
Law Enforcement in Parking Lot Levy Collection Cases at Indomaret and Alfamart

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ABSTRACT

His research is motivated by the phenomenon that occurs in parking which as a whole is known that parking in Indomaret and Alfamart minimarkets is parking that is free of charge. However, people who should not pay for parking services must pay. This can cause losses to the community because in this case the community becomes uncomfortable shopping at the minimarket due to illegal parking collection. The purpose of writing is to find out and analyze the collection of parking fees at Indomaret and Alfamart according to the Regional Regulation of Banyumas Regency Number 8 of 2008 concerning Parking Fees on Public Roads and to find out the efforts of local governments in regulating the collection of parking fees in Banyumas Regency. Questions that arise in compiling this research, namely 1. Is the collection of parking fees at Indomaret and Alfamart in accordance with the Regional Regulation of Banyumas Regency Number 8 of 2008 concerning Parking Fees on Public Roads? What are the local government's efforts to regulate the collection of parking fees in Banyumas Regency? This study uses empirical juridical research methods. The results of this study are not in accordance with what was expected.

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I. INTRODUCTION

Article 23A of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 NRI Constitution) mandates that taxes and other levies of a coercive nature for state purposes are regulated by law. Thus, this article is the constitutional basis for the formation of laws on regional taxes and regional levies. The emergence of regional autonomy causes a paradigm shift from a centralized government system to a decentralized government system, namely by giving flexibility to regions in realizing a broad autonomous region and responsible for regulating and taking care of the interests of local communities according to the conditions and potential of the region. Granting autonomy to regions basically aims to increase efficiency and results for implementation. Local governments, especially in carrying out development and services to the community and to improve the development of political unity.

The arrangement of legislation in the state financial sector was amended with the enactment of Law Number 28 of 2009 concerning Regional Taxes and Levies, hereinafter referred to as the Regional Tax and Retribution Law, on September 15, 2009. The types of regional taxes and levies regulated in the old Regional Tax and Retribution Law, namely Law Number 18 of 1997 and the second amendment of Law Number 34 of 2000 are no longer adequate with the needs area. The collection of local taxes and levies based on the old law is

inadequate in supporting the increase in local original revenue (PAD) so that the regions always wait for the amount of the General Allocation Fund (DAU) to finance the implementation of autonomy affairs.

The types of regional levies are divided into three groups, namely general service levies, business service levies, certain licensing service levies from the three types of Regional Relevies above, each group has its own sub-sub-retribution, as contained in the general Service Levy, one of which is the Parking Levy. (Siahaan 2005)

One of the levies that has an effect on Regional Original Revenue is the parking levy, which is meant by the parking levy itself is payment for parking space provision services owned and managed by the Regional Government. Parking levy as a source of Local Original Revenue sourced from the community, where the management is carried out by the Regional Revenue Office.

Parking facilities are locations determined as temporary vehicle stops to carry out activities at a period of time. Parking facilities aim to provide a place for vehicles to rest and support the smooth flow of traffic (Ministry of Land Transportation, 1998).

Illegal levies are the imposition of fees in places where fees should not be charged or levied at the location or on activities that are not in accordance with the provisions. So it can be interpreted as the activity of collecting fees or asking for money forcibly by someone to another party and it is a criminal practice or criminal act. Illegal levy activities are nothing new.

Parking regulations at Indomaret and Alfamart explain that Indomaret and Alfamart consumers who use motorized vehicles when shopping at stores, basically do not need to pay for parking. In addition, it is known that in each store there is a parking free sticker which means consumers do not need to pay parking fees even if there are illegal parking attendants at the minimarket. Free parking is one way to provide convenience for loyal customers of Indomaret and Alfamart. But even though parking is free, consumers do not need to worry about the safety of their vehicles.

Seeing the instability in the realization of parking levies in Indomaret and Alfamart, as well as seeing the symptoms that arise at this time and that often occur due to illegal parking practices that can hamper local original income, illegal parking is said to be a place that does not have official permission to carry out parking activities and the fees paid by service users to parking attendants are not deposited with the government. There was a collection of parking levies in the Indomaret and Alfamart shopping areas and it was clearly displayed that carrying out forecasting activities that should be free parking.

II. RESEARCH PROBLEMS

- A. What is the government's policy in overcoming parking levies in Indomaret and Alfamart?
- B. What impact does the community receive due to illegal parking levies in Indomaret and Alfamart?

III. RESEARCH METHODS

This type of research is normative juridical. The normative juridical method is carried out through literature studies that examine mainly secondary data in the form of laws and regulations, agreements or contracts, other legal documents, research results, study results, and other references. The normative juridical method can be supplemented by interviews, discussions (focus group discussions), and hearings. (Khaleed 2014)

This research is supported by literature related to the problem under study. (HS 2013) Data collection is carried out by literature studies (Library Research) to obtain data in the form of documents and writings through tracing laws and regulations, documents, scientific literature, expert research. This research uses primary sources of secondary data or library materials. Secondary data include primary legal material, secondary legal material and tertiary legal material. This type of data is secondary data in the form of qualitative data which is then analyzed with regulations related to the problem under study. (Mathew, Miles and Huberman 2009)

IV. RESULT AND DISCUSSION

A. Government Policy in Overcoming Parking Levies in Indomaret and Alfamart

In this developing era, progress in any field is included in the field of shopping as it is now. At first there were only stalls selling basic necessities, but now there are minimarkets such as Indomaret and Alfamart. Usually, if you shop at stalls to park your vehicle, you don't need to pay for a parking attendant because there is no parking driver, but this becomes different when shopping at minimarkets, consumers are burdened to pay for parking

because there are illegal levies in the parking lots of Indomart and Alfamart even though consumers actually do not need to pay for parking at the minimarket because it is written that parking is free.

Law enforcement is an effort to make the ideas of justice, legal certainty and social benefits a reality. So law enforcement is essentially the process of embodiment of ideas. Law enforcement is the process of making efforts to uphold or function legal norms in a real way as guidelines for actors in traffic or legal relations in public and state life. Law enforcement is an effort to realize legal ideas and concepts that are expected by the people to become reality. Law enforcement is a process that involves many things. (Shant 1988)

Hereby the case regulated in the Law, Article 1 number 64 of Law Number 28 of 2009 concerning Regional Taxes and Regional Levies states that parking levies are payments for certain services or permits specifically provided or granted from local governments as in the interest of private persons or entities. So Indomart or Alfamart consumers are not only free of charge but also do not need a parking attendant, and parking payments apply if the Indomart or Alfamart store is in an apartment or office complex that has arranged a parking system. So that this parking attendant can be subject to extortion and threats in articles 368-371 of the Criminal Code is part of Chapter XXIII of the Criminal Code which contains "Whoever, with intent to benefit himself or others by contravening rights, coerces a person by force, threats of violence, so that that person gives goods, which wholly or partly include the person's own property to another person or so that the person makes a debt or writes off a receivable, threatened with extortion with a maximum prison sentence of nine years."

B. The Impact of the Community Receiving from the Illegal Parking Levy in Indomart and Alfamart

Society is a group of people who interact with each other continuously, so that there are patterned, organized social relations. Human beings, both as individuals and as citizens of society, have needs. In social life, needs can be both individual and collective. Consequently, there is always a human effort to meet those needs. Therefore, it can also be said that social problems always arise in human life. Social problems are unexpected conditions that do not correspond to idealized conditions, thus always encouraging efforts to make changes. The reality that society always tries to meet needs and solve social problems, causes in people's lives there is always a process and effort of change. This is because in general every community wants their living conditions to develop better. A life where needs can be increasingly met. (Soetomo 2011: 25- 27).

Opinions from some communities about illegal parking still occur in every region, both cities and districts. One of the minimarkets that is very famous and often visited by many people named Indomart and Alfamart still has illegal parking practices or illegal parking which means it is not official because there is no permit for parking spaces to Indomart and Alfamart owners or the authorities. Wild parking at Indomart Rawalumbu makes it uneasy and even several times becomes a debate between illegal parking people and visitors, sometimes some people are angry with the behavior of illegal levy individuals, because of how to ask for money or parking wages which sometimes act forcefully. Actually, the community does not mind the price or parking rates, but the way and attitude of the illegal levies that make visitors feel uncomfortable.

Opinions from people with illegal parking attendants still exist and are increasing, namely because of the lack of attention from the government, the lack of firmness of the government in responding to their existence so that there is no deterrent effect, and the difficulty of employment, so they choose to become illegal parking. And the negative impact is lack of security and responsibility.

V. CONCLUSION

Based on the description and explanation above, it can be concluded that law enforcement is an effort to realize the ideas of justice, legal certainty and social benefits into reality. So law enforcement is essentially the process of embodiment of ideas. Law enforcement is the process of making efforts to uphold or function legal norms in a real way as guidelines for actors in traffic or legal relations in public and state life. Law enforcement is an effort to realize legal ideas and concepts that are expected by the people to become reality. Law enforcement is a process that involves many things. Enforcement of the law can be seen in Article 1 number 64 of Law Number 28 of 2009 concerning Regional Taxes and Regional Levies mentions the parking levy which is payment for certain services or permits provided specifically or granted from local governments as in the interests of private persons or entities. Then, it is also regulated in Articles 368-371 of the Criminal Code. "Whoever, with intent to benefit himself or others by contravening rights, compels a person by force, threat of violence, so that that person gives away goods, which wholly or partly belong to that person, belong to another person, or that person makes a debt or writes off a receivable, shall be punished with extortion with imprisonment for not more than nine years."

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that there is no deterrent effect, and the difficulty of employment, so they choose to become illegal parking. And the negative impact is lack of security and responsibility.

Based on the conclusions above, researchers have several suggestions, namely: To be able to prevent the collection of parking levies in Indomaret and Alfamart, the Regional Government and the Regional People's Representative Council immediately revise or make new regulations in order to regulate the collection of legal parking levies so as not to harm the community. Law enforcement officials are expected to be able to be more responsive and be able to provide strict punishment to individuals who carry out illegal parking levies.

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