Abstract
Children are the best hope for the future of any country, community group or family; they are a gift from God to those blessed by their presence. The emotional, mental, and social well-being of their children primarily falls within the purview of the child's parents. Children's journey towards adulthood and the development of their capacity to live independently is the responsibility of parents. This article was created with the aim of enlightening readers regarding the responsibilities of parents for petty theft committed by their children while they are under their supervision and while the children are in their care. Researchers will use normative legal research techniques to ensure that they have a comprehensive understanding of the criteria they will use to analyze results and find solutions to the problems they pose in their research. Legal case analysis, legal literature analysis, and regulatory analysis are some of the methodologies used. The authors of this study draw several conclusions regarding children's responsibility for their financial well-being as perpetrators of criminal acts. The author then outlines the need to dispel doubts regarding responsibility towards minors, while emphasizing the need to monitor children's psychological development. The uniformity of children's responsibilities in long-form fairy tales is a stumbling block for writers.

Keywords: Minors, Responsibility, Crime and Traffic

I. INTRODUCTION

Indonesia is a republic based on law (rechstaat) and not a monarchical republic (machstaat), as stated in Article 1 Paragraph 3 of the 1945 Constitution of the Republic of Indonesia. This illustrates that everything in the Unitary State of the Republic of Indonesia is regulated according to law, this can be seen from the fact that. What is meant by "law" is a collection of legal regulations or norms that regulate interactions between individuals in human communal life, including who can be held accountable for their actions or be punished by the authorities or parties who have the right to do so.

Because children are considered immature from a psychological and forensic perspective, they require special care to realize their full potential in terms of physical capabilities, cognitive abilities, and emotional well-being. According to the revised Child Protection Law (Law Number 35 of 2014), which amends Law Number 23 of 2002, parents have the responsibility to provide a safe and nurturing environment for their children from the time they are born until they reach the age of mature. adults, and educate their children in the values of honesty, respect and responsibility. This responsibility lasts from the time a child is born until they reach adulthood. Even though the regulations have been changed to state that minors who do not have a driving license (SIM) are not allowed to drive on the road, currently many parents still let their children drive vehicles on the road. Even though
Currently there are many parents who let their children drive cars on the highway. Theoretically, the law enforcement machine is capable of cracking down on every violation of the law, even the most common form of law violation among Indonesian society, namely theft. Additionally, because we are citizens of this country, we have the same legal protections on the roads as we do in other parts of the country.

This law is aimed at every driver who contributes to traffic jams on the highway. On the other hand, the aim of this restriction is to reduce the number of rear-end incidents that occur on the road, especially those involving minors who do not have a subscriber identification module (SIM). Motorcycle riders who travel or use motorized vehicles on public roads are required to understand the laws and regulations governing the use of motorized vehicles on these routes. To meet certain technical criteria, drivers are required to always carry a driving license (SIM), vehicle registration certificate (STNK), use a safety helmet and other safety equipment, and always wear an identity letter. In fact, the implementation of Law (Law) of the Republic of Indonesia Number 22 of 2009 concerning Dangerous Driving and Road Safety has been delayed as a direct impact of the high number of traffic accidents that have occurred recently. These accidents endanger pedestrians and cyclists of all ages, especially children, and also discourage people from using the roads. These rights may include the opportunity to drive on public highways and also enjoy a sense of security and comfort while driving. the process of doing so.

Maintaining order on the roads, enforcing traffic rules, educating the public about road safety, registering and identifying drivers and their cars, preventing accidents, and punishing lawbreakers are part of the responsibilities of a traffic police unit. Every person who uses the road is obliged to obey all traffic regulations, including those relating to speeding and other types of reckless driving carried out by minors, as intended in the laws and regulations applicable to the situation. Lack of supervision from parents and other responsible parties when issuing motor vehicle driving permits is one of the factors that contributes to increasing hostility towards drivers. The large number of traffic accidents involving minors resulting in loss of consciousness or other personal property has contributed to growing hostility towards drivers. This shows that parents and children were all involved in the theft that occurred later. If this occurs, the child’s parents are responsible for paying any further fines related to any other legal violations committed by their child. The following is a list of sanctions accumulated due to traffic violations. These fines are accumulated in accordance with Law Number 22 of 2009 concerning Road User Retributions and Sanctions.

1) Child does not have a driver's license: The maximum fine is IDR 1 million (Article 281).
2) Vehicle without a number plate: The maximum fine is IDR 500 thousand (Article 280).

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3) The technical requirements for a motorbike are not suitable, for example there are no rearview mirrors, the headlight is not on, and so on: A maximum fine of IDR 250 thousand (Article 285 paragraph 1).

4) Technical requirements for an unfit car: A maximum fine of IDR 500 thousand (Article 285 paragraph 2).

5) Violating traffic signs: A maximum fine of IDR 500 thousand (Article 287 paragraph 1).

Because the person who recently stole traffic was a child, the victim can demand that the perpetrator's parents be responsible for any losses that may have been caused as a result of the theft. In other words, the child's biological parents or legal guardians, as well as any adults who share the child's household, have the potential to be held responsible for any losses experienced by the child. In accordance with the concept of criminal law which stipulates that anyone who commits a criminal act is responsible for losses resulting from his actions, such as medical costs and vehicle repairs, only minors can request criminal damages. This is in accordance with the fact that minors are the only people who can be threatened with criminal damage. The responsibility for compensation imposed on parents is insufficient because of the criminal act committed by the child; What is needed is parental responsibility for criminal acts committed by their children (Mahendra Yudhi, 2017:61). The young man committed theft after realizing that the bad behavior of his elders was the cause of his own actions. The importance of obeying the law is a value that must be instilled in children from an early age by their parents. Endangering children will have serious legal repercussions, including driving a car on public roads when they are too young to do so. Based on the background above, the author is interested in raising the title "Review of Article 310 of Law Number 22 of 2009: Legal Responsibility of Parents of Children in Traffic Accidents"

II. RESEARCH METHODS

The author carries out a conventional juridical study by examining laws, regulations and theoretical texts to relate them to issues in the legal system. Normative legal studies, as described by Rauf4, sees law as a normative system with the term "norm system" referring to "rules", "norms", "principles", "decisions", "agreements" and "certain teachings". In legal research, one seeks the factual basis, assesses compliance with legal principles, and determines the conformity of actions with those principles. The legal approach, according to Ni Putu (2019), is a method of disseminating information that highlights fundamental problems. The "legislative approach" considers the structure of norms, the correctness of a regulation, and compliance with regulatory provisions. Logical errors in this paper are acknowledged, including the use of a "statutory approach" that considers all factors 5.

Introduction Legal Basis is a collection of legal norms that bind all parties, including Internal Revenue Service Regulations and court decisions (Alfriansyah, 2019). For example, Internal Revenue Service Regulations. Parents' responsibility for their children's traffic violations refers to Law Number 22 of 2009 and Number 11 of 2012. Administration


of property rights for minors is stated in Law Number 35 of 2014 concerning juvenile delinquency. Secondary materials, according to Peter Mahmud, include non-official document publications such as dictionary entries, book chapters, journal articles, and court decisions. Sources of this information include books, legal literature, and online legal journals. Tertiary legal materials are publications that are not official documents, such as dictionaries, books, journal articles and court decisions. This involves books containing relevant legal knowledge and legal literature as well as online legal journals used in research and investigations.

Normative legal research is an approach commonly used to collect data in the form of legal documents, such as legislation, court decisions, contracts, legal theory, and the insights of practicing lawyers and academics. This method also involves interviews with practicing lawyers and scholars. Soekanto and Mamudji call it doctrinal legal research or legal studies in universities. Doctrinal research or doctrinal research is the process of studying written material that meets legal requirements, limited to certain people such as legal educators, researchers and students.

Doctrinal research involves the collection, analysis, and synthesis of data from a variety of sources, including documents. This investigation is descriptive in nature and uses qualitative methodology with interpretive methods to explore legally documented materials. Interpretation techniques are needed to understand the issues raised in legal texts, especially in the introduction to laws (Muhammad, 2017). The research process on normative legal issues involves several stages, such as formulating legal principles based on social data and positive law, creating definitions of legal terminology, and creating legal standards. During research, citing legal authorities becomes important so that others can provide criticism, support, elaboration, and ideas to the researcher. Legal arguments are used to provide a description or assessment of what should be done in accordance with the applicable law and how it relates to facts or events in a legal process.

III. RESULTS AND DISCUSSION

Review of Article 310 of Law Number 22 of 2009: Legal Responsibility of Parents of Children in Traffic Accidents

Regarding the Abuse of Senior Citizens, Article 310 of the Law on Old Streets and Streets Will Be Revised. Law no. 11 of 2012 concerning the Child Benefit Distribution System and Law no. 35 of 2014 concerning Amendments to the Child Benefit Distribution Law of 2002 are two examples of recent legislation in Indonesia that show the unique protection that children have. Both of these laws were passed in recent years. However, in reality, the system for handling the problem of child theft in Indonesia does not provide legal protection, opportunities for constructive development of the younger generation, or guarantees of rights as promised by international law. It is

7 Soekanto and Mamudi, Penelitian Hukum Normative Dalam Suatu Tinjauan Singkat.
impossible for statutory regulations to place debt responsibility on other parties in accordance with the basic concept underlying the policy of dividing criminal responsibility. Because the obligations mentioned above can be understood by consulting appropriate sources within the framework of property law, it can be said that these obligations relate to the laws currently in force.

Child Protection and Services Law, or Law no. 11 of 2012, contains requirements that apply if the violation is committed by a child. When the substantive law requires a combination of imprisonment and punishment, as stated in Article 71 (3) of the SPPA Law, the fine is replaced with work-related education and training instead of being imposed. Please note that these tax fines are not included in the basic tax or potential additional taxes imposed on children.

The following components are included in the housing allowance for children provided by the Juvenile Justice System Law (SPPA), as intended in Article 71 paragraph 1: 4. Institutional development in 5. Prison 1. First day of every month 2. Sentence with conditions: expansion outside existing organizations 3. Job training 4. Expansion of existing organizations 5. Prisons.

Nevertheless, additional income, as defined in Article 71 (2) of the Child and Adolescent Protection System (UN Convention on the Rights of the Child), consists of: 1. sharing of profits obtained from criminal sales; or 2. fulfillment of religious obligations (fines or actions that must be carried out in accordance with local religious norms that still respect the rights of children and adolescents). Both of these options are allowed by the article.

Alternative methods of taxation for those who do not have a SIM card are determined by a judge who will impose appropriate penalties for violators if the applicable tax law provisions are interpreted as providing alternative methods of taxation, as regulated in the provisions of Article 281 in conjunction with Article 77 paragraph (1) of the LLAJ Law. Based on paragraph 2 of Article 81 of the Criminal Procedure Code, if the court orders the defendant to serve a prison sentence, the length of the defendant's sentence will be reduced by half of the maximum adult sentence. However, if a fine is imposed, the amount of the fine is left to the judge's discretion. This is because the basic principle of the law governing the Child Penalty and Rehabilitation System is that fines for cumulative imprisonment are replaced with fines for a single criminal act in the form of a period of work supervision. In other words, fines for cumulative prison sentences are replaced with fines for single criminal acts. Violators whose offenses are considered light will be subject to a lighter punishment called imprisonment or a fine. On the other hand, people who commit serious violations of the law or possess weapons of mass destruction are subject to much heavier financial penalties. According to Islamic law, children who are too young to be returned to their parents will be subject to criminal penalties and cannot be returned. Article

310 of Law Number 22 of 2009 concerning Rights of Way and Traffic Control Devices is used as the basis for the project's financial components:

a. Every motorized vehicle driver whose carelessness causes a traffic accident as intended in Article 229 paragraph (2) of the Traffic Law, shall be punished with imprisonment for a maximum of six months and/or a fine of a maximum of one million rupiah, depending on which option results in a higher amount of compensation being paid to the accident victim.

b. The maximum penalty for murder as intended in Article 3 which results in the death of another person is imprisonment for a maximum of six (6) years and/or a fine of twelve million rupiah ($300,000), or both. Murder is defined as the act of killing another person intentionally. (twelve million rupiah).

To convict the perpetrator of a roadblock, all charges listed in paragraph 310 of article four of the Law of the Republic of Indonesia of 2009 Number 22 concerning Road Traffic and Transportation must be proven beyond doubt, and the defendant must be sure that the evidence presented is sufficient to support a determination of guilt. This law applies to road traffic and transportation in Indonesia.

Jazim Hamidi, citing the opinions of Sudikno Mertokusumo, A. Pitio, Achmad Ali, and Yudha Bhakti, noted 11 (eleven) types of legal interpretation methods, namely:

1) Grammatical interpretation is the process of deciphering legal terms in accordance with applicable legal language standards. Judges often use grammatical interpretation and logical interpretation, namely giving meaning to a legal rule with legal sanctions to be applied to unclear text.

2) Interpretation of legal history is a way to understand the meaning of law in its historical context through historical study.

3) Combining historical interpretations of law and legal systems (wethistorich and rechtshistorisch, respectively). The goal of wet historicism is to determine the original intent of a series of laws by examining how they were interpreted at the time they were enacted. In contrast, historical legal interpretation, or rechthistorich, involves studying legal rules by studying them in their historical context.

4) Systematic interpretation is a technique for understanding tax and financial laws by relating them to other laws and the larger legal framework as a whole. In this approach, the interpretation of a statutory provision requires reference to other statutory provisions, so that the law itself cannot be interpreted in such a way that it leaves behind or weakens the legal framework of a country.

5) Sociological interpretation, or re-examining a law based on its original intent. The use of teleological reasoning requires jurists to adapt legal norms to changing social conditions.

6) Comparative Interpretation Method, namely comparing various legal systems. A judge can study the meaning of a statutory provision by comparing it with other provisions. This approach is used by lawyers when resolving cases based on the principles of international law arising from binding contracts.

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7) Future interpretation, also known as the anti-progressive legal discovery method. This interpretation clarifies the meaning of law which has no legal force.

8) The eighth interpretation technique is called "restrictive interpretation", and is used to limit or narrow the meaning of a rule.

9) Extensive interpretation is an interpretation that goes beyond the typical limits that can be achieved by grammatical interpretation.

10) Pretend interpretation is a method of legal interpretation that is based on a careful reading of the words used in a law. This kind of translation is called an “official" or “authentic” translation. This method of determining facts prevents the court from establishing facts other than those whose meaning has been determined in the framework of applicable laws and regulations.

11) Interdisciplinary interpretation is a method of interpretation used by lawyers when dealing with cases spanning a wide range of legal specialties. For example, a lawyer who has experience in the field of comparative law (e.g. data law, property law, national administrative law, or international law). This means that judges must be experienced in citation conventions in various fields of law.

12) What is meant by "multidisciplinary interpretation" is an interpretation method used by lawyers to resolve cases by considering evidence from other fields of study outside the traditional legal field. In practice, prosecutors will bring in experts in several fields of science that are relevant to the case being handled. For example, someone who has been arrested in a cyber crime, white collar crime or terrorism case.

Therefore, minors who commit vehicular homicide because of their age are subject to the longest prison sentence for an adult (six years), resulting in a sentence of three years in prison for the child. But in this scenario, irresponsible parents have given their children permission to drive the car, despite the fact that the children cannot speak or are too young to legally drive their own vehicles. This puts children in danger of being involved in a car accident. Is it possible to hold parents accountable for teaching their children how to drive? In accordance with the provisions of Article 55 Paragraph 1 of the Criminal Code (KUHP), criminal tax can be imposed on movable goods as long as the goods meet the necessary conditions:

a. People who do something, people who inspire others to do something, and people who take advantage of other people's activities by offering opportunities, resources, or direction are three types of people who are considered active participants.

b. Those who take action, as well as those who inspire others to take action and those who actually take part in said action. Those who are given credit for the achievements of others. Those who are rewarded for the actions of others.

Therefore, responsibility for irresponsible actions committed by children, for example damaging a motor vehicle, which ultimately results in an accident, cannot be shifted from the shoulders of the child's parents. According to the Criminal Code, this is done on the basis of the concept of collective responsibility. The activities of senior citizens who, because of their age, do not cause or participate in committing criminal acts, are immune from the legal consequences of these acts.

15 Abdul Rachmad Budiyono, Ilmu Hukum Dan Penelitian Hukum (Bandung: Citra Aditya Bakti, 2016).
Restitution may be requested from parents to hold them legally responsible for their children's activities. In accordance with the provisions of Articles 1 and 2 Article 1367 of the Civil Code (called "KUHPer" in Indonesian), it is mandated as follows:

"A person is not responsible for losses resulting from his own actions, nor is that person responsible for losses arising from the actions of other people for which he is responsible, or due to objects under his control." When a child under the age of 18 lives with his or her family or exercises the authority of a parent or guardian, the child's parent or guardian is fully responsible for any financial consequences that may arise. As a consequence, under the laws governing personal data, parents are responsible for financial losses incurred by their children.

**Legal Responsibility for Parents Who Provide Motorized Vehicles to Minors**

It is important to understand the idea of criminal liability in order to be able to apply the crime to the person who first established it. When assessing the extent of a project's financial responsibility, it is important to consider not only the needs of society as a whole but also the needs of the individual creator. For a process to be legal, it must meet the criteria and prerequisites for giving rise to a crime. Lighter punishments, called imprisonment or fines, are given to offenders whose crimes are considered light. But individuals who commit major crimes or are caught in possession of weapons of mass destruction will face much more severe financial consequences. According to Islamic law, minors who have not reached the legal age can be subject to criminal penalties and cannot be notified to their parents. In accordance with Article 310 of Law Number 22 of 2009 concerning Long Distance Street Lighting Equipment and Traffic Control, any and all financial issues have been considered. It is important to understand the idea of criminal liability in order to be able to apply the crime to the person who first established it. When assessing the extent of a project's financial responsibility, it is important to consider not only the needs of society as a whole but also the needs of the individual creator. For a process to be legal, it must meet the criteria and prerequisites for giving rise to a crime. Violators whose crimes are considered light are given a lighter punishment called imprisonment or a fine. The law considers the impact of a child's age on society as a whole when calculating appropriate penalties for offenses committed by minors. In fact, a number of groups have voiced their disagreement from various points of view, such as the gap between the number of cars on the road and the capacity of the road drainage system, causing problems for everyone who uses the road, highway (Saleh Muliadi, 2010: 10). Although the terms "mental capacity" and "intellectual capacity" are often used interchangeably, E. (verstandelijke vermogens).

Elements of criminal liability include:

a. According to criminal law, the components of an offense called "elements" are the basis for punishment which is focused on a person's irrational thinking. The notion of blame, also known as fault, is one of the basic principles of criminal law. This principle emphasizes that in order to be found guilty of a criminal act, a person must first admit that he or she was involved in the criminal act. When someone's reasonable views can be used to convict them of unlawful activity, we say the person is wrong, or the person is in the wrong position. It is an error in jurisprudence if one of the conditions for
obtaining permission to do something is violated, even though this does not constitute a violation of moral or social norms.

b. One type of error that may occur in property law is called an element of negligence, negligence, or culpa. The law itself does not specify what constitutes innocence, guilt, or the appropriate punishment for an offense. While this may seem like a consequence of carelessness, it occurs with extraordinary frequency.

c. There are many well-known definitions of against the law (wederrechtelijk); one of these meanings is “c. The Nature of Against the Law (Wederrechtelijk)” in the realm of criminal law. It is the obligation and responsibility of adults, families, governments and the state to ensure that children who still need assistance in obtaining their legal rights remain protected. This includes children who are victims of violence or neglect or children who are sexually exploited. Carrying various responsibilities throughout their lives, parents, extended families, communities, governments, and states all have duties to fulfill in order to fulfill the obligation to ensure the physical, mental, and social development of children's health. To ensure continued protection of children's rights, these efforts must continue at all times.

d. The aim of these steps is to create optimal conditions for the growth and development of children who will later become national leaders. These children are expected to be able to uphold national values and maintain unity and unity in accordance with the principles adhered to by Pancasila and the Islamic Aqidah. Protection of children's rights, in essence, aims to provide equal guarantees to all people that their rights will be respected and upheld without prejudice, just as these rights are guaranteed to be respected and upheld for children. Previous efforts to protect children's rights are believed to have failed to ensure that children have access to the resources and opportunities they need to thrive in various areas of life. Therefore, the government must base its efforts to protect children's rights on human rights principles. In accordance with Article 310 of the Criminal Code, a child who operates a motorized vehicle in a way that results in the death of another person is subject to sanctions in the form of a fine.)

In accordance with the provisions of the Transport Traffic Road, every person who drives a motorized vehicle while under the influence of narcotics or alcohol is threatened with imprisonment for a maximum of six years and/or a fine of a maximum of IDR 12 million. However, the laws outlined above regarding theft of lesser value also apply to adults. Criminal offenses are serious crimes, but the maximum sentence imposed on a child for committing this crime is only half that of an adult. Meanwhile, based on the provisions of Article 82 of the SPPA Criminal Code, children who commit minor offenses before the age of 14 can only be punished in accordance with these provisions.

IV. CONCLUSIONS AND SUGGESTIONS

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a. One of the most important principles in the legal system is that one person's financial responsibility cannot be transferred to another person. The accountability mentioned above can be seen in the basic principles of criminal law, therefore it is considered responsibility related to the current laws and regulations. Financial responsibility for theft of property suffered by a child as a result of the child's actions resulting in an accident while driving a motorized vehicle cannot be delegated to the child's parents,
because the child's actions caused the accident. According to the Criminal Code, this is done on the basis of the concept of collective responsibility. Therefore, monetary fines cannot be imposed for activities carried out by adults that do not give rise to criminal activity and do not contribute to criminal behavior. When a minor resides with a parent or guardian or exercises the authority of a parent or guardian, the responsible adult is solely responsible for any financial losses that may occur as a consequence. As a consequence, under the laws governing personal data, parents are responsible for financial losses incurred by their children.

b. The efforts made by the government to defend children's rights must of course be based on human rights foundations so that their implementation is successful. Many experts are of the view that the current protection of children's rights does not provide a guarantee that children will be given the opportunities and resources necessary so that they can develop in all aspects of life. The interaction between parents and children is a kind of contact between adults, and the attitude and behavior of adults towards their own offspring is a reflection of the nature of this interaction. Parents who give their children permission to drive their own cars are often the target of criticism for doing so, and for a number of different reasons. These include the fact that their children are now old enough to drive themselves safely, the high cost of general insurance and maintenance, the need of parents and children for efficient and flexible time management, and the high cost of general insurance and maintenance. Plus, their children are now old enough to drive safely themselves.

**Suggestion**

a. Parents should pay special attention to ensuring that their children are properly taught how to drive motor vehicles, and they should not provide their children with the means to do so if they do not meet the standards set out in relevant laws and regulations. Children are not allowed to operate motorized vehicles if their parents do not fulfill the requirements set out in the applicable laws and regulations.

b. Police are increasing their efforts to interact with early childhood education institutions such as elementary schools, middle schools, and high schools so they can educate children about speeding and traffic laws. In addition, the police are increasing their efforts to crack down on these institutions.

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