

Legal Protection of Consumers in the Implementation of Illegal Parking in Connection with the Consumer Protection Law (Case Study of Vehicle Parking in City Park)

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ARTICLE INFO	ABSTRACT
Keywords: Legal Protection, Consumer Protection, Illegal Parking. How to cite: Anthon Fathanudien., Siti Fauziah (2024) Legal Protection of Consumers in the Implementation of Illegal Parking in Connection with the Consumer Protection Law (Case Study of Vehicle Parking in City Park). <i>Veteran Law Review</i>. 8(1) 64-71. Received:2025-04-20 Revised:2025-08-14 Accepted:2025-08-16	The behavior and life of the community is always dynamic in accordance with the needs of life as a means of support in carrying out daily activities. Because public service factors related to public transportation are not clear about the route and route, the majority of people prefer to use private vehicles, this situation is in line with the intensity of vehicle sales. Motorized vehicle parking lots are a necessity for vehicle owners, therefore parking must receive serious attention, especially regarding its regulation. As in the Kuningan Regency City Park area, the community always needs a safe and orderly parking lot, but there are some people who do not understand and are irresponsible in terms of utilizing parking management such as illegal parking fees. One of the important things in parking management is the issue of protection for consumers of parking service users regarding the payment of parking rates that exceed normal rates and are carried out by illegal parking attendants and are included in illegal parking fees. The purpose of this research is to find out legal actions based on regulations on Consumer Protection for individuals who collect illegal parking fees in Kuningan Regency and the role of the Parking Related Service in Kuningan Regency, namely the Parking Section of the Kuningan Regency Transportation Office. This research is an empirical legal research using field research and also through literature data and interviews as data collection methods. The interview was conducted to one of the resource persons who has authority in the parking lot. The results of this study indicate that parking attendants should be able to pay attention to consumers as stipulated in the regulations on Consumer Protection and parking attendants who have been equipped with Special Parking Uniforms and Task Orders (SPT) collect parking fees in the field and then given and supervised by the supervisor, after being given to the supervisor, the supervisor gives it to the manager to be deposited into the Local Government treasury once a week. Efforts made in curbing illegal levies on parking services are conducting raids/patrols, directly reprimanding and inviting official parking attendants.

1. Introduction

The Indonesian State as a form of State of law and a welfare State, has the aim of prospering the community as mandated in the 1945 Constitution of the Republic of Indonesia. In one of the government's regulatory actions, the State makes laws and regulations with the aim of regulating society to find its welfare. One of them is Law

Number 8 of 1999 concerning Consumer Protection, which is intended to prosper the actors of economic activity, both consumers and producers. Protection of consumers is more emphasized, because consumers are the last recipient or end user of goods and services, so they are the party most at risk of receiving losses (Tampubolon, 2016). The welfare in question is the guarantee of legal certainty for consumers, so that they can immediately set limits on what can and cannot be done according to legal provisions. Legal certainty is also one of the basic values of law adopted in Indonesia as the purpose of law in addition to justice and expediency. It is important to provide an analysis of Law Number 8 of 1999 concerning Consumer Protection, as a form of legal certainty from the consumer's point of view. Contained in this journal is the form of legal certainty referred to in Law Number 8 of 1999 concerning Consumer Protection, accompanied by an analysis of the suitability of the basic legal values contained in Article 28 D paragraph (1) of the 1945 Constitution as a reflection of legal certainty and equality in the Indonesian constitution, so as to find out the extent to which the Consumer Protection Law is meaningful to the constitution of the Republic of Indonesia (Zaelani & Permatasari, 2017).

The enactment of Law Number 8 of 1999 concerning Consumer Protection (hereinafter referred to as "UUPK") was partly intended to provide protection for consumers who use parking services. Nowadays, parking services are a profitable and highly demanded business sector. This is common in society given the rapid development of transportation that encourages companies and institutions to engage in parking lot businesses (Bulan, 2020). Through parking service facilities, people entrust the security of their personal vehicles to parking managers. However, in practice, consumers often feel harmed by parking service providers when their vehicles are damaged or lost, or when parking fees exceed the standard rates, constituting illegal parking payments. Many consumers question the responsibilities of parking attendants in performing their duties, especially since many consumers feel aggrieved by the quality of service offered by parking attendants, who often appear unaccountable for their responsibilities (H. Fuadi et al., 2021).

As vehicle usage increases and people move more frequently from one place to another, the need for parking space rises, making parking a vital element in transportation and a potential source of local government revenue. Proper parking management is essential to ensure the comfort, order, and safety of parking users. High urban mobility must be supported by infrastructure and facilities to ensure smooth transportation (Asmarudin et al., 2020).

Establishing the legality of parking managers is considered necessary given the situation on the ground, where public spaces attract high parking activity. This high activity is supported by the appeal of public spaces themselves, which attract many visitors, especially to City Park in Kuningan Regency. The large number of visitors correlates with a high volume of parked vehicles. However, this high intensity of vehicle parking is still managed by local residents, meaning the management is largely illegal and unprofessional (F. H. Fuadi et al., 2020). Therefore, there is a need to guide parking attendants by first legalizing all forms of parking activity through permits issued by relevant government authorities. Another reason for legal

empowerment is the lack of discipline among official parking attendants, particularly in the use of official uniforms (Ibrahim et al., 2014).

According to written regulations, illegal parking attendants must wear official uniforms provided by the Regional Transportation Agency of Kuningan Regency. However, this regulation is still often ignored by official parking attendants on duty. The purpose of wearing uniforms is to make it easier for field supervisors to monitor the performance of parking attendants (Mahendra & Muta'ali, 2013).

2. Method

The research method used is empirical juridical with a descriptive-analytical research specification, which involves describing the research results with the most complete and detailed data possible. The description pertains to primary and secondary data related to legal protection for consumers of parking services. An analysis of the research results is then conducted using applicable laws and relevant theories.

3. Results and Discussion

3.1 Legal Protection Regulation for Parking Service Consumers in Indonesia

Legal protection for consumers is regulated in Article 4 letter a of Law Number 8 of 1999 concerning Consumer Protection, which grants the right to safety, security, and comfort in enjoying offered services. However, in practice, parking operators often fail to ensure safety in accordance with this article. Consumers who feel harmed have the right to compensation based on Article 4 letter h of the Consumer Protection Law, which states: "the right to compensation, redress and/or replacement, if the goods and/or services received are not as agreed or not as they should be." Article 19 of the Consumer Protection Law outlines the liability of business actors, stating they are responsible for compensating for damages resulting from the use of goods and/or services. Although the Consumer Protection Law is clearly enacted, its implementation remains inadequate, meaning its application does not align with the practice in the field. Numerous violations that harm consumers are still found. For example, some parking tickets issued by parking operators include standard clauses containing exoneration clauses.

This is contrary to Law Number 8 Year 1999 on Consumer Protection. In Article 18 Paragraph (1) letter a, of the Consumer Protection Law, which prohibits business actors from stating a transfer of responsibility to consumers. The prohibition and requirements regarding standard clauses are meant to place consumers in an equal position with business actors, based on the principle of freedom of contract and to prevent possible consumer disadvantage due to ignorance, unequal position, and so forth, which may be exploited by business actors for profit. Many parking operators use standard agreements to avoid losses from issues experienced by consumers of parking services, but such agreements contradict the Consumer Protection Law. According to Article 46 paragraph (1) of the Consumer Protection Law, inclusion of standard clauses falls under actions punishable by a maximum imprisonment of five (5) years or a fine of up to IDR 2,000,000,000 (two billion rupiah).

In practice, many business actors still neglect their rights and obligations toward consumers, as shown in parking-related issues where parking consumers suffer losses due to overcharging by illegal or unofficial parking attendants. No legal protection or compensation is provided to these consumers, and no legal dispute resolution is pursued in public courts. Victims often choose to let the matter go without proper resolution, rather than complicating the situation. The final step taken by victims is usually to report the incident to official parking officers.

3.2 Implementation of Consumer Legal Protection by the Transportation Department of Kuningan Regency regarding Illegal Parking Fees in City Park

The Department of Transportation is an element of regional autonomy implementation in the field of transportation, operating under and accountable to the Governor through the Regional Secretary. The Department of Transportation is tasked with carrying out regional governmental affairs in the transportation sector based on the principles of regional autonomy and co-administration.

The role of the Department of Transportation is highly influential in the lives of local communities, as outlined in the Minister of Transportation Regulation of the Republic of Indonesia Number PM 139 of 2016 concerning Guidelines for the Nomenclature, Duties, and Functions of Regional Government Organizations Implementing Government Affairs in the Transportation Sector. Article 11 states:

- a) Department refers to the Department of Transportation of Kuningan Regency.
- b) Parking refers to the activity of temporarily placing a vehicle in a designated area.
- c) Parking service refers to parking services provided by the Regional Government on public roadsides and/or in designated parking areas.
- d) Third party refers to any person or entity appointed by the Regent to cooperate in parking management.

Based on the explanation above, the third party is the Department of Transportation. As such, the Transportation Department, acting as the supervisor, must be effective in overseeing each policy and monitoring the infrastructure provided, in order to create a high-quality government and optimize its role in implementing parking-related policies. Apart from policy supervision, the Department is also required to oversee field equipment—in this case, parking infrastructure—to optimize public services.

Motor vehicle parking spaces have become a necessity for vehicle owners; thus, parking should receive serious attention, especially in terms of regulation. According to Lawrence Meir Friedman's theory of legal effectiveness, there are three components of a legal system that serve as a reference for measuring how effective a regulation is:

- a) Substance of the Law: This refers to the rules, norms, and actual human behavior formed through prior events, encompassing the living law. The legal substance includes legislation such as the 1945 Constitution, Acts, Government Regulations in Lieu of Law, Presidential Regulations, Government Regulations, and Regional

Regulations. The legal instruments that govern the issue of consumer protection regarding parking levies include:

- 1) The 1945 Constitution of the Republic of Indonesia
- 2) Law Number 8 of 1999 concerning Consumer Protection
- 3) Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 139 of 2016 concerning Guidelines for Nomenclature, Duties, and Functions of Regional Apparatus Organizations Carrying out Government Affairs in the Transportation Sector in Article 11
- 4) Regional Regulation of Kuningan Regency Number 04 of 2011 concerning Parking Service Retribution
- 5) Regulation of the Regent of Kuningan Number 8 of 2016 concerning Guidelines for the Implementation of Subscription Parking Retribution in Kuningan Regency
- 6) Regulation of the Regent of Kuningan Number 07 of 2020 concerning Changes in Parking Service Retribution Rates

b) Legal Structure

Legal institutions, the law does not work well if there are no credible, competent, and independent law enforcement officers. No matter how good the legal product is if law enforcement officials do not maximize their performance in carrying out their duties, justice will not be maximized. The Department of Transportation as an agency that regulates parking fees, the Consumer Dispute Resolution Agency to resolve the problem of lost vehicles that are parked. Permanent legal system to keep the process on the limit. However, there are some that have not been effective, one of which is that there are still parking tariffs that are not in accordance with the provisions.

c) Legal Culture

This legal culture is closely related to public legal awareness. If the community is aware of the regulation and willing to comply then the community will be a supporting factor, otherwise the community will be an inhibiting factor in the enforcement of related regulations. In the legal protection for the community against parking fees which is a factor causing illegal collection when parking, namely the negligence factor of the parking attendant on duty, the lack of additional closed circuit Television in every corner of the parking lot, not all parking lots are given parking tickets for proof of vehicles being parked, lack of socialization because most people do not know about the procedures for reporting in the event of illegal collection.

In daily life, the people of Kuningan Regency cannot be separated from the name of activities outside the home bringing vehicles to be parked in the proper place and guarded by official parking attendants in the area. After using the parking service, the parking service user is charged in accordance with the current regulations both from the legislation and regulations from the Transportation Agency itself. The Transportation Department has also provided parking services for the public that are guaranteed security in several areas in Kuningan such as those in Kuningan City Park, the management of parking fees is directly handled by the Transportation

Department. However, unscrupulous people other than illegal parking attendants take advantage of the existing situation to reap the maximum profit without the completeness and rules of collection and collection of parking fees. Parking fees should be collected in accordance with the existing Standard Operating Procedures for the sake of public order and public road users without harming any party.

In carrying out his duties as a parking attendant, he will be assisted by an assistant parking attendant who has been appointed by the Head of Service to assist in his duties as a parking attendant in accordance with the proposal of the Parking Supervisor. Then, the so-called parking supervisor is an employee of the Transportation Agency who has been appointed by the Head of Service and has been assigned duties including:

1. Monitoring and collecting parking retribution from parking attendants
2. Depositing the parking retribution results in accordance with the income at a parking location that has become his responsibility once a week to the Local Government treasury
3. Supervise and report on the potential of the parking lot under his/her responsibility
4. Warn parking attendants who do not perform their obligations and duties as parking attendants
5. Apply for and extend the parking attendant's duty letter (SPT).

The Kuningan Regency Transportation Agency has provisions regarding the collection and management of parking to make it more organized. Like a jukir who has been equipped with a Task Order (SPT) to collect parking money in the field and then given and supervised by the supervisor, after being given to the supervisor, the supervisor gives it to the manager to be deposited into the Local Government treasury. It is undeniable that the existing rules and regulations cannot be fully realized properly because the facts in the field are different from the rules made. However, that does not mean that the rule is a total failure, it just needs to be slowly improved so that parking management at the Kuningan City Transportation Office can be neatly organized. Actually, the current parking management is good but some are not in accordance with what was planned and the hope is that the parking supervisor can carry out his duties carefully and firmly to the official parking attendants who have become his responsibility in supervising it.

As for some efforts made in monitoring and curbing illegal parking levies in Kuningan Regency by the parties concerned as carried out by the Kuningan Regency Transportation Office, namely:

1. Conducting Raids/Patrols In conducting raids/patrols, the Kuningan Regency Transportation Agency will cooperate with the police where illegal parking fees occur. This raid is important considering that illegal parking attendants are increasing every month so that they can curb illegal parking attendants effectively and efficiently.
2. Giving Reprimands Reprimands given to illegal parking attendants in the form of direct reprimands because the illegal parking attendants do not wear proper parking permit equipment such as special vests for jukirs etc.

3. Inviting to become an official parking attendant After giving repeated warnings, but if there are still illegal parking attendants, the Kuningan Regency Transportation Office takes the initiative to bring them directly to the office and socialize about parking, explain the rules and regulations that are violated and invite them to become official parking attendants.

Efforts made by the Kuningan Regency Transportation Agency in curbing illegal parking attendants in the City Park Area by conducting sweeps around the City Park and then further With the case of paying parking rates more than the normal tariff in the Kuningan City Park area, the parking section of the Kuningan Regency Transportation Agency immediately conducts a field check then summons illegal parking attendants and conducts direct coaching in the field, if there are obstacles, coaching is carried out in the office and asks the perpetrator not to repeat his actions by making a statement letter. Regarding supervision, it is inseparable from what is supervised and who is the supervisor.

The role of the Kuningan Regency Transportation Agency is that there are weaknesses in carrying out its duties and roles, including, namely

- a. That the institutional role as discussed has not carried out its role optimally and properly due to the lack of supervision carried out by the Transportation Agency, then in terms of Infrastructure Facilities are also less supportive because there is no CCTV in the Kuningan Regency City Park Parking Area, and the unavailability of a parking card system (ticket).
- b. The existence of public apathy and lack of legal awareness so that people do not comply with applicable regulations. Then the lack of curiosity about the surrounding environment and no more curiosity about the law, so that all regulations are ineffective. And does not run in accordance with applicable regulations. Then the majority of parking attendants are taken from ordinary people who are sometimes negligent and the lack of legal awareness of the parking attendants so that it does not deny the apathy of them seen from the lack of enthusiasm to participate in the socialization held by the Transportation Department.

4. Conclusion

Consumer Legal Protection regulated in the regulation on Consumer Protection is considered not fully implemented properly. It is evidenced by the fact that there are still many disadvantaged consumer parties in this case is the problem of parking, consumers have not received the right to comfort, security, and safety of parked vehicles with the collection of illegal parking payments or extortion. Whereas in this case the parking attendant should be able to pay attention to several principles of consumer protection as well as the rights and obligations of consumers (the public) and business actors (parking attendants). The Kuningan Regency Transportation Office is by making various efforts including conducting raids / patrols in conducting raids / patrols, the Kuningan Regency Transportation Office will cooperate with the police where illegal parking levies occur. This raid is important

considering that illegal parking attendants are increasing every month so that they can curb illegal parking attendants effectively and efficiently.

References

- Asmarudin, I., Sugiharto, I., Riyanti, R., & Abdurrachman, H. (2020). Kebijakan Penataan dan Pengelolaan Parkir Sebagai Upaya Peningkatan Pendapatan Asli Daerah. *Diktum: Jurnal Ilmu Hukum*, 8(2), 202–219. <https://doi.org/10.24905/diktum.v8i2.100>
- Bulan, R. (2020). *Perlindungan Hukum Konsumen Jasa Parkir Kendaraan Mobil* [Universitas Islam Negeri Syarif Hidayatullah Jakarta]. [https://repository.uinjkt.ac.id/dspace/bitstream/123456789/49924/1/RINDU NG BULAN-FSH.pdf](https://repository.uinjkt.ac.id/dspace/bitstream/123456789/49924/1/RINDU%20BULAN-FSH.pdf)
- Fuadi, F. H., Radjab, A. M., & Nurzaman, R. A. (2020). Analisis Yuridis Penggunaan Lahan Parkir Jalan Umum Kota Bandung Sebagai Tempat Usaha Mobil Toko. *Jurnal Legislatif*, 3(2), 201–218. <https://doi.org/https://doi.org/10.20956/jl.v3i2.10467>
- Fuadi, H., Ismail, I., & Saleh, M. (2021). Pertanggungjawaban Administratif Juru Parkir di Tepi Jalan Umum Dalam Pemungutan Retribusi. *Media Iuris*, 4(3), 419–434. <https://doi.org/10.20473/mi.v4i3.26806>
- Ibrahim, D. M., Walujodjati, E., & Ismail, A. (2014). Studi Pemanfaatan Ruang Publik Untuk Lahan Parkir Di Jalan Cikuray Garut. *Jurnal Konstruksi*, 11(1). <https://doi.org/https://doi.org/10.33364/konstruksi/v.11-1.86>
- Mahendra, D. A. S., & Muta'ali, L. (2013). Studi Pemanfaatan Ruang Publik Untuk Lahan Parkir Di Kota Blitar. *Jurnal Bumi Indonesia*, 2(3), 198–205.
- Tampubolon, W. S. (2016). Upaya Perlindungan Hukum Bagi Konsumen Ditinjau Dari Undang-Undang Perlindungan Konsumen. *Jurnal Ilmiah Advokasi*, 4(1), 53–61. <https://doi.org/https://doi.org/10.36987/jiad.v4i1.356>
- Zaelani, M. A., & Permatasari, A. I. (2017). Tinjauan Yuridis Terhadap Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Berdasarkan Pasal 28 D Ayat (1) UUD RI 1945 Sebagai Wujud Kepastian Hukum Bagi Konsumen. In *Seminar Nasional" Perlindungan Hukum Terhadap Tenaga Kesehatan Dan Pasien Dalam Perspektif UU No. 36 Tahun 2014"*, Surakarta, Indonesia, April 2017, 168–185.