

ENTITLED SUPERVISION OF THE IMPLEMENTATION OF PARKING AND LEGAL PROTECTION OF PARKING USERS IN SURABAYA CITY

**Azzalia Nahda Firdani, Dr. Joko Nur Sariono, S.H., M.H, Dr. Peni Jati Setyowati,
S.H., M.H**

^{1,3} Fakultas Hukum, Universitas Wijaya Kusuma, Surabaya

email: azzalianahdaf21297@gmail.com

Mobile: 085335559457

ABSTRACT

This thesis is entitled Supervision of the Implementation of Parking and Legal Protection of Parking Users in Surabaya City. Based on this title, two problems will arise, namely: How is the supervision of the implementation of parking in Surabaya City and how is the legal protection of parking users in Surabaya City.

This writing uses normative legal research methods, namely this writing is based on the approach of laws and regulations that have binding legal force in accordance with the material discussed. This writing is legal research using a statue approach, conceptual approach, case approach.

Based on the discussion of the results obtained as follows: First through preventive and repressive supervision of the implementation of parking in the city of Surabaya, preventive supervision is carried out by providing counseling appeals, especially to parking attendants, if something is found that is not appropriate, a warning will first be given to the parking attendant both verbal and written warnings. Repressive supervision of parking in Surabaya City is carried out by means of the Surabaya City Sabhara Police in collaboration with the Surabaya City Transportation Agency conducting joint operations to curb parking attendants, this is done to reduce the increasing cases of illegal levies committed by parking attendants in Surabaya City. Second, legal protection of parking users in Surabaya City must be the main concern of the Surabaya City Regional Government which needs to be stated in the regulation of its rules in the Surabaya City Regional Regulation No. 3 of 2018 concerning the Implementation of Parking in Surabaya City so that the parking system can run in accordance with the principles of legal certainty, justice, and expediency.

Keywords: Supervision, Legal Protection, Parking in Surabaya City

ENTITLED SUPERVISION OF THE IMPLEMENTATION OF PARKING AND LEGAL PROTECTION OF PARKING USERS IN SURABAYA CITY

1. INTRODUCTION

Surabaya is the largest city in East Java with a dense and bustling population of residents and migrants. Many people come to Surabaya to study and work, giving rise to a variety of complex legal issues, one of which is the legal problem of parking. The presence of illegal parking attendants is increasingly prevalent across Surabaya, which is divided into five regions: West Surabaya, East Surabaya, North Surabaya, South Surabaya, and Central Surabaya. Almost every area has illegal parking attendants. For example, at a minimarket in Sukomanunggal District, West Surabaya, there is a clear sign that says “Free Parking,” but there are still parking attendants at the minimarket.

Parking has become a necessity for all members of society, whether they drive two-wheeled or four-wheeled vehicles, especially in crowded areas such as educational centers, shopping centers, and tourist attractions. Considering that Surabaya itself is a large city with many tourist attractions, there is an increasing need for parking spaces. However, not all parking attendants in Surabaya are official parking attendants who have obtained a permit from the government. Official parking attendants are those who are officially registered with the Department of Transportation and can be identified by their parking attendant vests, hats, and whistles. As the number of parking attendants increases, so does the number of illegal parking attendants who also collect illegal fees, often referred to as “Pungli”. The emergence of illegal parking attendants in Surabaya City has caused concern among the public, especially students, due to elements of thuggery or coercion. Parking fees that do not correspond to the level of need and service provided have made the public feel burdened by the presence of these illegal parking attendants.

Parking is an important part of traffic management in urban areas. Parking policies must be implemented consistently so that all aspects of the policy are directed toward the same goal. Currently, the city of Surabaya has regulations governing public parking, but there are still illegal parking operators, so a solution is needed to address this problem. There is still a need for land to park vehicles. The problem with these parking spaces is whether they are actually managed in accordance with applicable regulations or merely as a private business, because the fact is that parking fees are charged at these parking spaces, which raises legal issues with the presence of illegal parking attendants at these parking spaces and how parking users at these spaces are protected by law.

Regulations on parking in Indonesia are stipulated in Law No. 22 of 2009 on Road Traffic and Transportation, as stated in Article 1 point 15: “Parking is when a vehicle stops or remains stationary for a period of time and is left by its driver.” Parking facilities are regulated in more detail in Law Number 22 of 2009 concerning Road Traffic and Transportation, Article 43 paragraph (1), which states: The provision of public parking facilities can only be carried out outside road space in accordance with the permit granted. The city of Surabaya itself has a local regulation that specifically regulates the implementation of parking, namely Surabaya City Regulation Number 3 of 2018 concerning the Implementation of Parking in the City of Surabaya.

ENTITLED SUPERVISION OF THE IMPLEMENTATION OF PARKING AND LEGAL PROTECTION OF PARKING USERS IN SURABAYA CITY

The effectiveness of this law is expected to be capable of fulfilling existing rules and regulations in society, both now and in the future. The effectiveness of the law itself views the law from a broader perspective, using love based on wisdom in viewing a rule or form that occurs in the existing law. Without the community's love for the law, the law will not function according to its objectives and functions. Similarly, if the existing law is not based on wisdom, it will not achieve justice and benefits.

Understanding, implementing, and complying with existing rules of life must also be based on love and wisdom, because the two are a unity or components that complement each other. Rights and obligations can be realized fairly, equally, and mutually fulfilled because of love and wisdom in applying the law. With these legal rules, it is hoped that we can see from a broader perspective in understanding and applying these legal rules so that the law can also be implemented effectively to achieve legal effectiveness.

2. RESEARCH METHOD

This writing uses normative legal research methods, namely this writing is based on the approach of laws and regulations that have binding legal force in accordance with the material discussed. This writing is legal research using a statute approach, conceptual approach, case approach.

Based on the discussion of the results obtained as follows: First through preventive and repressive supervision of the implementation of parking in the city of Surabaya, preventive supervision is carried out by providing counseling appeals, especially to parking attendants, if something is found that is not appropriate, a warning will first be given to the parking attendant both verbal and written warnings. Repressive supervision of parking in Surabaya City is carried out by means of the Surabaya City Sabhara Police in collaboration with the Surabaya City Transportation Agency conducting joint operations to curb parking attendants, this is done to reduce the increasing cases of illegal levies committed by parking attendants in Surabaya City. Second, legal protection of parking users in Surabaya City must be the main concern of the Surabaya City Regional Government which needs to be stated in the regulation of its rules in the Surabaya City Regional Regulation No. 3 of 2018 concerning the Implementation of Parking in Surabaya City so that the parking system can run in accordance with the principles of legal certainty, justice, and expediency.

3. RESULTS AND ANALYSIS

In Surabaya City Regulation Number 3 of 2018 concerning Parking Management in Surabaya City, provisions have been made regarding the guidance and supervision of parking attendants in parking lots managed by the local government, in this case the Surabaya City Government through the Surabaya City Transportation Agency, which carries out two forms of supervision, namely preventive and repressive supervision. Preventive supervision of parking management in the City of Surabaya is carried out by providing guidance, especially to parking attendants. If any irregularities are found, the parking attendant will first be given a warning, either verbally or in writing. Repressive

ENTITLED SUPERVISION OF THE IMPLEMENTATION OF PARKING AND LEGAL PROTECTION OF PARKING USERS IN SURABAYA CITY

supervision of Surabaya City Regulation No. 3 of 2018 concerning Parking Management in Surabaya City is carried out by the Surabaya City Police in collaboration with the Surabaya City Transportation Agency through joint operations to discipline parking attendants. This is done to reduce the number of cases of illegal fees charged by parking attendants in Surabaya City.

Legal protection for parking users is regulated in Surabaya City Regulation No. 3 of 2018 concerning Parking Management in Surabaya City, in terms of the rights and obligations of parking attendants and parking service users. Regarding legal protection in the event of vehicle loss, this was actually addressed in the local regulation. However, in terms of implementation by the Surabaya City Government, there are no clear rules regarding compensation. So far, it has only been based on agreements between the relevant agencies and depends on the cause of the loss or damage. For example, in a recent case in Wonokoyo, a tree fell and landed on a parking lot, damaging 6-12 motorcycles.

The parking attendant is only required to provide a statement in the event of loss and is not liable for compensation. This differs from the liability of parking attendants who work in front of private shops or individuals who pay to the local revenue service (*dispenda*) in the event of loss, where the parking attendant is liable for compensation.

The regulations used by the Surabaya City Transportation Agency regarding parking are Surabaya City Regulation Number 3 of 2018 concerning the Implementation of Parking in the City of Surabaya. Illegal parking is enforced by regional supervisors (*wasda*). Within the Transportation Department, there are two units: the Technical Implementation Unit (UPT) for Parking, which only handles official parking and official parking attendants. Vehicles that are towed for illegal parking are handled by the local supervisory agency. The main regulation is the same, namely Surabaya City Regulation No. 3 of 2018, but there are still derivative regulations such as the Surabaya Mayor Regulation (*perwali*), which determines the amount of the fine, for example, Rp. 500,000 (five hundred thousand rupiah) for cars, motorcycles Rp. 250,000 (two hundred thousand rupiah).

For payments related to illegal parking, it is not the Transportation Department that receives the payment; there will be a barcode that can be scanned via mobile banking or a bank, and it will definitely not be in cash. Later, from the parking enforcement unit, there will be a notification to unlock the vehicle or confirm first with the call center, then confirm the type of vehicle, then pay the fine through the bank. Once paid, contact the call center again to confirm the payment, then wait for the officer to arrive at the location. Confirm the payment to the officer, and the officer will unlock the vehicle.

4. CONCLUSION

If illegal parking attendants are found or reported, law enforcement officials will immediately take action. Initially, they will be given a warning, but if they ignore it at least twice, they will be immediately subject to sanctions or fines. The inspection of parking attendant membership cards (KTA) can also be carried out as part of this repressive legal

ENTITLED SUPERVISION OF THE IMPLEMENTATION OF PARKING AND LEGAL PROTECTION OF PARKING USERS IN SURABAYA CITY

protection measure, as well as minor criminal offenses or tipping, with a fine of Rp. 150,000,000 (one hundred and fifty thousand rupiah).

Legal protection in parking management for parking users is not specifically regulated in Surabaya City Regulation No. 3 of 2018 concerning Parking Management in Surabaya City, so that implementation in the field still faces challenges, especially in terms of compensation mechanisms for vehicle loss and the absence of a standard compensation system from the Surabaya City government. The failure to provide legal protection in the implementation of parking management in the City of Surabaya may result in the violation of the rights that should be granted to parking service users.

REFERENSI

- Abubakar, Iskandar. 2011. *Parkir Pengantar Perencanaan Dan Penyelenggaraan Fasilitas Parkir*. Jakarta: TRANSINDO Gastama Media.
- Ali Zainuddin. 2017. *Metode Penelitian Hukum*. (Jakarta: Sinar Grafika).
- Ashshofa, Burhan. 2004. *Metode Penelitian Hukum*. (Jakarta: PT Rineka Cipta).
- Asnawi, M. Natsir. 2014. *Hermeneutika Putusan Hakim*. Yogyakarta: UII Press.
- Gokkel, H.R.W. dan N. Van der Wal. 1971. *Juridisch Latijn*, H.D. Tjeenk Willink, Groningen. diterjemahkan oleh S. Adiwinta, *Istilah Hukum: Latin – Indonesia*. Jakarta: Intermasa, Cet. Kedua.
- Hadjon, Philipus M. 1987, *Perlindungan Bagi Rakyat di Indonesia*. Surabaya : PT. Bina Ilmu.
- Manan Bagir. 2001. *Menyongsong Fajar Otonomi Daerah*, Penerbit PSH Fakultas Hukum UII, Yogyakarta.
- M. L. Tobing, David. 2007, *Parkir+Perlindungan Hukum Konsumen*. Jakarta : Timpani.
- Muchsin. *Perlindungan dan Kepastian Hukum*. Surakarta: Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret, 2003.
- Noviantoro, D., & Rosando, A. F. 2023. *Peran Dinas Perhubungan Dalam Menertibkan Oknum Jasa Parkir*. 3(2)
- Pedoman Perencanaan dan Pengoperasian Fasilitas Parkir, Direktorat Bina Sistem Lalu Lintas Angkutan Kota Direktorat Jenderal Perhubungan Darat.
- Setiono. 2004, *Rule of Law (Supremasi Hukum)*. Surakarta: Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret.
- Soekanto, Soerjono. 1982, *Kesadaran Hukum dan Kepatuhan Hukum*. Jakarta: PT. Rajawali Pers.
- Soekanto, Soerjono, dan Sri Mamudji. 1986, *Pengantar Metode Penelitian Hukum*, Jakarta: UI Press.
- Sujamto. 1986. *Beberapa Pengertian di Bidang Pengawasan*. Jakarta: Ghalia Indonesia.
- Rahardjo, Satjipto. 2000, *Ilmu Hukum*. Bandung: Citra Aditya Bakti.