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RESPONSIBILITY FOR PUBLIC ROAD PARKING MANAGEMENT FOR VEHICLE SECURITY AND SAFETY IN MAKASSAR CITY

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ABSTRACT This study aims to determine the form of responsibility of PD Parking Makassar Raya in the event of a vehicle loss at a public roadside parking location in the city of Makassar and a description of the state of security of a public roadside parking location in the city of Makassar. To achieve this goal, the researcher used three data collection techniques, namely interviews, observation, and documentation. The data obtained were then processed through qualitative descriptive methods to clearly know how the form of responsibility of PD Parking Makassar Raya in managing public roadside parking in Makassar city and a description of the security situation of public roadside parking locations. The data used in this study are primary and secondary data. The results of this study indicate that PD Parking Makassar Raya is not responsible for the losses suffered by the vehicle owner. And the security of public roadside parking locations in Makassar city depends on CCTV cameras installed in shop buildings or buildings and the presence of parking attendants in the parking lot.

KEYWORDS: parking management, responsibility

INTRODUCTION

Broadly speaking, Law Number 32 of 2004 concerning Regional Government regulates in more detail the authority of each region to administer their respective regions (Sulistyo et al., 2014). The government in carrying out its authority is divided into several fields and each field has limitations in carrying out each of its activities (Triratnawati et al., 2022). The existence of authority limits is intended to prevent confusion in the administration of government and the abuse of authority within the government itself, which has an impact on the difficulty of achieving the desired goals (Ibrahim, 2021).

In the administration of regional government, particularly in the field of parking management, according to Article 1 paragraph 6 of the Makassar Regional Regulation Number 17 of 2006 concerning the Management of Public Roadside Parking in Makassar City, it is explained: "Parking is stopping and placing motorized vehicles on the edge of public roads which is temporary in designated place" (Khan, 2013).

The need for parking facilities for private vehicles continues to increase in line with the increase in the number of vehicles so that parking facilities provided by both the government and private parties which are managed by a private parking management

business entity can promise separate income or income (Lianzah, 2017; Raharja & Murdomo, 2021). Within the scope of this parking management business, there is a good relationship between the land owner who provides the parking area (Parking Owner) and the parking management agency (Parking Manager) as well as between parking managers and parking facility users (Parking Consumers) (Taruno, 2017; Wulandari, 2015).

The legal relationship between the owner and parking manager is usually a legal relationship in the form of a cooperation agreement, either in the form of Guaranteed Income or Monthly Fixed Income where the parking manager pays a fixed amount every month to rent a parking space or in the form of a Management Fee or Monthly Revenue Sharing where the manager get a percentage of net income or as agreed, and also Technical Assistance where the parking manager only helps with technical matters or as a field consultant (Panggabean, 2018). Meanwhile, the legal relationship between parking managers and consumers to date still has differences of opinion in the community, including legal practitioners, so that this greatly affects the certainty of legal protection for parking consumers (Rofi, 2019).

In civil law or contract law, there is no known parking agreement. This is not included in the named agreement. This means that the Parking Agreement is a combination of a land rental agreement or a place rental agreement with an agreement for storing goods (Qamarani, 2020). Thus, the parking staff manager cannot get out of hand if there is damage or the vehicle is lost on the pretext that the parking location is only for rent (Alsyaahnie, 2022).

Based on the decision of the Supreme Court (MA) number 3416/Pdt/1985, the panel of judges is of the opinion that parking is an agreement for safekeeping of goods, thus the loss of vehicles belonging to consumers is the responsibility of the parking entrepreneur (Ardiyanto et al., 2020). And regarding the obligations and responsibilities of parking managers to provide compensation to consumers who use parking services who experience loss/damage and accidents at the parking lot location in accordance with the decision of the Supreme Court (MA) number 1966 K/PDT/2005 and the decision of the Supreme Court (MA) number 2078 K/Pdt/2009 (Novenanty, 2017).

Based on the above description, in Perda 17 of 2006 concerning the management of roadside parking in the city of Makassar, there are no articles that discuss the PD's responsibility for parking for the loss of vehicles using public roadside parking services in the city of Makassar,

So in this research, the author will study further about the responsibility for parking management with the title of the thesis, namely "The responsibility of the public roadside parking manager for the security and safety of vehicles in the city of Makassar"

METHODOLOGY

The research approach that the author uses in this study is a qualitative approach, which will produce descriptive data in the form of written or spoken words from informants related to parking problems in Makassar City (Muhamimin, 2020). This type of research is descriptive qualitative, namely the researcher provides a clear and systematic description of the object to be studied in order to provide valid information and data related to facts and phenomena in the field. This research is based on the intention to describe descriptively the Juridical Review of Roadside Parking Management Responsibilities in Makassar City. There are 3 stages in this research, namely the planning, implementation, and research report stages.

At the planning stage, the authors make observations to determine the problem and then determine the objectives and benefits of the research. The next stage is conducting research by collecting data and then processing and analyzing it to make a solution to these problems, while the next stage is the next activity is to carry out field tasks in order to collect data for later processing. This process includes editing and analysis as the basis for writing reports and drawing conclusions. Writing research articles is the final stage of a series of research processes. This stage is to make a report on the results of the research in writing. Written reports need to be made so that researchers can communicate the results of their research to readers.

RESULTS AND DISCUSSION

The reason this research uses a qualitative approach is because in this study the data needed is in the form of descriptive data obtained from data in the form of words in written and oral form as well as documents originating from informants or sources from the management, employees/employees and other sources. consumers who use roadside parking services within the city of Makassar. With qualitative research, researchers can find out the perspective of the object of research more deeply and directly which cannot be represented by statistical figures. With this research, the researcher discusses who is in charge in the event of a vehicle loss and how the parking facilities are located in Makassar City.

1. Parking Management by PD Parking on Vehicle Security at Parking Locations Public Roadside

In the following, the researchers present the results of research on the responsibility of Makassar City roadside parking managers. In terms of parking, PD Parking Makassar Raya has the authority to regulate roadside parking arrangements in the city of Makassar, carry out parking supervision, field surveys, and field picking tests. Based on Makassar City Regulation Number 17 of 2006 concerning Management of Public Roadside Parking in Makassar City.

Regarding the responsibility of parking managers in maintaining vehicle security, loss or damage to vehicles when parking at the parking location according to parking interpreters when interviewed by the author explained:

No	INFORMANT'S NAME	JOB DESK	INTERVIEW RESULTS
1	Iqbal Efendi	Parking Attendant	"The Parking PD is not responsible for the loss of the vehicle of the owner of the parking service user and we have never received a loss report from the jukir at any point of the area. We only remind people to warn parking service users not to save their valuables in the vehicle and it is too naïve to charge parking managers to replace vehicles worth millions of rupiah with parking money of Rp.3,000."
2	Mr. Yus	Parking Attendant	"We are not responsible if there is a loss of vehicle, I only replace if there is a missing item such as a helmet caused by my own negligence when maintaining parking."
3	Mrs. Anna	Parking Attendant	"How do I want to be responsible for changing the vehicle, our income per day is sometimes less sometimes mediocre to pay a deposit. For example, if there is a loss of a vehicle in my parking lot, I try to solve it in a familial manner with the owner of the lost vehicle, whose name is a disaster no one knows, and I also appreciate the result of the decision of the authorities if it must be resolved by legal channels."
4	Mr. Rizaldi	User	"The parking attendant did not replace the missing vehicle, they only helped find the missing vehicle and were present at the police station when asked for information regarding the case of losing my motorbike"

From the results of the interview above, it can be concluded that there is no form of liability for compensation from PD Parking Makassar Raya if there is a loss of a vehicle belonging to a public roadside parking user in Makassar City because they refer to the basic contents of the standard clause in the vehicle retribution ticket which contains "Loss and Damage to goods/vehicles is not the responsibility of PD Parking Makassar Raya" another reason is that they do not know the law on consumer protection and the decision of the Supreme Court that regulates the responsibilities of business managers. And the parking attendant is only responsible for helping to find lost vehicles and assisting in providing information at the police.

This is contrary to the contents of the Supreme Court Decision No.2157 K/Pdt/2010 and the Consumer Protection Act No. 8 of 1999 concerning consumer

protection which regulates the responsibilities of business actors contained in Article 19, namely: 1) Business actors are responsible for providing compensation for damage, pollution and/or consumer losses due to consuming goods and/or services produced or traded. The law states that business actors in this case the parking manager are responsible for providing compensation to consumers of parking services who experience losses due to loss of vehicles in the parking lot.

In practice, the parking attendant only helps find and report to the police. Whereas clearly in the decision of the Supreme Court Number 2157K/pdt/2010 it is stated that the parking manager is obliged to compensate for the loss due to the negligence of the parking manager to the parking consumers.

The responsibility of the manager in the city of Makassar based on the results of the interview above is that there is no compensation for parking users on the grounds that it has been explained in the standard clause in the parking retribution ticket "Loss and damage to goods/vehicles not

becomes the responsibility of PD Parking Makassar Raya" even though parking users have fulfilled their obligations to pay parking fees. This is because there is still a lack of knowledge of parking managers, consumers, local governments regarding the Supreme Court decision No. 2157 K/Pdt/2010 which discusses cases of vehicle loss due to negligence of parking managers.

In the Makassar City Regulation Number 17 of 2006 concerning the management of public roadside parking in the city of Makassar, there is no discussion of responsibility. So when there is a case of vehicle loss in the parking area or location, the parking manager should be responsible for compensating for compensation or replacement of goods and not evading the reason that it is clearly stated in the standard clause of the parking retribution ticket.

2. Parking Location Security Facilities in Makassar City

The following researchers present the results of research on the security of roadside parking locations in Makassar City. As in the Makassar City Regulation Number 17 of 2006 article 10, namely parking lot users and parking attendants are required to:

- a. Maintain security, order and cleanliness of the parking lot,
- b. placing vehicles in an orderly manner so as not to disturb the traffic of people, goods and vehicles,
- c. comply with the terms of service and applicable tariffs,
- d. parking attendants are required to give parking tickets to parking lot users,
- e. parking attendants are required to wear uniforms and or identification marks

determined by the board of directors.

Location security in question is a condition free from risks involving third parties (such as criminals and so on) where this condition denies the safety and security of vehicles using parking services. There are several parking locations that are the object of research in the city of Makassar. The type of parking space in the city of Makassar which is around Losari beach is in the form of a parking park, although some vehicle users also park their vehicles on the shoulder of the road.

Another problem encountered by researchers in the field is the lack of parking locations and the lack of facilities that we can see from the absence of signs and parking markings. It directly affects the behavior of parking users where parking users are reluctant to park their vehicles in the parking area provided. The effect is that parking users tend to park their vehicles in prohibited areas, this often causes parking conflicts and results in narrowing of roads and parking circulation paths.

In planning a parking space that is comfortable and safe, it is necessary to know the need for parking spaces. Availability of adequate land or space and parking restrictions in certain places such as crossroads, narrow roads, near industrial lanes, bridges, tunnels, underpasses, and building entrances. This location is considered to increase the danger of accidents and endanger the safety of parking users and other road users. Parking locations must pay attention to user safety. Apart from the danger of accidents, security can also be seen from the risk of criminal events at the point of the area. In addition, when researchers made observations, many found illegal parking attendants in the city of Makassar, which became a polemic which sometimes caused a sense of concern when parking their vehicles in public roadside parking locations

3. Security Facilities from PD. Greater Makassar Parking

The security condition of the parking location is the absence of security facilities provided by PD Parking Makassar Raya and the security condition of the parking location only depends on cctv cameras installed in shops or buildings and the presence of the parking attendant himself in the parking lot. Given that security is an important thing in choosing a parking location, in general a level of security is also needed at every point. Therefore, to improve security in each parking area, it can involve an active role or government intervention by applying special security personnel to areas that are considered prone to criminal acts.

4. Facilities Parking

The form of responsibility for the parking manager in the event of a vehicle loss

at the parking location. In this case, there is no form of responsibility from the parking PD if there is a loss of the vehicle owner of the parking user and this is very challenging with the Supreme Court decision No. 2157K/pdt/2010 and the Consumer Protection Act number 8 of 1999. After the researchers analyzed the City Regional Regulation Makassar Number 17 of 2006 concerning the management of public roadside parking in the Makassar City area, there are no rules or articles that discuss the issue of parking management responsibilities. This was reinforced by previous researchers by Vania Maretha, 2017. The opinion is that there is no responsibility for consumer rights for the loss of vehicles or vehicle accessories at the parking location.

An overview of the security and facilities of public roadside parking locations in Makassar City. The intended location security is a condition that is free from third parties (such as criminals and so on) where this condition concerns the safety and security of vehicles when parking. In planning a comfortable and safe parking space, it is necessary to know the need for parking space and security facilities at the parking location.

From the results of observations made by researchers in the field that PD Parking Makassar Raya that there are no security facilities provided. To ensure the security of the parking location, it depends on the cctv cameras installed in shops or buildings and the presence of a parking attendant who is in that place. Supported by research by Dian Eko Prakoso, 2014. Asking relevant questions to parking lot users, namely what is the condition of the parking facilities provided by the government? From these results, most people think that the condition of the parking lot is not good. This is also in accordance with the author's observation that parking places are considered less safe, because there is no security guarantee given to parking users.

CONCLUSION

Based on the results of research in the field regarding the responsibility of parking management on the edge of public roads to the security and safety of vehicles in Makassar City, it can be concluded as follows:

1. PD Parking Makassar Raya and parking attendants are not responsible for losses suffered by vehicle owners.
2. The security situation at public roadside parking locations in Makassar city depends on the cctv cameras installed in shops or buildings and the presence of the parking attendants.
3. PD Parking Makassar Raya must pay attention to the consumer protection law and the decision of the Supreme Court Number 2157K/pdt/2010 regarding the provision of compensation responsibility in the event of a loss of a parking service user's vehicle.

4. PD Parking Makassar Raya should cooperate with the insurance company in order to fulfill its legal responsibilities in the event of a vehicle loss.
5. The number of parking lot signs or lines is increased to make it easier for the public to park users in the parking lot.
6. The Makassar City Government should not give business permits to entrepreneurs who do not provide sufficient parking space

BIBLIOGRAPHY

- Alsyahnie, A. A. (2022). Perjanjian Baku Mengenai Karcis Parkir Yang Merugikan Konsumen Berdasarkan Peraturan Walikota Bandung Nomor 1005 Tahun 2014 Dihubungkan Dengan Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen [PhD Thesis]. FAKULTAS HUKUM UNIVERSITAS PASUNDAN.
- Ardiyanto, F., Raissa, A., & Michael, T. (2020). Penuntutan Ganti Rugi Kehilangan Benda Atau Barang Terhadap Pengelola Parkir Yang Berlindung Di Bawah Klausa Baku. *Jurnal Hukum Magnum Opus*, 3(1), 46–56.
- Ibrahim, I. (2021). Tinjauan Yuridis Terhadap Pelaksanaan Perparkiran di Kota Samarinda Menurut Peraturan Daerah Nomor 5 Tahun 2015 Tentang Pengelolaan dan Penataan Parkir. *Journal of Law (Jurnal Ilmu Hukum)*, 7(2), 669–683.
- Khan, M. A. (2013). Tinjauan Yuridis Terhadap Pelaksanaan Perparkiran di Kota Makassar. Makassar: Universitas Hasanuddin.
- Lianzah, R. (2017). Efisiensi Pengelolaan Manajemen Parkir Terhadap Penerimaan Pendapatan Asli Daerah Kota Bandar Lampung [PhD Thesis]. UIN Raden Intan Lampung.
- Muhamimin, M. (2020). Metode Penelitian Hukum. Mataram University Press.
- Novenanty, W. M. (2017). Kajian Hukum atas Perjanjian Valet Parking di Indonesia.
- Panggabean, H. (2018). Perlindungan Hukum Praktik Klinik Kebidanan. Deepublish.
- Qamarani, A. N. (2020). Pelaksanaan Perjanjian Pengelolaan Parkir Tepi Jalan Umum di Kabupaten Sampang. [PhD Thesis]. UPN" VETERAN" JATIM.
- Raharja, S., & Murdomo, J. (2021). Optimalisasi Pengelolaan Parkir Dalam Rangka Meningkatkan Pendapatan Asli Daerah Di Daerah Istimewa Yogyakarta. Prosiding Seminar Nasional.
- Rofi, A. M. (2019). Tanggung Jawab Pengelolaparkir Atas Kerusakan Kendaraan Pada Saat di Parkir (Studi Kerusakan Akibat Kesalahan Pihak Ketiga).
- Sulistyo, Y., Antikowati, A., & Indrayati, R. (2014). Pengawasan Pemerintah Terhadap Produk Hukum Daerah (Peraturan Daerah) Melalui Mekanisme Pembatalan Peraturan Daerah Berdasarkan Undang-Undang Nomor 32 Tahun 2004 Tentang Pemerintahan Daerah. *Lentera Hukum*, 1(1), 1–12.

- Taruno, H. T. (2017). Evaluasi Kebijakan Pengelolaan Parkir Studi Kasus: Kota Semarang. *Journal of Governance*, 2(2).
- Triratnawati, T., Sari, S. N., & Paramita, M. H. (2022). Tinjauan pemungutan retribusi parkir di tepi jalan umum kota Makassar. *Income Journal: Accounting, Management and Economic Research*, 1(2), 59–62.
- Wulandari, S. (2015). Pengelolaan Parkir Tepi Jalan Oleh UPTD Pengelola Parkir Pada Dinas Perhubungan Di Kota Samarinda. *Jurnal Administrasi Negara*, 3(1), 35–46.