

Effectiveness of The Application of Administrative Criminal Sanctions Against Illegal Parking in The Malioboro Area

by

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Abstrak

Illegal parking violations in the Malioboro area of Yogyakarta City are still rampant, causing traffic congestion and disruption. This study aims to determine how law enforcement against illegal parking and analyze the effectiveness of the application of administrative criminal sanctions against illegal parking in Malioboro area of Yogyakarta City. The normative-empirical research method is used by utilizing observation, interview, and literature study to get a comprehensive picture of the situation in the field. The results of the study identified that law enforcement against illegal parking in the Malioboro area uses two law enforcement efforts, namely preventive and repressive law enforcement efforts, in the form of conducting coaching, routine patrols, verbal reprimands, statements not to repeat, and providing administrative criminal sanctions in the form of fines. In addition, the research identified three factors inhibiting the effectiveness of the application of administrative criminal sanctions, namely law enforcement factors, society, and infrastructure. The lack of adequate parking lots, low public awareness, the imposition of fines that are not commensurate with the income of illegal parking attendants, and the high number of illegal parking attendants are the main causes of these violations.

Keywords: Legal Effectiveness, Administrative Criminal Sanctions, Illegal Parking.

INTRODUCTION

Background

Illegal parking is a phenomenon where there are parking activities that stand illegally with the recognition of parking lots.

Based on Regional Regulation Number 2 of 2019 concerning Parking and Yogyakarta Mayor Regulation Number 22 of 2020 concerning Implementation Guidelines for Regional Regulation Number 2 of 2019 concerning Parking, both regulations regulate violations of illegal parking (opening of illegal parking lots) as well as implementation instructions in terms of supervision, management and others. Article 58 of Regional¹.

Regulation Number 2 of 2019 concerning Parking², contains a criminal penalty of 3 (three) months imprisonment and a maximum fine of IDR 50,000,000.00 (fifty million rupiah) for illegal parking attendants in various tourist areas. Article 287 Paragraph (2) of Law Number 22 of 2009 concerning Road Traffic and Transportation, also regulates the criminal sanction of imprisonment for a maximum of 2 (two) months or a maximum fine of Rp500,000.00 (five hundred thousand rupiah) for people who violate traffic signs (traffic signaling devices) and Article 287 Paragraph (3) is threatened with a fine of Rp250,000.00 (two hundred and fifty thousand rupiah) and 1 (one) month imprisonment or for illegal parking³.

Although there are regulations regarding illegal parking, the reality in the field is that

¹ Peraturan Daerah Nomor 2 Tahun 2009 tentang Perparkiran dan Peraturan Walikota Yogyakarta Nomor 22 Tahun 2020 tentang Petunjuk Pelaksanaan Peraturan Daerah Nomor 2 Tahun 2009 tentang Perparkiran.

² Pasal 58 Peraturan Daerah Nomor 2 Tahun 2009 tentang Perparkiran

³ Pasal 287 Ayat (2) Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan.

there are still many tourists who park their vehicles not in the places provided by the government, for example illegal parking that occurs in the Malioboro area of Yogyakarta City. Violations of parking that occur in the Malioboro area and its surroundings still occur frequently despite the implementation of administrative criminal sanctions in the form of fines for violators. This is due to the density of tourists visiting Malioboro, so that the parking lots that have been provided by the government cannot accommodate tourists' vehicles. In addition, the density of visitors to Malioboro is caused by the many interesting places that are the main attraction for tourists to visit places in the Malioboro area, so this has an impact on the use of private vehicles that fill the Malioboro area, so that the density of visitors also causes problems in terms of parking⁴.

The rampant illegal parking that occurs in the Malioboro area causes congestion along Malioboro Street. In addition, there are still many unscrupulous parking attendants who open parking lots illegally or not through a permit or application to the local government to manage parking lots, so there are illegal parking lots that are outside the guidance of the local government and the money from parking cannot be channeled to the government as a result of local revenue. The number of two-wheeled vehicles that park illegally along the Malioboro area has become the spotlight of many people as well as the government that many local people complain about it because it causes long congestion in the Malioboro area which is the center of the economy and tourism that is visited by many tourists.

From the above problems, the researcher wants to examine the effectiveness of the application of administrative criminal sanctions and law enforcement against illegal parking offenders in the Malioboro area.

Problem Formulation

1. How is law enforcement against illegal parking in Malioboro area?
2. How is the legal effectiveness of the application of administrative criminal sanctions against illegal parking in Malioboro area?

Research Objectives

1. To identify law enforcement against illegal parking in Malioboro area;
2. Knowing and analyzing the legal effectiveness of the application of administrative criminal sanctions against illegal parking in Malioboro area.

Literature Review

A. Legal Effectiveness

Legal effectiveness is an indicator of whether or not the target or goal has been previously determined or in other words, it is a measurement where a target has been achieved in accordance with what has been planned. Where it can be seen that the purpose of the law itself is to achieve peace by realizing certainty and justice in society⁵.

According to Soerjono Soekanto, legal effectiveness is that whether a law is effective or not is determined by 5 (five) factors, including:

1. Law enforcement factors, namely the parties who form and apply the law. This factor looks at how law enforcement officials enforce the rule of law in accordance with their duties and the use of appropriate authority;
2. The legal factor itself (law);
3. Community factors, namely the environment where the law applies and is applied. This factor looks at the trust and thoughts of the community towards law enforcement officials;
4. Cultural factors, namely the provisions regarding what can be done and what

⁴ Sikidang.com,"Malioboro Yogyakarta",2022. Diakses pada 20 Maret 2023 pukul 23.47. <https://sikidang.com/malioboro/>

⁵ Nur Fitryani Siregar,"Efektivitas Hukum",*Jurnal Hukum*, Tanpa Volume dan Nomor,(2018):3.

should not be done related to law enforcement. This cultural factor influences people's behavior before and after knowing the existing legal norms; and

5. Means or facilities that support law enforcement. This factor looks at the availability of supporting resources in the law enforcement process seen from the quality and quantity of supporting facilities and infrastructure.

B. Criminal and Punishment

1. Definition of criminal law

Criminal law is a law that has a special nature, namely in terms of sanctions. It contains provisions on what must be done and what must not be done.

2. Definition of criminal offense

According to Simons, the definition of a criminal offense is behavior that is threatened with punishment which is against the law which is related to guilt and is carried out by a person who is capable of being responsible.

3. Definition of criminal offense

According to Prof. Van Hammel, punishment is a special form of suffering. The suffering is imposed by the power authorized to impose punishment on behalf of the state as the person responsible for public law order for an offender, the suffering is imposed solely because the person has violated a legal regulation that must be enforced by the State⁶.

4. Definition of punishment

Criminalization or punishment comes from the root word law which means setting the law or deciding about the law. Determining the law for an event does not only concern the field of criminal law, but also civil law. Therefore, as far as punishment in the field of criminal law is

concerned, the term punishment must be narrowed in meaning, namely punishment in criminal cases. To refer to punishment in criminal cases, the word pemidanaan or the imposition of punishment by a judge can be used⁷.

5. Criminal liability

Criminal responsibility contains subjective and objective defamation or responsibility in it. Objectively, the perpetrator has committed a criminal offense according to the applicable law (principle of legality) and subjectively the perpetrator should be reproached or blamed or held accountable for the criminal offense he committed so that he should be punished. In this case what is accounted for is the act and the perpetrator, which is accounted for because the maker is a person who is capable of being responsible.

C. Administrative criminal sanctions

Administrative criminal sanctions are sanctions given or regulated in administrative legislation which contains criminal sanctions (administrative criminal law). One example is Law Number 22 of 2009 concerning Road Traffic and Transportation, and Regional Regulation Number 2 of 2019 concerning Parking which is used in this study⁸.

D. Overview of the parking system

Based on Law Number 22 of 2009 concerning Road Traffic and Transportation, parking is a situation where the vehicle stops or does not move for a while and is left by the driver. The state of stopping is where the vehicle is temporarily stationary and not abandoned by the driver..

E. Parking system law enforcement

Law enforcement is the process of making efforts to uphold or function of legal norms in reality as a guide to behavior in traffic or legal relations in the life of society

⁶ H.M Rasyid Ariman, Hukum Pidana, (Malang:Setara Press,2016), 58.

⁷ Failin,"Sistem Pidana dan Pemidanaan di dalam Pembaharuan Hukum Pidana Indonesia", *Jurnal Cendikia Hukum*, Vol.3,No.1 (2017):19.

⁸ Ibid. hlm:135.

and the state. There are 2 law enforcement efforts, namely preventive and repressive law enforcement efforts⁹.

RESEARCH METHODS

A. Type of research

This research uses empirical normative legal research. According to Amiruddin and Zainal Asikin, empirical legal research is research which focuses on examining the phenomena or circumstances of the object of research in detail by collecting facts and evidence that occur in the field and developing existing designs¹⁰. Meanwhile, normative legal research is also defined as a research method that examines laws and regulations both in terms of the hierarchy of the laws and regulations themselves and the harmonious relationship between the laws and regulations. In this study using empirical normative legal research because the researcher in taking the research data is seen directly through observation, interviews and legislation, regarding the Effectiveness of the Application of Administrative Criminal Sanctions based on Regional Regulation Number 2 of 2019 concerning Parking, Law Number 22 of 2009 concerning Road Traffic and Transportation, observation and interviews¹¹.

B. Research Method

This research uses the normative empirical approach method, namely the research approach used is seen from the policy and sociological society which is the subject of research to describe the conditions seen in the

field in real terms or as they are and from the legislation. So that the data generated can become data in research.

The data sources used in this empirical normative research include the following:

1. Primary data in this research are observations and interviews.
2. Secondary data in this study are laws and regulations. In addition, there are primary, secondary and tertiary legal materials. Primary legal materials include Law Number 22 of 2009 concerning Road Traffic and Transportation, Regional Regulation Number 2 of 2019 concerning Parking, and Mayor Regulation Number 22 of 2020 concerning Implementation Guidelines for Regional Regulation Number 2 of 2019 concerning Parking. Secondary legal materials include books, journals and news articles. Tertiary legal materials include the Big Indonesian Dictionary.
3. Data collection techniques in this study using observation, interviews and literature methods¹².

RESEARCH RESULTS AND DISCUSSION

A. Law Enforcement on Illegal Parking in Malioboro Area, Yogyakarta City

Parking is a condition in which a vehicle is temporarily immobile or stops because it is left by the driver. The state of stopping is a situation where the vehicle is not moving temporarily and is not left by the driver¹³.

The parking referred to in this study is illegal parking. Illegal parking is an illegal act which can interfere with traffic and for

⁹ Tirto.id, "Apa yang dimaksud dengan Penegakan Hukum di Indonesia, 2021. Diakses pada 15 Maret 2023 pukul 00.27. <https://tirto.id/apa-yangdimaksud-dengan-penegakan-hukum-diindonesia-gke5gan> Penegakan Hukum di Indonesia? (tirto.id).

¹⁰ Yunus Aziz, "Pengertian Empiris: data, kekurangan dan kelebihan, 2022. Diakses pada 1 Maret 2023 pukul 22.53. <https://deepublishstore.com/blog/empiris-adalah/>

¹¹ Kornelius Benuf dan Muhamad Azhar, "Metode Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer", *Jurnal Geman Keadilan*, Vol.7, No.1 (2020): 5.

¹² Yusuf Abdul, "Pengertian Studi Pustaka Menurut Para Ahli, Sumer, Tujuan dan Metodenya", 2021. Diakses pada 7 Maret 2023 pukul 11.51. <https://deepublishstore.com/blog/studi-pustaka/>.

¹³ Alberta Veronica soke, "Persepsi Masyarakat tentang Keberadaan Juru Parkir Liar di Pasar Segiri dan Samarinda Square Kecamatan Samarintan Ulu", *Jurnal Sosiastri-sosiologi*, Vol.7, No.1.(2019) hlm:109.

violations can be subject to criminal sanctions of imprisonment for a maximum of six months or a maximum fine of IDR 50,000,000.00 (fifty million) for each person and / or business entity that intentionally uses road space for parking facilities outside collector and local roads¹⁴.

Regulations regarding parking are regulated in Law Number 22 Year 2009 concerning Road Traffic and Transportation. Article 287 states that "Every person driving a Motorized Vehicle on the Road who violates the rules of traffic movement as referred to in Article 106 paragraph (4) letter d or the procedure for stopping and Parking as referred to in Article 106 paragraph (4) letter e shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp250,000.00 (two hundred fifty thousand rupiah). Article 106 states that "every person who drives a motor vehicle on the road must comply with the provisions in the form of: (a) Command signs or prohibition signs; (b) Road markings; (c) Traffic signaling devices; (d) Traffic movements; (e) Stopping and parking; (f) Warnings with sound and light; (g) Maximum or minimum speed; and / or (h) Procedures for coupling and attachment with other vehicles. Article 106 paragraph (4e) explains that it is prohibited to stop or park in areas or areas or places that are clearly prohibited for parking motorized vehicles, such as on the side of the highway, on the shoulder of the road and others that have signs of no parking or no stopping.

Since the enactment of Law Number 12 Year 2011 on the Formation of Legislation (Law No.12 Year 2011), the use of criminal provisions in legislation has been determined in a limitative manner. This is explained in the provisions of Article 15 paragraph (1) of Law No.12 of 2011 that criminal provisions can

only be contained in Laws, Provincial Regulations (Provincial Regulations), Regency / City Regulations (Regency / City Regulations), while the provisions regarding the type of punishment and the length of criminal sanctions are in the form of a maximum imprisonment of 6 (six) months or a maximum fine of Rp 50,000,000.00 (fifty million rupiah) this is regulated in Article 15 paragraph (2) of Law No.12 of 2011.

The inclusion of criminal law in legislative policies both at the central and regional levels is still very much used and relied upon as a means of criminal politics. This can be seen in most legislation products that almost always include a sub-chapter on "criminal provisions" as a characteristic of Administrative Penal Law. This condition is related to the policy to succeed the New Order's development mission which was carried out instrumentally by building infrastructure in the field of legislation. This is in accordance with Rescoe Pound's view that: "law is a tool of social engineering"¹⁵.

The background of the criminal aspect in administrative legislation is to realize a just and prosperous society as mandated in the Preamble of the 1945 Constitution, so that it is necessary to have a policy of protecting the community and regulating policies for all activities of community life, especially those related to issues concerning the state's duty to prosper the community based on state administrative law. This is intended so that all state administrative provisions can be applied effectively in terms of law enforcement policies¹⁶.

More specifically, the principles and objectives of parking are regulated in Articles 2 and 3 of Local Regulation Number 2 of 2019 concerning Parking. Parking is conducted based on the following principles:

1. The principle of legal certainty, in which parking organizers, parking managers,

¹⁴Tri Jata Ayu Pramesti, "Sanksi Pidana Jika Parkir Sembarangan di Pinggir Jalan", 2015. Diakses pada 8 maret 2023 pukul 04.24. <https://www.hukumonline.com/klinik/a/sanksi-pidana-jika-parkirsembarangan-di-pinggir-jalan-lt559b511640fb9>.

¹⁵*Ibid*, hlm:36.

¹⁶*Ibid*, hlm:24-25.

and parking service users obey the provisions of laws and regulations.

2. The principle of transparency, namely openness to the public to obtain correct, clear, and honest data and information in the organization and management of parking.
3. Accountable principle, namely the implementation and management of parking can be accounted for.
4. Balanced principle, namely the implementation and management of parking must be carried out on the basis of a balance between facilities and infrastructure with the fulfillment of the rights and obligations of service users and parking organizers.
5. The principle of security and safety, providing security and safety guarantees to road users and parking users in the parking area.

The objectives of parking are as follows:

1. The realization of parking services that are safe, orderly, smooth, and integrated with the center of activity and/or road transportation;
2. The fulfillment of parking organization in accordance with the provisions of laws and regulations;
3. The realization of the implementation of proper parking services in accordance with the general principles of good governance;
4. The realization of protection and legal certainty in the implementation of parking; and
5. The realization of orderly traffic and road transportation, and 6) The realization of transparency in the receipt of local revenue in the field of parking¹⁷.

Based on data on parking violations by both service users and parking attendants in the

Malioboro area of Yogyakarta City in 2020, 2022, and 2023 as follows:

Table 1. 1 Parking Violation Data Year 2020, 2022, and 2023

No	2020	2022	2023
1	159	103	191
2	149	128	191
3	135	91	-
4	60	124	-
5	82	85	-
6	101	94	-
7	218	69	-
8	220	117	-
9	266	119	-
10	276	153	-
11	86	105	-
12	169	107	-
Total	1924	1295	382

Based on the table of parking violations in Malioboro in 2020, 2022, and 2023, it can be seen that the number of violations is quite high even though it has decreased significantly, but it is still quite high.

Based on the results of an interview with Mr. Yudho Bangun Pamungkas as the Operational Control Section of the Yogyakarta City Pamong Praja Police Unit on June 22, 2023, explained that "there are two law enforcement systems carried out by Satpol PP, namely judicial and non-judicial enforcement. Non-justiciary enforcement is enforcement that is carried out not up to the court and for the application of sanctions, namely administrative sanctions and verbal warnings, while justiciary enforcement, for violators, they will be summoned and brought to the Satpol PP office after which an investigation and examination will be carried out and a BAP will be made and then sent to the court for trial"¹⁸.

Data on parking violations in 2020 recorded 1924 cases, 2022 recorded 1295 cases, and in January to February 2023 recorded 382 cases. Non-justiciary operations

¹⁷Pasal 2 dan 3 Peraturan Daerah Nomor 2 tahun 2019 tentang Perparkiran.

¹⁸Hasil Wawancara dengan Yudho Bangun Pamungkas, Selaku Seksi Pengendalian Operasional Satuan Polisi Pamong Praja Kota Yogyakarta pada tanggal 22 Juni 2023, Pukul 09.15 WIB.

here are actions taken by Satpol PP in order to maintain and restore public order and public tranquility against violations of Perda and / or Perkada in accordance with the provisions of laws and regulations and not up to the trial process, the sanctions are in the form of verbal warnings and statements of non-compliance. Meanwhile, judicial operations are the same as non-justicial operations but up to the trial process which can then be subject to administrative criminal sanctions in the form of fines with a range of Rp 50,000 (fifty thousand) to Rp 300,000 (three hundred thousand). This is based on the imposition of criminal fines that have been imposed on parking violators from 2020 to 2023.

In terms of the imposition of the amount of administrative criminal sanctions in the form of fines, namely as follows:

1. Parking Attendant

In terms of the imposition of heavy or light fines imposed on illegal parking attendants can be influenced by the actions of the parking attendants themselves, such as:

- a. A verbal warning has been given but not heeded;
- b. A fine has been imposed, but he/she repeats the act for the second or even third time.
- c. In addition, they do not have tickets, so they set the fare carelessly. This may seem normal, but this offense could potentially become a criminal offense of extortion if accompanied by coercion in asking for the tariff.¹⁹

2. Parking Users

In terms of the severity or leniency of the fines imposed on illegal parking violators are as follows:

- a. Not having a driver's license or not carrying a driver's license (Articles 281 and 288 paragraph (2) of Law No.22 of

2009 Concerning Traffic and Transportation);

- b. No vehicle number (Article 280 of Law No.22 of 2009 concerning Traffic and Road Transportation);
- c. No vehicle equipment, such as mirrors, headlights, brake lights, horn, speed meter and muffler (Article 285 paragraph (1) of Law No.22 of 2009 concerning Traffic and Road Transportation);
- d. No STNK (Article 288 paragraph (1) of Law No.22 of 2009 concerning Traffic and Road Transportation);
- e. Not carrying a helmet (Article 291 paragraph (1) of Law No.22 of 2009 concerning Traffic and Road Transportation).

There are 2 (two) types of law enforcement efforts, namely preventive law enforcement efforts and repressive law enforcement efforts.

1. Repressive Law Enforcement Efforts

Repressive law enforcement efforts are enforcement carried out when there has been a violation of the law, especially regarding licensing.

Repressive efforts so far carried out by the Yogyakarta City Transportation Office and Yogyakarta City Satpol PP in tackling parking violations in the Malioboro area :

a. Enforcement by reprimand

Enforcement with this warning is only given to official parking attendants and unofficial parking attendants in the form of verbal warnings and statements not to repeat.

b. Enforcement with administrative criminal sanctions

Enforcement with administrative criminal sanctions in the form of fines is imposed on unofficial parking attendants who are still carrying out parking activities in the area which have previously been verbally reprimanded beforehand, while official parking attendants who are caught increasing ticket rates not in accordance with

¹⁹Hasil Wawancara dengan Lukman Hidayat, Selaku Kepala Seksi pembinaan dan Pengawasan Parkir Dinas Perhubungan Kota Yogyakarta, Pada Tanggal 7 Juni 2023, Pukul 10.00 WIB.

existing regulations and other violations in the form of administration will be subject to sanctions in the form of revocation of parking lot management permits both temporarily and permanently and fines determined based on 2 times the amount of the deposit (regulated in Yogyakarta Mayor Regulation Number 22 of 2020 concerning Guidelines for the Implementation of Regional Regulation Number 2 of 2019 concerning Parking)²⁰.

The above action is supported by the results of the researcher's interview with Mr. Lukman Hidayat, S.E., as Head of the Parking Development and Supervision Section of the Yogyakarta City Transportation Agency on June 7, 2023, explaining that "unlicensed parking attendants who then commit violations will be given guidance and for official parking attendants who commit violations that are not in accordance with the provisions, we will give verbal warnings. If the verbal warning is not heeded, the Transportation Department will give a written warning and the Transportation Department will also check in the field starting from the parking attendant's uniform, the use of tickets, and the suitability of the rates set in the field to coaching to official parking attendants. Then if they still commit violations, then the official parking attendants will have their parking permits revoked, while for unofficial parking attendants we will later hand them over to Satpol PP to take action against them"²¹.

So far, the repressive efforts mentioned above have been implemented by the Yogyakarta City Transportation Agency and

Satpol PP of Yogyakarta City. In addition to the above efforts, there are other repressive efforts from the Yogyakarta City Transportation Agency, namely trying to help unofficial parking attendants to be legalized as long as it can be done by the Transportation Agency, this is intended to reduce unofficial parking attendants and prevent more parking violations.

2. Preventive Law Enforcement Efforts

Preventive law enforcement efforts are a series of efforts or actions intended to prevent violations or deviations from existing provisions. This effort was carried out by the Yogyakarta City Transportation Office and Satpol PP of Yogyakarta City, where each party made preventive efforts, namely as follows:

- a. Yogyakarta City Transportation Office
During long holidays or long holidays, the Yogyakarta City Transportation Agency will conduct guards in the Malioboro area and its surroundings and Transportation Agency officers will conduct preventive guidance so that there are not more violations of parking in the Malioboro area and its surroundings. In addition, the Transportation Department also conducts socialization or appeals to the public through the media not to carry out illegal parking activities in the Malioboro area and its surroundings.
- b. Yogyakarta City Civil Service Police Unit.
Satpol PP of Yogyakarta City conducts patrols, appeals to visitors and conducts joint guards with the Transportation Agency and other law enforcement officials to jointly maintain order in terms of parking in the Malioboro area and its surroundings²².

²⁰Andi Jafits Luster Romadhon,"Upaya Repretif dan Preventif dalam Penegakan Hukum terhadap Pelanggaran Lalu Lintas oleh kendaraan Pengangkutan Suporter PSIM", *Indonesian Journal of Criminal Law and Criminology (IJCLC)*, Vol.1, No.3., (2020) hlm:133.

²¹Hasil Wawancara dengan Lukman Hidayat, Selaku Kepala Seksi pembinaan dan Pengawasan Parkir Dinas Perhubungan Kota Yogyakarta, Pada Tanggal 7 Juni 2023, Pukul 10.15 WIB.

²²Hasil Wawancara dengan Yudho Bangun Pamungkas, Selaku Seksi Pengendalian Operasional Satuan Polisi Pamong Praja Kota Yogyakarta pada tanggal 22 Juni 2023, Pukul 09.15 WIB.

B. Effectiveness of Administrative Criminal Sanctions on Illegal Parking in Malioboro Area, Yogyakarta City

Sanctions are a suffering that is intended or caused intentionally by someone who commits violations, mistakes and crimes. Sanctions are also intended so that someone obeys the laws or regulations in force in Indonesia. Sanctions are a form of actualization of a legal norm that has characteristics such as threats or as an expectation. In addition, sanctions will also have a positive impact and a negative impact on the surrounding social environment, where this sanction is seen from a person's personal assessment which has to do with attitudes and behavior that do not get recognition and value is not beneficial if obeyed. Legal influence and the concept of influence will be meaningful if attitudes and behavior can be associated with a legal rule in reality, have a positive effect and its effectiveness depends on the purpose or intent of a legal rule²³.

The application of an administrative criminal sanction in the form of a fine is deemed unable to reduce the number of violations of illegal parking, this is due to the separate weaknesses of administrative criminal sanctions in the form of fines, among others:

1. That administrative criminal sanctions in the form of fines can be borne or paid by third parties so that the sanctions imposed are not directly felt by the violators themselves.
2. In addition, the weakness of administrative criminal sanctions in the form of fines is very beneficial for people who are able (service users and parking attendants), where from the income of illegal parking attendants who do not have permission to manage parking lots is not allocated or shared with the city / regional

government so that the income earned by illegal parking attendants all go into their pockets. From this, illegal parking attendants will be very easy or do not feel burdened (deterrent), because the sanctions given can be said to be light when viewed from the income they get²⁴.

The above is supported by the results of an interview with Mr. Yudho Bangun Pamungkas as the Operational Control Section of the Yogyakarta City Pamong Praja Police Unit on June 22, 2023, explaining that "for administrative penalties in the form of fines, it is still too light for parking attendants in the Malioboro area, for example official parking is charged a tariff of Rp2. 000 (two thousand) premotor and for the division of 60:40 or 50:50 between the City Government and the parking attendant, while the unofficial parking attendant is charged a premotor tariff of Rp2,000 (two thousand) and there is no division with the City Government in other words the money earned as net income. It can be said that for the enforcement of sanctions I think it is still less effective, this is because their income is quite large so if only to pay fines there is still a lot left over"²⁵.

Based on Article 21 paragraph (1) of Yogyakarta Mayor Regulation Number 22 of 2020 concerning Implementation Guidelines for Yogyakarta City Regional Regulation Number 2 of 2019 concerning Parking, it explains the distribution of retribution for parking facilities on the edge of public roads. City government and parking attendants based on used tickets as follows:

Table 6. 1 Parking revenue sharing between parking attendants and the municipality.

²⁴Hasil Wawancara dengan Yudho Bangun Pamungkas, Selaku Seksi Pengendalian Operasional Satuan Polisi Pamong Praja Kota Yogyakarta pada tanggal 22 Juni 2023, Pukul 09.15 WIB.

²⁵Hasil Wawancara dengan Yudho Bangun Pamungkas, Selaku Seksi Pengendalian Operasional Satuan Polisi Pamong Praja Kota Yogyakarta pada tanggal 22 Juni 2023, Pukul 09.15 WIB.

²³Erizka permatasari,"Mengenal Saksi Hukum Pidana, perdata, dan Administratif", 2021. Diakses pada 7 maret 2023 pukul 20.46. <https://www.hukumonline.com/klinik/a/mengenal-sanksihukum-pidana--perdata--dan-administratif-lt4be012381c490>.

N O	REGION	CITY GOVERNME NT	PARKI NG TEACH ER
1	I (Premium)	30%	70%
2	II	25%	75%
3	III	20%	80%

Based on table 1, it can be seen that 100% of the parking revenue obtained by the parking attendants is divided for area I (premium) by 30% of the city government and 70% of the parking attendants and so on, so that the results of the division will be a source of revenue for the Special Region of Yogyakarta.

Article 22 explains the distribution of the results of managing parking facilities in special parking lots, among others:

Table 7. 1 Sharing of proceeds from the management of parking facilities in designated parking lots

NO	REGION	VEHICLE PARKING	
		PEMKOT	MANAGEM ENT OF PARKING FACILITIES IN SPECIAL PARKING LOTS
1	I	50%	50%
2	II	45%	55%
3	III	40%	60%

Based on Table 2, it can be seen that 100% of the vehicle parking revenue obtained is divided for area I by 50% of the city government and 50% of the parking facility manager and so on, so that the results of the division will be a source of revenue for the Special Region of Yogyakarta.

From the explanation above, it can be seen that the activities of illegal parking attendants will have an impact on local revenue, because the source of revenue funds obtained by illegal parking attendants cannot

be channeled to the government because of the act of having a parking establishment permit or parking lot management. In addition to the income of illegal parking attendants who are not allocated to the government, there are other things such as charging rates above the provisions determined by the government. The activities of illegal parking attendants are also detrimental to the surrounding community because they cause congestion on the roads around the Malioboro area of Yogyakarta City.

The advantages of administrative penalties in the form of fines include:

1. Administrative punishment in the form of fine does not stigmatize the convict or violator, so that the convict does not get a bad label from the community.
2. Another advantage of imposing administrative punishment in the form of fines is that the state gets revenue and in addition the process of implementing the punishment is easier and cheaper so that it applies the principles of fast, simple and low-cost justice.

To see whether or not a legal sanction is effective, it can be seen or considered regarding the factors that affect the effectiveness of legal application. From the results of interviews with several informants related to this research, the factors that cause violations of illegal parking in the Malioboro area of Yogyakarta City include:

1. Law Enforcement Factors

This factor is seen from the parties who form and apply the law and see how these law enforcement officers enforce the rule of law in accordance with their duties and the use of appropriate authority. These parties are the Yogyakarta City Transportation Agency and the Yogyakarta City Civil Service Police Unit.

The results of the interview above are also supported by the results of the researcher's interview with Mr. Cecep, as a parking attendant in the Malioboro area of Yogyakarta City on June 13, 2023,

explaining that "for the payment of fines imposed on him, it is paid by the owner of the parking lot. He also said that the parking lot he uses has an owner or whatever it is called, while I am only a manager in the field"²⁶.

Mr. Cecep's explanation above, it is not known that the "Owner" in question is an apparatus or not. Based on the observations of researchers, many law enforcers do not strictly reprimand or impose sanctions on violators, both service users and parking attendants, and they only urge.

Law enforcement against illegal parking violators in the Malioboro area of Yogyakarta City based on Local Regulation No.2 of 2019 concerning Parking is less effective because the fines given are smaller than the income of illegal parking attendants, so it does not provide a deterrent effect and does not eliminate illegal parking in the Malioboro area. This is because the amount of income of illegal parking attendants in the Malioboro area is very large, so if only a fine of Rp50,000 (fifty thousand rupiah) to Rp300,000 (three hundred thousand rupiah) is imposed, it is considered very small (light) when compared to the income of illegal parking attendants.

In addition, there are obstacles faced by law enforcement officials, namely when they patrol or supervise parking activities they do not find parking attendants or illegal parking users but when they finish patrolling these parking attendants will reappear. Another thing is that parking attendants who participate in wearing uniforms or attributes of official parking attendants so that not many of the law enforcement officers cannot recognize illegal parking attendants.

2. Community Factors

The community factor is the environment where the law applies and is applied, this factor also looks at the trust and

thoughts of the community towards law enforcement officials. This factor is also related to the condition of the community environment, where the lack of public awareness of the importance of the law to be obeyed. This can be seen from the behavior of people who park illegally on the shoulder of the road which causes long traffic jams and is detrimental to the public interest.

Based on the results of an interview with Lisa, as a user of parking services in the Malioboro area of Yogyakarta City on June 13, 2023, explained that "she knew that the parking lot she used was an unofficial parking lot because it was on the shoulder of the road and she conveyed the reason for using the parking lot, namely because the parking lot was close to the place she wanted to visit." (Lisa)"²⁷.

The results of the researcher's interview with Mrs. Ifa, as a user of parking services in the Malioboro area on June 13, 2023, explained that "She parked her vehicle on the side of the road that was close to the place she wanted to go to and she also said that she also knew that these places were not official parking lots".

From the results of the interview above, it indirectly contradicts the results of the interview with the Yogyakarta City Transportation Office and Satpol PP which explained that "many parking service users do not know that the place where they park their vehicles is an unofficial parking lot, where they are only directed by illegal parking attendants to park in that place"²⁸.

From the results of the interview above, it can be related to the principle of legal

²⁶Hasil Wawancara dengan Cecep, Selaku Juru Parkir di Kawasan Malioboro Kota Yogyakarta, Pada Tanggal 13 Juni 2023, pukul 16.00 WIB.

²⁷Hasil Wawancara dengan Lisa, Selaku Pengguna Jasa Parkir di Kawasan Malioboro Kota Yogyakarta, Pada Tanggal 13 Juni 2023, Pukul 16.30 WIB.

²⁸Hasil Wawancara dengan Lukman Hidayat, Selaku Kepala Seksi pembinaan dan Pengawasan Parkir Dinas Perhubungan Kota Yogyakarta, Pada Tanggal 7 Juni 2023, Pukul 10.00 WIB.

fiction, where this principle assumes that everyone is considered to know (*presumption iures de iure*) and the provisions are binding so that a person's ignorance of the law cannot exempt / excuse him from legal claims (*ignorantia iuris non excusat*) when a statutory regulation has been promulgated. This principle explains that after the legislation has been enacted, everyone is deemed to know it and there is no reason whatsoever to excuse his ignorance.

In this case, many local people both in the city and outside the city actually know about unauthorized parking lots, but they ignore this and continue to park their vehicles in these places on the grounds that they are close to the place they are going to or visiting. From this it can also be seen that public awareness of the importance of the law to be obeyed is lacking, where they already know that illegal parking is a form of violation of the law but they still commit this violation on the grounds that the illegal parking lot is closer to their destination.

3. Facilities and Infrastructure Factors

The facilities and infrastructure factor is a factor that looks at the availability of supporting resources in the law enforcement process which is seen from the quality and quantity of supporting facilities and infrastructure.

Based on the results of an interview with Mr. Yudho Bangun Pamungkas as the Operational Control Section of the Yogyakarta City Pamong Praja Police Unit on June 22, 2023, explained that "for the Malioboro area parking infrastructure factor is the lack of parking lots, this can be seen from the potential of Malioboro itself which is described as the main tourist destination in Yogyakarta City. From this it is impossible to rely only on existing parking lots, even if they are sufficient for parking needs, the problem is that the parking lots are quite far away and many visitors do not want to park their vehicles in the parking lot. Then there are no other alternatives, for example there is

the Tole Bus which is a transportation from the parking lot which is quite far away, but this alternative is not many routes even though it is quite a bit to overcome the parking problem. According to Mr. Yudho, if there is a parking lot that is far away, the City Government should provide facilities such as the Satel Bus so that it can slightly overcome the parking problem in the Malioboro area"²⁹.

The above explanation is also supported by the results of an interview with Mr. Lukman Hidayat, S.E., as the Head of the Parking Development and Supervision Section of the Yogyakarta City Transportation Agency on June 7, 2023, explaining that "he said that the Transportation Agency realizes that the availability of parking spaces in Malioboro is very, very limited, so in the end when the availability of parking spaces in Malioboro is inadequate, it will end up in unofficial parking lots. The inadequacy of the parking lot will result in illegal parking"³⁰.

It can be seen from the results of the interview that facilities and infrastructure are one of the inhibiting factors in overcoming illegal parking in the Malioboro area, where parking lots are inadequate for visitors or tourists in the Malioboro area who bring private vehicles, so that the inadequate parking lot causes visitors to park their vehicles on the shoulder of the road which is basically wide but because of the large number of visitors who park their vehicles there, it becomes narrow and creates prolonged congestion. In addition, the Yogyakarta City Pamong Praja Police Unit has also sought infrastructure in the form of CCTV installed in the flower market which

²⁹Hasil Wawancara dengan Yudho Bangun Pamungkas, Selaku Seksi Pengendalian Operasional Satuan Polisi Pamong Praja Kota Yogyakarta pada tanggal 22 Juni 2023, Pukul 09.15 WIB.

³⁰Hasil Wawancara dengan Lukman Hidayat, Selaku Kepala Seksi pembinaan dan Pengawasan Parkir Dinas Perhubungan Kota Yogyakarta, Pada Tanggal 7 Juni 2023, Pukul 10.15 WIB.

was only 2 weeks ago, this is sought to further support the effectiveness of law enforcement against parking violations.

Based on the description above, the effectiveness of the application of administrative criminal sanctions against illegal parking in the Malioboro area of Yogyakarta City has not been maximized, where there are 3 factors that do not support the effective application of sanctions against illegal parking in the Malioboro area, namely law enforcement factors where many law enforcement officials sometimes ignore the problem of illegal parking by not imposing sanctions and only reprimanding or appealing to the parking attendants and other illegal parking violators in the Malioboro area, Second, the community factor where there are still many people who do not care about it by always parking their vehicles in places that are not official parking lots on the grounds that they are closer to the destination, third, the infrastructure factor in the form of a lack of parking lots that are inadequate to the number of visitors in the Malioboro area, so that many of them park their vehicles on the shoulders of the road around the Malioboro area.

CONCLUSION

A. Conclusion

Penegakan hukum yang dilakukan oleh Dinas Transportation and Satpol PP of Yogyakarta City include two, namely repressive legal efforts in the form of action with a warning and action with administrative criminal sanctions. Preventive legal efforts in the form of guarding, monitoring, and socialization (social media) to the public.

There are 3 factors that do not support the effective implementation of sanctions against illegal parking in the Malioboro area, namely first, law enforcement factors in the form of less assertive against illegal parking violators. besides that the fines given are smaller than the income of illegal parking attendants, so that it does not provide a

deterrent effect and does not eliminate illegal parking in the Malioboro area. Second, the community factor where there are still many people who continue to park illegally even though they know that the parking lot is illegal on the grounds that the parking lot is closer to the place they are going to. Third, the infrastructure factor in the form of a lack of parking lots that are inadequate to the number of visitors in the Malioboro area, so that many of them park their vehicles on the shoulders of the road around the Malioboro area.

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