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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 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.*

**ABSTRAK.** Penelitian ini bertujuan untuk mengetahui bentuk pertanggung jawaban PD Parkir Makassar Raya jika terjadi kehilangan kendaraan di lokasi parkir tepi jalan umum di kota Makassar dan gambaran keadaan keamanan lokasi parkir tepi jalan umum di kota Makassar. Untuk mencapai tujuan tersebut peneliti menggunakan tiga teknik pengumpulan data yaitu wawancara, observasi, dan dokumentasi. Data yang di peroleh kemudian di olah melalui metode deskriptif kualitatif untuk mengetahui secara jelas bagaimana bentuk pertanggung jawaban PD Parkir Makassar Raya dalam mengelola perparkiran tepi jalan umum kota Makassar dan gambaran keadaan keamanan lokasi parkir tepi jalan umum. Data yang di gunakan dalam penelitian ini adalah data primer dan sekunder Hasil penelitian ini menunjukkan bahwa PD Parkir Makassar Raya tidak bertanggung jawab atas kerugian yang di derita oleh pemilik kendaraan. Dan keadaan keamanan lokasi parkir tepi jalan umum di kota Makassar bergantung pada kamera cctv yang terpasang pada bangunan toko atau gedung-gedung dan keberadaan tukang parkir yang berada di tempat parkir.

*Kata kunci: pengelolaan parkir, tanggung jawab.*

## Preliminary

Broadly speaking, Law Number 32 of 2004 concerning Regional Government regulates in more detail the authority of each region to administer their respective regions. The government in carrying out its authority is divided into several fields and each field has limitations in carrying out each of its activities. 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.

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".

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. 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).

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. 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.

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. 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.

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. 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.

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. 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.

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"

## **Literatur Review**

### **1. Legal Liability**

Responsibility in general is human awareness of behavior or deeds, both intentionally and unintentionally. Responsibility also acts as an embodiment of awareness of obligations so, responsibility is an act carried out by every person or individual based on one's obligations or calling, namely an attitude that shows that a person has a very high caring and honesty nature.

Legal responsibility in civil law is in the form of a person's responsibility for actions that are against the law. Acts against the law have a wider scope than criminal acts. Acts against the law do not only include actions that are contrary to the criminal law, but if the act is contrary to other laws and even with unwritten legal provisions.

## 2. Parking Management

Management is a process that provides oversight to all things involved in implementing policies and achieving goals. In general, management is an activity to change something so that it becomes good and has high values from the beginning. Management can also be interpreted as doing something to make it more appropriate and suitable to the needs so that it is more useful. Parking is a place to stop vehicles in the short or long term, according to the needs of the driver. Parking is one element of transportation infrastructure that is inseparable from the transportation network system, so that parking arrangements will affect the performance of a network, especially the road network.

Parking management is a process carried out by the Makassar City Parking Area Company in an effort to optimize the collection of parking fees which consists of four parts, namely:

- a) Planning, namely determining the main objectives and targets in collecting parking fees.
- b) Organizing, namely the division of work, limitation of duties and responsibilities as well as establishing the relationship between elements in the implementation of parking retribution collection.
- c) Mobilization, namely the efforts of the leader or superior in mobilizing every person/employee involved in the implementation of collecting parking fees at PD Parking Makassar Raya and in implementing the welfare of parking attendants in Makassar City.

## 3. Legality of Parking Management Responsibilities

There is also a legal basis that discusses parking management responsibilities:

- 1) Decision of the Supreme Court (MA) Number 3416/pdt/1985, the panel of judges is of the opinion that parking is an agreement for the safekeeping of goods, thus the loss of vehicles belonging to consumers is the responsibility of the parking entrepreneur.
- 2) The decision of the Supreme Court (MA) Number 136K/Pdt/stating legally, that as long as the vehicle belonging to the plaintiff is parked/entrusted legally in the parking area managed by the defendant, it is the defendant's full responsibility for the loss.
- 3) Decision of the Supreme Court (MA) Number 191K/Pdt/2003, rejecting the cassation request from the parking lot owner.
- 4) The decision of the Supreme Court (MA) Number 1264/K/pdt/2003, states that the parking manager's passive attitude can be qualified as an unlawful act as stipulated in Article 1365 of the Civil Code.
- 5) Decision of the Supreme Court (MA) Number 1966K/pdt/2005, regarding the obligations and responsibilities of parking managers to provide compensation to consumers who use parking services who experience loss/damage and accidents at parking lot locations.
- 6) Decision of the Supreme Court (MA) Number 2078K/pdt/2009, concerning the obligations and responsibilities of parking managers to provide compensation to consumers who use parking services who experience loss/damage and accidents at parking lot locations.
- 7) The decision of the Supreme Court (MA) Number 2157K/pdt/2010, regarding the standard contract or standard contract "not responsible for the loss of motorized vehicles from parking users" is interpreted as being enforced as long as there is no negligence on the part of the parking manager.
- 8) The decision of the Supreme Court (MA) Number 2920K/pdt/2011, regarding that it is natural for the parking attendant to be responsible if the vehicle that has paid the parking ticket to replace it, because the loss of the car is judged to be the negligence/negligence of the defendant/cassation applicant.

## RESEARCH METHODS

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. 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.

## RESEARCH RESULT

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	NAMA INFORMAN	PEKERJAAN	HASIL WAWANCARA
1	Iqbal Efendi	Juru Parkir	“Pihak PD Parkir tidak bertanggung jawab atas kehilangan kendaraan pemilik pengguna jasa parkir dan kami belum pernah menerima laporan kehilangan dari jukir disetiap titik wilayah. Kami hanya mengingatkan kepada jukir agar memperingati pengguna jasa parkir agar tidak menyimpan barang berharganya dikendaraan dan terlalu naif rasanya jika harus membebankan kepada pengelola parkir mengganti kendaraan senilai jutaan rupiah dengan uang parkir Rp.3.000.”
2	Pak Yus	Juru parkir	“Kami juru Parkir tidak bertanggung jawab apabila terjadi kehilangan kendaraan, saya hanya mengganti apabila ada barang yang hilang seperti helm yang diakibatkan karena kelalaian saya sendiri saat menjaga parkiran.
3	Ibu Anna	Juru Parkir	“Bagaimana saya mau bertanggung jawab mengganti kendaraannya dek, pendapatan kami perhari kadang kurang terkadang pas-pasan bayar setoran. Semisal ada kehilangan kendaraan di tempat parkirku, saya usahakan selesaikan secara kekeluargaan dengan pemilik kendaraan yang kehilangan, yang namanya musibah tidak ada yang tahu, serta saya juga

			menghargai hasil dari putusan pihak berwajib jika harus diselesaikan dengan jalur hukum.”
4	Pak Rizaldi	Konsumen	“Juru parkir tidak mengganti kendaraan yang hilang, mereka hanya membantu mencari kendaraan yang hilang dan hadir dipolsek pada saat dimintai keterangan berkenaan dengan kasus kehilangan motor saya”

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.

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**legal relationship between the**

eprints.uniska-bjm.ac.id

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**Based on the decision of the Supreme Court**

Zulki Zulkifli Noor, Jaya Jaya. "Legal Protection of Housing Consumers Relating to the Cancellation of Buildi..."

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**decision of the Supreme Court (MA) number**

etheses.uin-malang.ac.id

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**17 of 2006 concerning the management of roadside parking in**

Deni Kristin Manase, Zahir Zainuddin, Syafruddin Syarif, Arsan Kumala Jaya. "Car Detection in Roadside Par..."

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**for the loss of vehicles using**

Universitas Putera Batam on 2021-08-26

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**is human awareness of behavior or**

ojs.ukb.ac.id

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**responsibility is an act**

Sultan Agung Islamic University on 2020-07-14

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**Legal responsibility in civil law is in the form of a person's responsibility for**

Universitas Pelita Harapan on 2021-04-28

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**transportation infrastructure that is inseparable from the transportation network s...**

repository.upnjatim.ac.id

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**responsibility of the parking**

Andika Prawira Buana, Aan Aswari, Muh Fachri Said, Muhammad Ya'rif Arifin. "Responsibility Parking Servic..."

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## of parking managers to

Universitas Putera Batam on 2021-08-26

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jurnal.untan.ac.id

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## Makassar City. This type of research is descriptive qualitative

repository.unibos.ac.id

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## in order to provide valid information and data related to facts and phenomena in th...

ejurnal.untag-smd.ac.id

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## make a report

Kumoh National Institute of Technology Graduate School on 2020-04-08

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## present the results of research on the

ijels.com

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## on Makassar City

Deni Kristin Manase, Zahir Zainuddin, Syafruddin Syarif, Arsan Kumala Jaya. "Car Detection in Roadside Par...

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## **Parkir tidak bertanggung jawab atas kehilangankendaraan**

Atma Jaya Catholic University of Indonesia on 2014-01-20

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## **terlalu naif rasanya jika harus membebankan kepada pengelola parkir mengganti k...**

repository.iainbengkulu.ac.id

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## **Kami juru Parkir tidak bertanggung jawab apabila terjadi kehilangan kendaraan**

repository.iainbengkulu.ac.id

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## **hanya mengganti apabila ada barang yang hilang seperti helm yang diakibatkan kar...**

repository.iainbengkulu.ac.id

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## **dek, pendapatan kami perhari kadang kurangterkadang pas-pasan bayar setoran. ...**

repository.iainbengkulu.ac.id

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## **secarakekeluargaan dengan pemilik kendaraan yang**

repository.iainbengkulu.ac.id

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## **kendaraan yang hilang, merekahnya membantu mencarikan kendaraan yang hila...**

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## **From the results of the interview**

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## **are responsible for providing compensation**

Universitas Pelita Harapan on 2021-01-16

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**based on the results of the interview above**

eudl.eu

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**Makassar City**

Deni Kristin Manase, Zahir Zainuddin, Syafruddin Syarif, Arsan Kumala Jaya. "Car Detection in Roadside Par..."

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**roadside parking**

Deni Kristin Manase, Zahir Zainuddin, Syafruddin Syarif, Arsan Kumala Jaya. "Car Detection in Roadside Par..."

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**Makassar City**

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Andika Prawira Buana, Aan Aswari, Muh Fachri Said, Muhammad Ya'rif Arifin. "Responsibility Parking Servic..."

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