ENHANCING DETERRENCE FOR CHILD MOTORBIKE RIDERS IN INDONESIA: A LEGAL SANCTIONS MODEL

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ABSTRACT

Objective: The main objective of this research is to formulate a concept for recommendations for changes in the regulation of criminal sanctions and the concept of compensation responsibility, which can provide a deterrent effect against violations by child motorbike drivers.

Method: This research was conducted using a normative legal research method with a statutory approach.

Results: This research found disharmony in the concept of children, and there is no regulation of criminal sanctions and responsibility for compensation for parents or families. Child motorbike driver violations provide more significant benefits and profits to parents or families. The contribution of this research can provoke legislators to encourage the participation of parents or families to help prevent child motorbike drivers by regulating the imposition of criminal sanctions and responsibility for compensation, and can immediately harmonize the concept of children in statutory regulations.

Conclusions: Criminal sanctions for child motorbike drivers are similar to those for adult drivers. Violations for child and adult motorbike drivers use different criminal justice systems. The difference in the concept of children between Law Number 22 of 2009 regarding Road Traffic and Transportation (RTT) and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (JCJS), results in ambiguity in law enforcement for child motorbike driver violation.

Keywords: child motorbike drivers, criminal sanctions, responsibility for driver compensation, juvenile criminal justice system.

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REFORÇO DA DISSUASÃO PARA OS MOTOCICLISTAS INFANTIS NA INDONÉSIA: UM MODELO DE SANÇÕES LEGAIS

RESUMO

Objetivo: O principal objetivo desta pesquisa é formular um conceito de recomendações para mudanças na regulamentação de sanções penais e o conceito de responsabilidade de compensação, que pode proporcionar um efeito dissuasor contra violações por motoristas de moto criança.

Método: Esta pesquisa foi realizada usando um método de pesquisa legal normativa com uma abordagem estatutária.

Resultados: Esta pesquisa encontrou desarmonia no conceito de crianças, e não há regulamentação de sanções penais e responsabilidade por indenização para os pais ou famílias. Violações ao motorista de moto infantil proporcionam benefícios e lucros mais significativos aos pais ou famílias. O contributo desta investigação pode levar os legisladores a incentivar a participação dos pais ou das famílias para ajudar a prevenir os condutores de motociclos infantis, regulando a imposição de sanções penais e a responsabilidade pela indenização, e pode harmonizar imediatamente o conceito de crianças nos regulamentos legais.

Conclusões: As sanções penais aplicáveis aos condutores de motociclos infantis são semelhantes às aplicadas aos condutores adultos. As violações de motoristas de motos de crianças e adultos usam diferentes sistemas de justiça criminal. A diferença no conceito de crianças entre a Lei n.º 22 de 2009 relativa ao Tráfego Rodoviário e Transportes (RTT) e a Lei n.º 11 de 2012 relativa ao Sistema de Justiça Penal Juvenil (JCJS), resulta em ambiguidade na aplicação da lei para a violação de motoristas de motocicletas infantis.

Palavras-chave: motoristas de motos infantis, sanções criminais, responsabilidade pela indenização do motorista, sistema de justiça criminal juvenil.

1 INTRODUCTION

Research on child motorbike riders is a form of road safety research that focuses on preventing driver errors as the leading cause of traffic accidents, and this is a program of the European Union and the United Nations. (Martinussen et al., 2017; Papadimitriou et al., 2022). One aspect that can prevent driver errors is psychological maturity so that they can handle unexpected situations. Driving is sometimes faced with situations that pose dangerous threats and cannot be predicted in advance. Therefore, a good driver must be able to assess a potentially risky situation and take safe action preventively (Papini et al., 2022, p. 1).

The definition of a driver according to RTT, Article 1 number 23, is "a person who drives a motorized vehicle and has a driver's license". According to the Republic of Indonesia State Police Regulation Number 5 of 2021 concerning the Issuance and Marking of Driving Licenses, Article 3 paragraph (2) letter g, and Article 8 letter a, motorbike riders with an engine cylinder capacity of up to 250 cc must have A C-Class...
Driver’s License. The requirement to obtain a C-Class Driver’s License must be at least 17 years old. The requirement to have a C-Class Driver’s License for motorbike riders is an imperative norm so that children not yet 17 years old are prohibited from driving motorbikes because they do not meet the age requirements to have a C-Class Driver’s License.

The concept of a child motorbike rider in this research is a child under 17 years old driving a motorbike with a maximum engine cylinder capacity of 250 cc. This concept is used because child motorbike riders in Indonesia generally use motorbikes with a maximum engine cylinder capacity of 250 cc.

The phenomenon of child motorbike riders is a fundamental violation of the law because they drive a motorbike without having a C-Class Driver’s License. Violating these legal obligations can result in other traffic crimes, such as causing accidents resulting in death, injury or property damage or driving in a manner and condition that endangers himself or other road users. (Nugroho & Pujiyono, 2022, p. 52). Many previous studies have shown that a driver's license proves the holder has reasonable physical, cognitive and psychological function (Itotani et al., 2022, p. 1).

Norms prohibiting child motorbike riders cannot be practical if sanctions are only imposed on the perpetrator, without any sanctions on parents or families who allow or facilitate children to drive motorbikes. Applying a punishment system only to perpetrators is ineffective in providing a deterrent effect on riders to change their violating behaviour by accepting punishment (Auksė et al., 2022, p. 1).

Supposedly, traffic crimes committed by motorbike riders who are 17 years old should be tried based on the adult criminal justice system because RTT sets 17 years of age as the minimum age requirement to obtain a C-Class driver's license. However, according to the JCJS, 17 years of age is still categorized as a child, so they are tried under the juvenile criminal justice system. This happens because of differences in children’s concepts between RTT and JCJS, so law enforcement of criminal acts involving child motorbike riders does not provide a deterrent effect.

However, the phenomenon of child motorbike riders is considered normal because it has become a common sight on the road, and parents or families feel they have no responsibility to prevent it, even though victims continue to happen all the time. In a traffic accident, a 16-year-old child motorbike driver named Siska Naura, who was riding with his friend, 16-year-old Fadila Sabina, fell from the motorbike and died because he
was run over by a truck trailer. (Tribunnews, 2020). A similar incident happened when 13 13-year-old junior high school student fell while riding a motorbike because he hit a road divider on his way to school. (Solopos.com, 2022). The death of the child motorbike driver is proof that parents or families do not play a role in preventing child motorbike riders because they allow their children to drives motorbikes to school. Deaths of child motorbike riders continue to occur in various places in Indonesia, so such deaths are considered regular events and accepted as a destiny from God, so it is not surprising that in 2022, the most traffic accident victims in Indonesia will be children aged 15 to 19 years (Abdul Warits M Lutfi Hermansyah, 2023; Moh Syafii, 2023). Deaths and injuries resulting from similar motorbike accidents occur in countries like Australia (Bedru et al., 2022; Stephens et al., 2017). Another impact of traffic accidents is that they contribute directly to increasing poverty rates if the victim is the family's breadwinner. (Ridwan Arifin, 2020).

Guaranteeing protection for children's safety from the possibility of becoming victims of traffic accidents requires collective commitment and collaboration from all stakeholders, including parents or family. So, efforts to prevent child deaths so that they do not become victims of traffic accidents must be seen as part of activities to save the younger generation.

The phenomenon of child motorbike riders is very worrying because even though it has caused many fatalities, there have been no serious efforts to increase awareness of parents or families to prevent or prohibit children from driving motorbikes. The phenomenon of child motorbike riders in Indonesia is the opposite of advanced industrial countries such as the United Kingdom, child and teenage riders continue to decline because the younger generation prefers to use public transport. (C. Wu et al., 2021, p. 2).

The benefits or contributions of this research are: first, it could provoke legislators to immediately change RTT, which encourages parental or family participation to prevent child motorbike riders through regulations that impose criminal sanctions and civil sanctions on parents or families; secondly, as a recommendation to legislators to harmonize the concept of children, between RTT and JCJS.

The weakness of this research is that it uses limited respondents using purposive sampling so that the data obtained does not reflect the representation of the phenomenon being studied.
2 METHODOLOGY

This research was carried out in a normative juridical manner, with a statutory approach, which examines and analyzes first. Primary legal materials consisting of RTT, Indonesia Civil Code (book III), Law Number 23 of 2002 concerning Child Protection and its amendments, JCJS and Republic of Indonesia Police Regulation Number 5 of 2021 concerning the Issuance and Marking of Driving Licenses, secondly, secondary legal materials consisting off, literature transportation law, juvenile justice system, child protection and bond law.

Then using data from the Palu City Resort Police, about child motorbike driver traffic accidents that occurred in Palu City in 2022. The data was obtained by recording documents and in-depth interviews face-to-face, the Head of the Traffic Accident Law Enforcement Unit, and the Traffic Accident Administration Officer of the Palu City Resort Police. These respondents have duties, functions, and authority to investigate, investigate and mediate between parties involved in traffic accidents. Apart from that, it is equipped with the results of interviews with the parents of 5 child motorbike riders, which were determined using purposive sampling through observations and information from other people. Interviews were conducted in-depth, face to face, by using a list of unstructured questions and open answers. All legal materials and interview results were analyzed descriptively and qualitatively.

3 RESULT AND DISCUSSION

3.1 REGULATION OF THE PROHIBITION OF CHILD MOTORBIKE RIDERS IN INDONESIA

The obligation for motorbike riders to have a C-Class Driver’s License and the minimum age requirement of 17 years to obtain a C-Class Driver’s License is a mandate from RTT, which is imperative. Although the law prohibits child motorbike drivers, the phenomenon of child motorbike drivers is increasingly rife, because people easily acquire or own motorbikes. This is reflected in the growth in motorbikes, which tends to increase yearly.

Data on the number of motorbikes in Indonesia in 2021 amounted to 120,042,298 units, then in 2022, it increased to 126,993,797 units or 83.27% of the total number of motorized vehicles in existence. (Central Statistics Agency, 2022). This data shows that people prefer to use motorbikes to support their daily activities, compared to other types
of motorized vehicles. In percentage terms, the number of motorbikes in Indonesia exceeds the percentage of the number of motorbikes in India, which is only 70% of all motorized vehicles in existence. (Sumit et al., 2021, p. 2). The growth in motorbikes surpassing all other motorized vehicles has almost hit all low and middle-income countries. (Erdogan et al., 2013, p. 1)

The reason behind the ban on child motorbike riders is that child driving is seen as an activity that endangers the safety of oneself and/or others and has a higher potential for experiencing accidents due to a lack of experience and low response to danger (Ross et al., 2015, p. 2). The risks of child motorbike riders are explained scientifically with neurocognitive evidence, namely the existence of an imbalance between the development of the social and affective brain and the cognitive control system during the transition from child to adult. (Sumit et al., 2021, p. 2).

Although various studies explain that there is no significant relationship between traffic errors, control error violations and severe injuries due to accidents (Sumit et al., 2021, p. 12), accidents usually occur because they are preceded by violations of traffic regulations (STEKOM University, 2023). The study explains a strong and consistent relationship between rider age and the risk of moderate to fatal injury, and young riders are at much greater risk of fatal accidents, including when driving with peers (Baumann et al., 2019; Ross et al., 2016). This is confirmed by data which explains that, among the many factors that cause child deaths, one of them is traffic accidents (Wanke et al., 2023, p. 3). Indonesia is in third place, and globally, traffic accidents are the 15th cause of child disability (DR HARI WAHYU NUGROHO, 2023), with the death toll worldwide reaching 1.35 million people, the majority of whom are children and young adults aged five years to 29 years (Bazilio et al., 2022, p. 2).

Realizing the risk of possible traffic accidents that could befall child motorbike riders, RTT regulates age restrictions as a condition for obtaining a C-Class Driver’s License. Similar restrictions apply in several countries, such as in India, age 16 with parental permission (International Riders Association, 2021); in the United States, the age limit is different for each state, such as North Dakota 16 years, Oregon 17 years and Ohio 18 years (DriveyourCar.Com, 2021). In contrast, in France, the age is 16 with certain conditions, and in Germany, the age is 17 years. East Asian countries, such as China, Hong Kong, Japan, Macau, South Korea and Taiwan, have an average of 18 years. In Southeast Asia, Indonesia and Malaysia have a minimum of 17 years, the Philippines has
a minimum of 16 years, while Brunei, Myanmar, Cambodia, Laos, Singapore, Thailand and Vietnam have a minimum of 18 years (Merdeka.Com, 2023).

Every motorbike driver is required to have a C-Class Driver’s License as proof of driving competency. C-Class Driver’s License is an imperative requirement that every motorbike driver must fulfill because the driver plays an essential role in realizing security, safety and order on the road (Disassa & Kebu, 2019; Timmermans et al., 2019). Riders must have competence because the driver determines all motor vehicle movements, and the driver is also the dominant factor causing accidents (Abolvardi et al., 2023, p. 4). Apart from that, the driver makes the final decision in determining the selected vehicle speed, and the vehicle speed factor is the most significant factor causing accidents (Consunji et al., 2022; Debnath et al., 2021; Hail & McQuaid, 2021). All countries know that traffic accidents pose a substantial economic burden and are a severe health problem because they significantly impact the number of global deaths, disabilities, reduced quality of life and high costs of health services (Bazílio et al., 2022; Haque et al., 2013; F. Wu et al., 2023; Zhang et al., 2020).

RTT, as a legal product, must have the principle of clarity of purpose and be supported by a legal basis (Siallagan & Syuhada, 2023, p. 11). One of the goals that RTT wants to achieve is to eliminate the number of accidents that result in death, and the same goal is regulated in the laws of other countries, such as Singapore (2011, 2014; Bump et al., 2019; F. Wu et al., 2023).

One way to prevent traffic accidents is to set a minimum age limit for those with a C-Class Driver’s License. Setting a minimum age restriction to obtain a C-Class Driver’s License is a provision that prohibits underage motorbike riders, and this prohibition cannot be effective because it is not accompanied by sanctions that can have a deterrent effect.

3.2 REGULATION OF CRIMINAL SANCTIONS FOR CHILD MOTORBIKE RIDERS

Criminal responsibility must be understood as the ability to answer or respond to accusations put forward in court because responsibility means to be responsible to someone for the criminal act they have committed (Coeckelbergh, 2010; Mahrus Ali, 2013).
One effort to prevent traffic accidents is to regulate criminal sanctions for child motorbike riders. There are two types of criminal sanctions in RTT; first, it is a violation; second, it is criminal. The provisions for criminal sanctions that are violations are the obligation to have a driver's license (Article 281), driving unreasonably (Article 283), having to give priority to pedestrians (Article 284), driving a motorbike that does not meet the technical and roadworthy requirements (Article 285 paragraph 1), disobeying traffic sign regulations (Article 287), using a motorbike that is not equipped with a Motor Vehicle Registration Certificate (Article 288), obligation to wear the Indonesian national standard helmet (Article 291), obligation to turn on headlights at night (Article 293), transport more than one passenger (Article 292), must give signal lights when turning direction (Article 294), change lanes without giving signal lights (Article 295), not stop at railway crossings when there is a signal that the crossing doors will be closed (Article 296), racing on the road, causing traffic accidents (Article 296). Article 297). Meanwhile, the criminal provisions of RTT which are criminal are riders who, due to their fault, are involved in accidents (Article 310), driving in a way that endangers life or property (Article 311), and riders who are involved in accidents but do not stop assisting the victim (Article 312).

Criminal sanctions like violations or criminal sanctions like crimes do not differentiate between child motorbike riders and adult motorbike riders, even though the law enforcement process uses a different criminal justice system, namely for child motorbike riders, the child criminal justice system applies. In contrast, for riders, adult motorbikes apply to the adult criminal justice system. As is known, there is an elementary difference between resolving cases through the juvenile criminal justice system and resolving criminal cases through the adult criminal justice system, namely that the juvenile criminal justice system does not aim at punishment, but places more emphasis on restorative justice and diversion so that children are protected from harm. The judicial process can give a negative stigma, preventing people from becoming victims of crime and providing a deterrent effect so that they do not repeat their actions.

Therefore, perpetrators of juvenile crimes who are tried through the juvenile criminal justice system are not intended to receive criminal punishment, but are resolved through an agreement between the parties. So, the final result of the juvenile criminal justice system is not the imposition of criminal responsibility on children through criminal punishment. In this practice, most countries do the same thing, namely that child criminals
are resolved through a particular juvenile justice system (Oliveira et al., 2022, p. 2). The practice of resolving traffic criminal cases involving child motorbike riders utilizing diversion has been implemented in Palu City for three cases in 2022. The advantage of resolving cases through fair peace between the perpetrator and the victim is that it provides better results, the parties feel safer, less annoyed, highly satisfied, and quicker resolution of cases (Jiang et al., 2023).

Apart from resolving child motorbike driver cases through diversion, they can also be resolved through restorative justice. Settlement through restorative justice can be done if a peace agreement is reached between the perpetrator and the perpetrator is responsible for fulfilling the victim's rights.

The application of restorative justice in the criminal justice system is commonly implemented in various countries (Ali Al-Hassani, 2021; Hasona & Khatib, 2022; Hobson et al., 2022; Marder, 2020; Mutsaers & de Vries, 2023; Zhang & Xia, 2021). Settlement of cases through restorative justice emphasizes recovering losses experienced by victims and is not aimed at punishment as retaliation (D'Souza & Shapland, 2023; Jeffries et al., 2021; Marshall, 1991). The restorative justice approach effectively recovers victims' losses and reduces violations (Hobson et al., 2022; Jeffries et al., 2021; Sweeney, 2022).

The difference between the juvenile criminal justice system and the adult criminal justice system has an impact on the differences in the concept of children, according to RTT and JCJS. According to RTT, Article 81 paragraph (2) letter a, the concept of a child who is not yet 17 years old, while the concept of a child in JCJS, Article 1 number 3, is a child aged between 12 years and before 18 years. The legal consequence of the difference in the concept of children is that if a motorbike driver who is 17 years old and has a C-Class Driver’s License commits a traffic crime, the case is resolved through the juvenile criminal justice system, even though according to RTT Article 82 paragraph (2) letter a, are considered adults because they have met the requirements for obtaining a C-Class Driver’s License. The different concepts of children result in inconsistencies in the process of enforcing traffic criminal law because the driver, who already has a C-Class Driver’s License and is 17 years old, is tried based on the JCJS, even though according to RTT, he is already classified as an adult, so he should be tried according to the adult criminal justice system. The legal consequence is that even though the driver is considered an adult because he has a C-Class Driver’s License. After all, the JCJS still
considers him a child, and the case is resolved through diversion. The application of diversion in criminal cases involving motorbike riders should only apply to motorbike riders who are not yet 17 years old, not those who are 17 years old, as regulated in the JCJS. It is generally known that there are differences in various countries regarding the age limit for adulthood, so they should be tried according to the adult criminal justice system. The legal consequence is that even though the driver is considered an adult because he has a C-Class Driver’s License. After all, the JCJS still considers him a child, and the case is resolved through diversion. The application of diversion in criminal cases involving motorbike riders should only apply to motorbike riders who are not yet 17 years old, not those who are 17 years old, as regulated in the JCJS. It is generally known that there are differences in various countries regarding the age limit for adulthood, so they should be tried according to the adult criminal justice system. The legal consequence is that even though the driver is considered an adult because he has a C-Class Driver’s License, the case is resolved through diversion because the JCJS still considers him a child. The application of diversion in criminal cases involving motorbike riders should only apply to motorbike riders who are not yet 17 years old, not those who are 17 years old, as regulated in the JCJS. It is generally known that there are differences in various countries regarding the age limit for adulthood, then the matter is resolved through diversion. The application of diversion in criminal cases involving motorbike riders should only apply to motorbike riders who are not yet 17 years old, not those who are 17 years old, as regulated in the JCJS. It is generally known that there are differences in various countries regarding the age limit for adulthood, then the matter is resolved through diversion. The application of diversion in criminal cases involving motorbike riders should only apply to motorbike riders who are not yet 17 years old, not those who are 17 years old, as regulated in the JCJS. It is generally known that there are differences in various countries regarding the age limit for adulthood, then the matter is resolved through diversion. The application of diversion in criminal cases involving motorbike riders should only apply to motorbike riders who are not yet 17 years old, not those who are 17 years old, as regulated in the JCJS. It is generally known that there are differences in various countries regarding the age limit for adulthood, and they vary over time. In the United States, the age of majority is 18 years, and varies for specific criminal responsibility; in United Kingdom law, the age of criminal responsibility is 12 years (Morse, 2020, p. 2), but there should be harmonization of the concept of children that applies in one country, so as not to cause ambiguity in its implementation.

There are differences in the characteristics of child motorbike driving crime and other forms of child crime. Intention and opportunity alone are insufficient reasons for criminal acts involving child motorbike riders. Even if you have the intention and have
the opportunity, if you do not have driving skills and do not have a motorbike, then a crime cannot occur. To have driving skills, you must practice repeatedly and be guided by someone already skilled. Then, a motorbike is needed to practice driving, obtained by borrowing or giving it to someone else. This is different from other criminal acts, such as theft; theft can occur if there is intention and an opportunity. No special skills are generally required to commit the crime of theft, such as driving a child motorbike. Due to these differences, preventing criminal acts of child motorbike riders is technically easier than preventing criminal acts of theft and other crimes.

Normatively, there may be a burden of responsibility for compensation for parents or family due to the actions of child motorbike riders because Law Number 23 of 2002, as amended by Law No. 35 of 2014 concerning Child Protection, regulates the obligations and responsibilities of parents or family, to educate and protect children. The actions of parents or family who allow children to drive motorbikes can be classified as acts of violence against children because, as a result of the actions of parents or family, children can experience accidents, which can result in death or injury. In addition, relationally, the child's existence as an individual lies between structure and agency, so the responsibility model must reflect both aspects by understanding it as existing both within and outside the individual's moral agency at the same time and responsibility is shared between individuals and other people in their community (Coeckelbergh, 2010, p. 10).

Even though violations involving child motorbike riders cannot be separated from the role of parents or family, RTT, as a legal rule that regulates riders, does not impose criminal sanctions on parents or families who allow or facilitate child motorbike riders. The absence of these regulations results in parents or families consciously providing motorbikes to children, even though they are still young enough to drive (Tagel et al., 2019, p. 46). The lack of a deterrent effect on violators is not only caused by a legal vacuum but is related to the structural basis of the law of accountability (Bienenstock, 2019, p. 96).

3.3 MODEL FOR ALLOCATING RESPONSIBILITY FOR COMPENSATION FOR CHILD MOTORBIKE RIDERS

Common law and civil law traditions view compensation as compensation for the victim’s losses, not as a form of punishment for the perpetrator (Bienenstock, 2019, p. 38). This principle is called the "principe de réparation intégrale". The idea underlying
this principle is that victims should not enrich themselves from fulfilling civil responsibilities because the characteristic of civil responsibility is to return losses to their original state before the losses suffered by the victim occur (Bienenstock, 2019, pp. 32–33). Principle de réparation intégrale, also adhered to by RTT, Article 234, and Article 236, stipulating the responsibility of child motorbike riders to compensate victims. The responsibility for compensation is borne by the child motorbike driver, not the parents or family. The driver's responsibility for compensation to the victim applies the principle of liability based on fault. Based on this principle, the driver can free himself from responsibility for compensation if the loss suffered by the victim is not due to the driver's fault or negligence.

The regulation of the driver's compensation responsibility implies that every driver must have the economic capacity to compensate the victim because, according to Indonesian Civil Law, Article 1131, a person's entire assets are collateral for all obligations he makes. The meaning of "engagement" is debt originating from an agreement or debt originating from statutory provisions (Djaja S. Meliala, 2015, p. 57). This responsibility for compensation is a form of debt that originates from the provisions of Article 234 and Article 236 of RTT.

The implementation of compensation responsibilities for child motorbike riders can be hampered because the child still needs economic independence, and all the child's needs are still entirely borne by the parents. The weakness of RTT is that it does not regulate the transfer of responsibility for compensation from child motorbike riders to parents or families.

The reason behind child motorbike driver violations is not without cause or motive because, theoretically, violators sometimes compare the benefits and costs obtained from the violation activity and decide to carry out the violation if they estimate that the benefits are greater than the costs incurred (Deffin & Ropaul, 2019, pp. 147–148). This theory explains that a person violates if the benefits or gains outweigh the losses. The reasons and considerations of parents or families who let older children drive motorbikes support this theory because even though parents or families know that driving a child's motorbike is a violation, allowing children to drive a motorbike provides more benefits for the child himself when compared if a child cannot drive a motorbike. Children who cannot drive a motorbike will be a hassle for their parents because they must be taken to and from school or other children's activities. Children who are good at driving can drive their own
motorbikes to and from school and help parents do certain jobs, such as delivering sales
goods to customers, etc. These benefits and advantages have already occurred and are
felt. In contrast, the risk of an accident that will happen to the child may not necessarily
occur, and even if it does occur, it is considered a disaster and part of the child's destiny.

The determination of criminal sanctions and compensation responsibilities
imposed on children, parents or families, must be able to exceed the benefits and benefits
of child motorbike rider’s violations.

The concept of responsibility for compensation in Article 234 and Article 236,
which is seen as a means of recovering victims' losses, needs to be changed to the concept
of civil sanctions, which are not limited to recovering victims' losses but must go beyond
all that, so that compensation for child motorbike riders is paid to Victimization is a form
of punishment that can provide a deterrent effect, so that it becomes an instrument for
preventing child motorbike riders.

Model for regulating criminal sanctions and the concept of parental or family
compensation responsibility to prevent child motorbike riders can adopt the applied
regulatory model Puducherry, India, where parents were subject to strict legal sanctions
in the form of 3 years imprisonment and a fine of Rs 25,000 because their underage child
was caught driving a motorbike (Datik.com, 2023).

4 CONCLUSIONS

RTT does not differentiate between types of criminal sanctions for child
motorbike riders and adult motorbike riders, despite the use of a different criminal justice
process.

There are distinctions in the definition of 'children' between RTT and JCJS.
According to RTT, children are defined as those under the age of 17, whereas JCJS sets
the age limit at 18.

Criminal sanctions and responsibilities for compensation related to traffic
violations involving child motorbike riders do not extend to parents or families.

The regulation of compensation responsibilities for child motorbike riders, as
stipulated in RTT's Article 234 and Article 236, fails to provide a deterrent effect for two
reasons. Firstly, the compensation payments are perceived as reimbursement for the
victim's losses based on the principle of 'principe de réparation intégrale.' Secondly, those
responsible for compensation are the children themselves, not their parents and families.
To prevent child motorbike riders, it is essential to regulate criminal sanctions and the concept of responsibility for compensation that can effectively deter parents or families. This way, they will proactively assume responsibility for preventing child motorbike riders within their respective family environments.
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