

Criminological Aspects Of The Crime Of Murder Committed By A Child Against Biological Parents (Study of Decision Number 3/Pid.Sus-Anak/2022/PN Bnt)

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Abstract

This study examines the crime of murder committed by children against their biological parents (parricide) by focusing on the analysis of Decision Number 3/Pid.Sus-Anak/2022/PN Bnt from the perspective of criminology and Indonesian criminal law. The research method used is a normative juridical case study approach, based on the analysis of court decisions, laws and regulations, and criminological doctrines and theories. The results of the study showed that a combination of internal and external factors, such as prolonged family conflicts, domestic violence, psychological distress, emotional instability of children, and weak family supervision and parenting functions, influenced the occurrence of parricide. From a legal perspective, law enforcement against child offenders has referred to the provisions of the Criminal Code and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, emphasizing the principles of child protection and rehabilitative punishment. From a criminological perspective, this case reflects the failure of the family as the main social environment. Therefore, comprehensive prevention efforts are needed to strengthen the role of the family, promote character education, and implement psychosocial interventions to prevent the recurrence of similar crimes.

Keywords

Criminology; Murder; Biological Parents

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1. INTRODUCTION

Criminology is a branch of science that examines crime as a phenomenon arising from human behavior, drawing on related disciplines. Broadly speaking, criminology serves to understand the factors that cause crime and its impact, as well as to examine the efforts that can be made to prevent future crimes. (Muliadi, 2020)

Criminology is a branch of science in criminal law that seeks to understand how crimes arise comprehensively, what factors influence a person to act against the law, and the steps that can be taken to prevent or address them. Paul Topinard, a French anthropologist, described criminology as a field of science that studies criminal acts directly. Etymologically, the term criminology comes from the words



crimen, meaning crime, and logos, meaning science or knowledge. Thus, criminology is understood as a discipline that focuses on the study and explanation of various phenomena related to criminal acts. (Silfiyah, 2021)

The crime of murder is one of the most serious forms of crime because it directly deprives us of the most fundamental human right, namely, the right to life. In the context of Indonesian criminal law, murder is regulated in the Criminal Code (KUHP) and is seen as a serious offense that threatens public order and security. (Jayanti, 2024)

The problem of crime is a humanitarian issue that emerges as a social fact, but its root causes are often poorly understood because they are not seen in their full context. The dynamics of crime, both increasing and decreasing, can occur in urban and rural areas and are influenced by a variety of interrelated social, economic, and cultural factors. (Tanjung, 2022)

Indonesia is understood as a country that relies on legal principles. Laws play an important role in regulating government administration and directing people's behavior to create an orderly and safe environment. Indonesia's status as a state of law is clearly stated in the general explanation of the 1945 Constitution. In this position, the law is the primary foundation for Indonesia in achieving order, security, and justice for all citizens. (Widiatama, 2020)

In the Indonesian legal system, all citizens are treated equally under the law. This means there should be no difference in treatment between individuals, and everyone should be processed and judged fairly. This provision is affirmed in Article 28D paragraph (1) of the 1945 Constitution, which states that everyone has the right to fair legal recognition, guarantee, protection, and certainty, as well as the right to equal treatment before the law. (Kambu, 2021)

In Indonesia, there are various types of criminal acts, one of which is the crime of murder. In general, murder is understood as an act that results in a person losing his or her life (Dwipayana et al., 2022). The Criminal Code regulates this act in Article 338, which states: "Anyone who deliberately takes the life of another person is threatened with death, with a maximum prison sentence of 15 years." Murder is classified as a material crime, which is a criminal act that is considered complete if the prohibited consequences really occur. Therefore, the element of the crime is considered fulfilled if the perpetrator's actions cause the victim to die. (John, 2025)

Based on Article 1 paragraph (1) of Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection, a child is defined as any individual who has not reached the age of 18 years, including those who are still in the womb. Children are seen as the nation's successors, expected to be the pride of the state and to play an important role in advancing the nation's future progress. (Sambali & Wahongan, 2020)

Children are, in essence, seen as individuals still in the process of growth and development, and are legally entitled to special protection from the state. This is reflected in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes that children who conflict with the law should not be treated the same as adults and that the best interests of children must be prioritized. (Ariani et al., 2020)

The act of murder by a child is a shocking event that causes pain to the victim's family and environment. Therefore, it is necessary to conduct an in-depth investigation and analysis to find out the motives, methods of implementation, and the nature of the perpetrators. Various factors influencing such actions must be examined, such as biological and psychological vulnerability, pressures from the environment and mental health conditions, public views on violence, and the ease with which children have access to tools that facilitate murder. (Amarulloh, 2020)

This phenomenon becomes even more complex when the perpetrator of the crime of murder is a child, especially if the victim is his own biological parent. The incident of child murder of biological parents (parricide) raises deep concern because it contradicts moral, social, and cultural values that uphold family relationships, and shows a failure in the function of the family as the first social environment for children.

Various processes can encourage a child to develop into a killer. Juvenile delinquency (*Juvenile Delinquency*) is a form of behavior deviance or norm violation committed by young people. It is often the initial stage before they engage in more serious crimes. One of the main factors that triggers delinquency is social neglect, which is a condition where children do not receive adequate attention and guidance from their immediate environment. This situation can encourage children to commit deviant acts. If this behavior continues, it will be easier for the child to display an aggressive attitude in situations or conflicts. Children who have shown aggressiveness generally experience emotional instability, such as withdrawing from the family, and often face obstacles both in the home environment and, school, and in daily relationships. (Latif, 2020)

2. METHOD

This research uses a normative legal research method, which involves examining and analyzing relevant laws and regulations, relating them to the legal issues under discussion, and employing a case study approach. Normative or doctrinal legal research aims to present a systematic picture of legal norms in a particular field, examine the relationships among legal provisions, identify problems or uncertainties in their application, and project the direction of future legal development. (Disemadi, 2022)

The purpose of the study is to analyze law enforcement against a child who commits the crime of murder against his biological parents, to analyze efforts to prevent the crime of murder by biological children against biological parents, and the final goal is to analyze the criminological aspects of murder committed by children against their biological parents in Indonesia.

The collection of legal materials in this study is carried out through several steps aimed at obtaining relevant sources, especially through literature studies. The process includes searching for and reviewing documents classified as primary legal material, followed by searching for and understanding secondary legal material. The study of literature plays an important role because it provides direction, framework, and a foundation for research. By understanding the findings or analysis of previous research, researchers can formulate a more complete argument and gain deeper insights into the problem being researched. (Benuf & Azhar, 2020)

In normative law research, data analysis is directed toward understanding the applicable legal norms more deeply and tracing the patterns and relationships among them. In principle, this analysis focuses on the process of interpreting and applying existing legal provisions to address the legal problems formulated in the research. In contrast to empirical approaches that rely on field observations, normative legal research relies on the study of written legal sources, such as legislation, expert doctrine, and court rulings, which serve as the main basis for data processing and analysis. (Bayu et al., 2025)

In normative legal research, legal material plays a major role as the basis for explaining and assessing the legal issues under study. This type of research, also known as doctrinal research, focuses on the study of prevailing positive legal norms, whether they are set out in laws and regulations, court rulings, expert opinions, or other written legal sources. Therefore, normative research emphasizes the analysis of legal texts and underlying principles, rather than societal behavior or empirical findings in the field. In practice, legal materials are generally divided into three main groups: primary, secondary, and tertiary. (Wisconsin, 2024)

3. FINDINGS AND DISCUSSION

3.1. Law enforcement against a child who commits the crime of murder against his biological parents.

Law enforcement is a process for realizing the values of justice, certainty, and usefulness, so that the community can truly feel these values. In other words, law enforcement is an effort to change legal concepts, principles, and norms into actionable actions. Law enforcement means enforcing the rule of law as a guideline for everyone in legal relations, both in the social environment and in government administration. In addition, law enforcement serves as a tool to achieve the goals and legal ideals expected by the community, so that these values are reflected in daily practice. (Yusuf & Siregar, 2023)

Law enforcement can be understood as a series of steps to implement the provisions of the law, which is the duty of law enforcement officials and other parties authorized by law. According to Soerjono Soekanto, law enforcement is the process of aligning the values formulated in legal norms with the community's actual behavior, as the final stage in efforts to realize these values. This process aims to create, maintain, and maintain an orderly and peaceful living environment. Thus, law enforcement is a mechanism that ensures harmony between human values, norms, and actions in social life. (Daeng et al., 2023)

The handling of children involved in criminal acts in Indonesia is specifically regulated through Law No. 11 of 2012 concerning SPPA. This regulation emphasizes that children who conflict with the law should not be treated the same as adult offenders. The entire settlement process must be based on the principles of child protection and prioritize the application of restorative justice at every stage of case handling. (Nova & Afrizal, 2023)

In the case of murder, the provisions regarding criminal threats for adult perpetrators can be a reference. However, their application to children must still follow the special rules in the SPPA Law. Article 81 of the SPPA Law emphasizes that imprisonment for children may be imposed at most half the maximum penalty applicable to adults. Therefore, even if a child commits murder against his biological parents, which is a serious crime, the amount of the crime imposed should not be equated with the punishment for adult perpetrators. (Handayani, 2024)

Legal handling of children who commit criminal acts, including cases of murder of biological parents (*parrisida*), is not only related to the fulfillment of the element of legal certainty, but also related to the protection of the basic rights of children. From the context of national law, children are seen as individuals still in a developmental stage, so they are considered to have a great opportunity to be guided, corrected, and restored in their social lives. Principle *The best interests of the child*, as stated in the *Convention on the Rights of the Child* (CRC), and ratified through Presidential Regulation Number 36 of 1990, is a philosophical foundation that every legal process involving children must always prioritize the best interests of children as the main consideration. (Robintang, 2024)

Law enforcement against children who commit murder of their biological parents is a complex problem because it must balance the protection of children's rights with demands for justice for victims and society. This complexity arises because the victim is a biological parent, a party who ideally has a close emotional bond with the perpetrator. In handling this kind of case, the Indonesian legal system seeks to provide legal certainty while still paying attention to the situation and psychological condition of children. These efforts are realized through Law No. 11 of 2012 concerning SPPA, which emphasizes restorative justice-based settlement and the principle of the best interests of children. (Busriani, 2024)

The legal basis for children of criminal offenders in Indonesia rests on Article 28B paragraph (2) of the 1945 Constitution, which affirms that every child has the right to live, grow, develop, and obtain protection from violence and discrimination. Indonesia also ratified *the Convention on the Rights of the Child* (CRC) through Presidential Decree Number 36 of 1990, thereby requiring that the handling of children in the judicial process prioritize protection and recovery. For a more comprehensive arrangement, the SPPA Law was enacted as a special guideline in dealing with children against the law, including in cases of serious crimes such as murder. (Wibowo & Srijadi, 2023)

In the case of murder, the Criminal Code provides several articles that can be used, such as Article 338 for murder without a plan and Article 340 for murder carried out with a plan. However, this provision cannot be fully implemented if the perpetrator is still a child. Article 81 of the SPPA Law stipulates that the length of physical confinement for children may not exceed half the term imposed on adults. This rule is made to ensure that a child, despite committing a very serious crime, still has the opportunity to improve his life and does not lose his entire future as a result of his actions. (Febianingrum, 2024)

The trial of children is held in private, as stipulated in Article 55 of the SPPA Law. This provision aims to protect children's identities so that they do not cause social stigma that could affect their future. In passing the verdict, the judge considered several important aspects, namely juridical (provisions of the Criminal Code and the SPPA Law), criminological (action history, psychological condition, and background of children), and sociological (the influence of actions on the family and society). All these considerations must reflect a balance among legal certainty, justice, and utility, in line with Gustav Radbruch's theory of the three values of law. (D. Fitria et al., 2023)

Law enforcement against the child perpetrator of murder against the biological parents also shows the application of the principle of restorative justice as emphasized in the SPPA Law. Although in this case diversion could not be applied due to the severe criminal threat, the restorative approach was still evident in the judge's emphasis on coaching, rehabilitation, and the child's psychological recovery. This approach is in line with the goals of the juvenile criminal justice system, which are not solely oriented toward retribution but rather toward preventing the recurrence of criminal acts and ensuring the future of children. (Anggrayeni et al., 2024)

The crime of child murder against biological parents from the perspective of Law No. 1 of 2023 demands a much more sensitive, balanced, and rehabilitation-oriented legal approach. The new Criminal Code brings a more progressive and humane criminal paradigm, so that even if the perpetrator is a child who commits a very serious act, the law is still obliged to provide space for self-improvement, protection of children's rights, and the application of justice that is not solely *Repressive*. (Syahputra, 2024)

3.2. Efforts to prevent the crime of murder by biological children against biological parents based on Decision Number 3/Pid.Sus-Anak/2022/PN Bnt.

The prevention of the crime of murder by biological children against biological parents within the framework of the Child Criminal Justice System is a very important and urgent issue, especially after Decision Number 3/Pid.Sus-Anak/2022/PN Bnt, which shows the serious impact of child crime on family structure and social stability. This crime not only illustrates the failure in the functioning of the family as a refuge, but also signals the need for the state to strengthen its strategy *for Prevention* in protecting children and families from intra-family violence. (Batjo et al., 2024)

The government's efforts to prevent the crime of murdering biological parents by biological children are increasingly urgent after the emergence of a case in Decision Number 3/Pid.Sus-Anak/2022/PN Bnt, which shows that extreme violence in the family can be committed by children who are supposed to be in the stage of psychological development, who still need guidance and protection. The government, as the holder of the highest authority in the implementation of child protection, has the responsibility to make policies that can prevent such crimes through regulations, social interventions, education, and family protection mechanisms. (N. M. Fitria et al., 2024)

The Government of Indonesia, through the Ministry of Women's Empowerment and Child Protection (Kemen PPPA), the Social Service, and formal educational institutions, has an obligation to implement family-based prevention strategies. In this case, the government must strengthen national programs such as *Parenting Education*, family counseling, and the development of parenting skills, so that parents can understand their child's psychological development and manage conflict healthily. The cases in the verdict show that one of the root causes stems from dysfunctional family communication, where conflicts are allowed to drag on to the point of causing emotional distress in children. Through the program to strengthen family functions, the government can build a social environment that can detect and deal with the potential for intra-family violence from an early age. (Khairunnisa & Rasji, 2024)

In addition to strengthening families, the government is also obliged to strengthen schools' role as the main agents in preventing child crime. Schools play an important role in seeing behavior change, forming character, and providing a safe space for children to express psychological distress. In the case of the verdict, there are indications that the child's aggressive behavior had appeared before the crime occurred. However, the educational environment did not follow up. The government, through the Ministry of Education, must ensure the implementation of *the System Early Warning* in schools, which allows teachers to detect symptoms of psychological disorders such as acute stress, depression, or aggression. If these signs appear, the school is obliged to report them to parents and the Social Service so that intervention can be carried out immediately. (Narasindhi & Wibawa, 2023)

Efforts to prevent the crime of murder of biological parents by biological children require a comprehensive approach through two main mechanisms, namely *Prevention* and *repressive* steps, both of which complement each other in maintaining social stability and family protection. Based on Decision Number 3/Pid.Sus-Anak/2022/PN Bnt, it appears that criminal acts committed by child offenders are not sudden occurrences but are due to unaddressed family conflicts, weak parental supervision, and the absence of an environmental monitoring system for changes in children's behavior. Therefore, the steps of *Prevention* and *Repressive* should be understood as two distinct but interrelated strategies in preventing the recurrence of similar crimes. (Atik Juliati, 2025)

Steps *Prevention* emphasizes prevention before criminal acts are committed by correcting factors that trigger or increase the risk of crime. The government, through the Ministry of PPPA, Social Services, and educational institutions, has, plays a central role in building a family-based prevention system. In this case, the perpetrator's family is experiencing prolonged disharmony that triggers unstable emotions in the child. For this reason, *Prevention* can be done through family counseling programs, childcare education (*Parenting Education*), family mediation, and socio-psychological assistance for families at high risk of experiencing domestic violence. The government must also strengthen the early detection system (*Early Warning System*) in schools, where counselors and psychologists monitor changes in a child's emotions or behaviors that may lead to aggressive tendencies. Steps *Prevention*, like this, if applied effectively, can prevent families from entering the stage of extreme conflict that can end up in serious crimes such as murder. (Elisabeth et al., 2023)

Steps *Repressive*. This is an action taken after a criminal act has occurred to deter future crimes, support law enforcement, and facilitate social recovery. In the Juvenile Criminal Justice System, the steps are *Repressive*. This does not mean punishing children harshly, but rather providing proportionate legal treatment while still paying attention to the principles of child protection—Decision Number 3/Pid.Sus-Anak/2022/PN Bnt shows that the judge sentenced the child perpetrator to prison, within the limits allowed by the SPPA Law. This action is a form of a *Repressive* state to affirm that even if the perpetrators are children, the act of murder still has legal consequences. Steps *Repressive*. It is important to reduce the likelihood of children repeating crimes (recidivism) and to send a strong message to society that violence against the family cannot be tolerated. (Nur, 2024)

3.3. The criminological aspects of murder committed by children against their biological parents in Indonesia, based on decision number 3 pid.sus-anak/2022/pn.bnt.

Criminology is the science that studies crime. According to criminological etymology, it consists of the word "*Crime*," which means "evil," and "*Logo*," which means "science"; together, they form the term "*criminology*," namely, the science of crime. Initially, this meaning also included social diseases and

expanded its specialty. However, discussions of criminology tend to emphasize its definition as a science, both theoretical and pure. In theory, criminology is a science based on empirical observation, focusing on phenomena, and seeking to study their causes using existing methods. (Agustini & Yusuf, 2025)

Modern criminology divides the causes of crime, including murder, into two large groups, namely internal factors and external factors. Internal factors include the individual's psychological state, mental disorders, impulsivity, low self-control, and unresolved inner conflicts. Many studies show that perpetrators of homicide often experience severe emotional distress, childhood trauma, or personality disorders that are not professionally addressed. On the other hand, external factors include a dysfunctional family environment, domestic violence, poverty, negative associations, and weak social control over society. In the case of child murder, external factors such as disharmonious family relationships and lack of communication are often the main triggers. (Baktinadi & Jusuf, 2024)

The concept of criminology also emphasizes that murder is often the result of the gradual accumulation of social conflict. Theory *Tension* (Robert Merton), for example, explained that murder can arise when a person experiences repeated life stresses without having a good coping mechanism. In children or adolescents, tension can arise from authoritarian upbringing, physical and verbal abuse, emotional neglect, or disrespect within the family. This condition forms frustration that, if left untreated, can explode into extreme aggressive acts, including murder. (Lestiani & Yusuf, 2025)

From the perspective of social control theory (*Travis Hirschi*), the crime of homicide occurs due to the weak social ties of individuals with family, school, and society. Children who lose emotional attachment to their parents, do not receive attention and guidance, and do not commit to moral values are more likely to engage in deviant behavior. This theory is relevant in cases of intra-family homicide, including murder by a parent's child, where supposedly strong emotional relationships are instead disrupted by prolonged conflict and a lack of parental supervision. (Isnawan, 2023)

Criminology does not focus solely on the perpetrator but also considers the victim, namely the role of the victim in the dynamics of crime. In some cases of homicide, including the murder of a child by a parent, the victim may have contributed through oppressive behavior, harsh parenting, repeated violence, or emotional neglect that led to extreme conflict. Victimology does not aim to blame the victim. However, understanding the dynamics of the relationship between the perpetrators helps law enforcement officials assess the case more objectively. (Novilia & Yusuf, 2024)

The concept of criminology provides an important basis for understanding murder as a result of the multidimensional interaction among personal, social, structural, and situational factors. Criminology helps map the patterns of crime causes so they can be used to formulate more effective prevention strategies, including family strengthening, moral education, psychological counseling, and

increased community social control. This comprehensive understanding is essential for law enforcement officials and policymakers so that the crime of murder can be prevented through a more scientific and humane approach. (Dewi, 2025)

4. CONCLUSION

Law enforcement against perpetrators of murder committed by children in Decision Number 3/Pid.Sus-Anak/2022/PN Bnt has been implemented in accordance with the provisions of the Criminal Code (KUHP) and the Juvenile Criminal Justice System Law (UU SPPA). In this decision, the judge considered the fulfillment of the elements of the crime of murder. However, in imposing sanctions, he still took into account specific provisions of juvenile justice, adjusting the type and severity of the punishment to serve the child's interests best.

Efforts to prevent murder by children against their biological parents require a comprehensive approach by strengthening the role of the family as the primary environment for character formation, providing moral education and humanitarian values, and early detection of psychological problems experienced by children. This prevention requires close cooperation between families, communities, and the government to minimize the potential for violence within the family environment early on.

From a criminological perspective, murder committed by children against their biological parents is the result of various factors, such as psychological stress, prolonged family conflict, and an unfavorable social environment. These crimes reflect family dysfunction and weak social control. However, legally, protection for child perpetrators remains a priority through a rehabilitative approach as mandated in the SPPA Law, to restore and foster children so that they can function socially again.

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Article 28D paragraph (1) of the 1945 Constitution

Based on Article 1 paragraph (1) of Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection

Law Number 11 of 2012 concerning the Juvenile Criminal Justice

Article 338 for murder

Article 340 for murder

Article 55 of the SPPA Law

Article 81 of the SPPA Law

Decision Number 3/Pid.Sus-Anak/2022/PN Bnt

Perspective of Law No. 1 of 2023

Presidential Regulation Number 36 of 1990 as a philosophical foundation

