



Ownership of Public Parking Lots Controlled by Individuals (Case Study in Cirebon City)

Adriana Vellita ¹, Muhammad Rasyid Fatah Alfiandi ², Dendhy Nurfandhyca ³, Deni Yusup Permana ⁴, Diky Dikrurahman ⁵

¹Gunung Jati Independent University, Cirebon, Indonesia, adriनावellita@gmail.com

²Universitas Swadaya Gunung Jati, Cirebon, Indonesia, andialfin63@gmail.com

³Gunung Jati Independent University, Cirebon, Indonesia, dendhy33@gmail.com

^{3.5}Gunung Jati Independent University, Cirebon, Indonesia

Corresponding Author adriनावellita@gmail.com

Abstract.

Background. Parking is a public necessity that initially serves a function. Following this function, parking spaces are adjusted to demand and the needs of people who drive to be or access a place.

Aim. Evaluation The case that occurred in the Cirebon city area was in the market area of Jalan Kedrunan II. What happened was that one of the residents controlled the parking lot, which covered the public road, resulting in congestion and difficulty accessing the area.

Methods. Normative Juridical Research is legal research that focuses on written rules or laws (laws in books) or research based on rules or norms that apply in society. It is usually said to be literature review research, where most data sources are secondary and tertiary legal materials. Most of the data comes from written laws or regulations that apply in society.

Result. Local governments have duties, obligations, and responsibilities in developing and managing parking in their area, which is essentially part of public service activities. In return for organizing the public services in question, local governments have the right to receive funds from the community through retribution or taxes as one of the sources of local revenue. Following this function, parking spaces are public facilities used by many people. So, as one of the public facilities, parking spaces should not be controlled by certain people personally and prevent others from using them. But in reality, there is often a misuse of the function of parking spaces, for example, controlling parking lots to be used for personal gain.

Conclusion. The research results in this paper are the basis for parking management carried out by the Cirebon City Transportation Office based on the provisions of Cirebon City Regional Regulation No. 11 of 2019 concerning Parking Management.

Implementation.

Keywords: Parking, Traditional market, Public Space, Facilities, Law.

INTRODUCTION

The definition of parking according to the tremendous Indonesian dictionary that parking is to stop you from putting the equipment for a while in the place that has been provided. (KBBI) Parking is a general need that functions to serve. Following this function, the parking space is adjusted to the demand according to the needs of people who drive to be or access a place. Local governments have duties, obligations, and responsibilities in

fostering and managing the land in their area, which is essentially part of public activities or services. In exchange for implementing the public services in question, local governments have the right to receive funds from the community through levies or rents and taxes as one of the sources of local revenue. (Directorate General of Land Correction, 1988).

Parking is one of the components or aspects that are inseparable from the needs of the transportation system because every trip using a private vehicle generally starts and ends in the parking lot. Parking is a general need that functions to serve. Following this function, parking fees are adjusted to the demand of people who drive to be or access a place (Prayudyanto, 2015). As one of the public facilities, parking fees are used for public events together to establish relationships between residents. From the name, it is clear that public facilities such as parking spaces are facilities used by many people. So, as one of the public facilities, parking spaces should not be controlled by certain people personally and prevent others from using them. According to Utrecht, legal certainty in individuals contains two meanings: first, there are general rules that make individuals know what actions can be done or not to do, and second, in the form of legal rules for individuals from the government (Syahrani, 1999).

However, in reality, there is often an abuse of the function of public facilities, especially parking spaces. For example, public parking lots should be controlled and used for personal interests. One example occurred in the Kedrunan II area, which coincided with a traditional market managed by the Cirebon City local government; what happened was that the public parking lot turned out to be privately owned. This study aims to determine the legal basis of parking management carried out by the Cirebon City Transportation Office and the settlement in the event of the Ownership of Public Parking Lots that individuals control. The type of research used is normative Judicial research, which uses a conceptual, legislative, and sociological approach. The research results in this paper are the basis for parking management carried out by the Cirebon City Transportation Office based on the provisions of Cirebon City Regional Regulation No. 11 of 2019 concerning Parking Management.

LITERATURE REVIEW

A levy is a payment the populace makes to the State in exchange for certain services rendered to its people individually. According to Article 1, paragraph 64 of Law Number 28 of 2009 regarding Regional Taxes and Regional Levies, the Regional Levy is a local charge

for specific services or permits rendered by the local government for individual or personal interests. An example of a levy is the parking service fee administered by the government through the Transportation Office. Regional levies, in addition to serving as an income source for local governments, significantly influence their role and contribution to local governance support. According to Siahaan in Suhendra et al. (2022), one of these charges is the parking levy. The parking levy is not the primary source of revenue; however, the parking service levy of City X plays a significant role as a contributor to regional levy receipts specifically and Regional Original Revenue broadly. A potential source of Regional Original Revenue is the parking services sector, as well as financial sources or local original revenue, as outlined in Law Number 32 of 2004 regarding local government implementation. This law emphasizes regional autonomy, granting regions the authority to manage and regulate all governmental affairs not specified within its provisions (Millenia & Farida, 2022).

A levy is the public's contribution to the State in return for certain services provided to individuals. Article 1, paragraph 64 of Law Number 28 of 2009 about Regional Taxes and Regional Levies defines the Regional Levy as a local fee for particular services or permissions the local government provides for individual or personal use. An instance of a tax is the parking service charge imposed by the government via the Transportation Office. Regional levies provide revenue for local governments and substantially affect their role and commitment to local governance support. Siahaan, as cited in Suhendra et al. (2022), identifies the parking levy as one of these expenses. The parking levy is not the principal source of revenue, yet the parking service levy of City X significantly contributes to regional levy revenues specifically and to Regional Original Revenue more generally. A prospective source of Regional Original Revenue is the parking services sector and financial sources or local original revenue, as delineated in Law Number 32 of 2004 concerning local government operations. This legislation underscores regional autonomy, empowering regions to oversee and administer any governmental matters not delineated within its stipulations (Millenia & Farida, 2022).

METHOD

Normative Juridical Research is legal research that focuses on written rules or laws (laws in books) or research based on rules or norms that apply in society. It is usually said to be literature review research, where most data sources are secondary and tertiary legal materials. Most of the data comes from written laws or regulations that apply in society.

DISCUSSION

Parking is a general necessity that initially functions to serve. In accordance with this function, the parking space is adjusted to the demand and the needs of people who drive to be or access a place. Under certain conditions, demand will then increase, which, if not followed by additional parking spaces, can cause problems. This must be overcome by implementing better parking concept management.

Parking, as defined in Article 1, number 15 of the Republic of Indonesia Law Number 22 of 2009 about Road Traffic and Transportation, refers to a condition in which a vehicle halts or remains stationary for a period and is left unattended by the driver. A parking lot is an area situated adjacent to a public road and/or within property controlled by a roadway, designed to not obstruct traffic flow, and may include structures such as parking buildings or designated parking spaces. The Regional Government is responsible for identifying locations and constructing public parking facilities.

(PEMDA) by paying attention to:

1. General plan of the layout
2. Traffic impact analysis
3. Convenience for service users

However, the parking problem has grown into a serious issue due to urbanization, rapid vehicle growth, and pressure from vehicle manufacturers. Parking conditions are exacerbated by illegal parking, which still appears in various places. Therefore, parking management policies must play a strong role in developing strategies to improve urban mobility in Indonesia (Ministry of National Development Planning, 2015).

According to their status, parking can be grouped into:

1. Public parking is a parking lot on land, roads, or fields owned/controlled and managed by the local government.
2. Special parking is parking that uses land that is controlled and managed by a third party.
3. Emergency parking is parking in public places, either using land, roads, fields owned or controlled by the local government or private due to incidental activities.

4. A parking building is a building used for vehicle parking spaces operated by the local government or a third party that has received permission from the local government.

Parking, in general, is also interpreted as an effort to smooth traffic and increase the productivity of resources owned by the state (Sugianto, 2008). Cirebon City stipulates parking levies as well as being included in regional taxes and is one of the sources of financing for government administration and regional development to improve and equalize the welfare of the people.

The parking tax constitutes a component of the public service levy, namely a charge on services rendered by the Regional Government for the public good. Imposing a parking levy exemplifies the execution of substantial, genuine, and accountable autonomy as delineated in Law Number 23 of 2014 about Regional Government. As stipulated in Law No. 28 of 2009 about regional taxes and levies, the parking tax is imposed on the operation of parking facilities located off the roadway, including those associated with primary business activities and those established as a commercial enterprise (Dwiyoso, 2022).

The Regional Government or the Transportation Department has duties, obligations, and responsibilities in fostering and managing parking in their area, which, in essence, is part of public service activities. In exchange for implementing the public services in question, local governments have the right to receive funds from the community in the form of levies/rents and taxes as one of the sources of local revenue.

Local governments form regional regulations in order to exercise regional autonomy. The formation of a regional regulation must be aimed at overcoming problems that exist in a region. The formation of regional regulations by local governments as authorized institutions is a manifestation of institutional elements in the legal sense according to Mochtar Kusumaatmaja. Local governments form regional regulations in order to implement regional autonomy (Abdurahman, 2015).

Regional taxes and levies are established by laws enacted within the regions and then governed by local regulations; local administrations are therefore restricted from collecting or designating amounts over what is legally prescribed (Syarifin, 2005). According to Article 1, paragraph (3) of the 1945 Constitution, Indonesia is a rule of law state. Philipus M. Hadjon stated that the magnitude or manifestation of the rule of law is the efficacy of administrative law. A country cannot be considered a state of law if administrative law is ineffective (Ridwan, 2011). The reform of the regional financial system initiated with the adoption of

regional autonomy has yielded notable success. Changes in the budget system, institutional modifications in regional financial management, and alterations in the accounting system and its responsibility (Mardiasmo, 2018).

Parking, as defined by Cirebon Mayor Regulation Number 4 of 2024, refers to a condition in which a vehicle halts or remains stationary for a while and is left unattended by the operator. Collection encompasses a sequence of operations that initiate with the gathering of data regarding the objects and subjects of Taxes or Levies, followed by the assessment of the payable amounts, the collection of Taxes or Levies from Taxpayers or Levy Obligor, and the oversight of their deposits. The Regional Levy, henceforth referred to as Levy, is a charge imposed by the City Regional Government for certain services or permissions rendered to persons or companies. Public Service Tax on Services

Public Roadside Parking refers to the allocation of parking services on public roadways as established by the City Regional Government in compliance with applicable laws and regulations. The Business Services Levy for Special Parking Lot Services pertains to designated parking spaces located off-road, which are provided, owned, and/or managed by the City Regional Government. Regular parking is a roadside parking service that entails collecting a Parking Levy from users each time they park their vehicles.

Types of Services According to the Cirebon City Guardian Number 4 of 2024, there are 2, namely in accordance with article 4 Chapter II concerning Types of Services

(1) The types of Parking Services provided include:

- a. Parking on Public Roadside
- b. Parking Special Parking Lot

(2) Parking on the Public Roadside as intended in paragraph (1) letter a, namely the provision of parking services on the side of the city road determined by the City Regional Government.

(3) Special parking locations, as described in paragraph (1) b, refer to designated parking areas located outside the roadway, which are provided, owned, and/or administered by the City Regional Government.

(4) The parking service described in paragraph (1) may be conducted in collaboration with a Legal Entity. Per Article 8, Chapter II of Cirebon Mayor Regulation Number 4 of 2024, the provision of roadside parking services, as mentioned in paragraph (2), is governed by the Mayor's Decree.

Parking lots must be overseen by parking operator supervisors appointed by the Agency in compliance with Article 20, Chapter VIII of Cirebon Transportation Agency Regulation Number 4 of 2024.

- (1) Guidance and supervision of parking maintenance are carried out by the Office.
- (2) Guidance on the maintenance of Parking as intended in paragraph (1), including:
 - a. Socialization of Parking to the Community
 - b. guidance of parking technical guidelines to Parking Attendants
- (3) Supervision of parking maintenance includes:
 - a. Monitoring and Evaluation
 - b. Data collection and inventory of parking operations
 - c. supervision of parking maintenance and parking attendants
 - d. Control.
- (4) The Office's supervision and control team shall supervise the implementation of parking as intended in paragraph (1).

One case that occurred in the Cirebon city area was in the market area of Jalan Kedrunan II. What happened was that one of the residents controlled the parking lot, which covered the public road, resulting in congestion and difficulty accessing the area. This ultimately resulted in an incident where the ambulance could not enter to pick up the patient because of the traffic jam that occurred, so the patient died and could not be helped by the medical team.

CONCLUSION

In accordance with Cirebon City Regional Regulation Number 11 of 2019 concerning Parking, there are several parking prohibitions, namely Article 34 concerning Parking Prohibitions; parking in Rumija is prohibited in:

- a. pedestrian crossings or bicycle crossings that have
Determined
- b. pedestrian paths
- c. Bicycle lane
- d. Bend
- e. Bridge
- f. Tunnel
- g. places approaching crossings

- h. places approaching intersections/foot of intersections
 - i. Front of the entrance and exit of the yard/activity center
 - j. places that can cover Traffic Signs or Traffic Signaling Devices
- Cross
- k. adjacent to fire hydrants
 - l. on sections with high congestion levels.

Implication

If the resident has contravened Cirebon City Regional Regulation Number 11 of 2019 regarding Parking, he shall be penalized in accordance with Article 58, Chapter XI of the Criminal Provisions. (1) Any individual or business that contravenes the stipulations of Article 22, paragraph:

- (1) Threatened with imprisonment for a maximum of 3 (three) months or a maximum fine of Rp 50,000,000 (fifty million rupiah).
- (2) The criminal act as referred to in paragraph (1) is a violation.

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