

The Problem Of Crime In Peru, Year 2023

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ABSTRACT

The increase in crime, citizen insecurity and the violation of rights in Peru are priority problems that must be resolved; Crime is a problem that affects development, economic growth and public safety. The objective of this article is to analyze which risk factors contribute to the increase in crime in Peru, year 2023; The research is qualitative and the design is grounded theory; The relevant findings are: the attacks between members of the family group observed during childhood fuel the action of committing a crime, since of 30 inmates interviewed in the Trujillo prison, 24 people revealed that they had experienced such circumstances and added other risk factors, it has proliferated. crime and there has been a collapse of public security in Peru.

Keywords: *rights, risk factors and crime.*

1. INTRODUCTION

The serious acts that occur in Peru against public security, the violation of fundamental rights and discrimination are problems among others that must be resolved; rights are not seen from the perspective of defending such fundamental rights, but rather collective and individual rights are repeatedly violated. These serious events are undoubtedly the increase in crime and citizen insecurity in Peru, the media report every day criminal acts that occur at any time, crime leaves the population on tenterhooks, produces terror, there is no safe place in Lima, Trujillo, Arequipa, Chiclayo, Piura and other cities of the country; To illustrate, I cite two events in the department of La Libertad of the many that occur, the newspaper La República reports according to a report from the National Police, a father and his two sons were murdered by criminals in the city of Trujillo, La Libertad, an event that occurred on November 29, 2023, by hitmen²; then the Ministry of the Interior, through a statement via twitter, reports that on December 2, 2023, around at 1:00 a.m. a group of armed criminals raided the facilities of the Minera Poderosa, in the province of Pataz, La Libertad Region, as a result of the reprehensible act 9 people died and left 15 injured³; the police stations and specialized units of the Peruvian

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² Vega, Y. (2023, November 30). President of the peasant patrol along with his father and brother are murdered in a park in Trujillo. *The Republic*. <https://larepublica.pe/sociedad/2023/11/29/trujillo-padre-y-sus-2-hijos-son-asesinados-a-balazos-pnp-delincuencia-urbanizacion-el-bosque-lrnd-713893>

³ Ministry of the Interior (2023, December 2). Communiqué, in relation to the violent incursion of a group of criminals to the facilities of the Powerful Mining Company. [Twitter].

National Police record kidnappings, extortion, hitmen who kill at any time, rape of minors, aggravated homicide and murder, aggravated robbery, illicit drug trafficking, aggravated robbery, aggression against members of the family group, among others; and in the various institutions of the State, some officials and public servants are involved in crimes of corruption and criminal organization; it is astonishing that former President Castillo, Toledo, Kuczynski, Humala, among others, are accused of corruption and when he was intervened by the Police, former President Alan García chose to commit suicide; current President Dina Boluarte is facing a preliminary investigation for genocide for deaths that occurred during the protests; now the Special Team of Prosecutors against Corruption of Power is investigating the head of the Attorney General's Office, Patricia Benavides, for an alleged criminal organization entrenched in the top management of the Public Prosecutor's Office. All these facts reveal the existence of an alleged criminal conduct in power to interfere with the fight against the crime of power; the government is limited to prevent the advance of criminal action, however it is under the obligation to "guarantee the exercise of human rights and protect the population from threats to their security"⁴. In this context, the question "What are the risk factors that contribute to the increase in crime in Peru, year 2023?" is acceptable; To partially solve this problem, the objective has been formulated to analyze which risk factors contribute to the increase in crime in Peru, year 2023.

González and Torres (2022) understand politics as the struggle for power and the exercise of collective decisions in the public, private and social spheres; and, with respect to criminality as the social phenomenon linked to the history, beliefs and interests of the dominant power groups. In this context, crime has evolved, the State intends to solve with drastic penalties, build more prisons, increase the number of police, but in Peru there are deficiencies in social control, criminal behavior has corrupted the ruling political class and has become entrenched in the structures of the State, the person is more prone to commit crimes; Zaffaroni (2012) assumes a historical position regarding criminality, pointing out that crime is a global, central problem and is a projection of the past, punitive power is the cause of crime and is an instrument of social verticalization that served colonization, so that criminal law and criminology are political; IACHR (2023) in its report on the Situation of Human Rights in Peru, regarding the events that occurred between December 7, 2022 and January 23, 2023 in the context of the crisis of democratic and social institutions in Peru, social protest, social conflicts, clashes between residents and police and other law enforcement agencies occurred. the results were the loss of human lives and injured people, the forces of law and order made disproportionate use of force by firing shots at vital organs and that could constitute extrajudicial executions, massacre and the existence of human rights violations in Peru that must be investigated, judged and punished, what happened in Ayacucho on December 15 and 16, 2022 where 10 people lost their lives is taken as a reference and 72 people were reported injured with firearms, in Juliaca during the social protests, the death of 18 people and 226 people injured were reported; Fundamental rights are those rights recognized by the Constitution, explicitly and implicitly, which cannot be limited when exercising those rights provided for in Articles 1, 2 and 3 of the Magna Carta, and even the execution of a socio-educational measure of internment and custodial sentence cannot limit the right to health. education, vocational training and the right to work, among others; Foreign Trade Society of Peru (2023) reported that Peru suffers an informality rate of 75.7% nationwide in 2022, a serious circumstance since it does not exceed the figure for 2012 whose rate was 74.3%

https://twitter.com/MininterPeru/status/1731117365759242537?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet

⁴ Political Constitution of Peru, Article 44

informality, with respect to unemployment in 2022, Lima has 6.9% unemployed, La Libertad with 4.8% and Tumbes with 4.5%, the national unemployment rate 4.3%; in 2023, the unemployment rate increased; Institute of Peruvian Studies and Oxfam (2022), in its statistical analysis study on the perception of inequalities in Peru, concludes that 59% of the population recognizes that the differences between rich and poor are large, 61% recognize the difference between city and rural area, 56% between Lima and the rest of the country, 70% agree that state policies should be implemented to reduce inequality between rich and poor;

2. METHODOLOGY

The research is qualitative and to achieve the objective I have used as a methodological design "the grounded theory" (Strauss & Corbin (2002), the object of study is the factors of delinquency, the first data were acquired through observation of successive criminal acts, study of theoretical sources and finally the information collected through interview guide to experts and inmates of the Male Penal Establishment of Trujillo- La Libertad, until the theoretical saturation of the category of risk factors for crime is reached; The sequence is data, categories, subcategories, concepts, interpretation and the theory of this article emerges, which is the product of a scientific procedure.

3. RESULTS

Expert Interview Analysis

Table 1 What factors contribute to the increase in crime in Peru?

PARTICIPANT	ANSWER
E1	1.- The family, for example, dysfunctional families, school violence, children and young people are recruited by people to carry out illicit activities 2.- Unemployment, lack of opportunities 3.- Lack of budgetary implementation of criminal policy in the country.
E2	I believe that the predominant factor that contributes to the increase in delinquency in Peru is the social factor, since it is constituted by the place where young people live, the friendships that surround them. On the other hand, the inattention of the authorities who do not invest in sports necessary for young people to practice sports, the lack of job opportunities, drug trafficking, etc. Another important factor is migration due to political and economic aspects, our country, which has a neglected population, further aggravates the situation of poverty and extreme poverty with the migration of foreign citizens who, for political and economic reasons of their country, are forced to emigrate in search of opportunities.
E3	The increase in crime in our country is linked to a series of interrelated factors, crime is a complex phenomenon. Among the various factors that lead to the increase in crime, I can find the following: 1. Economic factor, inequality in the distribution of wealth. 2.- Educational factor, lack of access to quality education 3.- Addictive risk factors, drug and alcohol consumption lead to the commission of crimes. Corruption in public institutions weakens the application of the law.

	Social factors, cultural and social norms, as well as the lack of community cohesion. Impunity, the perception that criminals will not be adequately punished
E4	Among the factors that favor the increase in crime are: - Violent behavior by parents in the presence of their parents and the abandonment of the parent to his or her biological child. - The State's failure to comply with its obligations -Poverty - Corruption in public institutions and informality in the economic activities of goods and services. - Failure to comply with the social responsibility of large companies.
E5	Poverty, unemployment, illiteracy, dysfunctional family, growth of the urban and marginal population, corruption, impunity, migration, benign legal norms that protect crime, deficit of human and logistical resources of the PNP, inadequate infrastructure of police premises.
E6	Crime in Peru is on the rise, due to political decisions to allow the entry of a large number of foreigners of Venezuelan nationality; Initially, it had been decided to enter only 300,000 foreigners, but now there are more than 1,500,000, a large number of them are part of criminal gangs and are dedicated to robbery, scams and other crimes. This is increasing, due to the economic factor that the country is going through in recession, people do not have jobs and the deficient logistical support to the PNP.
E7	- Dysfunctional families: violence, -Lack of Education: school dropout, dropout, • Inadequate environmental models -Neurobiological factors -Addictions -Poverty
E8	-Low levels of education in Peru -Lack of economic opportunities, especially employment -The increase in disintegrated families, lack of values -Lack of opportunities in countries, especially in Latin America such as Venezuela, and the lack of control of our borders has led to an increase in migrants - Ineffective Penal Norms and Benign Penalties in the Penal Code -Lack of adequate citizen security policies • Lack of financial resources for law enforcement agencies to combat crime
E9	We can identify that within our country there are different risk factors that human beings have to fall into delinquency or that their probability is higher, for example: Family Violence, Teenage Pregnancy, Vices with Alcohol, Drugs, School Dropout. But, it can be said that the delinquent is formed from the moment he comes into contact with society, that is why I refer to this phrase: "The delinquent is made or born", recently different investigations were carried out pointing out that these same risk factors in pregnant women, generate the blocking of certain genes in their children and these genes are related to the development of non-cognitive skills, linked to the

development of behaviors: social, peaceful resolution of conflicts, interrelationship with people, that is to say that delinquency can not only be noticed in adolescents or children, but also in pregnant mothers and that in some years will be very noticeable because it will increase delinquency in the long term.

Table 2 Do you think criminal legislation is efficient in reducing crime rates in Peru?

PARTICIPANT	ANSWER
E1	Yes, the criminal legislation is adequate, but there are some rules that need to be refined, such as computer crimes, which need to be specified, complemented, there are cybercrimes that are not regulated with the cases that are occurring; Crimes, organized gangs and femicides need to be complemented. In the Ombudsman's Office we perceive non-compliance with the rules due to ignorance of the justice operators, due to the non-compliance with the procedures or protocols that are not carried out by the Police and agents of the justice system, in the complaints presented to the Ombudsman's Office we see that the problems that originate are not because of the law but because of the people. In this case, operators, repressive agents fail in the procedure and it is a circumstance that prevents them from adequately punishing or repressing crime.
E2	Criminal legislation to reduce crime rates in Peru cannot be described as efficient or deficient because the effect of criminal legislation on combating crime with repression is not useful for reducing crime rates, we must first determine what are the factors that contribute to the increase in crime and work to reverse those factors essentially by substantially improving education. generating spaces of job opportunities for young people, instilling values of respect, responsibility, honesty, promoting culture and sport as spaces of recreation
E3	Jeffery in 1978 pointed out, "More laws, more penalties, more police, more judges, more prisons, means more prisoners, but not necessarily fewer crimes." Faced with this situation, criminal social control is not the only tool to effectively reduce crime rates, as we have been able to warn, in recent years they have been increasing the penalties for certain crimes, without effectively reducing crime rates, under this situation, criminal legislation plays a transcendental role in reducing crime rates. But it's not the only factor to take into account.
E4	There is no punitive proportionality between some offences, criminal legislation has failed to counteract crime
E5	NO, considering that, for some time now, modifications have been made to the Penal Code and progressively implemented at the national level the New Code of Criminal Procedure, without obtaining efficient results that can reduce crime in the country, these modifications being those that hinder the proportionality of the penalties in certain crimes, that is, if a case becomes mediatic there are modifications on the particular and with this they hinder a decalage and protected assets On the other hand, the adjective norm has shielded the prosecutor's office by empowering them as the owners of the criminal investigation, clear in the sense that only lawyers have legitimacy in the criminal process, leaving the police

	investigators cornered, to only turn them into simple witnesses in trial, and even the investigators if they are not considered intervening personnel are not called for the stellar stage of the criminal process "Trial"
E6	No, the penalties should be harsher, in case of minor robbery the penalties should also be with effective imprisonment and that they go to prison to serve their sentence, in that way the intentions of stealing of many young people who steal cell phones and others would decrease.
E7	No, because it has become more punitive than resocializing; it seeks only to penalize without a prior scientific study of the causes of criminality; Even more so, as in the case of femicide, a crime that is committed due to the lack of impulse control, of the exacerbated emotions of an aggressor, unable to tolerate the end of a relationship, cultural androcentrism. In this case, the femicide says "I don't care if I go to jail or they kill me", so the custodial sentence would not be a factor that stops this crime. And so, in other cases where increasing the penalties does not reduce the commission of crimes, since antisocial behavior is part of their personality
E8	I do not consider it efficient, our society is not prepared to have a legal norm of a resocializing nature, with very benign penalties; nor are we prepared to have a Code of Criminal Procedure that guarantees it, where of 100% of people who commit crimes, only approximately 10% have an effective sentence, on the other hand, it is unheard of for prosecutors to be the ones in charge of the investigation, when they have not been prepared for it.
E9	Yes, I consider that our Peruvian legislation is efficient in reducing crime rates, for example, in our legislation Law 30077 "Law against organized crime" was implemented, there is the hard work that justice operators had and have to do to combat crime, such as inspections, police operations aimed at the capture and dismantling of criminal organizations, However, we can raise the demand to require more personnel within the justice operators, at the same time to train them frequently, not only professionally, but also psychologically.

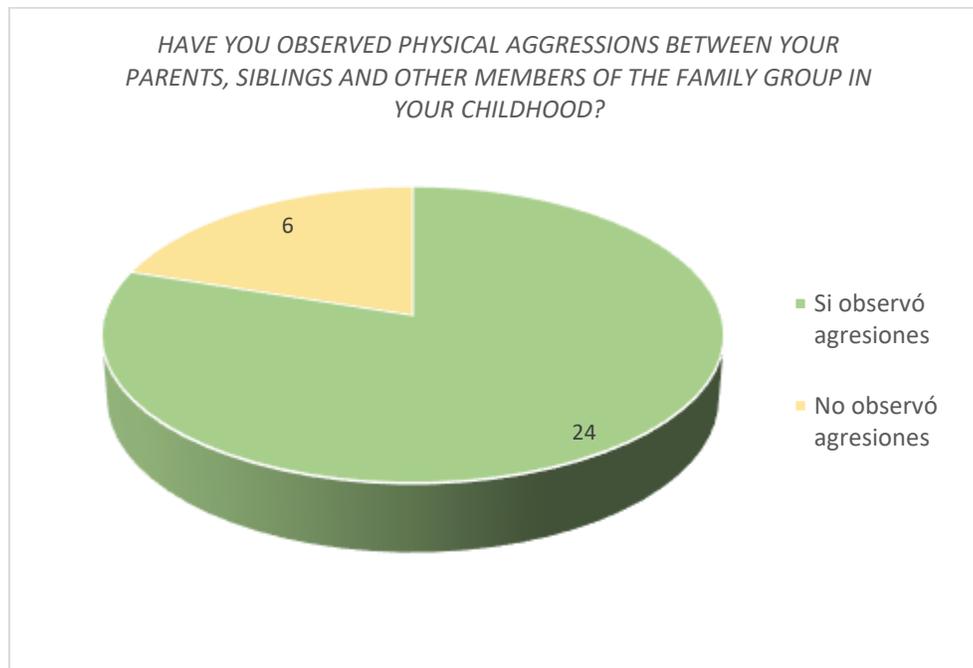
Table 3 What circumstances do you think favor the increase in crime and what obstacles prevent the fight against crime in Peru?

PARTICIPANT	ANSWER
E1	Without a doubt, it is the lack of logistics, budget and personnel of the Peruvian National Police, crime cannot be fought with the number of effective police officers that we have, it does not have a strong criminal unit and it does not even have specific intelligence units, groups are generated, but there is no unit marked with its own budget. With its own disposition that generates a line of action, to this is added problems of corruption, all of which favors an increase in crime A main obstacle is the logistics of the Police, they do not have patrol cars, they do not have a technology unit, they do not have the implementation of cameras with the municipality, they have problems

	with the weapons themselves, the police do not have the material capacity to be able to act
E2	I believe that the main cause of crime is the dysfunctional family, as well as economic precariousness, alcohol and drug addiction.
E3	As has been explained, the circumstances or factors that favor the increase in crime are the following: economic factor, educational factor, addictive risk factors, corruption, social factors and impunity. Among the main obstacles we have the following: i. Limited economic resources on the part of the State, which hinder the creation of effective programs to effectively combat crime. Prison overcrowding makes it difficult to rehabilitate offenders Corruption is a major factor limiting efforts to combat crime and erode public trust.
E4	Corruption in public institutions, political instability in the last seven years, social conflicts, increases in crimes due to family violence, drug addiction, alcohol consumption and prostitution
E5	Existence of high levels of poverty. Unemployment. Corruption of officials. Shortfall versus population growth. Technological resources of crime surpass police operations. Increase in population that gives rise to new Human Settlements. Insufficient budget allocated to citizen security. Benign legal norms that protect crime from police action.
E6	The overpopulation of foreigners who come to carry out criminal acts, the lack of regulations that execute harsher penalties for criminals, effective imprisonment for minor crimes. The obstacles that prevent the fight against crime are the lack of equipment and increase in personnel in the PNP to be able to deal with these acts, as well as the lack of equipping the PNP with modern technology.
E7	-The migration of people (overcrowding, unemployment, which generates stress and anxiety and therefore violence) -Access to guns -The opportunity in front of its victims
E8	Our weak penal system lacks immigration policies, control of our borders and the lack of decisive citizen security policies
E9	Within the Justice Operators, we have some weak points, such as: Insufficient number of courts, Slowness in the Investigation of the Police, Limited Access of the Police to Computer Systems that facilitate the work of Identification of Suspects and Investigation of Crimes, Lack of Experts for the Investigation of Crimes, Delays in the Notification of Writings and Low stability of the Personnel and many times what prevents fighting Criminality is the bad communication that exists between justice operators, in this way there is a lack of coordination, resulting in the strategies proposed not being favorable.

Interview with 30 inmates of the Trujillo Men's Penal Establishment, conducted on November 26, 2023

Figure 1



NOTE. Own elaboration.

Information has been obtained through the interview guide carried out on nine participants and thirty inmates of the Trujillo Male Penal Establishment, regarding delinquency, the results were surprising, the nine experts revealed that among the factors that contribute to the increase of delinquency in Peru, are: i) frequent problems in the family, linked to the space where young people live, to aggressions between members of the family group, family disintegration and dysfunctional family; The family is understood as a place where the person develops and forms from birth, learns the first lessons of survival and develops the psychological part of the child, as the case may be, so that the child observes his or her first experience of the interpersonal relationships of the members of the family and learns forms of communication and behavior. This assessment is related to the results obtained in the Trujillo Men's Prison, where out of 30 inmates interviewed, 24 persons deprived of their liberty during childhood had observed physical aggression among family members. In 2022, 154,202 cases of family-related violence were handled by the Women's Emergency Center, ⁵of which 696 were for economic or patrimonial violence; 66,623 for psychological violence; 59,521 for physical violence and 27,362 for sexual violence; one of the departments with the highest rates of violence that undermines the family is Lima, Arequipa, Cusco, Ancash, Piura, La Libertad; There are 431 Women's Emergency Centers throughout the country, this institution has increased by 75.92% and the index of family and sexual violence has increased by 118.69% taking the year 2016 as a reference; Added to this is the black figure that for some reason is not reported since the violence occurs within the family and there is a link that subjectively influences the victim to

⁵ Ministry of Women and Vulnerable Populations. Statistical Bulletin 2022, Aurora National Program Statistical Portal.

desist and not file a complaint at the Police Station; During the year 2022, 223 acts of attempted femicide were reported, with a ⁶higher percentage of incidence in cohabitants and ex-cohabitants, the modalities of stabbing, strangulation and asphyxiation, shooting with a firearm, burning, drowning, falling off the cliff, running over, crushing, sharp object aggression, blunt object aggression, among others; There were 147 victims of femicide in Peru and 755 prisoners in prisons⁷, with jealousy and family violence being the main cause. These statistics reveal the existence of households and families where their members practice acts of violence in their interpersonal relationships; In this context, children absorb this behavior and learn to use violence as a means to achieve their purpose or desire, being a contributory risk factor for the person at any time led by other circumstances to carry out a typical offending behavior and goes on to add criminality, similar to this position defends Vásquez (2023) physical and psychological violence between family members are risk factors in favor of criminality; (ii) poverty, related to unemployment and lack of work; In this regard, the World Bank (2023) has classified Peru as the country of urbanization of poverty and reached its highest level in the last two decades; the incidence of poverty is catastrophic for Peru, for every 100 Peruvians, 59 are in vulnerable conditions, 27.5% of Peruvians are poor, ⁸with a cumulative percentage increase of 7.3% of poverty observed in the last three years; taking stock of the State's organizational capacity to meet the basic needs of the population, it turns out to be negative, there is a fiscal deficit, public expenditure is more than national income; poverty is related to the criminal issue that Ferrajoli (2008) pointed out the criminality of power affects rights, form of government and the tranquility of society, seen from this perspective the existence of crime of power is related to the poverty figures in Peru, Ombudsman's Office (2023) reported that during the first half of this year 5860 cases of corruption were registered in process, that it has to do specifically with the work of civil servants and servants on behalf of the State; while the Office of the Comptroller General of the Republic (2023) presented the graphic evolution of the incidence rate of corruption in our country, during the years 2019 and 2020. 2021 and 2022 and the amount of economic damage extrapolated to the detriment of the State adds up in the four years to more than 94 billion soles, money that has an impact on poverty levels; then another risk factor, iii) corruption in public and private institutions, the interviewees confirmed this category and one of them pointed out corruption in public institutions, weakens the application of the law and causes a negative perception of public institutions involved in the fight against crime; limits efforts to combat crime and erodes public trust, the President of the Superior Court of Justice of La Libertad said in the academic interview; It is regrettable the corruption indices revealed by the Office of the Comptroller General of the Republic (2023) at the three levels of local, regional and national government, among the most corrupt institutions in 2021 is the Ministry of Health, The National Penitentiary Institute, MTC-Provías Nacional, the Ministry of Transport and Communications and the National Police of Peru; Among the crimes related to corruption, the Institute of Democracy and Human Rights of the Pontifical Catholic University of Peru (2023), when conducting a study of the judgments of the Supreme Court of Justice, has highlighted the crime of embezzlement as the most recurrent typical conduct that consists of the appropriation of public funds, but without minimizing other crimes such as collusion, embezzlement, incompatible negotiation, bribery, extortion, influence peddling; iv) migration of foreigners, turned out to be a factor that adds up in favor of criminality and even one of the expert participants stated that at the beginning it had been

⁶ Ministry of Women and Vulnerable Populations (2022). Statistical Booklet 2022, Statistical Portal of the Aurora National Program.

⁷ National Institute of Statistics and Informatics (2023). Peru: Femicide and Violence against Women, 2015-2022.

⁸ National Institute of Statistics and Informatics (2023). Peru, Evolution of Monetary Poverty 2011-2022. Technical Report May 2023.

decided to enter only 300,000 foreigners, but now there are more than 1,500,000, a large number of them are members of criminal gangs and are dedicated to robbery, fraud and other crimes; the foreign prison population totals 4,213 inmates between men and women⁹, with legal status 1,713 foreigners sentenced and 2,500 prosecuted, with a higher crime rate in the crime of aggravated robbery, the largest number of prisoners are of Venezuelan and Colombian nationality, followed by other countries, foreign prisoners equivalent to 5% of the prison population within the walls; These data reveal the existence of a weak migration policy and lack of control in the borders to prevent the entry of illegals into our homeland; Vera (2022) regarding Venezuelans, the government has made correct decisions such as the Temporary Residence Permit, the presentation of passport, humanitarian visa, but they are insufficient, these attitudes of the government turned Venezuelans into victims of fundamental rights who were forced to request asylum in the country, on the other hand Venezuelans were inserted in the informal market and in criminal activities, giving rise to a negative perception and xenophobia against the so-called *chamos*; the Peruvian government was forced to legislate on migration policy and by Legislative Decree 1582 regulates the entry and exit of foreigners from the national territory, as well as the administrative sanctions of fine, compulsory departure and expulsion, for infringing conduct of foreigners, however, it has problems for its application since in order to expel a foreigner diplomatic protocols must be complied with; v) lack of an effective response on the part of the public administration, as there is an increase in crime, causing the population to have a negative perception of the institutions involved in the fight against crime, this perception is given by the current President of the Superior Court of Justice of La Libertad, who participated in the academic interview; the State guarantees the security of the Nation¹⁰; the defense of the person and his dignity is the purpose of the State, so that personal security and freedom is a human right, in this order of ideas, the State arrogates to itself and assumes itself as guarantor and responsible for public security in favor of Peruvians, the Government approves its general policy for an efficient public administration of resources, it joins efforts to provide suitable goods and services to the national population, success is dependent on the government that directs the State through public policies; Thus, through Supreme Decree 103-2022-PCM, the National Policy for the Modernization of Public Management to 2030 for Peruvians was approved, a document that recognizes as a problem in Peru: goods, services and regulations that do not respond to the expectations and needs of people and to the creation of public value, resulting in people not accessing basic services and the existence of bureaucratic barriers that harm the exercise of fundamental rights (Presidency of the Council of Ministers, 2023). In this case, the provision of public security services has collapsed, the III MACREPOL of La Libertad has indicated the most frequent crimes in the jurisdiction of the La Libertad region, it is the Crime Against Property, including robbery, theft and extortion and Crime Against Life, Body and Health in its homicide modality. assassination and injuries, acts carried out by members of criminal gangs, strongly influenced by unemployment, drug addiction, economic crisis, limited police control, among other factors; the President of the Superior Court of Justice of Santa Ancash is considered a less criminal area, however, crime has increased by 8% taking the year 2021 as a reference, recognises weaknesses in the fight against crime, such as insufficient numbers of courts, slow police investigations, lack of experts to investigate crimes, poor communication between justice operators; For her part, the interviewee, a Forensic Psychologist, perceives as evidence, crime in the Lima region has overflowed in its entirety, robberies in broad daylight, that is, the time of day, the security of the facilities, the residential area or not, the security cameras, all of this,

⁹ INPE (2023). Penitentiary Statistics Information System, Statistics Module.
<https://www.inpe.gob.pe/estad%C3%ADstica1.html>

¹⁰ Political Constitution of Peru, Article 163

which were in some way factors that could deter the commission of a criminal act, they no longer have a preponderance, since robberies, assaults, hired killers and all kinds of crimes are committed at any time of the day, whether or not they are in a residential area, there is no safe place, as we have seen in recent months; The Peruvian government implicitly recognizes the deficiencies related to public security and due to the increase in crime, the existence of gangs and criminal organizations that put citizens at risk and danger, has declared a State of Emergency for sixty days in the districts of San Martín de Porres and San Juan de Lurigancho. Lima Province, Lima Department, and the Sullana, Bellavista, Marcavelica, Salitral, Querecotillo, Ignacio Escudero and Miguel Checa Districts of Sullana Province, Piura Department; subsequently extended the state of emergency to the Cercado de Lima and Lince district (Presidency of the Council of Ministers, 2023), this measure is not enough, they are simple palliatives, it requires cross-cutting measures and improving the response capacity of the public administration against the risk factors that fuel crime rates

The category of circumstances, its definition is relevant, the Royal Academy of the Spanish Language (n.d.), defines the word circumstance as an accident of time, place, manner and that is linked to the substance of some fact or saying; Ortega y Gasset (1966) defends the theory of circumstances and as such is reality, a circumstance is within another broader circumstance, it is a clumsiness to assume a circumstance and not the whole circumference, man lives in a circumstance and makes non-transferable decisions, the person is not part of his circumstances, he is always outside of it, Rather, man struggles against these which are favorable or difficult. In this sense, the object of study is delinquency, defined as "the act of delinquent" (Real Academia Española, n.d.), this means carrying out a typical conduct punishable by law; Therefore, in order to satisfy this objective, we place delinquency within the Peruvian historical context; The participants identified a set of circumstances that favors the increase in crime, including: 1) the lack of logistics of the Peruvian National Police, it does not have patrol cars, it does not have a technology unit, it does not have the implementation of cameras with the municipality and if it does, it is limited, it does not have the material capacity to be able to act; 2) excessive alcohol consumption and drug addiction, dysfunctional homes; 3) prison overcrowding hinders rehabilitation, corruption; 4) Poverty, unemployment and lack of work; (5) migration of foreigners and access to firearms; (6) Insufficient number of courts and poor communication between justice operators; (7) criminal legislation lacks proportionality in relation to penalties and offences; (8) Violent conduct by members of the family group in the presence of minors; (9) the informality of economic activities; 10) the historical context in which we are immersed: i) political instability from 2016 to date six presidents in the Peruvian government: Pedro Pablo Kuczynski Godard, Martin Alberto Vizcarra Cornejo, Manuel Arturo Merino de Lama, Francisco Rafael Sagasti Hochhausler, José Pedro Castillo Terrones and Dina Ercilia Boluarte Zegarra; (ii) violation of human rights. The Ombudsman's Office (2023) reports the death of people during the social protest that began on December 7, 2023, in Andahuaylas de Apurímac the loss of 6 human lives was recorded, including a 15-year-old teenager and a 16-year-old boy; in Ayacucho, 10 people, including a 15-year-old boy; Pichanaqui in Junín, 3 human lives; Arequipa 3 people; Juliaca in Puno, 18 people, 3 of whom were minors; Carabaya in Puno: 2; Ilave in Puno the loss of 1 person, Cusco 2 human lives; Virú in La Libertad 2 people and in Lima 1 person died; while the IACHR (2023) published a list of people who died in the context of social protests in Peru, adding the death of 57 people, which occurred between December 7, 2022 and January 20, 2023; iii) the existence of 221 social conflicts in our country¹¹. The Peruvian government implicitly

¹¹ Ombudsman's Office (2022). Social Conflict Report No. 226. <https://www.defensoria.gob.pe/wp-content/uploads/2023/01/Reporte-Mensual-de-Conflictos-Sociales-n.%C2%B0-226-diciembre-2022.pdf>

recognizes the deficiencies related to public security and due to the increase in crime, the existence of gangs and criminal organizations that put citizens at risk and danger, has declared a State of Emergency for sixty days in the districts of San Martín de Porres and San Juan de Lurigancho. Lima Province, Lima Department, and the Sullana, Bellavista, Marcavelica, Salitral, Querecotillo, Ignacio Escudero and Miguel Checa Districts of Sullana Province, Piura Department; subsequently extended the state of emergency to the Cercado de Lima and Lince district (Presidency of the Council of Ministers, 2023), this measure is not enough, they are simple palliatives, it requires cross-cutting measures and improving the response capacity of the public administration against the risk factors that fuel crime rates

Regarding the rights of prisoners, Alemán and Esteban (2021) point out that the person deprived of liberty is in a relationship of special subjection and that fundamental rights mark the limit of the action of the prison administration, prohibits any excessive impairment of the rights of the prisoner, warns that the court recognizes the violation of the right to freedom of expression; However, it questions the relationship of special subjection as a mere justification to curtail the rights of the prisoner; For our part, we assume the possession that human dignity is inherent in the person and cannot be excluded for any reason, circumstance or reason; Ródenas and Ruiz (2023) point out that when it comes to limiting rights or suspending fundamental rights, it is essential to make use of the weighting of rights to prevent the rule from being unconstitutional, so it is relevant to distinguish the categories: i) suspend, in this case when a fundamental right is suspended, the rule is not in force but belongs to the legal system and there is an expectation, hope that when the reasons for the suspension cease to exist, it will take effect; (ii) repeal, the rule does not belong to the legal system, is not applicable and there is no expectation that it will regain its validity; iii) the limitation of a fundamental right, if it is adjustable, its validity can be suspended due to spatio-temporal circumstances, but it is linked to expectation, on the other hand, if the restriction of the right is by derogation, there is no limitation; García Toma (2019) defends dignity by pointing out that dignity is above criminal behavior, despite having attacked the attribute of another person, dignity is not lost as a right; Alexy (1993) defends the fundamentals of the person and argues that freedom must be spoken of as an objective and that rights must be seen as institutions and in this way become effective, permanent and stabilizing as high as possible in relation to the Constitution and the social order, so that any interpretation must be in favor of rights valuing individual goods and collective legal goods. Fundamental rights are the rights explicitly and implicitly recognized in the Constitution, which cannot be limited when exercising the rights provided for in articles 1, 2 and 3 of the Political Constitution of Peru, and even the execution of socio-educational measures of internment and the execution of the custodial sentence cannot limit the right to health. education, vocational training and the right to work; Institute of Peruvian Studies and Oxfam (2022), in its statistical analysis study on the perception of inequalities in Peru, concludes that 59% of the population recognizes that the differences between rich and poor are large, 61% recognize the difference between city and rural area, 56% between Lima and the rest of the country, 70% agree that state policies should be implemented to reduce inequality between rich and poor; In this context, prisons in Peru are a space that undermines and limits the exercise of fundamental rights beyond what is specified in the sentence and the law; Orosco and Olayunca (2022) in their thesis question the deficiency in prison treatment and list among them low investment, overcrowding, the corruption of police and INPE personnel, the coordination of inmates with extramural offenders, he argues that deficiencies in treatment generate criminal recidivism. The government recognises the existence of limitations in the space and operation of prisons, which are an obstacle to the reintegration of prisoners, so that it has established as a public problem "inadequate living

conditions to favour the reintegration of persons deprived of liberty",¹² a problem that results in a violation of the rights of persons held in prison. contagion of infectious and contagious diseases in the penal establishment, violation of security in the prisons, increase in criminal commitment, deficient provision of service to inmates, difficulties in obtaining employment after leaving the prison; prisons in Peru are spaces that undermine human dignity; Habermas (1981) revolutionizes by proposing the need for communicative reason within the system, it has two dimensions, one communicative action and two strategic action; at the extreme of the latter, communication is a deception or a manipulation, so it is valid to answer the questions: what is the perspective of the owners of the media in Peru with respect to their covert strategic actions and their open strategic actions? Vásquez (2017) assumes a relevant philosophical position by arguing that crime is a transversal problem and there is an intrinsic relationship between philosophical activity and crime, he takes as an example the death of Socrates for reasons of philosophical knowledge, it is also worth highlighting Habermas' statement when he argues that conflicts, violence is generated by causes of disturbed communication, There is no understanding, there is mutual distrust, there is deception, all of this is manifested within society called a system and that the victims of these causes end up in a therapist or in a court of law, consequently the key point is to build capital-trust; For his part, Derrida preaches that crime is the genus and has several species that are described as crimes against heritage, ecological crimes, terrorism, bribery among others.

4. CONCLUSIONS

It has been possible to identify the risk factors of crime in Peru and when analyzing them, it is inferred that the contributing factors for the increase in crime come from three levels: first, the Government-State is responsible, which in 2022 has registered 40,095 cases of alleged acts of corruption, of which 662 are emblematic, the departments with the highest processes Lima and Ancash; Provincial and district municipalities are the most affected aggrieved entities; more than 50 per cent of cases correspond to the crime of collusion and embezzlement¹³; lack of an effective response by the public administration, the informality of economic activities, poverty and lack of employment, the migration of foreign criminals to Peru, entrenched criminals, among others; the second level is the economic power of Peru¹⁴ which is represented by Inversiones Breca S.A., Credicorp LTD, Ferreycorp S.A.A., Grupo GLORIA, HOCHSCHILD, Intercorp Perú LTD, among others; These companies and others maintain links with the political power and do not assume social responsibility to the people, showing their indifference to national problems; The third group is the Peruvian population, of which 59.8% of people are vulnerable¹⁵; the population of the National Penitentiary System totals 174,165 persons, of whom 93,985 persons are held in the country's prisons and 80,180 sentenced in the Medium Free Establishments¹⁶; From the perspective of the findings, the following risk factors are

¹² Ministry of Justice and Human Rights (2021). National Penitentiary Policy to 2030. <https://elperuano.pe/NormasElperuano/2020/09/25/1887412-1/1887412-1.htm>

¹³ Ombudsman's Office (2023). Corruption Maps Report No. 01-2023, Corruption in figures: cases in process at the national level. <https://www.defensoria.gob.pe/wp-content/uploads/2023/08/Reporte-Mapas-de-la-Corrupci%C3%B3n-n.%C2%B0-01-2023-vfinal.pdf>

¹⁴ View on website <https://ojo-publico.com/sites/apps/estructura-de-los-grupos-de-poder/>

¹⁵ National Institute of Statistics and Informatics (2023). Peru, Evolution of Monetary Poverty 2011-2022. Technical Report May 2023

¹⁶ National Penitentiary Institute (2023, August). Statistical Report 2023. https://siep.inpe.gob.pe/Archivos/2023/Informes%20estadisticos/informe_estadistico_agosto_2023.pdf

observed: (i) aggression between members of the family group observed during childhood fuels the act of delinquency; because of the 30 inmates interviewed in the Trujillo prison, 24 people revealed that they had observed violent circumstances during their childhood; (ii) frequent problems in the family, (iii) persons in a state of vulnerability and poverty, (iv) corruption in public institutions undermines the independence and responsiveness of the public administration, (v) unemployment and lack of employment, (vi) migration of foreigners, specifically of Venezuelan and Colombian nationality, (vii) insufficient action by the public administration of the institutions of the three branches of government and autonomous bodies, to counter criminality. (viii) failure to comply with the obligations of the Peruvian State, (ix) criminal legislation that is more punitive than resocializing, (x) detention centers are spaces that do not guarantee the rehabilitation of persons sentenced to imprisonment, (xi) national business and transnational corporations do not assume social responsibility towards the Peruvian people, (xii) the informality of economic activities, including trade in goods and services; and, illegal mining, among others.

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