



ISSN: 2230-9926

Available online at <http://www.journalijdr.com>

IJDR

International Journal of Development Research
Vol. 09, Issue, 07, pp. 28772-28778, July, 2019



RESEARCH ARTICLE

OPEN ACCESS

THE ELDER AS A CRIME AGENT

VILELA, Daniely da Silva Dias¹, COSTA, Eriseide Gurgel da² SILVA, Cirlene Francisca Sales da³, ASSIS, Shalom Porto de Oliveira⁴ and COSTA, Maria Lúcia Gurgel⁵

¹Master's Degree in Psychology; UNICAP

²Professor PhD of Medicine in Health and Biological Sciences Center; UNICAP

³Professor PhD of Psychology in Health and Biological Sciences Center; UNICAP

⁴Professor PhD of Medicine in Health and Biological Sciences Center; UNICAP

⁵Professor PhD of in Health and Speech Therapy Sciences Center; UFPE

ARTICLE INFO

Article History:

Received 03rd April, 2019

Received in revised form
07th May, 2019

Accepted 18th June, 2019

Published online 28th July, 2019

Key Words:

Elderly; Violence; Crime.

ABSTRACT

This study aimed to analyze convicted elderly profile and understand which factors may influence crime practice by this population. In particular: 1) to point out what the current literature says about the elderly; 2) to investigate the factors that influence some elderly people to commit crimes; 3) to analyze elderly people profile who have committed crime and serve their sentence in open regime and conditional release in Pernambuco State. To do this, a literature review of the last five years (2013-2018) and a documentary analysis of statistical data, provided by Pernambuco Penitentiary Patronage in the month of March 2018 were performed. Thus, the profile of a predominantly male population, between 60 and 68 years of age, white, with incomplete elementary education, residents of metropolitan area, of diversified professions, mostly bricklayers, farmers, traders and drivers was found. They were convicted of committing homicide, sexual offenses and drug trafficking. Therefore, it has been observed that elderly population increase occurs in an outside the prisons. This fact is related mainly to criminal recidivism, for many grow older in crime. In addition, violence in all spheres of society affects mostly the class that becomes vulnerable to involvement with crime. Therefore, psychic, cultural, social, and economic factors can motivate elderly to become criminals. From the results, we expect to contribute to the debate on the subject and, therefore, to subsidize the practice of professionals who deal with this problem.

Copyright © 2019, VILELA, Daniely da Silva Dias et al. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Citation: VILELA, Daniely da Silva Dias, COSTA, Eriseide Gurgel da, SILVA, Cirlene Francisca Sales da, ASSIS, Shalom Porto de Oliveira and COSTA, Maria Lúcia Gurgel. 2019. "The elder as a crime agent", *International Journal of Development Research*, 09, (07), 28772-28778.

INTRODUCTION

The "Elderly", chronologically speaking, is the person aged 60 and over, in developing countries, and 65 years old, in developed ones^{1,2,3}. "Violence" means aggressive individual or group behavior that is not socially acceptable; turbulent, and often destructive. He is precipitated by frustrations, hostility, prejudice, etc.³. "Crime" is criminal law violation, that is, a violation of conduct code, specifically sanctioned by the State, which through the Judiciary, judges and applies penalties to the criminal³. Thus, the three mentioned concepts are part of a system composed by several factors, which will be addressed throughout the text, so that the main focus be reached, which treats the elderly as a crime agent.

In this sense, the elderly of the twenty-first century, with increased life expectancy, gained notoriety and began to be valued, as it were children in the nineteenth century, and adolescents in the twentieth century. This rising phenomenon in Brazil and in the world attracts the attention of society in general. In this regard, the Brazilian Institute of Geography and Statistics⁴ stated that, in Brazil, the number of children has decreased and the number of older people has increased. Therefore, the World Health Organization⁵ pointed out that, in general, the world population has presented levels of aging never before seen in the history of humanity. The United Nations⁶ noted that in 2015, Brazil, China, Russia, India, and South Africa were home to more than 380 million elderly people aged 60 or above. The contingent accounted for 42% of the world's population in this age group and the accelerated pace of population aging will continue to grow. Thus, in 2025,

*Corresponding author: VILELA, Daniely da Silva Dias, Master's Degree in Psychology; UNICAP

Brazil will be the sixth country in the world in the number of elderly people⁷. In Pernambuco, there are one million two hundred thousand elderly people⁸, approximately. Consequently, many demands have emerged with this increase; among them, it is worth highlighting the issue that addresses the elderly as an agent of crime. Knowing this population profile and understanding the factors that may influence an elderly person to commit a crime - when they are commonly considered fragile, vulnerable and defenseless, at a stage of life where they deserve more dignity and quality of life - is a specially relevant issue.

Thus, to understand the factors that may motivate an elderly person to commit a crime, we will make use of Psychoanalytic Theory. This methodology was developed based on interpretative method and indicates that the relation of the subject to the world is mediated by psychic reality, that is, the way in which the elderly built his (unconscious) fantasies, from the earliest childhood experiences, will guide his fashion to see, act and stand in the world^{9,10,11}. Therefore, the general aim of this article is to analyze elderly convicted profile and understand which factors may influence the practice of crimes by this population. More specifically: point out what current literature talks about the elderly; to investigate the factors that influence some elderly people to commit crimes and, finally, to analyze elderly profile who committed crime and serve their sentence in open regime and conditional release in Pernambuco State. Based on the results, it is expected to understand the relationship between the factors that generate the increase in violence practiced by the elderly and to contribute to the debate on the subject. Therefore, to subsidize the practice of professionals who deal with this problem.

MATERIALS AND METHODS

This study was carried out through a literature review and documentary research. The review was made based on the keywords: elderly, violence and crime, controlled by (DeCS - Descriptors in Health Sciences). The sources used for research were academic publications retrieved from PubMed databases; VHL - Virtual Health Library; SciELO - Scientific Library Electronic; LivRe - Journal of Free Access; IBict - Brazilian Open Access to Scientific Information Portal (oasisbr); PePSIC - Electronic Journals in Psychology; Scholar Google; Lilacs; CAPES / MEC. The collection was delimited by saturation criterion through literature description and analysis. The starting point was the publications of contemporary authors to the classics, of which 50% were extracted from On Line System, such as articles, scientific journals, dissertations, theses and books in digital version, from 2013 to 2018; and the rest of the material was collected from classic books. Documentary research was carried out in March 2018, at *Penitentiary Patronage of the State of Pernambuco*, a criminal enforcement body linked to the Executive Secretariat for Justice and Human Rights, coordinated by the Secretariat for Social Development and Human Rights, which is responsible for monitoring re-educated persons in probation, conditional release and open regime, from prisons. Material was collected through data processing source of the institution, from which we obtained information about the sociodemographic profile of elderly population in compliance with sentence, more precisely, in Open and Conditional Release regime, above 60 years old and of both sexes.

RESULTS

Motivations for crime: Freud¹² talked about possible motivations for crime in his work "criminals as a result of a sense of guilt." In analyzing his patients, he discovered that in childhood, some of them had exhibited transgressive, perverse behavior. At first, he attributed such actions to premature psychic development of children, in which the internalisation of the Law had not been complete. Later on, however, he realized that such actions also extended to some adults, who, by practicing forbidden acts, showed a certain pleasure. Thus, in his words:

[...] such actions were practiced mainly because they were prohibited and by its execution brought about, for its author, a mental relief. This suffered from an oppressive sense of guilt whose origin he did not know, and after practicing a bad deed, this oppression was lessened. His sense of guilt was at least connected to something (p. 347).

In this sense, later, Freud understood that the feeling of guilt was related to the internalization of the limits in childhood. The law would be heirless of a process to which he called Complex of Oedipus. According to Nasio (p. 132¹³), he "was discovered by Freud from the account of seduction scenes that his adult patients *believed to have lived in childhood [...]* is not an observable reality, "but" [...] a *sexual fantasy* innocently forged by the boy or the girl "at the heart of the relationship with his parents" [...] a *symbolic fable* that puts on the scene a child embodying the force of desire, and his parents both the object of this desire as the interdict that restrains it" (p.16-17¹³). This neurosis, the infantile drama, later gives rise to the neurosis of the adult, represented, unconsciously, by this, in the analytic scene. For the same author, Oedipus in boy and girl occurs in different ways. In the boy: one child in love with the mother wants to obtain from her the sexual pleasure destined for the father, so he feels jealous of the parent and wants to kill him to take his place. Under the threat of castration granted by the parent, he is obliged to abandon this fantasy. Soon, the position of the father delimits necessary places in the relationship, preventing the son from committing parricide and incest, the first two great crimes of humanity. The repression of sexual desire by the mother in the unconscious occurs immediately, and the feeling of guilt created by the Incest Law, in the form of the social law, culminates in the formation of superego, one of the three psychic instances. "It is a figure of the law introjected into the infantile unconscious and who dictates, as an inner master, decisive and daily choices of existence," he is our psychic father (p. 142¹³). In this sequence, the aforementioned author mentions that the Oedipus in the girl occurs in three phases: in the first moment, the girl wishes the mother equally to the boy as sexual object; then she realizes that the boy has the Phallus (force represented by the penis) and she does not have. From that, she feels betrayed by the mother, because she was not able to give her the Phallus. In the second moment, dominated by the envy against the boy, she observes that the father owns the Phallus and then she wishes to obtain it. The father refuses to give her the phallus, so she decides to be the phallus itself incarnating the figure of the mother (the mother becomes a model of identification). In the third and final moment, "the girl is overcome by the feminine desire to be possessed by the father", becoming at this moment rival of the mother, but the father, once again, interdicts it (p.135¹³).

In this sequence, the aforementioned author mentions that the Oedipus in the girl occurs in three phases: in the first moment, the girl wishes the mother equally to the boy as sexual object; then she realizes that the boy has the Phallus (force represented by the penis) and she does not have. From that, she feels betrayed by the mother, because she was not able to give her the Phallus. In the second moment, dominated by the envy against the boy, she observes that the father owns the Phallus and then she wishes to obtain it. The father refuses to give her the phallus, so she decides to be the phallus itself incarnating the figure of the mother (the mother becomes a model of identification). In the third and final moment, "the girl is overcome by the feminine desire to be possessed by the father", becoming at this moment rival of the mother, but the father, once again, interdicts it (p.135¹³). In this perspective, for the same author, all children are involved in this unconscious plot, regardless of the family arrangement to which they belonged: classic, single parent, recompose, homosexual, etc., even abandoned children, raised in orphanages, adopted by society. Soon, "No child escapes the Oedipus! [...] Because no four-year-old child, girl or boy, escapes the torrent of erotic drives that flow in and because no adult in his immediate circle can avoid being the target of his drives or trying to block them". However, if there is not the "real" figure of the father, it is necessary the presence of someone who does the paternal function, that is, a symbolic father. "In short, there is Oedipus from the moment the mother wishes a third between her and her son" (pp. 73-142¹³). In this way, the argument - about Oedipal scene - was promoted in order to elucidate, minimally, the origin of our desires and the sense of guilt fostered by Freud when he spoke of its existence in the dynamics of criminal action. It is perceived that there is an ambivalence present in the forbidden action experienced by the Oedipal child and later represented in the adult. In this sense, Freud¹² explained the feeling of guilt as prior to the offense, since mental relief after the practice of a criminal action is representative of the realization of sexual desires, repressed in childhood. Desires, also, of punishment, present in the child's action and, simultaneously, in transgressor adult and recidivist in the practice of the criminal action. Thus, textually he said that:

With regard to children, it is easy to see that they are often purposely mischievous to prove punishment, and are quiet and content after they have been punished. Frequently, later analytic investigation may place us on the trail of guilty feeling that induced them to seek punishment (p. 348¹²).

In this sense, it would be possible to infer that some people violate social norms and incur criminal action in search of a guilt attestation, an external determination imposed by the Judge. Later, the mentioned author recognized the limits of psychoanalysis, in relation to some human beings who do not present guilt when practicing a crime, cases in which the law failed in being internalized, like in perversion, for example. Thus guilt would be the basis of unconscious motivation for practicing most crimes. Thus, the same author sheds light on the possibility of intervention under the eyes of psychology:

Among adult criminals we must, of course, except those who practice crimes without any sense of guilt; who either have not developed any moral inhibitions or, in their conflict with society, consider their action justified. However, for most other criminals, those for whom

punitive measures are actually created, such motivation for crime could well be taken into account; it could shed light on some obscure points in criminal psychology and offer punishment with a new psychological basis (p. 348¹²).

Thus, for the aforementioned author, the feeling of guilt is experienced in a unique way by the people according to each clinical structure. The neurotic, for example, in his ambivalent movement, sometimes projects his guilt in the other, sometimes in his own ego. The melancholic, however, blames himself, and the paranoid fully believes that the other is to blame. In the case of the pervert, as put by the author, "they have not developed any moral inhibitions"; therefore, they do not experience guilt. As an example of the perverse structure, there is psychopathy or antisocial disorder. In these people, there is a desire to transgress social norms, probably due to the absence of introjection of the law in childhood; the origin of the malformation of superego, our psychic father. However, guilt repressed in the unconscious remains alive in the memory of the most people (p. 348¹²). Thus, the unconscious is timeless, that is, the child's desires remain alive in the adult and therefore in the elderly^{12,14}. Thus, the relationship between the unconscious and conscious motivations, fostered so far, can influence criminal practice. Based on this conjecture, we will discuss the place of elderly in contemporary times and the factors that can lead to a crime. At any rate, the social imaginary has built up the figure of an old man who has renounced his desires to occupy a place in society. Thus, it becomes synonymous with benevolence and fragility, that is, apparently, when aging, the subject would imprison their desires, abandon their way of being in the world, to meet new social demands¹⁵. For Fruett¹⁴, new social dilemmas place us before "a multitude of healthy and active people, who are libidinally bewildered, trying to balance himself between the old and the new way of aging" (p. 24). Thus, Novo & Lopes (p. 242)¹⁵ believe that "lack of guidance for libido in old age" can be responsible for the manifestation of violent and aggressive action in some elderly people, as it would be the way to satisfy the repressed desires of the past. Therefore, the search for the satisfaction of these desires can trigger transgression, present in death drive and Oedipal fantasy of annihilation of the symbolic Law: the social law. In such cases, it makes the subject capable of acting against himself or against his fellow man. Therefore, conflicts between psychic forces become more present during aging due to the limits established in this period: mourning for the death of loved ones, children leaving home, unfulfilled dreams, little time of life, and who knows, even an identity lost in this process can provoke a diversity of symptoms accepted or not by the social. Conflicts, present in all stages of human development, lead the elderly to relive feelings of anguish and guilt present in the Oedipal past^{15,14}.

The criminal elderly

Criminal Elderly is any person with 60 (sixty) years old or above who, with full will capacity and understanding of their acts, acts in a way that is harmful to others, contrary to legal norms, bringing to these damages of any order: social, legal, financial, psychological¹⁶. According to data from the National Survey of Penitentiary Information (INFOPEN)¹⁷, updated in June 2016 and published in 2017, practice of crimes, in Brazil, regarding the age group of the prison population, 55% are formed by young people, considered until 29 years old. The

elderly over 60 years represented 1% of this population, about 7 thousand out of a total of 726.712 thousand. As a result, this imprisonment rate, in 2016, surpassed 700,000 persons deprived of their liberty for the first time in history, an increase of 707% in relation to the total recorded in the early 1990s¹⁷. In that sequence, the number of incarcerated elderly also increased between 2008 and 2016. In 2008, there were 3,174 elderly prisoners. In 2009, it became 4,076; in 2011, reached 4,856 and, in 2016, a total of 7,267, representing an increase of more than 100% in 07 years^{16,17}. In Pernambuco state, prison population, in 2016, was 34,566 (32,884 men and 1,672 women); the elderly represented about 1% of this population, a total of 346 people. Those between the ages of 46 and 60 represented (7%) around 2,419. Therefore, in view of criminal recidivism, after a few years, many of these will already be among the elderly criminals¹⁷.

In this context, from literature review and profile survey of elderly population in compliance with sentence in open regime and conditional release of the prison system of Pernambuco state, in March 2018, it was concluded that elderly who committed a crime had the following profile: predominantly male population aged 61-68 years. As for ethnicity, the majority were white. Regarding to educational level, 43% were literate with an incomplete fundamental level. Professional activities presented in a very diversified form, but, in the majority, they were bricklayers, farmers, dealers, drivers. Regarding the region of residence, 52% came from metropolitan region of the state, the other 48% from zona da mata, agreste e sertão. Condemned by the practice, predominantly, of crimes against the person: 38% homicide, 21% sex crimes and 12% drug trafficking. Constant growth of elderly population suggests a consequent increase in the number of crimes committed by this class¹⁸. For Brandão¹⁶, increase in crime statistics committed by the elderly has to do with technological advances and globalization. He added that the new social demands end up putting these elderly people "often [...] in a void: they are not fortunate to enjoy a decent retirement, nor so young to compete in a competitive labor market" (p. 31). For Côte¹⁹ and Melo *et al.*²⁰, another factor refers to increasing number of people who are aging in prison system due to criminal recidivism which occurs to the detriment of failure in resocialization process. Data analysis shows that the criminal elderly exists, but society believes that because he lived long enough to be a person with experience, he would never be able to transgress social norms. Therefore, to see him in the place of a criminal is something little considered by the population, which consider him as fragile and defenseless. In fact, it is quite common to find him instead of the victim rather than the dock. Thus, people forget that the elderly had a past, time has changed their physical appearance, but not their personality. It is natural that, with aging, the subject becomes more dependent globally, but not always physically and mentally incapacitated^{18,16}.

In this context, criminal elderly does not seem to be noticed by the knowledge areas either, since much of the literature dealing with binomial elderly - crime is about violence against the elderly and few works portray him as an agent of criminal action. Thus, although the numbers are not alarming, when compared to the total Brazilian population, one can realize that the fact that many older people are in the place of aggressor cannot be neglected. According to Côte¹⁹, "the lack of information about elderly person as criminal makes us realize how unprepared we are to deal with old age, because

we try to create stereotypes of what it is to be old, than expected" (p. 256). Therefore, this gap on the theme points out that "old age is still the fruit of the most varied beliefs, myths, and prejudices" (Brandão & Neto, 2015, p.259)²¹. Thus, Brandão¹⁶ apprehends fragility present in aging process, but reinforces that age does not prevent criminal action. It also emphasizes that the myths around old age are accentuated, almost always by "patrimonial interest, weakness of understanding of what is health, cultural, political and economic factors" (p.35). Thus, the new names "better age", "good age", "longeviventes", positive connotations, demonstrate that the place of old age has taken a privileged position and therefore the image of the elderly should not be associated to "negative" connotations^{22,15,18,14}. In this context, does the criminal elderly have benefits when convicted of a crime based on age? The Statute of the Elderly (Law 10.741 of October 1, 2003) proposes to assure fundamental rights and integral protection for elderly person aged 60 or above. According to Monteiro (p.11)¹⁶, the Statute "in the scope of Criminal Law ... has added causes of aggravation and increase of penalties and offenses that are committed against [...] the aged when he is victim of the crime". However, in relation to the elderly person who commits a crime, the Elderly Law has always considered "Elderly Defendant" anyone who is over sixty years old, that is, there are no benefits as a result of age. Therefore, he will be tried and submitted to articles of the Criminal Code (CP), equally to any person over 21 (twenty-one) years.

In this way, "the law is intended to protect the elderly and guarantee the quality of life of those who are 60 years or more, but also to punish and reprimand the elderly who commit crimes, mitigating this situation only in cases where he is more than 70 years"¹⁸(p.11). Accordingly, Article 115 of the Penal Code (2017)²³ provides for a reduction in the time limit for the prescription of a sentence in half when the offender was, at the time of the crime, under the age of 21 or on the date of the sentence of more than 70 years. In this sequence, Art. 65, I, CP also presumes mitigating the penalty when the agent is over 70 years old at the time of the sentence. The criminal elderly, according to Article 26, p. 16 can be rendered unimpeachable when by "mental illness, incomplete mental development or retarded at the time of action or omission, entirely incapable of understanding the illicit character of the fact or of being determined according to this understanding", setting in these cases the elderly person who proves to be afflicted by some type of dementia (Idem). The modest amount of research on the subject has made it difficult to enrich this work. However, through this, it is denoted the invisibility of elderly agents of crime before the social. As already seen, for various reasons, there seems to be disbelief, although statistics point to reality. Thus, from now on, we will discuss some published research on criminal elderly in 2010, in São Paulo state; in 2013, in Paraíba state; in 2015, in Rio Grande do Sul state; and in 2016, in Minas Gerais state. The works have different themes, but with the same objective: to foment the debate on the elderly involved with crime. The articles indicate relevant data for this population, important in the search for an understanding of this rising phenomenon. In this context, Corte (2010)¹⁹ carried out a survey in daily newspapers of São Paulo city between 2004 and 2005. The work consisted in analysis and data collection in journalistic matters when the elderly was an agent of crime. During this period, it was possible to identify 62 news items in 736 newspaper editions, which referred to elderly people as crime agent. Most of the stories dealt with crimes that put

people's lives at risk (52), followed by murder crimes (17), robbery (11), war crimes (08), trampling (06), sexual abuse (05), drugs and suicide (02). Crimes that affect physical, moral, mental and environmental integrity were in smaller numbers. These were related to corruption (04), lack of payment of pension (02), prejudice (01), environmental crime (01), stielionate 01 (p.258).

The author concluded that, in relation to sexual crimes, the victims are children and young people of both sexes and the perpetrators are men. In relation to crimes involving drug trafficking, both men and women in equal proportion, had no criminal record. However, he said that "most of the elderly always have lived in crime." Thus, as they grow older, they remain in "criminality, due to the inefficiency of resocialization system" (p.273)¹⁹. Oliveira, Costa & Medeiros (2013)²⁴ conducted a descriptive study with a qualitative approach between July and December 2011 in prisons of Paraíba state. The purpose of this study was to understand the meaning of aging for elderly in compliance with punishment. Profile of the 11 subjects selected varied predominantly between 60 and 65 years of age, married, with six children, Catholic religion, some kind of monthly income, literate, prisoners for three years on average, receiving regular visits (Idem). In this context, they concluded that aging, for these elderly people, was related to melancholy and distressing feelings to the detriment of losses and lack of development perspectives. They have shown negative perceptions about aging, potentialized by incarceration. Quality of life in prison environment has been hampered by the obstacles encountered in work execution, in the loss of family life and in intergenerational conflicts with institution's younger members (Idem). Brandão (2015)¹⁶ surveyed elderly profile accused of committing a crime in the municipality of Imbé-RS, in the year 2013. In this study, he analyzed 4,806 case reports, of which 92 accusations referred to the elderly as an offender. Statistical analysis found that 57.6% of this population were between 60 and 64 years old, while only 17.4% were between 65 and 69 years old; 14.1% between 70 and 74 years old. Thus, he found that the higher the age, the lower the crime rate for which they are accused (p.269).

In that sequence, in relation to schooling factor, those with primary education predominated with 53.2%. The author also found that those of higher level 7.6% were in a higher rate than those who were said to be illiterate 4.4%. Thus, he realized that such data in his survey, demonstrated rupture of prejudice that associated schooling low level to increase in transgression rate. As to gender, 75% were men and 25% women. With regard to the victims, 65.6% were women and only 28.9% were men (p. 263). In this continuity, in relation to types of crime, bodily harm and threat, together, corresponded to 53.2%, followed by misappropriation, irregular possession of firearms, slander, crimes against fauna, disobedience to judicial order, defamation, drug traffic, driving without qualification, possessiveness, stielionate, vulnerable rape, injury, gambling, willful and culpable bodily injury, domicile violation (p.263). The author concluded in his study that the small number of research is antagonistic in number of elderly in prison system, that increases each year, as a result of those who arrive and those who grow old. It draws attention to a system that does not have the capacity to receive an elderly prisoner; a situation that tends to evolve due to population growth and social inequalities. He believes that his survey contributed to demystify the idea of the elderly as a victim,

because old age does not prevent criminal action by this population. He warned that "many crimes can be favored by the stereotype of goody old man" (274). Melo *et al.* (2016)²⁰ described an experience report that aimed to identify the elderly health profile in a Social Recovery Center (CRS) that used APAC methodology (Associations for Protection and Assistance to Convicted Persons) in Minas Gerais state. At the time, the elderly population was composed by 2.5% of the total number of institutionalized subjects. Of these, 3.75% were in semi-open system, 1.67% in closed system. "Only one was admitted over 60 years old, that is, all the others aged in the prison system" (p.85). In this sequence, the majority were men, aged between 60 and 67 years and schooling level was predominantly incomplete. Regarding to ethnicity, 60% were white. In this study, it was possible to identify 09 subjects who, within 11 years, would be over 60 years old, representing 7% of the total of elderly. This data confirms the hypothesis that many older people grow older in crime. Thus, they concluded that the fulfillment of sentence in a closed regime implies a risk situation and vulnerability, being able to generate commitment to the integral health of the convicted elderly. Therefore, according to the data above, it can be seen that the growth of elderly population is also occurring outside and within the Penitentiary System. The fact is especially noticeable because it goes unnoticed by society in general, which does not believe it is the elderly person capable of committing a crime.

DISCUSSION OF THE RESULTS

The present study aimed to understand the factors that motivate an elderly person to commit a crime when they are commonly considered as fragile, vulnerable and defenseless. Thus, we see that criminal elderly seems not to be noticed by the areas of knowledge, since much of the literature dealing with the binomial - elderly vs. crime - talks about "against" violence, and few works portray him as an agent of criminal action. In this context, although the numbers are not alarming, when compared to the total prison population in Brazil, we realize that one can not neglect the fact that many older people are in the place of aggressor. The small number of surveys denounces a degree of estrangement from the subject, since the figure of the elderly in the present is immersed in distorted representations of their place and possibilities. From this, it is not intended to deny the fragility present in aging process, but to reinforce that age does not prevent criminal action^{15,18,16}. In this way, we realize that unconscious and conscious factors, in interaction with external environment can lead a subject to commit a crime. Thus, constitutional psychic forces aim at the balance of psychic apparatus, but the environment can cause changes in these energies and, with this, the subject chooses to regress or progress in search of constancy. Therefore, regression triggers aggression directed toward external objects or self-harm in order to satisfy unconscious desires present in the child, the adult, and the elderly. The seizure of limits in childhood directly influences adult choices throughout his life. From this, it is possible to infer that transgression is the result of non-internalization of these limits or that this process has occurred in a lossy way^{12,25,26,27,28,13,14}.

In this context, conflicts between psychic forces become more present during aging, since the limits established in this period: mourning for death of loved ones, children leaving home, unfulfilled dreams, little time of life, and even an identity lost in this process can provoke a diversity of symptoms accepted

or not by the social^{15,14}. According to Brandão¹⁶, technological advances, globalization and new social demands end up, putting these elderly people "often [...] in a void: they are not fortunate to enjoy a decent retirement, nor so young to compete in a competitive labor market" (p.31). Conflicts present at this development stage may lead the elderly to relive feelings of anguish and guilt present in the Oedipal past, resulting in regression and, consequently, criminal action. Thus, socioeconomic difficulties promoted by the capitalist system significantly disadvantage the elderly. Hunger, violence, unemployment, combined with absence of decent housing and adequate health, place this population at risk. Poor income distribution leads to a shortage of resources needed to deal with the changes brought about by the growth in the number of elderly people. Expenditures on health, medicines, life insurance, public policies mainly affect this part of the population. Thus, social disorganization affirms unpreparedness of third world countries to deal with this rising phenomenon^{29,15,16,30}.

The authors^{19,18,16,20,21,17} point to the increase in the number of elderly people inside and outside prisons. According to the authors above, the growth is mainly due to those arriving each year and those who grow old within prison system, due to failure of resocialization process. So much of older criminals lived a lifetime in crime. According to data provided by INFOPEN (2017)¹⁷, 55% of prison population are young people up to 29 years of age. So if they remain in crime and survive the violence of prominent metropolises in 31 years, at least a good part of that population will be among the elderly. Data provided by Pernambuco Prison Patronage - PPPE (2018)³¹, when compared to previous surveys, reveal that, in relation to age, Oliveira et al. (2013)²⁴ in their survey, indicate that they were between 60 and 65 years old. Brandão (2015)¹⁶ indicated that most were between 60 and 64 years old. Melo et al. (2016)²⁰ reported that they were between 60 and 67 years old. In Pernambuco, they point to a band between 60 and 68 years old. In general, older people tend to be less involved in crime. In relation to gender Brandão (2015)¹⁶; Melo et al. (2016)²⁰ and PPPE (2018)³¹ show a male prevalence in the prison system for this part of the population and corroborate with national statistics of INFOPEN¹⁷ for other age groups (2017). However, being a woman and an elderly woman does not preclude criminal action. In this continuity, in relation to educational level, Oliveira et al. (2013)²⁴ found literate subjects; Brandão (2015)¹⁶ found subjects with elementary education; Melo et al. (2016)²⁰ corroborates with the findings of the PPPE (2018)³¹ which refer subjects with incomplete elementary education. In general, these data go against the maximum that relates the low level of schooling to the transgression of social norms.

Brandão (2015)¹⁶ also emphasized in his work that the people with superior level were in majority when compared to the illiterates. In this regard, we cannot ignore the context of its survey, carried out in South Region of the country, where the quality of life is superior to the Northeastern Region. However, data from PPPE (2018)³¹ refer to 20 seniors with a complete tertiary level and 26 illiterates; a proportion that draws attention to a population that presents a profile change, with more schooling than its ancestors, as Fruett (2015)¹⁴ pointed out in his studies. In that sequence, Côte (2010)¹⁹, in an analysis of newspaper articles, observed that most of them, 67.5%, dealt with crimes that put people's lives at risk. Brandão (2015)¹⁶, in investigating occurrence bulletins,

realized that crimes of threat and corporal injury corresponded to 53,2%; more than half of the denunciations. In Pernambuco, analysis of the crimes showed that 59% of the sample referred to homicide and sexual crimes³¹. Therefore, the analysis of the types of crimes practiced by the elderly more frequently, in the three distinct situations, is related to crimes against person: threat, personal injury, murder and rape. Thus, a tendency of the elderly person to resolve conflictual situations by means of their own means, usually with the use of the own hands, even before the physical commitment that can present is perceived¹⁶.

Final Considerations

Our work draws attention to the increase in the number of elderly people inside and outside penitentiaries. Discussion about this phenomenon on the rise allowed us to highlight social estrangement and prejudices employed in figure of elderly in contemporary times. Stigma of the kindly old man can even favor the practice of crimes by this population. In this way, weakened body does not prevent criminal action. Psychic, cultural, social and economic factors can motivate the elderly to become criminals. Moreover, failure of resocialization process and current demands suggest that, in the future, there is the possibility of contemplating an even larger number in crime statistics, committed by the elderly.

Therefore, from this, one can perceive the need for public policies and actions aimed at offering integral care and ensuring social inclusion of the elderly, not only outside but within prison system. Being old and having committed a crime does not exempt them from the rights guaranteed by the Statute of the Elderly, as they are still in a stage of life that deserves more attention because of natural vulnerability to aging. Therefore, it is expected that, given the limitations of the study, underreporting of cases, absence of literature and resistance of institutions to provide data, we may have contributed in some way not only to deepening and interest in future surveys on the theme, as well as to subsidize the work of professionals who deal with this problem.

REFERENCES

- Beauvoir S. 1990. *A velhice*. Rio de Janeiro: Nova Fronteira.
- Brandão S V, Neto A C. 2017. Perfil do idoso acusado de cometer crime. *Dilemas: Revista de Estudos de Conflito e Controle Social*. 10(2), p. 259-277. Maio – Agosto. Recuperado de <https://revistas.ufrj.br/index.php/dilemas/article/view/10597>
- Brandão S V. 2015. *Perfil do Idoso Acusado de Cometer Crime em um Município do Litoral Norte do Rio Grande do Sul*. Porto Alegre, p. 114. Dissertação de Mestrado: Programa de Pós-Graduação em Gerontologia Biomédica, Instituto de Geriatria e Gerontologia. Pontifícia Universidade Católica do Rio Grande do Sul. Recuperado de <http://repositorio.pucrs.br/dspace/handle/10923/7549>
- BRASIL. Instituto Brasileiro de Geografia e Estatística - IBGE 2018. *População – projeção da população do Brasil e das Unidades da Federação – Índice de Envelhecimento*. Distrito Federal, Brasília/Brasil. Recuperado de <http://www.ibge.gov.br/apps/populacao/projecao/>
- Brasil. Instituto Brasileiro de Geografia e Estatística – IBGE. 2010. *Sinopse do Censo Demográfico 2010*. Distrito Federal, Brasília/Brasil. Recuperado de http://www.ibge.gov.br/home/presidencia/noticias/noticia_visualiza.php?id_noticia=1866&i_pagina=1.

- Brasil. Presidência da República 2003. *Estatuto do Idoso Lei n. 10.741 de 1º de outubro de 2003*. Diário Oficial da União, 3 de outubro de 2003, edição 192. D. Distrito Federal, Brasília/Brasil. Recuperado de <http://www2.senado.leg.br/bdsf/bitstream/handle/id/70326/672768.pdf>
- BVS – Biblioteca Virtual em Saúde 2018. *DeCS - Descritores em Ciências da Saúde*. Recuperado de <http://decs.bvs.br/>.
- Camarano A A 2004. *Os novos idosos brasileiros: muito além dos 60*. Rio de Janeiro, RJ: IPEA.
- Chemama R, Bernard V. Dicionário de Psicanálise. Rio Grande do Sul: Editora Unisinos, 2007.
- Côrte B 2010. O idoso como agente do crime. In: Berzins M V, Malagutti W. (Orgs.). *Rompendo o Silêncio: Faces da Violência na Velhice*. São Paulo: Martinari, 255 – 272.
- Freud S 1996. *O futuro de uma ilusão, o mal-estar na civilização e outros trabalhos (1927 – 1931)*. Rio de Janeiro: Imago
- Freud S 1996. Reflexões para os tempos de guerra e morte. In: *A História do movimento Psicanalítico, artigos sobre a metapsicologia e outros trabalhos (1914-1916)*. Rio de Janeiro: Imago.
- Freud S. 1996. *Por que a guerra? (Einstein e Freud)* In: *Novas Conferências Introdutórias sobre Psicanálise (1932 - 1936)*. Rio de Janeiro: Imago.
- Fruett A C 2015. *Longeviver: O inconsciente no declínio da vida*. Fortaleza: Premium.
- Laplanche J, Pontalis 2004. *Vocabulário da Psicanálise*. 4ª Ed. São Paulo: Martins Fontes.
- Lebrun, J-P 2004. *Um mundo sem limite: Ensaio para uma clínica psicanalítica do social*. Rio de Janeiro: Companhia de Freud.
- Melo N S, Coelho A B, Oliveira M M, Souza J C. Envelhecer no Sistema Prisional: Condições de saúde de idosos privados de liberdade em um CRS-APAC em um município de Minas Gerais. Pontifícia Universidade Católica de Minas Gerais: *Enfermagem Revista*, v. 19, n. 01, 2016. Recuperado de <http://periodicos.pucminas.br/index.php/enfermagemrevista/article/view/11642>
- Monteiro S R 2013. *Crimes cometidos por idosos: considerações criminológicas*. Porto Alegre, 2013. Dissertação de Mestrado: Programa de Pós Graduação e Ciências Criminais, Mestrado em Ciências Criminais. Faculdade de Direito, Pontifícia Universidade do Rio Grande do Sul. Recuperado de <http://repositorio.pucrs.br/dspace/handle/10923/1739>
- Nasio J D 2007. *Édipo: O complexo do qual nenhuma criança escapa*. Rio de Janeiro: Jorge Zahar Editor.
- Neri A L. 2008. *Palavras-chave em gerontologia*. Campinas, SP: Editora Alínea.
- Neto M P. 2016. *Estudo da Velhice: Histórico, Definição do Campo e Termos Básicos*. In: Freitas E V, PY L (Org.). *Tratado de Geriatria e Gerontologia*. 4ª Ed. Rio de Janeiro: Guanabara Koogan, p. 03 - 13.
- Novo A L M S, Lopes R G C. 2010. O outro lado da moeda: Velhos Violentos. In: Berzins M V, Malagutti W. (Orgs.). *Rompendo o Silêncio: Faces da Violência na Velhice*. São Paulo: Martinari, 239 - 252.
- Oliveira L V, Costa G M C, Medeiros, K K A S 2013. *Envelhecimento: Significado para idosos encarcerados*. Revista Brasileira de Geriatria e Gerontologia. Rio de Janeiro, p. 139-148. Recuperado de http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1809-98232013000100014
- OMS – Organização Mundial de Saúde. Portal Brasil. 2015. *Relatório mundial de saúde e envelhecimento*. Recuperado de <https://oglobo.globo.com/sociedade/saude/idosos-serao-um-quinto-do-planeta-em-2050-diz-oms-17649843>
- ONU - Organização das Nações Unidas. 2017. *Países dos BRICS terão 940 milhões de idosos até 2050*. Recuperado de <https://nacoesunidas.org/paises-dos-brics-terao-940-milhoes-de-idosos-ate-2050/>
- Osorio L C. 2001. *A violência nossa de cada dia: da aceitação contemplativa à indignação transformadora*. Florianópolis: Grupos.
- Papalia D E; OLDS, Sally Wendkos. *Desenvolvimento Humano*. 7ª Ed. Porto Alegre: Artmed, 2000.
- Pernambuco, Governo do Estado. 2018. *Público idoso em cumprimento de pena no Patronato Penitenciário de Pernambuco*. Secretaria de Justiça e Direitos Humanos. Fonte: processamento de dados. Recife.
- Santos T R, Marlene I (Org.). INFOPEN. Levantamento Nacional de Informações Penitenciárias. Departamento Penitenciário Nacional. Brasília: Ministério da Justiça e Segurança Pública, 2017.
- Senado Federal, Coordenação de Edições Técnicas 2017. *Código Penal*. Brasília: Livro Eletrônico Recuperado de http://www2.senado.leg.br/bdsf/bitstream/handle/id/529748/codigo_penal_1ed.pdf
- Zimmerman G I. 2000. *Velhice: aspectos biopsicossociais*. Porto Alegre: Artmed.
