

ABSTRACT

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PARENT'S CONCEPT OF VICARIOUS LIABILITY TO CASES OF TRAFFIC ACCIDENTS CAUSED BY CHILDREN IN INDONESIA

(XII + 122 pages: 2 attachment)

Underage children often drive motor vehicles to cause traffic accidents. When a child is suspected of committing an unlawful act, the child's parent or guardian can provide or hold a substitute liability for the child's actions. This is known as vicarious liability that is substitute liability meaning a person is liable for wrongdoings committed by others who are under his or her supervision. Therefore, researchers want to know how the concept of vicarious liability in legal arrangements in Indonesia and how to solve problems with traffic accident cases caused by children through the concept of parents vicarious liability. The purpose of this study is to find out the concept of vicarious liability in legal arrangements in Indonesia and to analyze and solve the problem of traffic accident caused by children through the concept of parents vicarious liability. This research uses normative legal research methods with a statutory approach that focuses on regulating vicarious liability in Article 1367 paragraph (2) of the Civil Code and protection for children as perpetrators of traffic accidents and the interests of victims of traffic accidents which have been regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The primary data source is secondary data collected through literature studies, supported by interviews. The results of the study, namely (1) the regulation of vicarious liability in Indonesia has been regulated in Articles 1367 to 1369 of the Civil Code. The vicarious liability arrangement is also provided for in criminal law but only focuses on regulating corporate and command liability only. Therefore, in order to update the regulation of the Criminal Code, vicarious liability has been contained in the concept of the Draft Criminal Code, especially in Article 37 letter b. (2) The parent has a surrogate liability (vicarious liability) to pay material and immaterial damages to the victim in the case of a traffic accident caused by his child.

References : 87 (1983–2022)

Keywords : *Vicarious Liability, Traffic accident caused by children, Parents.*