

Educational Dimension of Non-Custodial Measures in the Venezuelan Juvenile Criminal Justice System: From The Perspective of Human Rights and Constitutional Guarantees

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ABSTRACT

The application of non-custodial measures to adolescents in conflict with the law is an area where law, pedagogy, and human rights intersect. In Venezuela, the Juvenile Criminal Responsibility System, regulated by the Organic Law for the Protection of Children and Adolescents, gives these measures an eminently educational character; However, their educational dimension is often overshadowed by the urgent needs of social control. This study aimed to interpret the educational purpose of such measures in light of the Venezuelan human rights framework and constitutional guarantees. The research was framed within the interpretive paradigm and adopted a hermeneutic documentary design, through which regulations, specialized doctrine, and previous studies on juvenile justice were analyzed. The analysis revealed that non-custodial measures embody a pedagogical project that transcends mere punishment, as they are oriented toward social reintegration and the recognition of adolescents as subjects of rights. Nevertheless, a gap persists between the regulatory design and the actual conditions for implementing socio-educational programs. It is concluded that the effectiveness of these measures depends on embracing their educational nature as the guiding principle, strengthening socio-educational support, and guaranteeing due process. In this way, pedagogy becomes a prerequisite for a truly restorative juvenile justice system.

Keywords: Non-custodial measures; Juvenile criminal justice; educational dimension; human rights; constitutional guarantees.

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