



## ***Harmonization of Parking Fee Regulations in Local Regulations and Mayor's Regulations in the City of Yogyakarta***

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### ***Abstract***

*This research focuses on the investigation of the harmonization of parking regulations implemented in the city of Yogyakarta, including local regulations and those set by the mayor. The issues addressed encompass problems related to illegal parking and improper parking fee enforcement, which have the potential to create various challenges in field implementation. Consequently, fundamental questions arise regarding the existing parking regulations in Yogyakarta and the urgency to harmonize parking fee regulations in the region. The objective of this research is to thoroughly examine the best approaches to harmonize the existing parking fee regulations in Yogyakarta. This step is taken with the ultimate goal of creating comprehensive regulations that are effective in implementation.*

*Keywords: Parking, Local Regulations, Mayor Regulations*

### **A. Introduction**

Parking management systems in each region have distinctive characteristics tailored to their specific conditions, shaped by the characteristics of the area and its environment. At times, parking operators and attendants may not adhere to the rules established by local governments, whether it be related to tariffs or operational permits. The government holds the authority to act and execute governance functions (*bestuurs functie*), as described in administrative government laws, which involve actions taken by government officials or other state administrators to perform or refrain from specific acts in the course of governance.<sup>1</sup>

However, in practice, there is often a mismatch between the facts on the ground and the normative standards outlined in Regional Regulations (*Perda*) and the Mayor's Regulations of Yogyakarta. This has been a recurring issue every year and remains unresolved. Two main problems, namely illegal parking and non-standard parking fees, seem to persist from one generation to the next. The harmonization of various regulations, both regional and mayoral, becomes the focal point in administering the legal system in the parking domain in Yogyakarta.

As a tourist city flooded with visitors from within and outside the city every week and on national holidays, Yogyakarta has reaffirmed its commitment not to tolerate parking fee violations. The Yogyakarta City Government promises to impose sanctions in accordance

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<sup>1</sup> Yudhi Setiawan dkk, 2010, *Hukum Administrasi Pemerintahan Teori dan Praktik*, Depok: Rajawali Pers, hlm 87

with the rules after receiving complaints from tourists regarding exorbitant parking fees that become viral on social media. One viral complaint involved a parking fee reaching IDR 350,000 for tourist buses. In this complaint, it is evident that the fee includes additional services such as the use of restrooms for drivers, conductors, tour guides, water for bus washing, and cleanliness.<sup>2</sup>

Although parking attendants who set fees above the limits set by Yogyakarta City Regional Regulations will be penalized if caught, this is challenging, especially during the holiday season when the number of tourists in Yogyakarta increases. Field conditions indicate an imbalance between supply and demand, where the demand for parking spaces far exceeds the availability of parking lots around Malioboro. Therefore, tourists are willing to pay high fees to secure parking spaces and enjoy the iconic Yogyakarta area. This also indicates that parking attendants often take advantage of such situations.<sup>3</sup>

The ongoing issues in this parking system serve as the basis and background for researchers to examine existing regulations through the harmonization of applicable rules. Despite various layers of normative parking regulations, the issues persist, especially regarding parking fees that frequently experience increases or administrative oversights.

## **B. Research Methodology**

This research employs a normative juridical method, a legal research approach conducted through the analysis of literature or secondary data.<sup>4</sup> In selecting this method, the normative juridical concept is used to access theories, concepts, legal principles, and legal regulations relevant to the research topic. The scope of normative legal research, as explained by Soerjono Soekanto, includes: a) research on legal principles, b) research on legal systematics, c) research on vertical and horizontal legal connections, d) legal comparisons, and e) legal history.

The object of this research is the Regional Regulations and Mayor's Regulations of Yogyakarta related to parking issues. The data source for this research relies on normative legal studies. The materials examined include literature or secondary data that encompass

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<sup>2</sup> <https://jatengtoday.com/viral-parkir-malioboro-rp-350-ribu-pemkot-cabut-izin-proses-hukum> diakses 5 Desember 2022.

<sup>3</sup> Ibid

<sup>4</sup> Soerjono Soekanto dan Sri Mahmudji, 20023, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, Jakarta: Raja Grafindo Persada, 2003, hlm. 13.

primary legal materials, secondary legal materials, and tertiary legal materials.<sup>5</sup> Primary materials include legally binding documents such as:

- 1) The 1945 Constitution
- 2) Law Number 22 of 2009 concerning Traffic and Road Transportation
- 3) Government Regulation Number 79 of 2013 concerning Traffic and Road Transportation Networks
- 4) Yogyakarta City Regional Regulation Number 2 of 2019 concerning Parking
- 5) Yogyakarta City Regional Regulation Number 1 of 2020 Regarding Parking Service Levies on Public Roadside
- 6) Mayor Regulation of Yogyakarta Number 22 of 2020 concerning the Implementation Guidelines of Yogyakarta City Regional Regulation Number 2 of 2019 concerning Parking

Secondary legal materials consist of materials that provide explanations about primary data, such as books, research findings, journals, papers, and articles relevant to this research. Tertiary legal materials include materials that provide guidance or explanations for primary and secondary data, such as legal dictionaries, legal encyclopedias, and Indonesian language dictionaries.

Data analysis is conducted to examine the core issues, adopting the normative legal research method and complemented with supporting data such as questionnaires and field observations. The approach used in this research is a legislative approach because it will focus on various legal regulations relevant to the research topic. The method employed will emphasize a juridical-normative approach utilizing primary legal materials, secondary legal materials, and tertiary legal materials.<sup>6</sup>

### C. Pembahasan

#### 1. Parking Regulations in Yogyakarta City

Regional Regulations (Perda) are provisions established by the head of the provincial or regency/city-level government in collaboration with the Regional People's Representative Council (DPRD) of the respective province or regency/city. This occurs in the context of implementing regional autonomy and legitimizes executive actions by the local government. Perda reflects the implementation of regional autonomy granted

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<sup>5</sup> Soerjono Soekanto, 1986, *Pengantar Penelitian Hukum*, Jakarta: UI Press, 1986, hlm 10.

<sup>6</sup> Johny Ibrahim, 2006, *Teori dan Metodologi Penelitian Hukum Normatif*, Malang: Bayu Media, hlm 302.

to local governments. Essentially, it is a detailed elaboration of higher-level legislation, considering the unique characteristics of each region. Despite having autonomy in regional governance, regions cannot create regulations or decisions that contradict the national legal framework. Local legislation is an integral element of the national legal system and must not conflict with higher-level laws or principles of public interest.

The primary mission of Perda is to empower communities, achieve regional autonomy, and its formulation must adhere to general principles of law, including favoring community interests, respecting human rights principles, having an environmentally friendly outlook, and respecting cultural diversity.<sup>7</sup> Once approved, Perda must be published in the regional gazette as the final step. The enactment of regional regulations in the regional gazette is the responsibility of the regional secretary. For regulations of a regulatory nature, after being published in the gazette, they must be archived by the regional government for provincial regulations or by the Governor for regency/city regulations. Enacting regulations declared valid in the regional gazette is an administrative task of the local government, signifying the legal validity of the regulations that must be adhered to by the public.

Perda is formed through cooperation between the Regional People's Representative Council (DPRD) and the Head of the Region, where mutual agreement is necessary for approval. The process of discussing and approving regional regulations is carried out in the DPRD.<sup>8</sup> The formation of regional regulations is not a simple task but begins with drafting. Therefore, the quality of a regional regulation and the decision on the draft of a regional regulation depend largely on how the draft is designed. This emphasizes the importance of cooperation between the Regional Government, DPRD, and the community in the regional regulation-making process.

Legally, parking regulations in Yogyakarta are governed by the following legislation:

- a) Law Number 22 of 2009 concerning Traffic and Road Transportation
- b) Law Number 23 of 2014 concerning Regional Government
- c) Government Regulation Number 79 of 2013 concerning Traffic and Road Transportation Networks

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<sup>7</sup> Maria Farida Indrati S 2007. Ilmu Perundang-undangan Cet. Ke-7. Yogyakarta: Kanisius. hlm. 202

<sup>8</sup> Bagir Manan. 1995. Sistem dan Teknik Pembuatan Peraturan Perundang-undangan Tingkat Daerah. Bandung: LPPM Universitas Bandung. hlm. 8

- d) Yogyakarta City Regional Regulation Number 2 of 2019 concerning Parking
- e) Regional Regulation Number 2 of 2020 concerning Special Parking Fees
- f) Mayor Regulation of Yogyakarta No. 45 of 2021 on the Procedure for Providing Incentives for the Collection of Public Roadside Parking Service Levies, Special Parking Areas, and Vehicle Testing
- g) Mayor Regulation Number 132 of 2021 concerning Amendments to the Rates of Special Parking Fee Levies in Yogyakarta City Regional Regulation Number 2 of 2020 concerning Special Parking Fees

Local areas can determine parking rates independently to increase local revenue, particularly in Yogyakarta. Article 6 of Yogyakarta City Regional Regulation Number 2 of 2019 on Parking states that management can be carried out by either private or regional government entities.

Regarding parking management, parking attendants are required. Yogyakarta City has specified regulations concerning parking attendants in the Regional Regulation. Parking attendants violating rules may face administrative sanctions, including the revocation of duty assignments. The regulations include provisions that parking attendants must adhere to, such as wearing uniforms, maintaining security and order in parking areas, ensuring the cleanliness and beauty of the surroundings, issuing official parking tickets, and abiding by the set tariff limits.

However, there are discrepancies in parking tariff regulations between the Regional Regulation and the Mayor's Regulation. This disparity can lead to confusion as a reference for determining parking tariffs. Harmonization of Parking Tariff Regulations in Yogyakarta City within Regional Regulations and Mayor's Regulations. Regional Regulations (Perda), as one type of General Regulation with national validity, have constitutional and legal foundations in national law. These bases are outlined in Article 18 paragraph (6) of the 1945 Constitution, Law No. 10 of 2004 concerning the Formation of Legislation, and Law No. 32 of 2004 concerning Regional Governments. In the context of controlling regulations on Taxes and Levies, attention must also be given to Law No. 28 of 2009 concerning Taxes and Levies.

Article 18 paragraph (6) of the 1945 Constitution acknowledges the right of regional governments to establish regional regulations and other regulations as an implementation of regional autonomy. In this framework, the national legal system grants specific

authority to regions to formulate Regional Regulations and other regulations, with the expectation that these regulations will synergistically support local government programs.

Similar to other legal regulations, Regional Regulations (Perda)<sup>9</sup> play a crucial role in realizing legal certainty or legality. To achieve this goal, Regional Regulations must meet certain requirements, such as consistency in formulation, coherence in structure and language, and harmonization with other legislation.

The harmonization of Regional Regulations is of great importance in the context of the principle that lower-level regulations must not contradict higher-level regulations. Therefore, the drafting of Regional Regulations must consider conformity and harmony with higher-level legislation as the main basis.<sup>10</sup>

Parking tariffs in each city vary in nominal value, as the determination of parking tariffs is directly regulated by the local government. In Yogyakarta, there are regulations on parking tariff rates, adjusted to various existing zones, resulting in variations between different areas. To avoid confusion for both the public and parking operators, there is a need for harmonization of regulations that align with prevailing norms, ensuring that implementation does not cause confusion.

From a legal standpoint, the Mayor's Regulation theoretically should not replace the Regional Regulation, as the status of the Mayor's Regulation is not higher than that of the Regional Regulation. Therefore, there is a need for harmonization of regulations to ensure a juridical framework that operates smoothly without disregarding existing regulations.

#### D. Closing

In the legal aspect, provisions regarding parking in Yogyakarta City have been regulated through the Yogyakarta City Regional Regulation and Mayor's Regulation. Some of these regulations include Government Regulation Number 79 of 2013 concerning Traffic and Road Transportation Networks, Yogyakarta City Regional Regulation Number 2 of 2019 concerning Parking, Regional Regulation Number 2 of 2020 concerning Special Parking Fees, Mayor's Regulation of Yogyakarta No. 45 of 2021 on the Procedure for Providing Incentives for the Collection of Public Roadside Parking Service Levies, Special Parking Areas, and Vehicle Testing, as well as Mayor's Regulation Number 132 of 2021 on

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<sup>9</sup> Prof. H. Rozali Abdullah, S. H. 2005. *Pelaksanaan Otonomi Luas dengan Pemilihan Kepala Daerah Secara Langsung Cet. Ke-1*. Jakarta: PT. Rajagrafindo Persada. hlm 131

<sup>10</sup> Suharyo, *Pembentukan Peraturan Daerah, Dan Penerapan Sanksi Pidana Serta Problematikanya*, jurnal *Rechts Vinding* Vol 4 Nomor 3 Tahun 2005 hlm 433

Amendments to the Rates of Special Parking Fee Levies in Yogyakarta City Regional Regulation Number 2 of 2020 concerning Special Parking Fees.

However, there are differences in parking tariffs between regulations at the regional level (Regional Regulation) and regulations issued by the mayor (Mayor's Regulation). Legally, in the regulatory context, the mayor's regulation should not replace the regional regulation, even though, in theory, the mayor's regulation does not have a higher status than the regional regulation. Therefore, harmonization between regulations is necessary to ensure better alignment in implementation and maintain the consistency of existing regulations without disregarding established norms.

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