Criminal Sanctions Against Parents for Children in Conflict With the Law

Boni Satrio Simarmata, Universitas Atma Jaya Yogyakarta, Indonesia
Elisabeth Sundari, Universitas Atma Jaya Yogyakarta, Indonesia
Suyoto, Universitas Atma Jaya Yogyakarta, Indonesia

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Abstract

The post-COVID-19 era has brought significant social changes, particularly affecting parenting behavior, child supervision, and the psychological well-being of children. This study explores the imposition of criminal sanctions on parents whose children come into conflict with the law, analyzed through Jeremy Bentham's utilitarianism and the principle of "The Greatest Happiness of the Greatest Number." It highlights the implications of suboptimal parenting and its effect on rehabilitation efforts and the prevention of juvenile delinquency, with a core focus on the consequences of parental responsibility. Using a normative legal research method, this study examines the Juvenile Criminal Justice System Law, relevant statutory regulations, legal literature, and interview data. The findings suggest that applying criminal sanctions to parents, viewed from a utilitarian perspective, can act as a catalyst to strengthen parental supervision, encourage responsible parenting practices, and promote active involvement in preventing juvenile crimes. Data from January to July 2024 show that Indonesia recorded 185,557 criminal cases, with 17.7% involving children as perpetrators and 11.86% as victims. However, this approach also raises ethical concerns. Punitive measures risk creating social stigma, potentially undermining the family's essential role in child development. Therefore, the study recommends a more holistic and interdisciplinary approach—one that includes not only punitive mechanisms but also parenting education, psychosocial support, and restorative justice. These efforts should be rooted in the best interests of the child to ensure recovery for both children and parents. By integrating both accountability and support, the justice system can work toward greater societal well-being and happiness.

Keywords: children, crime, parents, family, law

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Background of the Problem

Parents play a vital role in shaping a child's character and social behavior, impacting both individual growth and social stability. Erikson (1950) stressed that parenting styles influence identity and emotional regulation. Positive parenting fosters self-control and social adaptability, while poor parenting raises the risk of deviance (Baumrind, 1967). In psychology and criminology, quality parenting strongly correlates with lower delinquency. Hirschi's Social Control Theory (1969) emphasizes that strong parent-child attachment and internalized norms prevent delinquency. Moffitt (1993) links inconsistent parenting to persistent antisocial behavior. Thus, strengthening parenting is a key strategy for crime prevention.

Legally, the issue of parental liability for juvenile delinquency remains a topic of debate. Several legal systems, including those in the United States and Canada, recognize the concept of *parental liability*, whereby parents may be held legally accountable for neglectful supervision. In Indonesia, Article 55 of the Indonesian Penal Code (KUHP) regulates the criminal liability of accomplices, which can, in certain circumstances, be applied to negligent parents. However, legal enforcement in Indonesia tends to prioritize preventive approaches through parenting education and child rehabilitation. A multi-sectoral approach—incorporating government, education systems, and social organizations—is necessary to support effective parenting. Empirical studies indicate that early interventions such as parenting training and psychosocial support effectively reduce the risk of delinquency (Farrington & Welsh, 2007). A synergy among family, community, and state institutions is critical in nurturing a responsible generation.

In criminological theory, social control is regarded as a principal determinant of juvenile delinquency. Hirschi's *Social Bond Theory* (1969) suggests that low emotional attachment between children and their families increases the probability of delinquent behavior. A lack of interpersonal relationships can push children toward negative affiliations. Sampson and Laub (1993) further reinforce that weak informal social control within the family strongly influences the development of criminal behavior. Family social control includes patterns of supervision and discipline. Unstable family conditions—such as divorce, conflict, or economic stress—often diminish parental supervision and increase children's exposure to negative influences. Children from dysfunctional families frequently struggle to develop effective self-control (Glueck & Glueck, 1950). Thus, family stability is a vital protective factor. Poor communication and suboptimal parenting can weaken the family's role in social control. Hirschi (1969) affirms that the absence of constructive interaction hinders the internalization of normative values. Bronfenbrenner (1979) also argues that an unsupportive family environment increases the likelihood of children encountering difficulties in forming healthy social relationships. The absence of authoritative role models further contributes to criminal behavior. According to Bandura's Social Learning Theory (1977), children learn by observing and imitating; the absence of positive figures makes children vulnerable to adopting deviant behaviors. The presence of such role models, along with support from educational institutions, community networks, and public facilities, strengthens social control mechanisms. Farrington (2002) asserts that early intervention and engagement in positive activities act as protective factors. Therefore, preventing juvenile crime requires a multidimensional strategy. Agnew (2006), through *strain theory*, adds that children's alienation and inability to cope with social stressors often lead to deviant behavior. Preventive strategies must reinforce positive interaction, communication, and a supportive social environment.

From a comparative legal perspective, parental legal responsibility for children's actions involves complex legal and social dynamics. It reflects moral principles and is central to juvenile justice systems (Feld, 1999). Jurisdictions vary in balancing individual responsibility with restorative justice to prevent crime and improve juvenile justice outcomes. The United States enforces parental accountability through legal sanctions for inadequate supervision (Zimring, 2005), grounded in vicarious liability and deterrence theory but criticized for reinforcing structural injustice. Conversely, Scandinavian countries like Sweden and Norway emphasize rehabilitation via social interventions, focusing on parental education and family guidance aligned with restorative justice principles (Duncan, 2018). Parental legal responsibility requires integrating normative, empirical, and policy perspectives. An ideal model balances parental accountability, children's rights, and justice system effectiveness, while considering socio-economic factors, family structures, and social interventions to ensure fairness and inclusivity (Siegel & Welsh, 2018).

In Indonesia, explicit legal provisions regarding parental criminal liability for the actions of their children remain undeveloped. The principle of *personal responsibility* (asas personalitas) forms the foundation of Indonesian criminal law. However, from a theoretical standpoint, parents' duty to guide and educate their children could have legal implications (Sudarto, 1983). Law No. 11 of 2012 on the Juvenile Criminal Justice System adopts a rehabilitative approach grounded in *the best interest of the child* and the principles of restorative justice (Marlina, 2009). While parents play a crucial role, Indonesia's legal system focuses more on rehabilitating the child than on directly punishing the parents.

Parental responsibility is acknowledged under Law No. 23 of 2002 on Child Protection, particularly in Article 26(1), which provides for administrative sanctions of an educational and preventive nature (Soetjiningsih, 2010). Several jurisdictions apply *strict liability* to parents (Cauffman & Steinberg, 2000), prompting discourse in Indonesia on whether a parental liability model could be adopted while maintaining a balance between rights and responsibilities.

The rising juvenile offender rate in Indonesia calls for a critical review of the criminal justice system, especially regarding parental responsibility. While some countries apply parental responsibility laws (Besharov, 2001), Indonesia favors rehabilitation, sparking debate. Sanctioning parents might improve supervision but risks injustice. Alternatively, strengthening family legal education and social institutions offers adaptive solutions. Research shows rehabilitation with social reintegration reduces recidivism more effectively than punishment (Zimring, 2015). Thus, parental responsibility policies should be comprehensive, considering legal, social, and cultural factors to ensure justice and effectiveness.

Research Methodology

This research adopts a normative legal research method with a juridical-comparative approach, enriched with empirical analysis to provide a holistic understanding of parental punishment in the context of the juvenile criminal justice system. The aim of this research is to examine the prevailing legal norms, explore the juridical rationale behind criminal policies towards parents for the actions of children in conflict with the law, and compare them with legal systems in various jurisdictions in order to find effective and fair policy solutions.

This research relies on two main categories of legal sources, which are examined systematically and critically: primary legal sources and secondary legal sources. Primary legal sources include binding domestic and international legislation, such as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Indonesian Penal Code (KUHP), the Convention on the Rights of the Child (UNCRC), and other international legal instruments such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines). Meanwhile, secondary legal sources are used to enrich theoretical perspectives and legal practice, including academic literature (books, dissertations, research results), scientific journals and recent legal articles, as well as court decisions from various levels that provide precedents and judicial considerations.

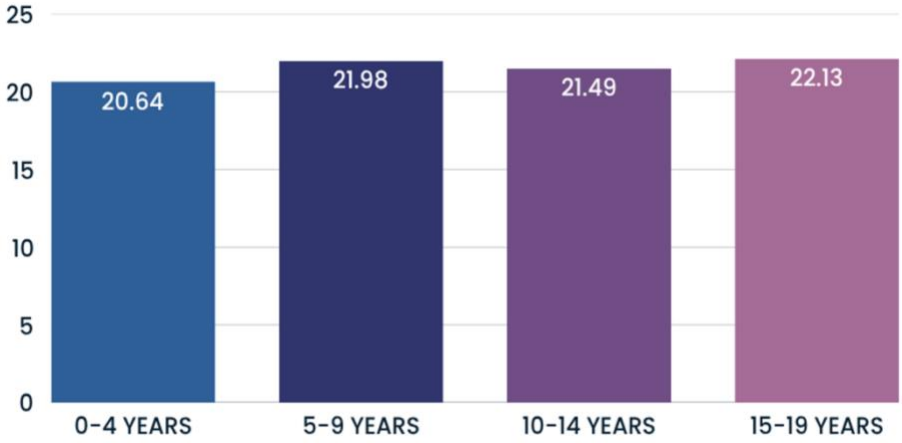
The juridical-comparative approach is applied to analyze the implementation of laws in several countries with different legal characteristics, in order to obtain a comprehensive understanding of policies regarding parental punishment. The countries compared include the Netherlands (with an approach based on parental responsibility in civil and criminal systems oriented toward rehabilitation), the United States (particularly states that adopt parental liability laws for neglecting child supervision), and Germany (which emphasizes a more social-rehabilitative approach through supervision and social intervention programs). Through this comparison, the research will identify the strengths and weaknesses of each legal model, as well as examine the possibility of adopting a model suitable to the Indonesian legal system.

While grounded in a normative approach, this study is supported by empirical analysis to examine the link between parenting patterns and juvenile crime. It uses case studies from court rulings and child protection reports to explore family influences on delinquency. Criminal statistics and data assess the impact of socio-economic status and parenting on youth crime rates. Interviews with judges, prosecutors, advocates, and juvenile law experts provide insights on parental punishment policies. Combining normative and empirical methods, the research aims to enrich criminal law policy by considering both legal frameworks and underlying social-psychological factors.

Discussion

Post-pandemic social changes following COVID-19 have had a significant multidimensional impact on parenting patterns. The pandemic not only disrupted the economic and educational sectors but also fundamentally altered social interactions within families. Mobility restrictions, the implementation of online learning systems, and economic pressures experienced by many households have reduced the quality of parental supervision over their children. The impact of these conditions is reflected in the increasing involvement of children in criminal acts, which calls for an in-depth evaluation of the role of parents in preventing juvenile delinquency.According to data from Indonesia’s Central Statistics Agency (BPS) in 2024, the number of children aged 0–19 years in Indonesia is 88.24 million. This age group accounts for approximately 31.3% of Indonesia’s total population of 281.60 million people in 2024. This data highlights that nearly one-third of Indonesia’s population consists of children, emphasizing the critical role of parents in shaping children's character and behavior. Given this significant number, preventive and educational approaches in parenting are crucial to preventing children’s involvement in legal conflicts.

Figure 1
Proportion of Children Aged 0–19 Years in Indonesia's Population (2024)



Source: Adapted from Badan Pusat Statistik (2024)

The shift in parenting patterns after COVID-19 shows that the pandemic forced parents to spend more time at home and accompany their children, but it also brought new challenges such as stress, fatigue, and psychological pressure due to work burdens and online learning. Most parents applied a democratic parenting style, but permissive parenting also increased, giving children more freedom without adequate supervision. Parents tended to adapt by using technology for education and entertainment, but increased screen time often reduced direct interaction, leading to decreased attention to children. Economic pressure, health concerns, and changes in routine made parents more vulnerable to stress and less patient, causing children to feel emotionally neglected even though their parents were physically present more often. After the easing of social restrictions, parents became busier outside the home again, leading to a decline in quality time with their children and a renewed risk of lack of attention and supervision.

Data from KPAI in 2020 shows that child supervision during home learning was more often carried out by mothers than by fathers.

Figure 2
Activities Guidance While Learning at Home

ACTIVITIES GUIDANCE WHILE LEARING AT HOME (KPAI, 2020)

	ALWAYS	OFTEN	SOMETIMES	RARELY	NEVER
FATHER	10,8%	18,9%	32,7%	16,6%	21%
MOTHER	32,6%	32,6%	25,8%	10,4%	11,2%

Source: Komisi Perlindungan Anak Indonesia (KPAI), 2020

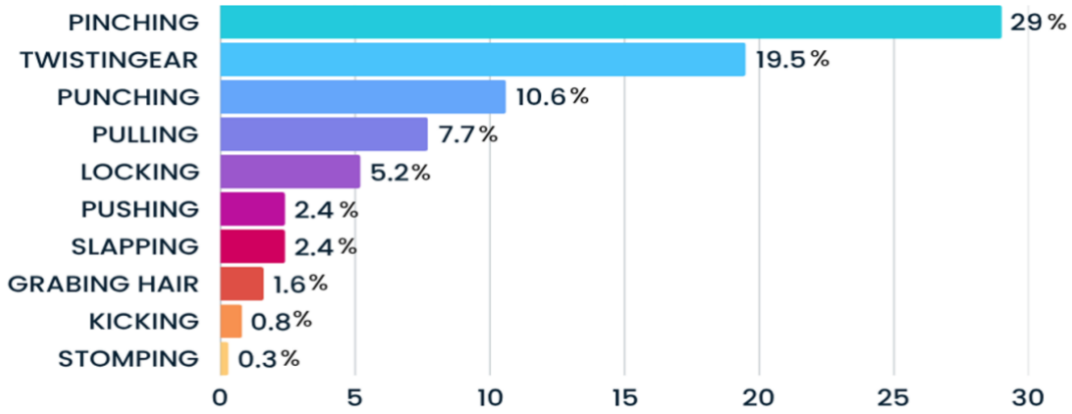
Figure 3
Activities Guidance Besides Learning

	ALWAYS	OFTEN	SOMETIMES	RARELY	NEVER
FATHER	11,1%	23,4%	31,9%	16,1%	17,5%
MOTHER	15,6%	31,9%	28,7%	12,1%	11,7%

Source: Komisi Perlindungan Anak Indonesia (KPAI), 2020

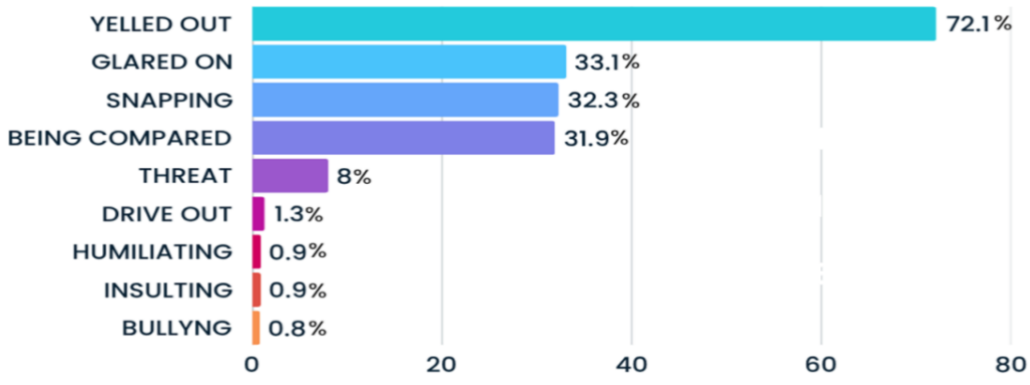
During the pandemic, children also experienced physical and psychological abuse by their parents. The most prevalent forms of physical abuse were pinching (29%), flicking (19.5%), and hitting (10.6%). Meanwhile, the most dominant forms of psychological abuse included scolding (72.1%), glaring (33.1%), and shouting (32.3%).

Figure 4
Monthly Trend of Children Registered as Suspects (2024)



Source: Data compiled from national child protection reports (2024)

Figure 5
Types of Crimes Committed by Children



Source: Data compiled from child protection reports (KPAI, 2024).

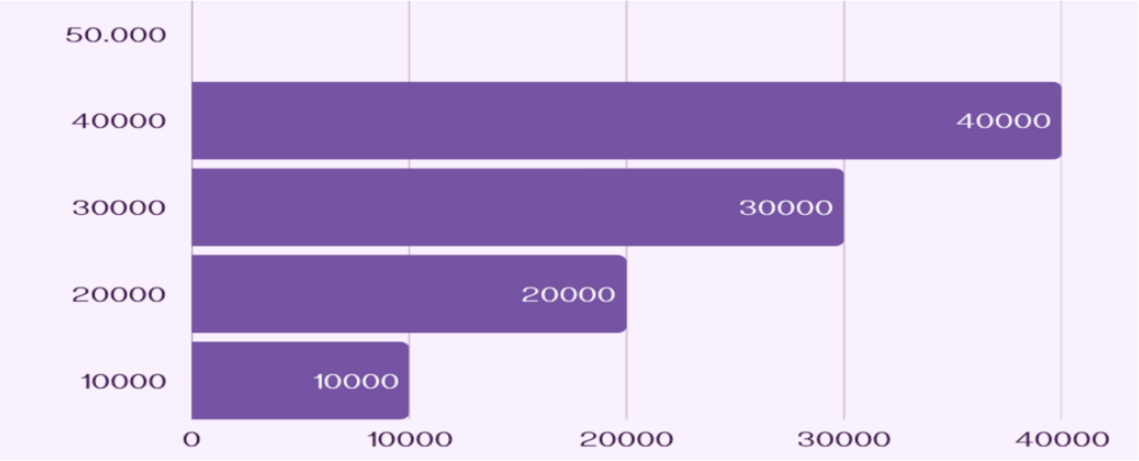
Social transformation has affected family social control dynamics. Pandemic-related economic instability made it harder for many parents to fulfill their roles effectively. This, combined with growing social inequality, increased vulnerability to negative influences like crime in certain communities. Therefore, examining how economic hardship weakens family social control is essential to understanding rising juvenile delinquency rates (Shoemaker & Wolfe, 2016).

From the perspectives of developmental psychology and criminology, there is a strong correlation between parenting strategies employed by parents and children's propensity to engage in delinquent behavior. Research indicates that negative parenting (characterized by unclear structure, authoritarianism, or permissiveness/indulgence) can hinder the internalization of social values, discipline, critical thinking, and wise decision-making in children, thereby contributing to an increase in juvenile delinquency cases.

The surge in juvenile crime rates following the pandemic demonstrates that modern family structures increasingly face challenges in fulfilling their primary socialization functions. The weakening of informal social control mechanisms within the family renders children more vulnerable to involvement in criminal activities. Several studies indicate that children raised in unstable family environments or under inadequate supervision are more likely to engage in criminal acts compared to those raised in supportive environments with effective parenting (Parker, 2018).

Data on children in conflict with the law from January to July 2024 indicates a total of 40,079 children involved, with the following details:

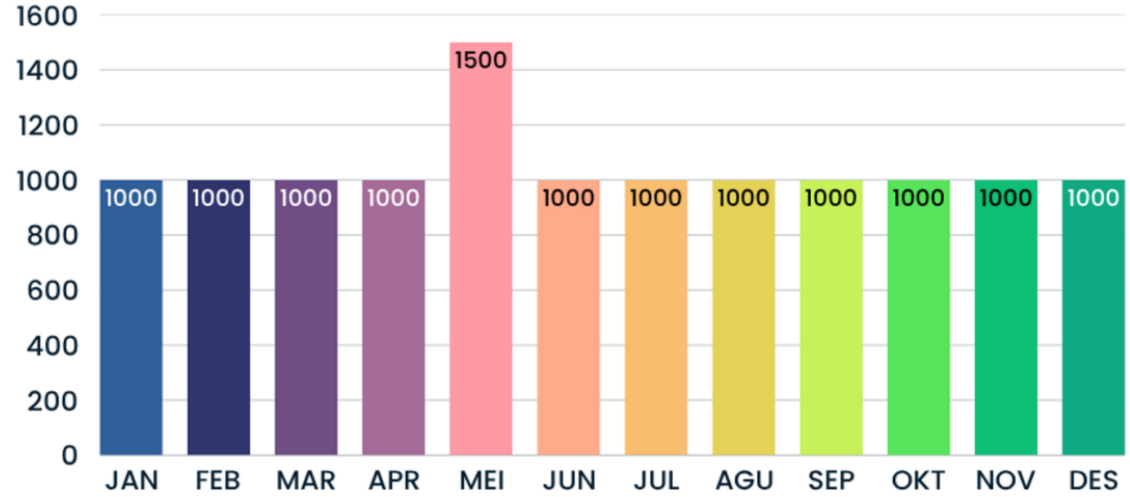
Figure 6
Children in Conflict With the Law in Indonesia (January – July 2024)



Source: Data compiled from national child protection reports (2024)

On average, approximately 1,000 children were registered as suspects each month in 2024, with the highest peak occurring in May 2024, involving 1,481 children.

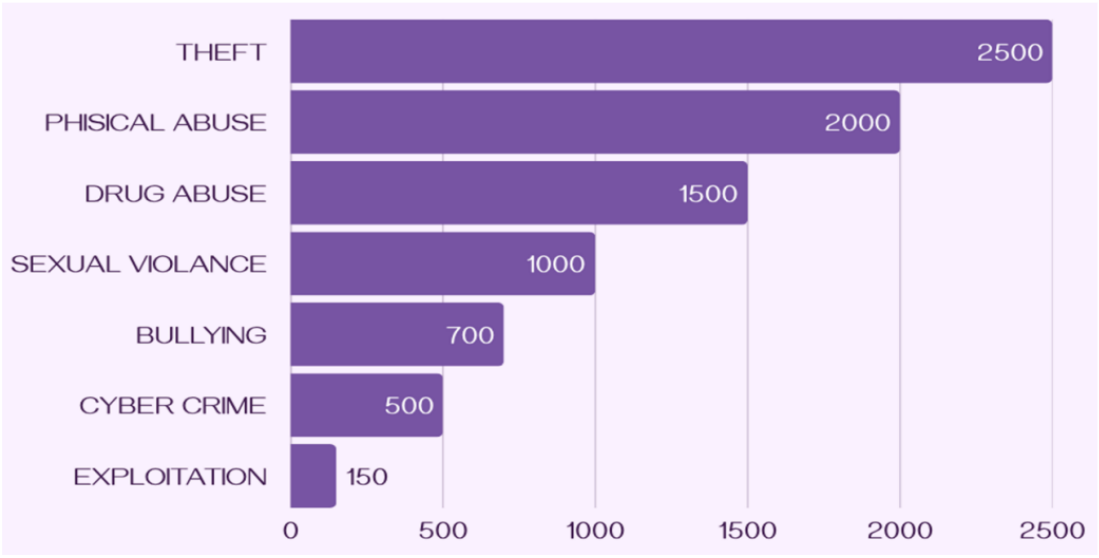
Figure 7
Monthly Trend of Children Registered as Suspects (2024)



Source: Data compiled from national child protection reports (2024)

The most frequently committed crimes by children are theft, followed by physical violence/assault, and drug abuse. Sexual violence/offenses and bullying are also prominent. Cybercrimes and exploitation occur less frequently but remain a cause for concern.

Figure 8
Types of Crimes Committed by Children



Source: Data compiled from child protection reports (KPAI, 2024)

In this context, the concept of parental responsibility laws emerges as a pertinent subject for further examination. Several countries have adopted such policies as a means to enhance parental accountability in child-rearing. By imposing legal consequences on parents who neglect their supervisory duties, it is anticipated that parental responsibility will increase, thereby fostering an environment conducive to the moral and social development of children. However, the implementation of parental responsibility laws in Indonesia requires more comprehensive analysis to ensure alignment with the local legal system and cultural context.

The Implementation of Criminal Sanctions on Parents of Children in Conflict With the Law From the Perspective of Jeremy Bentham's Utilitarianism

In criminal law discourse, the principle of individual liability constitutes a fundamental premise, underscoring that criminal sanctions may only be imposed on those who have directly committed the criminal act. However, in certain jurisdictions, the concept of parental responsibility laws has been adopted as a policy instrument to address the high incidence of juvenile delinquency. From the perspective of Jeremy Bentham's utilitarianism, this policy can be analyzed through the principle of *"The Greatest Happiness of the Greatest Number,"* which emphasizes that laws should be designed to maximize social welfare (McHugh, 2008, p. 1). Bentham's utilitarianism is grounded in consequentialism, meaning that the legitimacy of a legal policy is measured by its positive impact on society. The implementation of parental responsibility laws aims to enhance parental accountability in child-rearing and directly reduce the potential involvement of children in criminal acts. Should parents understand that negligence in supervision may result in criminal sanctions, an incentive is created for more attentive monitoring of their children's behavioral development (Hanafy, 2021, p. 1).

Within the Indonesian legal system, the imposition of criminal sanctions on parents remains a complex and contested issue. Articles 55 and 56 of the Indonesian Penal Code (Kitab Undang-Undang Hukum Pidana—KUHP) stipulate that a person may only be held criminally responsible if proven to have participated or assisted in the commission of a criminal offense. However, Indonesian law has yet to explicitly accommodate the concept of parental responsibility laws, except in cases of child exploitation as regulated under Law Number 35 of 2014 on Child Protection, particularly Article 76I. Therefore, the adoption of parental responsibility laws within Indonesia's criminal law framework necessitates legal reforms that consider the principles of proportionality and justice.

From a utilitarian framework, this policy must be evaluated based on its benefits and potential adverse impacts on society. One principal benefit is the increased awareness among parents regarding the importance of supervising their children as a preventive measure to reduce juvenile delinquency and crime rates. Conversely, the enforcement of parental responsibility laws may impose a heavier burden on impoverished families who lack adequate resources for optimal child-rearing. In such circumstances, Bentham's principle of the felicific calculus becomes highly relevant, as laws implemented must generate social benefits that outweigh the potential suffering caused (Warke, 2000, p. 20).

The principle of proportionality is crucial in imposing criminal sanctions on parents. Bentham highlights that law's effectiveness depends on balancing punishment with societal benefits (McHugh, 2008). Rigid application of parental responsibility laws risks discriminating against disadvantaged groups. Therefore, mitigation through parental guidance and social interventions for high-risk families is necessary. Comparative examples show varied approaches: some U.S. jurisdictions use administrative sanctions, while the U.K. favors social interventions before criminal penalties (Ministry of Justice UK, 2009). Success depends on coordination among the justice system, schools, and social welfare agencies.

Effective implementation of parental responsibility laws in Indonesia requires a balance between punitive and preventive measures. Criminal sanctions should be a last resort, while social interventions and educational programs take priority in promoting parental responsibility. The law should act not only as punishment but also as guidance and

prevention. First, comprehensive empirical research is needed to evaluate the legal, social, and economic impacts to avoid unintended harm. Collaboration among academics, legal experts, and child protection agencies is essential to align policies with Indonesia's social and cultural context.

Considering the above factors, the implementation of parental responsibility laws in Indonesia must proceed with caution and be evidence-based. Bentham's utilitarian principle demands that legal policies confer the greatest benefit to the broader society. Therefore, a combination of social interventions and proportionate legal regulations is the key to establishing a more just and effective legal system that safeguards the welfare of children and society as a whole.

The Principle of Parental Criminal Liability in the Indonesian Legal System

Within the framework of Indonesian criminal law, the principle of individual liability constitutes the fundamental pillar of criminal responsibility, affirming that an individual is accountable for actions committed directly with the element of fault (*mens rea*). This principle, consistent with the Indonesian Penal Code (Kitab Undang-Undang Hukum Pidana—KUHP), does not automatically associate parental criminal liability with the criminal acts committed by their children. The KUHP, particularly Articles 55 and 56, governs participation in criminal acts as principal offenders, accomplices, or participants, without explicitly affirming parental criminal responsibility for the child's offenses. In Indonesia, cases of parental neglect are more commonly addressed through civil law or child protection regulations.

Sudarto emphasizes that Indonesian criminal law focuses on the individualization of punishment as a manifestation of the principle of legality and fault, tending to adopt a repressive stance against offenders without adequately considering environmental and social factors (Sudarto, 1983). Internationally, parental responsibility laws have emerged as a trend to enforce parental accountability. In the United States, certain jurisdictions, such as California, impose criminal sanctions on parents proven negligent in supervising their children, leading to criminal acts (Zimring, 2005). This approach aims to increase parental awareness and responsibility while reducing juvenile delinquency. However, criticisms arise regarding potential violations of the principle of personal guilt within modern criminal law (Garland, 2001), and the effectiveness of such laws remains debated, considering that juvenile delinquency is influenced not only by parenting but also by social and economic environments.

In Indonesia, under civil law and child protection frameworks, Law Number 35 of 2014 on Child Protection mandates a constitutional obligation for parents to guide, supervise, and protect their children. Failure to fulfill these obligations may result in administrative or criminal sanctions; however, the primary focus remains on child protection. Enforcement in such cases faces challenges, particularly in proving the causal relationship between parental negligence and the child's criminal behavior.

From an Islamic legal perspective, criminal liability similarly remains individual, though there is moral and social responsibility placed upon parents for child education. Some Islamic countries, such as Saudi Arabia and Iran, permit parental liability if negligence in moral education leads to a child's involvement in criminality (Kamali, 2008), reflecting the normative and moral nature of this responsibility. The concept of strict liability is also

pertinent in comparative criminal law, where jurisdictions like England and Canada apply it to parents negligent in supervising children who commit crimes. For instance, in England, parents may be fined or face civil penalties if their children repeatedly engage in criminal acts. Nonetheless, the application of strict liability is contested among criminal law scholars due to its potential conflict with the fault principle (Simester & Sullivan, 2016), possibly resulting in injustice by penalizing parents for acts beyond their control.

Sociologically, parental supervision and guidance show significant correlation with juvenile delinquency tendencies. Studies indicate that children lacking adequate parental supervision and guidance are more vulnerable to engaging in criminal conduct (Hirschi, 1969). Therefore, although Indonesian criminal law has yet to explicitly adopt parental responsibility laws, policies that strengthen parental roles in child guidance and supervision merit consideration within national criminal law reforms. Indonesia could contemplate progressive policies to regulate parental responsibility for children in conflict with the law, but such regulations must be carefully formulated to balance the principles of legality, fault, and human rights protection to avoid injustice.Legal reform should be grounded in empirical studies evaluating the effectiveness of parental responsibility laws in various countries. Comprehensive and multidisciplinary research into the legal basis and principles of parental criminal liability in Indonesia is imperative. Given the increasingly complex social dynamics, criminal law must adapt to address challenges in child development and juvenile delinquency prevention. Consequently, the discourse on implementing parental responsibility laws requires thorough and holistic examination to enhance the legal system's effectiveness in upholding justice and protecting children.

Comparative Study of Regulations in Other Countries

Comparative criminal law studies show major differences in parental liability for children's crimes across jurisdictions. Approaches range from direct criminal sanctions to rehabilitative social interventions, shaped by each country's legal philosophy, criminology, children's rights, social policies, and cultural factors.

In the United States, several states enforce Parental Responsibility Laws holding parents legally accountable for their children's crimes. Sanctions can include administrative penalties, fines, or criminal charges for negligent supervision (Scott & Grisso, 2005). This is based on social control theory, which sees family as key in shaping behavior and neglect as a cause of delinquency (Hirschi, 1969). Studies show mixed results: some areas see lower juvenile crime, others little change.

In contrast, France adopts an administrative approach to parental responsibility. Rather than explicit criminal penalties, it employs social oversight mechanisms that require parents to ensure a conducive environment for their children's moral and social development (Mucchielli, 2008). This approach aligns with rehabilitation theory, focusing on social intervention and community-based crime prevention. French policy is considered more effective in the long term due to its emphasis on social guidance rather than punishment, offering parental coaching programs for those who fail in their responsibilities.

The Netherlands embraces a restorative justice paradigm within its juvenile justice system, prioritizing rehabilitation and education. Parental involvement in recovery programs is pivotal for enhancing understanding of effective parenting styles and strengthening social responsibility (Van der Laan & Blom, 2011). This model corresponds with positive parenting

principles, positioning parents as primary agents in shaping child behavior and preventing early criminality through psychological counseling, social work, and community activities.

Similarly, Germany emphasizes social interventions in juvenile offenses, favoring rehabilitative and community-based approaches over penal sanctions directed at parents (Dünkel, 2014). This model reflects a minimalist sentencing principle to avoid the negative consequences of repressive punishment, promoting social reintegration as a strategy to prevent recidivism. Supported by comprehensive child welfare services, this approach reduces the risk of children engaging in deviant behavior.

Parental responsibility in juvenile justice differs widely across countries. The U.S. favors punitive legal accountability, while European nations focus on prevention and rehabilitation. Comparative studies show that rehabilitative models are more effective at reducing juvenile reoffending. Holistic systems with strong social welfare achieve better long-term results. Thus, reform efforts should balance justice, rehabilitation, and child rights based on evidence.

Social and Legal Impacts

The imposition of criminal sanctions on parents for their children's unlawful conduct carries broad social and legal consequences, presenting significant challenges in formulating a just criminal justice policy. Criminological and criminal law perspectives emphasize the importance of proportionality and restorative justice principles within the concept of criminal responsibility.One prominent impact is social stigma directed at parents and their families. Goffman (1963) explains that stigma can trigger marginalization and exclusion, obstructing social reintegration. Parental punishment has the potential to exacerbate stigma, not only affecting the parents but also their children, thereby intensifying the cycle of criminality and complicating rehabilitation efforts. Such stigma may even lead to structural exclusion, hindering access to education, employment, and rehabilitative services.

Another significant consequence involves the psychological effects on children and families. Siegel and Welsh (2018) demonstrate that separation from parents due to incarceration can impose severe emotional stress on children, disrupting their psychosocial development. Bowlby (1969) underscores the importance of emotional attachment between children and parents for psychological stability, thus criminal sanctions against parents may increase the risk of mental and social disorders in children. This approach potentially conflicts with the best interests of the child principle enshrined in the UN Convention on the Rights of the Child (1989), which emphasizes rehabilitation over retribution (UNICEF, 2020). Parental incarceration may deteriorate child welfare and caregiving, escalating juvenile delinquency due to weakened family support systems.

This policy also increases the criminal justice system's burden. Garland (2001) notes that more incarceration worsens prison overcrowding, weakens rehabilitation, and raises state costs. Handling cases involving parents slows judicial efficiency and delays humane, restorative reforms. Furthermore, punishing parents harms family dynamics. Bowlby (1969) highlights the parent-child bond's role in emotional development. Sanctions can disrupt caregiving, raise the need for alternative care, and increase children's risk of reoffending due to less supervision and support.

From a legal standpoint, implementing such policies provokes debate regarding the principles of criminal responsibility. Criminal law doctrine requires punishment only for individuals

directly responsible for criminal acts (Muladi & Arief, 2013). Consequently, penalizing parents for their children's offenses may contradict the principle of individualized criminal liability, creating a dilemma between retributive and corrective justice. Other implications concern human rights and proportionality. Rawls (1971) emphasizes that legal policies must consider substantive justice to protect individuals from disproportionate repressive measures. In this context, criminal sanctions against parents may be inconsistent with inclusive and balanced justice principles.

In conclusion, policies criminalizing parents for their children's delinquent acts generate complex social, psychological, and legal consequences. Stigmatization, adverse psychological impacts on children, conflicts with the best interests of the child, and increased strain on the justice system are critical factors requiring careful consideration. Therefore, evidence-based approaches and comprehensive policy evaluations are essential to ensure a balance between legal interests, social justice, and child rights protection.

Conclusion and Recommendations

Conclusion

The increase in juvenile delinquency cases post-COVID-19 highlights the crucial role of parents in preventing youth misconduct. The pandemic has caused a decline in parental supervision, increased psychological stress on children, and changes in parenting patterns, which correlate with a rise in deviant behavior. Data from 2024 indicates that children constitute nearly one-third of Indonesia's population, underscoring the urgency for effective parenting strategies. The high incidence of physical and psychological violence experienced by children during the pandemic has further exacerbated the situation.This study, viewed through Jeremy Bentham's utilitarian perspective, suggests that imposing criminal sanctions on parents can act as a catalyst for greater accountability and improved supervision, ultimately aiming to maximize social welfare by reducing juvenile crime rates.

However, the implementation of such sanctions presents complex ethical dilemmas. While it may encourage parental supervision, these sanctions risk social stigma and place additional burdens on vulnerable families, potentially weakening the family's role as the primary social unit for child-rearing. Indonesia's current criminal law system is based on the principle of individual liability and does not explicitly regulate parental criminal responsibility except in cases of child exploitation. Comparative analysis with other countries reveals a variation in approaches; some U.S. jurisdictions adopt more punitive parental responsibility laws, whereas European countries tend to employ rehabilitative and social intervention models, which often prove more effective in the long term.Negative social and psychological impacts such as stigmatization, emotional stress on children, and increased burden on the justice system must be carefully considered.

Recommendations

Policies on parental responsibility should be comprehensive and interdisciplinary, encompassing not only sanctions but also parenting programs, psychosocial support, and restorative approaches. This aligns with the best interests of the child principle and facilitates recovery. The primary approach should focus on strengthening social interventions and educational programs for parents. Criminal sanctions should serve as an ultimum remedium (last resort), while preventive strategies and guidance programs should take

precedence.Comprehensive empirical studies are needed to evaluate the potential impact of implementing parental responsibility laws in Indonesia, taking into account legal, social, and economic dimensions. The adopted model must be balanced with local social and cultural contexts.Synergy between the criminal justice system, educational institutions, and social welfare agencies is essential to create a fair and effective legal system aimed at maximizing the overall happiness and welfare of society.

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Contact email: bonisatriosimarmata@gmail.com