

# Legal Analysis of the Implementation of Electronic Parking System (e-Parking) in Medan City

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## ABSTRACT

Electronic parking (E-Parking) is an electronic system for managing parking funds using non-cash transactions and providing convenience for the public to make parking transactions, which aims to prevent leakage of regional levies. Since officially electronic parking has been something new in Medan City, it certainly causes a change in parking management. Based on the researcher's observations, it is still necessary to analyze electronic parking management in Medan City. The problems in this study were How the Legal Position and Legality of Electronic Parking (E-Parking) Management in Medan City was and How the Impact of Electronic Parking (E-Parking) Management on Regional Original Revenues in Medan City was. The type of legal research used was empirical juridical, which was a research method that examined the applicable laws and regulations as well as what happened in reality in society. The study was conducted at the Department of Transportation of Medan City and PT. Logika Garis Elektronik. The data used were primary data and secondary data. The nature of the research used was descriptive analysis. Based on the results, the researcher concluded that the legal position of the Department of Transportation of Medan City was as a Government Regional Apparatus of Medan City that received a parking service fee deposit from PT. Electronic Line Logic, it means that the company was a legal entity or a third party in the management of electronic parking in charge of depositing parking service rates and providing electronic parking facilities in Medan City. The parties' cooperation agreement was following the conditions for the agreement validity as stipulated in Article 1320 of the Civil Code. The Regional Original Revenues through the implementation of electronic parking in Medan City experienced a very significant increase of an increase of 155%. The authors hope that in order to avoid default or unlawful acts, the parties must be truly responsible for their respective rights and obligations, as well as the target of increasing parking service fee revenues must continue to be increased in order to achieve the potential as stipulated by the Mayor's Decree Medan.

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**KEYWORDS:** Legal Analysis, Electronic Parking System, Medan City

## 1. Background.

The development of Information and Communication Technology as we know it today has affected almost all aspects of people's lives. In addition to facilitating the process of activities, advances in information and communication technology can also be a means for the community to access public information which has implications for people's mobility. In fact, these technological advances can affect the progress of a society. Along with the times, technological advances have also become a new breakthrough that is used by

cities to provide maximum public services to their residents. Public services according to Article 1 paragraph 1 of Law Number 25 of 2009 concerning Public Services are:

"Activities or a series of activities in the framework of fulfilling service needs in accordance with statutory regulations for every citizen and resident for goods, services, and/or administrative services provided by public service providers."

Medan City is one of the cities that has the potential to obtain quite large regional fees because Medan City is one of the cities with the objects offered consisting of entertainment, culinary and shopping centers. This has a very significant impact on economic growth in the city of Medan, as well as contributing to local revenue (LR). One type of regional tax and levy that has great potential to increase local revenue (LR) in the city of Medan at this time includes taxes and parking fees. According to Article 1 number 64 of Law Number 28 of 2009 concerning regional taxes and regional levies which explains that:

"Regional levies are regional levies as payment for certain services or permits specifically provided and/or given by the local government for personal or individual interests. One example of levies is parking service levies provided by the government and managed by the government."

Regional fees are resources for regional recipients where the role and contribution is to support the increase in local revenue (LR). One of the regional fees is parking fees. Parking fees are a source of local revenue (LR) originating from the community, as managed by parking area government of Medan City. The regulations regarding parking have been regulated in Article 1 of Law Number 22 of 2009 concerning Road Traffic and Transportation which explains that:

"Parking is a state where the vehicle stops or does not move for a while and is abandoned by the driver."

According to W.J.S Poerwadar Minta parking is a place where vehicles stop for a while. Where traffic that moves both straight and turning will one day stop due to various human activities.

Parking is an element or aspect that cannot be separated from the needs of the transportation system, because every trip by private vehicle in general always begins and ends with a parking lot. demand in line with the needs of drivers or consumers who drive to go to or access a place. This is what makes car parking a very profitable business, because everyone who owns a vehicle definitely needs a parking space in addition to the increasing number of vehicles in big cities in Indonesia from year to year.

Electronic parking is an electronic system for managing parking funds using non-cash transactions. Through the implementation of an electronic parking system, which aims to prevent leakage of regional fees, it also makes it easier for the public when making parking transactions, because in the parking fee collection mechanism it is sufficient to use QRIS or an electronic money application and prevent illegal

parking attendants from collecting fees at exorbitant rates. not in accordance with the regulations stipulated by the City Government in Regional Regulations.

## 2. Problem Formulation.

Based on the background above, the problems that will be examined in the issue of Legal Analysis of the Application of Electronic Parking Systems (E-Parking) in Medan City are as follows:

1. What is the legal position and legitimacy of electronic parking management (E-Parking) in the city of Medan?
2. What is the impact of electronic parking management (E-Parking) on Regional Original Income (ROI) in the city of Medan?

## 3. Research Objectives.

1. The purpose of this research is to know and understand the legal position and legitimacy of electronic parking management (E-Parking) in the city of Medan.
2. To find out and understand the impact of electronic parking management (E-Parking) on Regional Original Income (ROI) in Medan City.

## 4. Research Benefits.

Based on the research objectives to be achieved, the authors conducted this research with the hope that this research could benefit all parties, so this research is divided into theoretical benefits and practical benefits as follows:

### 1. Theoretical Benefits

As reading material to add insight and knowledge about how the legal position and legitimacy and impact in the management of the electronic parking system (E-Parking) in the city of Medan.

### 2. Practical Benefits

The results of this study are expected to provide guidelines for the government of Medan City in implementing electronic parking (E-Parking) in the city of Medan as well as being able to make a scientific contribution as well as being the basis for further research related to legal analysis of the implementation of electronic parking systems (E-Parking) in Medan City .

## 5. Research Hypothesis

1. The legal position and legality of the cooperation agreement for collecting parking fees electronically on several roads in Medan City between the Medan City Transportation Service and PT. The logic of the Electronic Line is that in a cooperation agreement, the legal position of the parties can be seen from the legal relationship between the two in the implementation of electronic parking retribution collection. The legal

position of the Medan City Transportation Service in collecting electronic parking fees in Medan City as a regional apparatus of the Medan City Government which supervises the management of electronic parking and accepts payment of parking service rates by companies or third parties (PT. Logika Garis Elektronik), and PT. The logic of Garis Elektronik as a third party in the management of electronic parking is a legal entity that deposits parking service rates, as well as providing all facilities for collecting electronic parking fees in the city of Medan, in accordance with the rights and obligations that must be fulfilled in order to achieve the implementation of electronic parking fee collection in Medan. Medan city. As for the validity of this cooperation agreement, it has fulfilled the requirements for the validity of the agreement stipulated in article 1320 of the Civil Code. In Article 1320 of the Indonesian Civil Code, four conditions are mentioned so that an agreement can be said to be valid if there is an agreement between the two parties, the ability to make an agreement, a certain matter, a lawful reason.

2. An increase in local revenue through the implementation of electronic parking retribution collection on several roads in Medan City in collaboration with third parties has experienced a very significant increase. The increase in local revenue was recorded at 150%.

## 6. Definition of Parking.

The word parking comes from the word "park" which means park. Parking in the Big Indonesian Dictionary means the position of a motorized vehicle that stops for a while at a place that has been provided. Parking can be done on the side of the road or in a field or in a parking building. Regarding parking, it has been regulated in Article 1 of Law Number 22 of 2009 concerning Road Traffic and Transportation, which reads: "Parking is when the vehicle stops or does not move for a while and the driver leaves it."

According to Poerwadar Minta, parking is a place where vehicles stop for a while. According to Sukanto, he explained that parking is stopping and storing vehicles (cars, motorcycles, bicycles, and so on) for a while in a certain space. This space can be in the form of a roadside, garage or yard that is provided to accommodate the vehicle. According to Warpani, parking is a place to place or depart by stopping vehicles or goods or motorized or non-motorized vehicles in a place within a certain period of time.

## 7. Definition of Parking Attendant.

Parking attendant is a person who is on the side of a public road based on a parking assignment letter.

Parking attendants are divided into two, namely official parking attendants and illegal parking attendants. Formal parking attendants or official parking attendants are parking guards whose names are registered, verified by the Regional Government coordinator and collector of their respective areas, meet current requirements and attend training, while on duty with official Regional Government identification in the form of parking facility membership cards, vests and parking ticket. Informal parking attendants or unofficial parking attendants are parking attendants who are not registered in the coordinator's statement, have never attended training only with work experience and attributes used not from the Regional Government. From the explanation above, the author can conclude that this parking attendant or parking attendant has the duty to control and regulate the parking area in a certain place or parking area. vehicle. The parking attendant is also entitled to get paid the rate of the person who parks his vehicle in the area under the authority of the parking attendant.

## 8. Electronic Parking.

Electronic parking is an electronic parking fee management system. This system is integrated with all related fields/officers as well as monitoring devices installed at parking locations. The advantages in utilizing this E-parking application are:

1. Revenue transparency and parking data collection
2. The performance of officers can be monitored online by stakeholders
3. Revenue reports can be accessed online by all relevant stakeholders so that they become paperless
4. Parking arrangements will become more orderly to create a city that has good traffic management.
5. Parking attendants will be more dignified and professional in carrying out their duties.

According to the San Francisco Municipal Transportation Agency (SMFTA), electronic parking or smart parking systems have the goal of facilitating parking management. There are basic elements and benefits in a smart parking system as follows:

### A. Easy payment method.

Electronic parking machines can facilitate payment, because the payment process uses digital money contained in the parking card.

### B. Improved money speed and reactivity.

Assistance in expediting parking procedures and parking payments, especially in busy commercial places.



### C. Reducing illegal parking

Reducing the number of drivers who used to park illegally, because parking spaces have been provided near the electronic parking machines.

### D. Increase in road user safety.

Overcome the risk of accidents that commonly occur on the highway, especially for pedestrians, cyclists and other motorists.

### E. Increasing the vitality and competitiveness of the economy.

Improve access to bustling commercial areas. This will change people's perceptions about parking in a place and increase competitiveness in the area.

## 9. Time and Place of Research

### 9.1. Research Time

The time for the research will be carried out around April 2022 after holding a proposal seminar, improving the thesis outline and obtaining permission from the Faculty of Law, University of Medan Area. However, if at that time the writer has not been able to complete it, the writer will add research time according to the problem to be studied so that the data can be included for analysis.

### 9.2. Research Place

The research location was carried out at one of the Electronic Parking (E-Parking) points in Medan City, Jalan. General Ahmad Yani, Kesawan, District. Medan Baru, Medan City, North Sumatra. Medan City Transportation Service on Jalan. Pinang Baris, Lalang, District. Medan Sunggal, Medan City, North Sumatra and PT. Electronic Line Logic in Polonia Medan.

### 9.3. Type of Research

This type of research is empirical juridical which in other words is a type of sociological legal research and can also be called field research, which examines the provisions and regulations that apply and what happens in reality in society.

### 9.4. Data Collection Technique

1. Observation.
2. Interview.
3. Documentation.
4. Questionnaire

## 10. Evaluation

The Impact of Electronic Parking (E-Parking) on Regional Original Income in Medan City

Increasing regional own-source revenue or regional levies has become an important role after the implementation of electronic parking (E-Parking) in Medan City. Regional levies are a source of regional recipients, whose role and contribution support increasing regionally-sourced income. One of the

regional levies is parking fees. Parking fees as one of the regional original income (PAD) originating from the community, in the city of Medan, the management is carried out by the Medan City Transportation Agency in collaboration with several companies that won the auction as a third party for managing electronic parking in the city of Medan. Programs that are implemented effectively and efficiently must have various instruments to achieve success. Likewise with the management of electronic parking (E-Parking) in Medan City there is a very significant impact on regional original income.

Based on the results of the author's interview with Mr. Harry Sugraha as Head of Section Region I in the Field of Parking at the Medan City Transportation Service on Monday, June 20 2022 at the Medan City Transportation Service. ) on Local Own Revenue.

All quotations per day of electronic parking go directly to Regional Original Revenue. If from the increase in Regional Original Revenue during the first three months of the electronic parking trial there were around 155%. During the 2021 soft launch it started with 22 electronic parking points where the previous day was Rp. 3,335,000 after holding electronic parking to Rp. 8,499,050. So with the assumption that for 75 days the increase in local revenue without electronic parking is Rp. 250,125,000 while with electronic parking Rp. 637,428,750. This means an increase in local revenue of Rp. 387,303,750 or 155%.

Researchers see and assess the existence of electronic parking management (E-Parking) in the city of Medan which has a great impact on local revenue in the city of Medan. Regional Original Revenue according to Law Number 28 of 2009, namely regional financial sources extracted from the area of the region concerned consisting of regional tax results, regional levies results, results of separated regional wealth management and other legitimate regional original income. Electronic parking in the city of Medan is included in the results of regional fees.

Regional levies are a source of regional recipients, whose roles and contributions support the increase in local revenue. One of the regional levies is parking fees. Parking fees as one of the regional original income (PAD) originating from the community, in the city of Medan, the management is carried out by the Transportation Agency in collaboration with several companies that have won the auction, one of which is PT. Electronic Line Logic.

The management of electronic parking in Medan City has an impact on increasing local revenue. There are

fewer people who want to make illegal fees in Medan City because the collection system is carried out using an electronic parking fee collection system where every payment goes directly to the regional treasury. Even though sometimes there are still some parking attendants who steal opportunities with the excuse that the electronic parking payment instruments are damaged, but according to researchers this is one of the mistakes of the lack of awareness of human resources themselves.

The impact of electronic parking management (E-Parking) in Medan City on regional own-source revenue is based on the results of interviews with respondents that local revenue has increased due to this new management system.

## 11. Conclusion

Based on the discussion and research results that have been described in the previous chapters, the authors draw the following conclusions:

1. The legal position of the Medan City Transportation Service in collecting electronic parking fees in Medan City as a regional apparatus of the Medan City Government which supervises the management of electronic parking and accepts payment of parking service rates by companies or third parties (PT. Logika Garis Elektronik), and PT. The logic of Garis Elektronik, as a third party in the management of electronic parking, is a company with a legal entity that deposits parking service rates, as well as provides all facilities for collecting electronic parking fees in the city of Medan. As for the validity of this cooperation agreement, it is in accordance with the legal terms of the agreement stipulated in Article 1320 of the Civil Code, which mentions four conditions for an agreement to be said to be valid, namely the first is the agreement of both parties, in this agreement PT. Logic Line Electronics and the Medan City Transportation Service have fulfilled the agreement because the parties have agreed by signing an electronic parking cooperation agreement in writing, this cooperation agreement is in accordance with Article 1320 paragraph (1) of the Civil Code. Second, the ability to make an agreement, a cooperation agreement between the Medan City Transportation Service and PT. The logic of the Electronic Line is in accordance with the element of ability to make an agreement in the element of the legal terms of the agreement in article 1320 paragraph (2) of the Civil Code because as described in the cooperation agreement signed by Mr. Iswar S, Sit, MT as the Head of the Medan City Transportation Service which the Department of Transportation is a Regional Apparatus of the Medan City Government and Mr. Sahala Nainggolan, SE with the Position of

Main Director of PT. Logic Line Electronics that PT. Linear Logic Electronics is a legally incorporated company. Third, one particular thing, the object of this cooperation agreement is to collect parking fees on public roads on several roads in the city of Medan. Then there is a revenue target as the object of this cooperation agreement is the number of working days per year is 301 (three hundred one) days and the number of holidays/Sundays per year is 64 (sixty four) days. Fourth, for a lawful reason, this electronic parking cooperation agreement is an agreement regarding the implementation of parking fees collection for electronic parking cooperation where electronic parking (E-Parking) is a collection of parking fees by parking attendants using non-cash payments, which the City Transportation Service Medan is a Regional Apparatus that supervises the management of electronic parking and PT. Logic Garis Elektronik provides the necessary parking payment facilities. So that this agreement is a Partnership Agreement for Government Procurement of Goods or Services as stated in Article 1 of Presidential Regulation No. 16 of 2018 concerning Procurement of Government Goods/Services, and has been carried out with a valid agreement and does not cause any prohibited causes and does not conflict with decency or public order, so that this agreement complies with Article 1320 paragraph (4), namely a lawful reason.

2. Increase in local revenue through electronic collection of parking fees on several roads in Medan City in collaboration with third parties has experienced a very significant increase. Starting from October 18, 2021 to December 31, 2021 or 75 days of the electronic parking trial, there has been an increase in local revenue receipts. Prior to the implementation of electronic parking, local revenue receipts per day amounted to Rp.3,335,000.-. Then after the implementation of electronic parking, local revenue receipts per day increased by IDR 8,499,050.-. Then the original local revenue during the 75 days of the implementation of the previous electronic parking resulted in Rp. 250,125,000, whereas after electronic retribution collection was held it increased to Rp. 637,428,750. It can be concluded that during the 75-day trial there was an increase in local revenue receipts of Rp. 387,303,750.- or 155%. After it was inaugurated in February 2022, an increase in local original revenue from collecting parking fees electronically per day on 63 roads on weekdays is Rp. 20,139,750 and on holidays Rp. 4,972,800. Then it was also mentioned in an interview with one of the respondents that the increase in local revenue increased by up to 300%.

## 12. Suggestion

1. In order to avoid unwanted things such as defaults or unlawful acts committed by the parties concerned, the parties should comply with the contents of the agreement and fully understand the rights and obligations of each. If a default or unlawful act occurs in the implementation of the agreement, it must be resolved in accordance with applicable law so that the interests of the parties can be protected.

2. Increasing Local Own Revenue through electronic collection of parking fees must be continuously increased until it reaches the potential for parking service rates according to those stipulated according to the Medan Mayor's Decree.

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