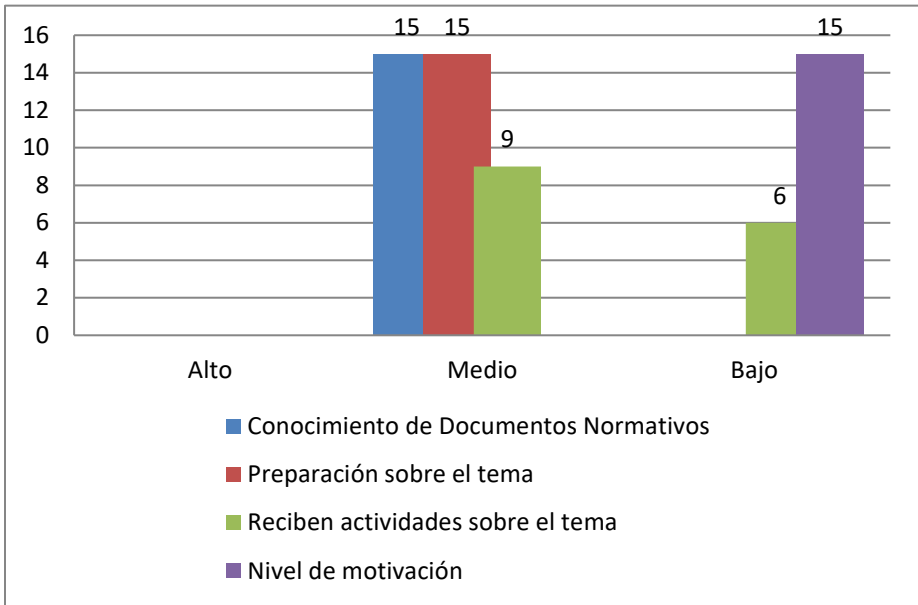
With regard to the fourth question, 100% of all teachers say that they consider themselves moderately prepared in preventive work, and also state with respect to minors in conflict with the criminal law that they do not have the knowledge and tools necessary to care for them.

100% of the 15 teachers interviewed have shortcomings in terms of mastery of the legal documents that establish the care of minors in conflict with the Criminal Law, and their preparation in this regard is insufficient, since they do not have a level of

knowledge of normative documents that provide them with the necessary tools for the care of minors in conflict with the Criminal Law.

Based on the results obtained in the application of this instrument, it is seen in Figure 2 of the bars on the results of the Interview with Directors and Teachers that there is a need to carry out an in-depth work where its results are expressed in the preparation of teachers on the subject.

Figure 1 Results of the Interview with Directors and Teachers. In original language: Spanish

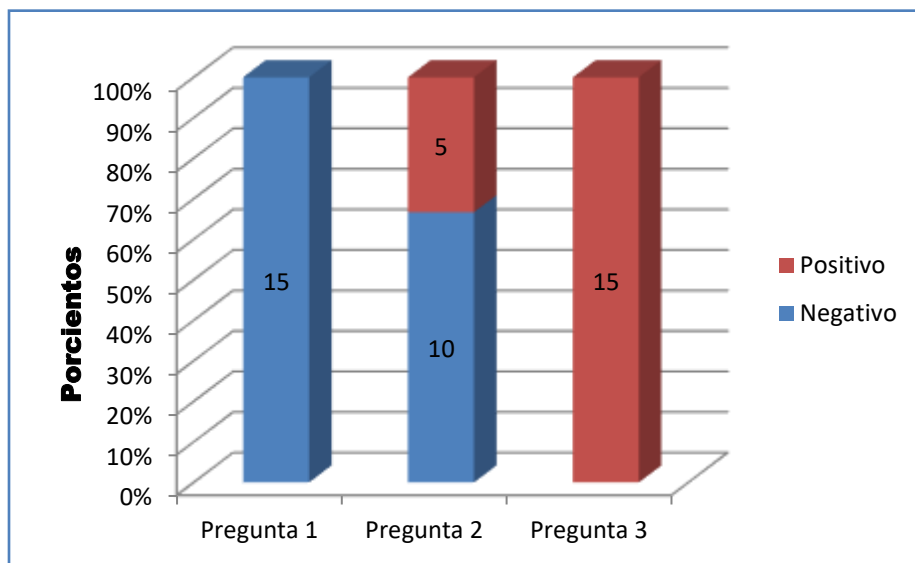


Through the application of the survey expressed in the quantitative results of Figure 3 on the results of the survey of principals and teachers in the verification stage, it is denoted that 100% of the teachers have deficiencies in the care of minors in conflict with the Criminal Law, because they do not have the necessary preparation. They do not use methods, procedures and ways that promote differentiated attention within the teaching-learning process and the organizational forms to develop the activities generally isolate schoolchildren with these characteristics.

In question 2 referring to the indicators that are considered necessary to assume the care of minors in conflict with the law, 10 marked the aspects negatively for 66.67%, taking into account that they lack legislative knowledge on the subject, the rest equivalent to 33.33% marked their answers as positive.

In question 3, 100% of the directors state that it is necessary to improve the strategic actions carried out by the school, even though the priorities of education specify that the differentiated treatment of minors in conflict with the criminal law must be specified.

Figure 2 Results of the survey of principals and teachers in the constitutive stage. In original language: Spanish



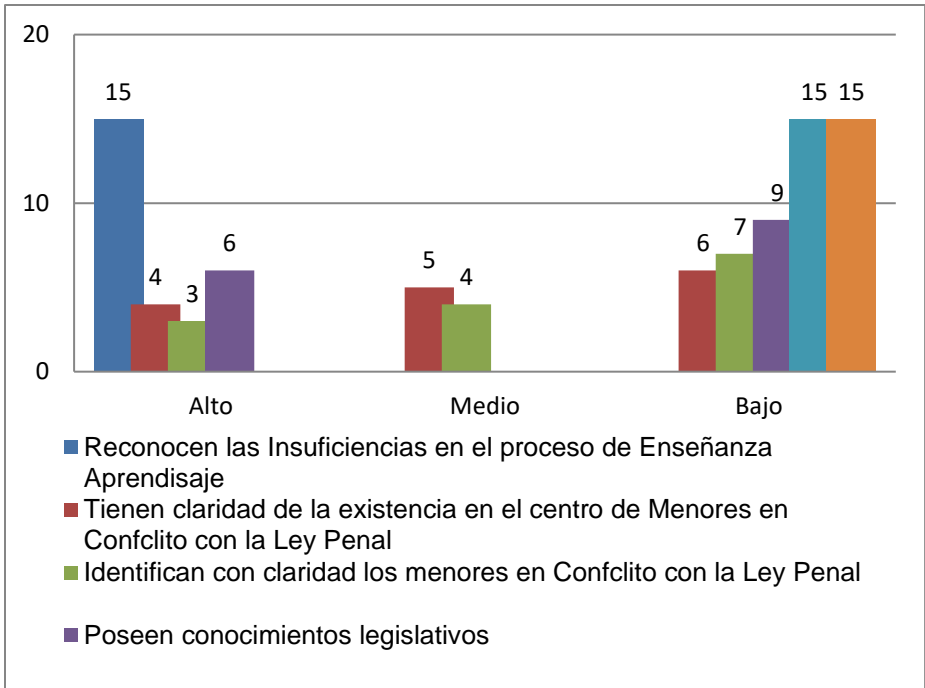
In Figure 4, it is analyzed that teachers have the potential to face the training of minors in conflict with the Criminal Law (scientific and teaching category, motivation and interest in the subject).

The total sample, which represents 100%, recognize the insufficiencies that persist in the process of teaching, learning and educational management, and only 4 of them, representing 26.67%, have clarity of the schoolchildren in conflict with the Criminal Law who attend their institution, thus determining that the rest of the teachers who make up the sample, 73.33%, cannot identify this type of schoolchildren from their own work. and only 3 of these, or 20%, can clearly identify when a minor is framed in one of the categories that places them in Conflict with the Criminal Law.

There is insufficient knowledge of the regulations that govern this work, only 40.00% of the sample report having received legislative training, and most of them have a lack of knowledge about legislation and regulations that regulate work with minors in conflict with the Criminal Law, and the documentation and methodological directives do not specifically address the issue. have received preparation activities but not on the particular topic and without frequency of frequency, they do not receive adequate attention and follow-up from teachers in the same way.

The methodological preparation that is designed from the scientific strategy does not respond to the problem bank of the school where this research is carried out, and its quantitative results are stated in Figure 3.

Figure 4 Results of Information Triangulation. In original language: Spanish



As a result of the instruments applied to the sample and its triangulation, the potentialities and needs are determined and a diagnosis of the work carried out in the process of detection and care of minors in conflict with the Criminal Law of Vocational Technical Education is carried out. He also revealed the shortcomings presented by the teachers in conceptual, procedural and legislative terms, presented by the teachers of the School of Trades, who attend to minors in conflict with the Criminal Law.

3. Results and Discussion

When carrying out this exploratory study in the trade school, based on the analysis of the results obtained, it can be seen that teachers receive, from the pedagogical delivery among colleagues, a detailed analysis of the situations presented by their future students, taking into account that in the psychopedagogical characterization there are essential elements to be taken into account for the determination of minors framed in the categories established for the care of minors in conflicts with the Criminal Law.

There are insufficiencies in the teachers' knowledge of the normative and legal guiding documents established for the care of minors in conflict with the law, the level of motivation of teachers is low, the possibilities that exist for methodological

preparation and other preparations to analyze issues related to minors in conflict with the law and the preparation of teachers are not taken advantage of. in the care of minors in conflict with the criminal law is still insufficient.

All the teachers interviewed agree that they do not have a broad command of the regulations related to the care of minors in conflict with the law, which indicates 100%, being moderately prepared in this regard, exposing at the same time several theoretical aspects about the research topic, with respect to the unknown related to the preparation provided to teachers to achieve correct educational attention to schoolchildren in conflict with the Criminal Law, this is also valued as medium, taking into account that the teachers in their answers do not refer to having received legislative preparations on the subject in question.

They also allege that they are in need of theoretical and practical knowledge on the subject, in order to raise the level of preparation for the care of minors in conflict with the criminal law.

The directors and teachers agree in their reflections that theoretical, practical, individual and collective activities should be promoted that guarantee the teaching-learning process during the class and outside of it, making systematic use of non-formal school learning scenarios, as well as implementing a system of improvement using various forms of methodological work. as well as to carry out preventive work from teaching and extracurricular activities, analyzed quantitatively in the double bar graph that is presented below as results of the survey of teachers and principals in the verification stage.

It is necessary to pay attention to the shortcomings that allow greater preparation and that preventive issues are included in the conception and planning of curricular and extracurricular activities in correspondence with the diagnosis, having an outlet in classes that are not very motivating and that do not attend to diversity, it is not appreciated how to make curricular adjustments to give differentiated attention, as well as topics of guidance and advice for the work that they must offer to families to support schoolchildren in learning and socialization.

4. Conclusions

Education must play a fundamental role in the prevention and care of children in conflict with the criminal law, so using adequate guidance to teachers from the necessary knowledge and preventive actions implies implementing programs and strategies that strengthen the school environment, values, the development of social and emotional skills, and early attention to possible risk situations, and working on the construction of inclusive and safe educational environments, where students feel respected, valued and supported. This preventive work helps to reduce the chances that minors will be identified as being in conflict with the criminal law.

An exploratory study has made it possible to verify certain needs of teachers in favour of their preparation for the care of minors. These regularities indicate the magnitude of preparing them in professional knowledge and skills that promote comprehensive educational care for these minors, where this approach will improve

the quality of life and the future of minors in conflict with the criminal law.

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