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The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

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Abstrak

Penelitian ini bertujuan untuk menganalisis aspek penegakan hukum berbasis *socio-legal approach* terhadap petugas parkir liar dalam mewujudkan keadilan. Penelitian ini merupakan penelitian hukum *socio-legal* yang melihat hukum secara komprehensif termasuk kaitannya dengan aspek non-hukum. Hasil penelitian menegaskan bahwa Faktor-faktor yang berkaitan dengan fenomena petugas parkir liar sejatinya bersifat kompleks meliputi faktor ekonomi, sosial, budaya, dan faktor politik. Adanya petugas parkir liar secara umum terjadi karena baik aturan maupun aparat penegak hukum di Indonesia belum optimal dan efektif dalam melakukan upaya penegakan hukum terhadap petugas parkir liar. Konsep penegakan hukum pidana terhadap petugas parkir liar berbasis *socio-legal approach* juga dapat mengedepankan upaya non penal dan upaya penal sehingga diharapkan proses penegakan hukum pidana dapat dijalankan secara optimal. Upaya penegakan hukum pidana bagi petugas parkir liar dalam mewujudkan keadilan dapat dilakukan dengan melakukan pendekatan aspek hukum dan non-hukum baik dalam penegakan hukum yang sifatnya preventif maupun represif.

Kata Kunci: *Parkir Liar, Penegakan Hukum, Socio-Legal Approach.*

Abstract

This This research aims to analyze aspects of law enforcement based on a socio-legal approach towards illegal parking officers in realizing justice. This research is socio-legal legal research which looks at law comprehensively including its relationship to non-legal aspects. The research results confirm that the factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be carried out by approaching legal and non-legal aspects in both preventive and repressive law enforcement.

Keywords: Illegal Parking, Law Enforcement, Socio-Legal Approach.

1. INTRODUCTION

Parking practices are an important aspect in society because they are directly related to

security and security related to vehicles and public transportation.¹ In practice, there are problems related to parking where there are illegal parking officers who exist in the community. The existence of illegal parking officers on the one hand also disturbs the public because often illegal parking officers are not responsible for the cars or motorbikes that have been parked and apart from that, illegal parking officers also often charge parking fees that are not uniform and tend to charge high parking fees, especially to newcomers. or tourists.

The phenomenon of illegal parking officers creates its own problems in society. The practice of illegal parking officers in the community becomes increasingly disturbing when illegal parking officers are actually present at supermarkets which incidentally have emphasized in the supermarket yard that supermarket customers are actually exempted or free from parking fees..² Even so, in practice in society there are still illegal parking officers at supermarkets who have confirmed the exemption or elimination of parking fees. Apart from supermarkets, illegal parking officers are also present at restaurants and shops in cities, especially big cities. The presence of illegal parking officers at restaurants and shops in cities, especially big cities, has also slowly reduced the sales turnover of existing restaurants and shops. The phenomenon of many illegal parking officers is a complex phenomenon that was born from a reaction to social problems, such as: the difficulty and lack of job opportunities, the lack of decent wages so that many choose to become illegal parking officers, and the role of political elites or community elites who help the proliferation of officers. illegal parking in the community.³

From the phenomenon of illegal parking officers above, it can be seen that legally related to parking has been regulated in Article 54 paragraph (2) of Law no. 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) actually confirms that parking authority is regulated by the central and regional governments.⁴ Specifically regarding regional governments, they have an important role in organizing parking because based on Article 54 paragraph (2) letter d of the HKPD Law, parking operators organized by regions are regulated in Regional Regulations. Although in general the regulations related to parking are regulated in the laws and regulations in each region, they specifically emphasize the prohibition of illegal parking practices by officers. Illegal parking officers or also called illegal parking officers are parking officers who do not go through an authorized institution so they are only carried out on personal initiative with the aim of getting money and/or profits from the people who park..⁵

In this modern era, there are more and more illegal parking officers, this is because the number of illegal parking officers has increased in line with the massive number of vehicle users and owners. Due to the above phenomenon of illegal parking officers' practices, this

¹ Muhamad Aruga Rizwan, Yana Fajar FY Basor, and Rizki Hegia Sampurna, "Implementasi Kebijakan Pengelolaan Parkir Di Kota Sukabumi," *Dinamika : Jurnal Ilmiah Ilmu Administrasi Negara* 8, no. 3 (2021): 371–85.

² Kadek Apriliani Ida Bagus Panji Winangun, "Pelaksanaan Kebijakan Pengawasan Dalam Penertiban Parkir Liar Di Kota Denpasar," *Jumaha* 2, no. 2 (2022): 417–30.

³ Khairun Nisa, Dedi Sukarno, and Ahmad Buchori, "Implementasi Kebijakan Penyelenggaraan Retribusi Parkir Tunai Di Kawasan Taman Dewi Sartika Pelataran Balai Kota Bandung Implementation of Cash Parkirng Retribution Policy in Dewi Sartika Park Area in Bandung City Hall," *Jurnal Administrasi Negara*, *Februari* 13, no. 2 (2022): 225–34.

⁴ Amalia Syauket Bambang Karsono, *Otonomi Daerah: Perspektif Human Security Dalam Negara Demokrasi*, 1st ed. (Bekasi: Ubhara Jaya Press, 2021).

⁵ Muhammad Syahid Hidayat, "Penyalahgunaan Klausula Eksonerasi Yang Merugikan Konsumen," *Jurnal Juristic* 1, no. 01 (2020): 107, <https://doi.org/10.35973/jrs.v1i01.1487>.

research specifically aims to analyze criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers. The orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers is intended to comprehensively look at the problems of illegal parking officers, especially in its non-legal dimensions, such as economic, political, cultural, social and other non-legal aspects. Non-legal aspects need to be taken into account so that the law enforcement process against illegal parking officers can be carried out to the roots because often the law enforcement process against illegal parking officers takes place at one time but at another time illegal parking officers appear again. From this description, this research aims to answer three problem formulations, namely: (i) what are the factors that cause the emergence of the phenomenon of illegal parking officers in Indonesia?, (ii) what is the concept of criminal law enforcement based on a socio-legal approach towards officers? illegal parking?, and (iii) what are the efforts to enforce criminal law based on a socio-legal approach towards illegal parking officers?

In fact, many previous researchers have conducted research discussing illegal parking, especially those conducted by three previous researchers, namely: (a) research by Artanaya, et al. (2021) which discusses the effectiveness of controlling illegal parking at Ubud tourist attractions.⁶ In research by Artanaya, et al. (2021), community participation is needed to be proactive in providing information to law enforcement officials so that illegal parking at Ubud tourist attractions can be enforced optimally. Research related to parking was also carried out by (b) Hidayatulloh (2023) who analyzed criminal sanctions for parking fees by illegal parking officers. In Hidayatulloh's (2023) research, criminal parking charges by illegal parking officers can be subject to sanctions for criminal acts of corruption. Further research related to parking was also carried out by (c) Armanda (2024) who reviewed illegal parking in the theory of legal effectiveness.⁷ Research from Armanda (2024) confirms that the main cause of illegal parking is the lack of legal awareness in the community and the lack of effective law enforcement efforts.

From the three previous studies above, it appears that the discussion regarding the orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers has not been the focus of the three previous studies so this research is original research.

This research is legal research that prioritizes socio-legal research based methods. This research is based on socio-legal research because it seeks to analyze the non-legal aspects of a legal problem so that a comprehensive and holistic understanding of legal problems is obtained.⁸ The primary legal materials in this research are: the Criminal Code and the HKPD Law. Secondary legal materials are journal articles, books and research results that discuss parking, especially illegal parking officers. Non-legal materials are language dictionaries. Analysis of legal materials is carried out qualitatively-prescriptively, namely analyzing

⁶ Pande Putu Gede Parwata, Ida Ayu Putu Widiati, and I Wayan Artanaya, "Efektivitas Penertiban Parkir Liar Di Kawasan Obyek Wisata Ubud," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 207-12, <https://doi.org/10.22225/jkh.2.1.2999.207-212>.

⁷ Bagus Armanda, "Parkir Liar Dalam Perspektif Teori Efektifitas Hukum," *Pelita Nusantara* 1, no. 4 (2024): 477-81, <https://doi.org/10.59996/jurnalpelitanusantara.v1i4.351>.

⁸ Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 240. Terkait hal ini dapat dilihat juga dalam Sulistyowati Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal," in *Metode Penelitian Hukum: Konstelasi & Refleksi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), 1-38.

existing legal materials that are adapted to legal and non-legal aspects relating to the formulation of existing problems to then formulate legal prescriptions or solutions.

2. ANALYSIS AND DISCUSSION

2.1. The Factors of Causing the Emergence of the Illegal Parking Officer Phenomenon in Indonesia

The phenomenon of illegal parking officers is a common phenomenon that occurs in society, especially when the number of motorized vehicles continues to increase massively. The increase in the number of motorized vehicle owners also increases the land or space that must be allocated by the government (including regional governments) in order to facilitate motorized vehicles wishing to park..⁹ In this context, the state then regulates parking aspects so that parking practices can guarantee aspects of legal certainty and justice for the community.

Although in general parking activities are regulated in various laws and regulations, in practice there are still increasingly massive numbers of illegal parking officers. The increase in the number of illegal parking officers is generally dominated by people in urban areas. This is based on at least three arguments, namely: first, in urban communities, the number of owners and users of motorized vehicles is increasing every year, thereby creating the potential for disorder and even the potential for accidents caused by the massive number of motorized vehicle users in urban areas.¹⁰ This is actually an opportunity for illegal parking officers to be present to provide services to people who park and benefit from these parking practices..

Second, illegal parking officers also occur massively in urban areas because in urban areas there are many supermarkets and shops which can be used by illegal parking officers as "hanging out" places to attract parking from visitors to supermarkets and shops in urban areas.¹¹ Third, illegal parking officers carry out many of their actions in urban areas because they understand that in urban areas there is a comprehensive circulation of money and occurs in large quantities. This can be seen from the provision of parking fees by people in urban areas which is generally greater than providing parking in areas which tend to be in rural areas. From the three arguments above, it can be seen that the increase in the number of illegal parking officers in urban areas in general is due to an increase in the number of motorized vehicle owners, which creates the opportunity for the need for certain parties to regulate and regulate parking, thus opening up opportunities for the birth of illegal parking officers..

Apart from referring to the three arguments for the large number of illegal parking officers above, the causes of illegal parking officers can be seen in at least three aspects, namely: first, the economic aspect. The economic aspect is a classic aspect of the increasing number of illegal parking officers in urban areas. One of the economic aspects is that in the current era, job vacancies are increasingly difficult, especially if there are job vacancies, they must be based on age requirements, a certain level of education, and certain experience and

⁹ Rosmary Elsy Richi Demichel Johannes, Irawan, "Manajemen Retribusi Parkir Dalam Meningkatkan Pendapatan Asli Daerah Pada Pemerintah Kota Kupang Provinsi Nusa Tenggara Timur," *Jurnal Pendidikan Dan Konseling* 4, no. 5 (2022): 1707–15.

¹⁰ Dwi Suryahartati, "Perjanjian Penitipan Barang Dalam Pengelolaan Parkir Bagi Perlindungan Konsumen Di Indonesia," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 2, no. 2 (2019): 252, <https://doi.org/10.24198/acta.v2i2.102>.

¹¹ Roy Lembong Syalom W.J. Gerungan, Anna Wahongan, "Pertanggungjawaban Perdata Pengelola Parkir Terhadap Kendaraan Konsumen," *Lex Administratum* 10, no. 5 (2022): 8.

skills.¹² For people who have not received secondary level education and also do not have certain experience and skills, of course this makes it even more difficult for the potential to get a job.¹³ Therefore, realistically, becoming an illegal parking officer is an option that must be implemented because apart from not requiring age restrictions, a certain level of education, and certain experience and skills, it makes it easier for people to become illegal parking officers. Apart from that, what needs to be emphasized is that the income of illegal parking officers can be said to be sufficient to survive in urban areas. It has been reported from various sources that the income of illegal parking officers can reach at least one hundred thousand rupiah and varies depending on the location of the parking lot.¹⁴ In fact, the monthly income of illegal parking officers can reach a turnover of three million to eight million rupiah depending on the city and location of the parking lot. From these facts it can be seen that economic reasons are the main reason for the large number of illegal parking officers, especially in urban areas.

The second aspect is the cultural aspect. This happens because there are some people who believe that being an illegal parking attendant is good because the working hours are based on personal intentions and desires while also earning more than enough income. This has created a public perception that working in other sectors does not mean you can relax and earn income like being an illegal parking attendant. This cultural aspect is what makes people disobey the law because some people actually know that being an illegal parking attendant is breaking the law, but people tend to ignore this and believe that the law is actually made to be broken.

The third aspect is the political aspect. Although the political aspect does not always occur with every illegal parking officer, this political aspect often occurs where illegal parking officers are sometimes backed or protected by parties who have certain political positions. Those who "protect" illegal parking officers usually take advantage of the electoral momentum, be it general elections or regional head elections, which ask all illegal parking officers to vote for certain candidates in exchange for money and are protected in carrying out actions to become illegal parking officers.¹⁵ With this "mutually beneficial" relationship, this is what has led to the proliferation of illegal parking officers, especially in urban areas.

Viewed from a legal sociology aspect, the practice of illegal parking officers can be seen by referring to aspects related to law enforcement as emphasized by Soerjono Soekanto. From the sociological aspect of law, illegal parking officers are seen from the external aspect of law which does not only refer to statutory regulations or positive law (black letter law), but looks at how it is practiced and implemented in society. (*law in social context*)¹⁶. This is because, if viewed only from the aspect of statutory regulations or positive law (black letter law), it is clear that illegal parking officers have actually violated existing statutory regulations.¹⁷ However, if we refer to the practice and its application in society, we will be able

¹² Anang Dony Irawan and Al Qodar Purwo Sulisty, "Pengaruh Pandemi Dalam Menciptakan Ketimpangan Sosial Ekonomi Antara Pejabat Negara Dan Masyarakat," *Jurnal Citizenship Virtues* 2, no. 1 (2022): 251–62, <https://doi.org/10.37640/jcv.v2i1.1184>.

¹³ Bagong Suryanto, *Masalah Sosial Anak* (Jakarta: kencana, 2010).

¹⁴ Abdul Haris Maulana, "Simulasi Pendapatan Parkir Liar Di Jakarta, Bisa Raup Rp 1,28 Miliar Per Hari," 2024, <https://megapolitan.kompas.com/read/2024/05/15/16070851/simulasi-pendapatan-parkir-liar-di-jakarta-bisa-raup-rp-128-miliar-per> (Diakses Pada Tanggal 14 Mei 2024).

¹⁵ Arisanto Soeroyo, "Kajian Perumusan Tata Kelola Parkir Kabupaten Malang," *Kerta Raharja* 3, no. 2 (2021): 37.

¹⁶ Saifullah, *Refleksi Sosiologi Hukum*, 3rd ed. (Bandung: Refika Aditama, 2013).

¹⁷ Eko Wahyudi Anajeng Esri Edhi Mahanani, Zuhda Mila Fitriana, Teddy Prima Anggriawan, "Kausalitas Kesadaran Dan Budaya Hukum Dalam Membentuk Kepatuhan Hukum Kebijakan Penanggulangan Covid-19

to see why illegal parking officers exist and exist in society as well as the factors that cause illegal parking officers to exist.

In relation to illegal parking officers, according to Soerjono Soekanto's view, it can be seen that the operation of the law is influenced by five factors, namely ¹⁸: (i) legal rule factors, (ii) institutional factors or law enforcement officers, (iii) facility or facility factors that support and support law enforcement practices, (iv) community factors, and (v) cultural factors. From Soerjono Soekanto's views above, the author expands Soerjono Soekanto's views to societal factors which include economic aspects. This is because illegal parking officers have relevance to economic aspects as the reason why many people still work as illegal parking officers.

In terms of legal regulations, there has actually been confirmation that illegal parking officers are actually something that is prohibited. This can be seen from the laws and regulations at both the central and regional levels which prohibit this. However, the legal rules that prohibit the practice of illegal parking officers are only a "paper tiger" which means that the legal rules already exist but are hampered by their practice and implementation in the field.¹⁹ Regarding institutional factors or law enforcement officers, this can be seen from the limited number of institutions or law enforcement officers who enforce the law against illegal parking officers. This is because the number of illegal parking officers is greater than law enforcement officers. This is what makes it always difficult for law enforcement officers to enforce the law regarding illegal parking officers.

The facilities or facilities that support and support law enforcement practices can be said to be quite limited because illegal parking officers can appear instantly in various places that have the potential to be used as parking by the public. This creates limitations regarding the facilities or facilities that support and support law enforcement practices so that this has an impact on the massive presence of illegal parking officers.²⁰ In terms of community factors, it can be seen that the practice of illegal parking officers actually also gets support from the community, especially in relation to economic aspects. With it being difficult for everyone to get a job, the practice of illegal parking attendants is considered "normal" by society, and there is even a public perception that states, "Giving illegal parking attendants will not make people poor."²¹ Regarding cultural factors, the practice of illegal parking officers also sometimes gets legitimacy from the legal culture of society where Indonesian people are happy with "relaxed" work but earn more than enough income. Being an illegal parking attendant can be said to be a relaxing job while earning more than enough income.

From the description above, it can be seen that the rise of illegal parking officers in society is actually based on various factors that make existing regulations and law enforcement officers unable to enforce the law against illegal parking officers. Therefore, it is hoped that in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to

Anajeng," *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 68, <http://journal.um-surabaya.ac.id/index.php/JKM/article/view/2203>.

¹⁸ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2014).

¹⁹ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *Jurnal Usm Law Review* 5, no. 1 (2022): 110, <https://doi.org/10.26623/julr.v5i1.4965>.

²⁰ Zubairi Bagus Imam Faisal, Siwi Widia Dara, St. Ika Noerwulan Fraja, "Pertanggungjawaban Pengelola Parkir Atas Kehilangan Kendaraan Di Tempat Parkir," *RechtIde* 15, no. 2 (2020): 346.

²¹ Kamanto Sunarto, *Pengantar Sosiologi* (Depok: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004).

reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law..

2.2. The Concept of Criminal Law Enforcement Based on a Socio-Legal Approach to Illegal Parking Officers

The concept of law enforcement is widely understood differently by each legal expert or experts. Soerjono Soekanto, for example, provides an understanding that law enforcement is interpreted as an action to embody legal values, abstractions and norms in actions, attitudes and legal practices in society..²² A similar view regarding law enforcement was expressed by Satjipto Rahardjo who viewed law enforcement as a form of realization and value and abstraction of existing law.²³ The view of law enforcement put forward by Soerjono Soekanto and Satjipto Rahardjo actually has two main similarities, namely: first, they both emphasize the value aspect of law enforcement. This means that in simple terms it can be understood that the law enforcement process is the process of applying or implementing legal values in society.²⁴ The second similarity between Soerjono Soekanto and Satjipto Rahardjo's views regarding law enforcement is that legal values are the main parameter of the law enforcement process. This means, apart from being based on values, the law enforcement process must have objectives in the form of legal values such as justice, benefit, and upholding aspects of fairness that exist in society..

In connection with the views of Soerjono Soekanto and Satjipto Rahardjo regarding law enforcement above, Jimly Asshiddiqie has a different view regarding law enforcement which sees law enforcement in a narrow sense and in a broad sense.²⁵ Law enforcement in a broad sense is a law enforcement process that does not only refer to and pay attention to legal aspects, but also includes moral, religious and decency aspects that exist in society.²⁶ Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. Law enforcement is narrowly interpreted as only enforcing written regulations and only focuses on legal efforts.²⁷ In connection with the views and conceptions regarding law enforcement above, in fact the broad view of law enforcement as emphasized by Jimly Asshiddiqie finds relevance, especially when linked to law enforcement practices in society. This is because law enforcement in society is not only based on a normative view of law that is internal to the law, but also includes utilizing various non-legal aspects that can support the law enforcement process.²⁸ The utilization of non-legal aspects in the law enforcement process is relevant to law enforcement efforts based on a socio-legal approach.

According to Tulisowati Irianto, the term socio-legal approach itself must be viewed broadly, not only the social aspects of law, but also all non-legal aspects related to and related

²² Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

²³ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2010).

²⁴ Ganiviantara Pratama, "Construction of Restorative Justice Law Enforcement by The Prosecutor: Development Law Theory Perspective," *Pancasila And Law Review* 3, no. 2 (2022): 95–104.

²⁵ Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*, 1st ed. (Jakarta: Buana Ilmu Populer, 2007).

²⁶ Priastami Anggun Puspita Dewi, "Proving The Insanity Defense in The Enforcement of Criminal Law in Indonesia," *Jurnal Dinamika Hukum* 19, no. 3 (2020): 670, <https://doi.org/10.20884/1.jdh.2019.19.3.2739>.

²⁷ Liliana Tedjosaputro Andre Birawa, "Criminal Law Enforcement Policy On Mineral And Coal Mining Businesses," *Magistra Law Review* 1, no. 2 (2020): 117–19.

²⁸ Abdullah Abdullah, "Juridical Study of Corruption Crime in Indonesia: A Comparative Study," *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45–61, <https://doi.org/10.51749/injurlens.v2i1.22>.

to law..²⁹ The need for non-legal aspects of the law enforcement process is actually in line with Sudek's view which sees that legal reality is not actually autonomous and the process of enforcing and implementing the law cannot run according to machine logic and automation like a machine that is immediately ready to run..³⁰ Laws that are non-autonomous in practice are implemented by paying attention to humanitarian aspects, where humanitarian aspects are an important aspect in their implementation.³¹

In relation to law enforcement in the field of criminal law, Sudarto views that the law enforcement process can be carried out in a non-penal and penal manner.³² The non-penal process is carried out before a criminal act occurs, where this non-penal effort is in the form of socialization and providing public understanding regarding criminal acts that can disrupt order and harm society.³³ Penal measures, namely criminal law enforcement, are based on the criminal justice system in which perpetrators of criminal acts are prosecuted according to the criminal act that has been committed.³⁴ Another view regarding criminal law enforcement was put forward by Muladi and Barda Nawawi Arif who saw criminal law enforcement as a functionalization of criminal law which is related to the operation of criminal law in society.³⁵ Muladi and Barda Nawawi Arif's views emphasize that in the process of enforcing criminal law there are three aspects that need to be considered, namely the factors of criminal law regulations, criminal law enforcement officers, and public legal awareness.³⁶ These three aspects are interrelated and play a role in criminal law enforcement efforts.

In relation to efforts to enforce criminal law against illegal parking officers, a socio-legal approach needs to be oriented so that the process of enforcing criminal law against illegal parking officers can be carried out comprehensively. Efforts to enforce criminal law against illegal parking officers based on a socio-legal approach need to be carried out because the phenomenon of illegal parking officers is not only related to written legal aspects, but is related to various aspects such as social, economic, cultural and political aspects. Based on this, the conception of criminal law enforcement against illegal parking officers based on a socio-legal approach must be carried out by referring to the concept of law enforcement broadly, which also includes the law enforcement process which does not only refer to and pay attention to legal aspects, but also includes aspects morals, religion and propriety that exist in society. Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal

²⁹ Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal."

³⁰ Mariana Motta Vivian, "Law, Justice and Reza Banakar's Legal Sociology," *Onati Socio-Legal Series* 11, no. 1 (2021): 1–29, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1169>.

³¹ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

³² Santyo Widayatmo, "Pendekatan Humanis Sebagai Upaya Non-Penal: Implementasi Nilai-Nilai Pancasila Dalam Mengurangi Tindak Kriminalitas Dan Premanisme," *Jagaddhita* 1, no. 2 (2022): 47–58, <https://journal.unindra.ac.id/index.php/jagaddhita>.

³³ Bakhrul Amal, "Nolle Prosequi Sebagai Inovasi Baru Di Bidang Hukum Acara Pidana," *Al-Jinâyah* 8, no. 2 (2022): 106.

³⁴ Hwian Christianto, "Norma Persatuan Sebagai Batasan Perbuatan Pidana Penyebaran Ujaran Kebencian Melalui Internet," *Veritas et Justitia* 6, no. 1 (2020): 94–126, <https://doi.org/10.25123/vej.3501>.

³⁵ Barda Nawai Arief Muladi, *Teori-Teori Dan Kebijakan Pidana*, 2nd ed. (Bandung: Alumni, 1998).

³⁶ Yogi Yasa Wedha and Edy Nurcahyo, "Criminal Law Reform Toward Deprivation of Property Resulting from Corruption Criminal Acts," *Prizren Social Science Journal* 5, no. 1 (2021): 97–103, <https://doi.org/10.32936/pssj.v5i1.207>.

efforts so that it is hoped that the criminal law enforcement process can be carried out optimally.

2.3. The Criminal Law Enforcement Efforts Based on a Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

Efforts to enforce criminal law against illegal parking officers actually need to pay attention to aspects of justice so that the criminal law enforcement process can be carried out proportionally and on target. In relation to criminal law enforcement against illegal parking officers, the importance of the socio-legal approach aspect is to ensure that the criminal law enforcement process against illegal parking officers can be carried out substantively so that it can touch on legal and non-legal aspects in the process. The socio-legal approach aspect in enforcing criminal law against illegal parking officers is intended so that substantive justice can be realized in the process of enforcing criminal law against illegal parking officers. Substantive justice can actually be realized if legal and non-legal aspects are simultaneously considered in the law enforcement process.³⁷

The justice orientation in enforcing criminal law against illegal parking officers is actually relevant to the idea of justice which aims to maintain the utility dimension that exists in society. Utility or also known as utilitarianism is a legal idea put forward by Jeremy Bentham which emphasizes that ideal law is a law that aims to realize benefits for as many people as possible.³⁸

The idea of utilitarianism as put forward by Jeremy Bentham in the context of criminal law has close relevance to the idea of sanctions, such as the imposition of sanctions must also pay attention to the impacts caused by the sanctions..³⁹ Sanctions are indeed a fundamental aspect of criminal law as in the utilitarianism conception which views sanctions as a positive consequence for actions that harm other parties or society. In this context, utilitarianism views that sanctions as part of criminal law enforcement must have a useful dimension. This benefit must primarily be given to the victim, then to the community, and especially to the perpetrator, so that the sanctions given are oriented towards the restoration aspect so that the perpetrator does not repeat his actions again..⁴⁰

Jeremy Bentham's legal view regarding law enforcement which guarantees utilitarianism can be considered close to the dimensions of justice in criminal law. This is because in the utilitarianism-based law enforcement process one looks not only at how the law is enforced against the perpetrator but how the law provides benefits to the victim, society (state) and the perpetrator. In connection with criminal law enforcement efforts for illegal parking officers in realizing justice, law enforcement efforts are needed that accommodate aspects of utilitarianism that pay attention to the socio-legal approach dimension. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement..

The legal aspect of preventive law enforcement can be carried out by socializing the

³⁷ Wawan Andriawan, "Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 1–11, <https://doi.org/10.24090/volksgeist.v5i1.6361>.

³⁸ Judith Resnik, "The Democracy in Courts: Jeremy Bentham, 'Publicity', and the Privatization of Process in the Twenty-First Century," *NoFo* 10, no. 1 (2013): 77–119.

³⁹ Jeremy Bentham, *Principles of Penal Law* (New York: Russel and Russel, 1962).

⁴⁰ Bryan Green, "Jeremy Bentham's Social Ontology: Fictionality, Factuality and Language Critique," *Philosophy of the Social Sciences* 52, no. 3 (2022): 111.

importance of procedures and mechanisms for becoming a parking attendant in accordance with statutory regulations. This socialization also includes an affirmation that illegal parking officers can be punished in accordance with Article 368 paragraph (1) of the Criminal Code, where anyone who forces or uses violence to hand over goods or something valuable to another person can be subject to a maximum sanction of 9 years in prison. This socialization also includes the policies of each region which also stipulate sanctions for illegal parking operators. The non-legal aspect of preventive law enforcement is carried out by taking a social, economic and cultural approach in society, especially why there are so many and widespread illegal parking officers. Social, economic and cultural approaches in society related to the rise of illegal parking officers can describe the reality of illegal parking officers including non-legal solutions that can be offered.

The legal aspect in enforcing repressive laws is by processing illegal parking officers in accordance with the Criminal Code and Criminal Procedure Code if there are illegal parking officers who are clearly causing harm to the community. An important aspect that also needs to be paid attention to is non-legal efforts in enforcing repressive laws which include restorative justice-based resolution efforts and paying attention to aspects of the socio-legal approach so that justice can be realized in the law enforcement process against illegal parking officers..

3. CONCLUSION

The factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. Therefore, in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement.

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The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

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Abstract

This This research aims to analyze aspects of law enforcement based on a socio-legal approach towards illegal parking officers in realizing justice. This research is socio-legal legal research which looks at law comprehensively including its relationship to non-legal aspects. The research results confirm that the factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be carried out by approaching legal and non-legal aspects in both preventive and repressive law enforcement.

Keywords: Illegal Parking, Law Enforcement, Socio-Legal Approach.

1. INTRODUCTION

Parking practices are an important aspect in society because they are directly related to security and security related to vehicles and public transportation.¹ In practice, there are problems related to parking where there are illegal parking officers who exist in the community. The existence of illegal parking officers on the one hand also disturbs the public because often illegal parking officers are not responsible for the cars or motorbikes that have been parked and apart from that, illegal parking officers also often charge parking fees that are not uniform and tend to charge high parking fees, especially to newcomers. or tourists.

The phenomenon of illegal parking officers creates its own problems in society. The practice of illegal parking officers in the community becomes increasingly disturbing when illegal parking officers are actually present at supermarkets which incidentally have

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¹ Muhamad Aruga Rizwan, Yana Fajar FY Basor, and Rizki Hegia Sampurna, "Implementasi Kebijakan Pengelolaan Parkir Di Kota Sukabumi," *Dinamika : Jurnal Ilmiah Ilmu Administrasi Negara* 8, no. 3 (2021): 371-85.

emphasized in the supermarket yard that supermarket customers are actually exempted or free from parking fees.² Even so, in practice in society there are still illegal parking officers at supermarkets who have confirmed the exemption or elimination of parking fees. Apart from supermarkets, illegal parking officers are also present at restaurants and shops in cities, especially big cities. The presence of illegal parking officers at restaurants and shops in cities, especially big cities, has also slowly reduced the sales turnover of existing restaurants and shops. The phenomenon of many illegal parking officers is a complex phenomenon that was born from a reaction to social problems, such as: the difficulty and lack of job opportunities, the lack of decent wages so that many choose to become illegal parking officers, and the role of political elites or community elites who help the proliferation of officers. illegal parking in the community.³

From the phenomenon of illegal parking officers above, it can be seen that legally related to parking has been regulated in Article 54 paragraph (2) of Law no. 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) actually confirms that parking authority is regulated by the central and regional governments.⁴ Specifically regarding regional governments, they have an important role in organizing parking because based on Article 54 paragraph (2) letter d of the HKPD Law, parking operators organized by regions are regulated in Regional Regulations. Although in general the regulations related to parking are regulated in the laws and regulations in each region, they specifically emphasize the prohibition of illegal parking practices by officers. Illegal parking officers or also called illegal parking officers are parking officers who do not go through an authorized institution so they are only carried out on personal initiative with the aim of getting money and/or profits from the people who park..⁵

In this modern era, there are more and more illegal parking officers, this is because the number of illegal parking officers has increased in line with the massive number of vehicle users and owners. Due to the above phenomenon of illegal parking officers' practices, this research specifically aims to analyze criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers. The orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers is intended to comprehensively look at the problems of illegal parking officers, especially in its non-legal dimensions, such as economic, political, cultural, social and other non-legal aspects. Non-legal aspects need to be taken into account so that the law enforcement process against illegal parking officers can be carried out to the roots because often the law enforcement process against illegal parking officers takes place at one time but at another time illegal parking officers appear again. From this description,

² Kadek Apriliani Ida Bagus Panji Winangun, "Pelaksanaan Kebijakan Pengawasan Dalam Penertiban Parkir Liar Di Kota Denpasar," *Jumaha* 2, no. 2 (2022): 417–30.

³ Khairun Nisa, Dedi Sukarno, and Ahmad Buchori, "Implementasi Kebijakan Penyelenggaraan Retribusi Parkir Tunai Di Kawasan Taman Dewi Sartika Pelataran Balai Kota Bandung Implementation of Cash Parking Retribution Policy in Dewi Sartika Park Area in Bandung City Hall," *Jurnal Administrasi Negara*, Februari 13, no. 2 (2022): 225–34.

⁴ Amalia Syauket Bambang Karsono, *Otonomi Daerah: Perspektif Human Security Dalam Negara Demokrasi*, 1st ed. (Bekasi: Ubhara Jaya Press, 2021).

⁵ Muhammad Syahid Hidayat, "Penyalahgunaan Klausula Eksonerasi Yang Merugikan Konsumen," *Jurnal Juristic* 1, no. 01 (2020): 107, <https://doi.org/10.35973/jrs.v1i01.1487>.

this research aims to answer three problem formulations, namely: (i) what are the factors that cause the emergence of the phenomenon of illegal parking officers in Indonesia?, (ii) what is the concept of criminal law enforcement based on a socio-legal approach towards officers? illegal parking?, and (iii) what are the efforts to enforce criminal law based on a socio-legal approach towards illegal parking officers?

In fact, many previous researchers have conducted research discussing illegal parking, especially those conducted by three previous researchers, namely: (a) research by Artanaya, et al. (2021) which discusses the effectiveness of controlling illegal parking at Ubud tourist attractions.⁶ In research by Artanaya, et al. (2021), community participation is needed to be proactive in providing information to law enforcement officials so that illegal parking at Ubud tourist attractions can be enforced optimally. Research related to parking was also carried out by (b) Hidayatulloh (2023) who analyzed criminal sanctions for parking fees by illegal parking officers. In Hidayatulloh's (2023) research, criminal parking charges by illegal parking officers can be subject to sanctions for criminal acts of corruption. Further research related to parking was also carried out by (c) Armanda (2024) who reviewed illegal parking in the theory of legal effectiveness.⁷ Research from Armanda (2024) confirms that the main cause of illegal parking is the lack of legal awareness in the community and the lack of effective law enforcement efforts.

From the three previous studies above, it appears that the discussion regarding the orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers has not been the focus of the three previous studies so this research is original research.

This research is legal research that prioritizes socio-legal research based methods. This research is based on socio-legal research because it seeks to analyze the non-legal aspects of a legal problem so that a comprehensive and holistic understanding of legal problems is obtained.⁸ The primary legal materials in this research are: the Criminal Code and the HKPD Law. Secondary legal materials are journal articles, books and research results that discuss parking, especially illegal parking officers. Non-legal materials are language dictionaries. Analysis of legal materials is carried out qualitatively-prescriptively, namely analyzing existing legal materials that are adapted to legal and non-legal aspects relating to the formulation of existing problems to then formulate legal prescriptions or solutions.

2. ANALYSIS AND DISCUSSION

2.1. The Factors of Causing the Emergence of the Illegal Parking Officer Phenomenon in

⁶ Pande Putu Gede Parwata, Ida Ayu Putu Widiati, and I Wayan Artanaya, "Efektivitas Penertiban Parkir Liar Di Kawasan Obyek Wisata Ubud," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 207–12, <https://doi.org/10.22225/jkh.2.1.2999.207-212>.

⁷ Bagus Armanda, "Parkir Liar Dalam Perspektif Teori Efektifitas Hukum," *Pelita Nusantara* 1, no. 4 (2024): 477–81, <https://doi.org/10.59996/jurnalpelitanusantara.v1i4.351>.

⁸ Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 240. Terkait hal ini dapat dilihat juga dalam Sulistyowati Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal," in *Metode Penelitian Hukum: Konstelasi & Refleksi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), 1–38.

Indonesia

The phenomenon of illegal parking officers is a common phenomenon that occurs in society, especially when the number of motorized vehicles continues to increase massively. The increase in the number of motorized vehicle owners also increases the land or space that must be allocated by the government (including regional governments) in order to facilitate motorized vehicles wishing to park.⁹ In this context, the state then regulates parking aspects so that parking practices can guarantee aspects of legal certainty and justice for the community.

Although in general parking activities are regulated in various laws and regulations, in practice there are still increasingly massive numbers of illegal parking officers. The increase in the number of illegal parking officers is generally dominated by people in urban areas. This is based on at least three arguments, namely: first, in urban communities, the number of owners and users of motorized vehicles is increasing every year, thereby creating the potential for disorder and even the potential for accidents caused by the massive number of motorized vehicle users in urban areas.¹⁰ This is actually an opportunity for illegal parking officers to be present to provide services to people who park and benefit from these parking practices..

Second, illegal parking officers also occur massively in urban areas because in urban areas there are many supermarkets and shops which can be used by illegal parking officers as "hanging out" places to attract parking from visitors to supermarkets and shops in urban areas.¹¹ Third, illegal parking officers carry out many of their actions in urban areas because they understand that in urban areas there is a comprehensive circulation of money and occurs in large quantities. This can be seen from the provision of parking fees by people in urban areas which is generally greater than providing parking in areas which tend to be in rural areas. From the three arguments above, it can be seen that the increase in the number of illegal parking officers in urban areas in general is due to an increase in the number of motorized vehicle owners, which creates the opportunity for the need for certain parties to regulate and regulate parking, thus opening up opportunities for the birth of illegal parking officers..

Apart from referring to the three arguments for the large number of illegal parking officers above, the causes of illegal parking officers can be seen in at least three aspects, namely: first, the economic aspect. The economic aspect is a classic aspect of the increasing number of illegal parking officers in urban areas. One of the economic aspects is that in the current era, job vacancies are increasingly difficult, especially if there are job vacancies, they must be based on age requirements, a certain level of education, and certain experience and skills.¹² For people who have not received secondary level education and

⁹ Rosmary Elsy Richi Demichel Johannes, Irawan, "Manajemen Retribusi Parkir Dalam Meningkatkan Pendapatan Asli Daerah Pada Pemerintah Kota Kupang Provinsi Nusa Tenggara Timur," *Jurnal Pendidikan Dan Konseling* 4, no. 5 (2022): 1707-15.

¹⁰ Dwi Suryahartati, "Perjanjian Penitipan Barang Dalam Pengelolaan Parkir Bagi Perlindungan Konsumen Di Indonesia," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 2, no. 2 (2019): 252, <https://doi.org/10.24198/acta.v2i2.102>.

¹¹ Roy Lembong Syalom W.J. Gerungan, Anna Wahongan, "Pertanggungjawaban Perdata Pengelola Parkir Terhadap Kendaraan Konsumen," *Lex Administratum* 10, no. 5 (2022): 8.

¹² Anang Dony Irawan and Al Qodar Purwo Sulisty, "Pengaruh Pandemi Dalam Menciptakan Ketimpangan Sosial Ekonomi Antara Pejabat Negara Dan Masyarakat," *Jurnal Citizenship Virtues* 2, no. 1 (2022): 251-62, <https://doi.org/10.37640/jcv.v2i1.1184>.

also do not have certain experience and skills, of course this makes it even more difficult for the potential to get a job.¹³ Therefore, realistically, becoming an illegal parking officer is an option that must be implemented because apart from not requiring age restrictions, a certain level of education, and certain experience and skills, it makes it easier for people to become illegal parking officers. Apart from that, what needs to be emphasized is that the income of illegal parking officers can be said to be sufficient to survive in urban areas. It has been reported from various sources that the income of illegal parking officers can reach at least one hundred thousand rupiah and varies depending on the location of the parking lot.¹⁴ In fact, the monthly income of illegal parking officers can reach a turnover of three million to eight million rupiah depending on the city and location of the parking lot. From these facts it can be seen that economic reasons are the main reason for the large number of illegal parking officers, especially in urban areas.

The second aspect is the cultural aspect. This happens because there are some people who believe that being an illegal parking attendant is good because the working hours are based on personal intentions and desires while also earning more than enough income. This has created a public perception that working in other sectors does not mean you can relax and earn income like being an illegal parking attendant. This cultural aspect is what makes people disobey the law because some people actually know that being an illegal parking attendant is breaking the law, but people tend to ignore this and believe that the law is actually made to be broken.

The third aspect is the political aspect. Although the political aspect does not always occur with every illegal parking officer, this political aspect often occurs where illegal parking officers are sometimes backed or protected by parties who have certain political positions. Those who "protect" illegal parking officers usually take advantage of the electoral momentum, be it general elections or regional head elections, which ask all illegal parking officers to vote for certain candidates in exchange for money and are protected in carrying out actions to become illegal parking officers.¹⁵ With this "mutually beneficial" relationship, this is what has led to the proliferation of illegal parking officers, especially in urban areas.

Viewed from a legal sociology aspect, the practice of illegal parking officers can be seen by referring to aspects related to law enforcement as emphasized by Soerjono Soekanto. From the sociological aspect of law, illegal parking officers are seen from the external aspect of law which does not only refer to statutory regulations or positive law (black letter law), but looks at how it is practiced and implemented in society. (*law in social context*)¹⁶. This is because, if viewed only from the aspect of statutory regulations or positive law (black letter law), it is clear that illegal parking officers have actually violated existing statutory regulations.¹⁷ However, if we refer to the practice and its application in

¹³ Bagong Suryanto, *Masalah Sosial Anak* (Jakarta: kencana, 2010).

¹⁴ Abdul Haris Maulana, "Simulasi Pendapatan Parkir Liar Di Jakarta, Bisa Raup Rp 1,28 Miliar Per Hari," 2024, <https://megapolitan.kompas.com/read/2024/05/15/16070851/simulasi-pendapatan-parkir-liar-di-jakarta-bisa-raup-rp-128-miliar-per> (Diakses Pada Tanggal 14 Mei 2024).

¹⁵ Arisanto Soeroyo, "Kajian Perumusan Tata Kelola Parkir Kabupaten Malang," *Kerta Raharja* 3, no. 2 (2021): 37.

¹⁶ Saifullah, *Refleksi Sosiologi Hukum*, 3rd ed. (Bandung: Refika Aditama, 2013).

¹⁷ Eko Wahyudi Anajeng Esri Edhi Mahanani, Zuhda Mila Fitriana, Teddy Prima Anggriawan, "Kausalitas Kesadaran Dan Budaya Hukum Dalam Membentuk Kepatuhan Hukum Kebijakan Penanggulangan Covid-19

society, we will be able to see why illegal parking officers exist and exist in society as well as the factors that cause illegal parking officers to exist.

In relation to illegal parking officers, according to Soerjono Soekanto's view, it can be seen that the operation of the law is influenced by five factors, namely ¹⁸: (i) legal rule factors, (ii) institutional factors or law enforcement officers, (iii) facility or facility factors that support and support law enforcement practices, (iv) community factors, and (v) cultural factors. From Soerjono Soekanto's views above, the author expands Soerjono Soekanto's views to societal factors which include economic aspects. This is because illegal parking officers have relevance to economic aspects as the reason why many people still work as illegal parking officers.

In terms of legal regulations, there has actually been confirmation that illegal parking officers are actually something that is prohibited. This can be seen from the laws and regulations at both the central and regional levels which prohibit this. However, the legal rules that prohibit the practice of illegal parking officers are only a "paper tiger" which means that the legal rules already exist but are hampered by their practice and implementation in the field.¹⁹ Regarding institutional factors or law enforcement officers, this can be seen from the limited number of institutions or law enforcement officers who enforce the law against illegal parking officers. This is because the number of illegal parking officers is greater than law enforcement officers. This is what makes it always difficult for law enforcement officers to enforce the law regarding illegal parking officers.

The facilities or facilities that support and support law enforcement practices can be said to be quite limited because illegal parking officers can appear instantly in various places that have the potential to be used as parking by the public. This creates limitations regarding the facilities or facilities that support and support law enforcement practices so that this has an impact on the massive presence of illegal parking officers.²⁰ In terms of community factors, it can be seen that the practice of illegal parking officers actually also gets support from the community, especially in relation to economic aspects. With it being difficult for everyone to get a job, the practice of illegal parking attendants is considered "normal" by society, and there is even a public perception that states, "Giving illegal parking attendants will not make people poor."²¹ Regarding cultural factors, the practice of illegal parking officers also sometimes gets legitimacy from the legal culture of society where Indonesian people are happy with "relaxed" work but earn more than enough income. Being an illegal parking attendant can be said to be a relaxing job while earning more than enough income.

From the description above, it can be seen that the rise of illegal parking officers in society is actually based on various factors that make existing regulations and law

Anajeng," *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 68, <http://journal.um-surabaya.ac.id/index.php/JKM/article/view/2203>.

¹⁸ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2014).

¹⁹ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *Jurnal Usm Law Review* 5, no. 1 (2022): 110, <https://doi.org/10.26623/julr.v5i1.4965>.

²⁰ Zubairi Bagus Imam Faisal, Siwi Widia Dara, St. Ika Noerwulan Fraja, "Pertanggungjawaban Pengelola Parkir Atas Kehilangan Kendaraan Di Tempat Parkir," *RechtIdee* 15, no. 2 (2020): 346.

²¹ Kamanto Sunarto, *Pengantar Sosiologi* (Depok: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004).

enforcement officers unable to enforce the law against illegal parking officers. Therefore, it is hoped that in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law..

2.2. The Concept of Criminal Law Enforcement Based on a Socio-Legal Approach to Illegal Parking Officers

The concept of law enforcement is widely understood differently by each legal expert or experts. Soerjono Soekanto, for example, provides an understanding that law enforcement is interpreted as an action to embody legal values, abstractions and norms in actions, attitudes and legal practices in society..²² A similar view regarding law enforcement was expressed by Satjipto Rahardjo who viewed law enforcement as a form of realization and value and abstraction of existing law..²³ The view of law enforcement put forward by Soerjono Soekanto and Satjipto Rahardjo actually has two main similarities, namely: first, they both emphasize the value aspect of law enforcement. This means that in simple terms it can be understood that the law enforcement process is the process of applying or implementing legal values in society..²⁴ The second similarity between Soerjono Soekanto and Satjipto Rahardjo's views regarding law enforcement is that legal values are the main parameter of the law enforcement process. This means, apart from being based on values, the law enforcement process must have objectives in the form of legal values such as justice, benefit, and upholding aspects of fairness that exist in society..

In connection with the views of Soerjono Soekanto and Satjipto Rahardjo regarding law enforcement above, Jimly Asshiddiqie has a different view regarding law enforcement which sees law enforcement in a narrow sense and in a broad sense..²⁵ Law enforcement in a broad sense is a law enforcement process that does not only refer to and pay attention to legal aspects, but also includes moral, religious and decency aspects that exist in society..²⁶ Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. Law enforcement is narrowly interpreted as only enforcing written regulations and only focuses on legal efforts..²⁷ In connection with the views and conceptions regarding law enforcement above, in fact the broad view of law enforcement as emphasized by Jimly Asshiddiqie finds relevance, especially when linked to law enforcement practices in society. This is because law enforcement in society is not only based on a normative view of law that is internal to the law, but also includes utilizing various non-legal aspects that can support the law enforcement process..²⁸ The utilization

²² Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

²³ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2010).

²⁴ Ganiviantara Pratama, "Construction of Restorative Justice Law Enforcement by The Prosecutor: Development Law Theory Perspective," *Pancasila And Law Review* 3, no. 2 (2022): 95-104.

²⁵ Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*, 1st ed. (Jakarta: Buana Ilmu Populer, 2007).

²⁶ Priastami Anggun Puspita Dewi, "Proving The Insanity Defense in The Enforcement of Criminal Law in Indonesia," *Jurnal Dinamika Hukum* 19, no. 3 (2020): 670, <https://doi.org/10.20884/1.jdh.2019.19.3.2739>.

²⁷ Liliana Tedjosaputro Andre Birawa, "Criminal Law Enforcement Policy On Mineral And Coal Mining Businesses," *Magistra Law Review* 1, no. 2 (2020): 117-19.

²⁸ Abdullah Abdullah, "Juridical Study of Corruption Crime in Indonesia: A Comparative Study," *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45-61, <https://doi.org/10.51749/injurlens.v2i1.22>.

of non-legal aspects in the law enforcement process is relevant to law enforcement efforts based on a socio-legal approach.

According to Tulisoyowati Irianto, the term socio-legal approach itself must be viewed broadly, not only the social aspects of law, but also all non-legal aspects related to and related to law..²⁹ The need for non-legal aspects of the law enforcement process is actually in line with Sudek's view which sees that legal reality is not actually autonomous and the process of enforcing and implementing the law cannot run according to machine logic and automation like a machine that is immediately ready to run..³⁰ Laws that are non-autonomous in practice are implemented by paying attention to humanitarian aspects, where humanitarian aspects are an important aspect in their implementation.³¹

In relation to law enforcement in the field of criminal law, Sudarto views that the law enforcement process can be carried out in a non-penal and penal manner..³² The non-penal process is carried out before a criminal act occurs, where this non-penal effort is in the form of socialization and providing public understanding regarding criminal acts that can disrupt order and harm society..³³ Penal measures, namely criminal law enforcement, are based on the criminal justice system in which perpetrators of criminal acts are prosecuted according to the criminal act that has been committed..³⁴ Another view regarding criminal law enforcement was put forward by Muladi and Barda Nawawi Arif who saw criminal law enforcement as a functionalization of criminal law which is related to the operation of criminal law in society..³⁵ Muladi and Barda Nawawi Arif's views emphasize that in the process of enforcing criminal law there are three aspects that need to be considered, namely the factors of criminal law regulations, criminal law enforcement officers, and public legal awareness..³⁶ These three aspects are interrelated and play a role in criminal law enforcement efforts.

In relation to efforts to enforce criminal law against illegal parking officers, a socio-legal approach needs to be oriented so that the process of enforcing criminal law against illegal parking officers can be carried out comprehensively. Efforts to enforce criminal law against illegal parking officers based on a socio-legal approach need to be carried out because the phenomenon of illegal parking officers is not only related to written legal aspects, but is related to various aspects such as social, economic, cultural and political aspects. Based on this, the conception of criminal law enforcement against illegal parking

²⁹ Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal."

³⁰ Mariana Motta Vivian, "Law, Justice and Reza Banakar's Legal Sociology," *Onati Socio-Legal Series* 11, no. 1 (2021): 1–29, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1169>.

³¹ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

³² Santyo Widayatmo, "Pendekatan Humanis Sebagai Upaya Non-Penal: Implementasi Nilai-Nilai Pancasila Dalam Mengurangi Tindak Kriminalitas Dan Premanisme," *Jagaddhita* 1, no. 2 (2022): 47–58, <https://journal.unindra.ac.id/index.php/jagaddhita>.

³³ Bakhrul Amal, "Nolle Prosequi Sebagai Inovasi Baru Di Bidang Hukum Acara Pidana," *Al-Jinayah* 8, no. 2 (2022): 106.

³⁴ Hwian Christianto, "Norma Persatuan Sebagai Batasan Perbuatan Pidana Penyebaran Ujaran Kebencian Melalui Internet," *Veritas et Justitia* 6, no. 1 (2020): 94–126, <https://doi.org/10.25123/vej.3501>.

³⁵ Barda Nawai Arief Muladi, *Teori-Teori Dan Kebijakan Pidana*, 2nd ed. (Bandung: Alumni, 1998).

³⁶ Yogi Yasa Wedha and Edy Nurcahyo, "Criminal Law Reform Toward Deprivation of Property Resulting from Corruption Criminal Acts," *Prizren Social Science Journal* 5, no. 1 (2021): 97–103, <https://doi.org/10.32936/pssj.v5i1.207>.

officers based on a socio-legal approach must be carried out by referring to the concept of law enforcement broadly, which also includes the law enforcement process which does not only refer to and pay attention to legal aspects, but also includes aspects morals, religion and propriety that exist in society. Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally.

2.3. The Criminal Law Enforcement Efforts Based on a Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

Efforts to enforce criminal law against illegal parking officers actually need to pay attention to aspects of justice so that the criminal law enforcement process can be carried out proportionally and on target. In relation to criminal law enforcement against illegal parking officers, the importance of the socio-legal approach aspect is to ensure that the criminal law enforcement process against illegal parking officers can be carried out substantively so that it can touch on legal and non-legal aspects in the process. The socio-legal approach aspect in enforcing criminal law against illegal parking officers is intended so that substantive justice can be realized in the process of enforcing criminal law against illegal parking officers. Substantive justice can actually be realized if legal and non-legal aspects are simultaneously considered in the law enforcement process.³⁷

The justice orientation in enforcing criminal law against illegal parking officers is actually relevant to the idea of justice which aims to maintain the utility dimension that exists in society. Utility or also known as utilitarianism is a legal idea put forward by Jeremy Bentham which emphasizes that ideal law is a law that aims to realize benefits for as many people as possible.³⁸

The idea of utilitarianism as put forward by Jeremy Bentham in the context of criminal law has close relevance to the idea of sanctions, such as the imposition of sanctions must also pay attention to the impacts caused by the sanctions..³⁹ Sanctions are indeed a fundamental aspect of criminal law as in the utilitarianism conception which views sanctions as a positive consequence for actions that harm other parties or society. In this context, utilitarianism views that sanctions as part of criminal law enforcement must have a useful dimension. This benefit must primarily be given to the victim, then to the community, and especially to the perpetrator, so that the sanctions given are oriented towards the restoration aspect so that the perpetrator does not repeat his actions again..⁴⁰

Jeremy Bentham's legal view regarding law enforcement which guarantees utilitarianism can be considered close to the dimensions of justice in criminal law. This is because in the utilitarianism-based law enforcement process one looks not only at how the

³⁷ Wawan Andriawan, "Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 1–11, <https://doi.org/10.24090/volksgeist.v5i1.6361>.

³⁸ Judith Resnik, "The Democracy in Courts: Jeremy Bentham, 'Publicity', and the Privatization of Process in the Twenty-First Century," *NoFo* 10, no. 1 (2013): 77–119.

³⁹ Jeremy Bentham, *Principles of Penal Law* (New York: Russel and Russel, 1962).

⁴⁰ Bryan Green, "Jeremy Bentham's Social Ontology: Fictionality, Factuality and Language Critique," *Philosophy of the Social Sciences* 52, no. 3 (2022): 111.

law is enforced against the perpetrator but how the law provides benefits to the victim, society (state) and the perpetrator. In connection with criminal law enforcement efforts for illegal parking officers in realizing justice, law enforcement efforts are needed that accommodate aspects of utilitarianism that pay attention to the socio-legal approach dimension. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement..

The legal aspect of preventive law enforcement can be carried out by socializing the importance of procedures and mechanisms for becoming a parking attendant in accordance with statutory regulations. This socialization also includes an affirmation that illegal parking officers can be punished in accordance with Article 368 paragraph (1) of the Criminal Code, where anyone who forces or uses violence to hand over goods or something valuable to another person can be subject to a maximum sanction of 9 years in prison. This socialization also includes the policies of each region which also stipulate sanctions for illegal parking operators. The non-legal aspect of preventive law enforcement is carried out by taking a social, economic and cultural approach in society, especially why there are so many and widespread illegal parking officers. Social, economic and cultural approaches in society related to the rise of illegal parking officers can describe the reality of illegal parking officers including non-legal solutions that can be offered.

The legal aspect in enforcing repressive laws is by processing illegal parking officers in accordance with the Criminal Code and Criminal Procedure Code if there are illegal parking officers who are clearly causing harm to the community. An important aspect that also needs to be paid attention to is non-legal efforts in enforcing repressive laws which include restorative justice-based resolution efforts and paying attention to aspects of the socio-legal approach so that justice can be realized in the law enforcement process against illegal parking officers..

3. CONCLUSION

The factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. Therefore, in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement.

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The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

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Abstract

This This research aims to analyze aspects of law enforcement based on a socio-legal approach towards illegal parking officers in realizing justice. This research is socio-legal legal research which looks at law comprehensively including its relationship to non-legal aspects. The research results confirm that the factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be carried out by approaching legal and non-legal aspects in both preventive and repressive law enforcement.

Keywords: Illegal Parking, Law Enforcement, Socio-Legal Approach.

1. INTRODUCTION

Parking practices are an important aspect in society because they are directly related to security and security related to vehicles and public transportation.¹ In practice, there are problems related to parking where there are illegal parking officers who exist in the community. The existence of illegal parking officers on the one hand also disturbs the public because often illegal parking officers are not responsible for the cars or motorbikes that have been parked and apart from that, illegal parking officers also often charge parking fees that are not uniform and tend to charge high parking fees, especially to newcomers. or tourists.

The phenomenon of illegal parking officers creates its own problems in society. The practice of illegal parking officers in the community becomes increasingly disturbing when illegal parking officers are actually present at supermarkets which

¹ Muhamad Aruga Rizwan, Yana Fajar FY Basor, and Rizki Hegia Sampurna, "Implementasi Kebijakan Pengelolaan Parkir Di Kota Sukabumi," *Dinamika : Jurnal Ilmiah Ilmu Administrasi Negara* 8, no. 3 (2021): 371-85.

incidentally have emphasized in the supermarket yard that supermarket customers are actually exempted or free from parking fees.² Even so, in practice in society there are still illegal parking officers at supermarkets who have confirmed the exemption or elimination of parking fees. Apart from supermarkets, illegal parking officers are also present at restaurants and shops in cities, especially big cities. The presence of illegal parking officers at restaurants and shops in cities, especially big cities, has also slowly reduced the sales turnover of existing restaurants and shops. The phenomenon of many illegal parking officers is a complex phenomenon that was born from a reaction to social problems, such as: the difficulty and lack of job opportunities, the lack of decent wages so that many choose to become illegal parking officers, and the role of political elites or community elites who help the proliferation of officers. illegal parking in the community.³

From the phenomenon of illegal parking officers above, it can be seen that legally related to parking has been regulated in Article 54 paragraph (2) of Law no. 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) actually confirms that parking authority is regulated by the central and regional governments.⁴ Specifically regarding regional governments, they have an important role in organizing parking because based on Article 54 paragraph (2) letter d of the HKPD Law, parking operators organized by regions are regulated in Regional Regulations. Although in general the regulations related to parking are regulated in the laws and regulations in each region, they specifically emphasize the prohibition of illegal parking practices by officers. Illegal parking officers or also called illegal parking officers are parking officers who do not go through an authorized institution so they are only carried out on personal initiative with the aim of getting money and/or profits from the people who park.⁵

In this modern era, there are more and more illegal parking officers, this is because the number of illegal parking officers has increased in line with the massive number of vehicle users and owners. Due to the above phenomenon of illegal parking officers' practices, this research specifically aims to analyze criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers. The orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers is intended to comprehensively look at the problems of illegal parking officers, especially in its non-legal dimensions, such as economic, political, cultural, social and other non-legal aspects. Non-legal aspects need to be taken into account so that the law enforcement process against illegal parking officers can be carried out to the roots because often the law enforcement process against illegal parking officers takes place at one time but at another time illegal parking officers appear again. From

² Kadek Apriliani Ida Bagus Panji Winangun, "Pelaksanaan Kebijakan Pengawasan Dalam Penertiban Parkir Liar Di Kota Denpasar," *Jumaha* 2, no. 2 (2022): 417–30.

³ Khairun Nisa, Dedi Sukarno, and Ahmad Buchori, "Implementasi Kebijakan Penyelenggaraan Retribusi Parkir Tunai Di Kawasan Taman Dewi Sartika Pelataran Balai Kota Bandung Implementation of Cash Parkirng Retribution Policy in Dewi Sartika Park Area in Bandung City Hall," *Jurnal Administrasi Negara*, Februari 13, no. 2 (2022): 225–34.

⁴ Amalia Syauket Bambang Karsono, *Otonomi Daerah: Perspektif Human Security Dalam Negara Demokrasi*, 1st ed. (Bekasi: Ubhara Jaya Press, 2021).

⁵ Muhammad Syahid Hidayat, "Penyalahgunaan Klausula Eksonerasi Yang Merugikan Konsumen," *Jurnal Juristic* 1, no. 01 (2020): 107, <https://doi.org/10.35973/jrs.v1i01.1487>.

this description, this research aims to answer three problem formulations, namely: (i) what are the factors that cause the emergence of the phenomenon of illegal parking officers in Indonesia?, (ii) what is the concept of criminal law enforcement based on a socio-legal approach towards officers? illegal parking?, and (iii) what are the efforts to enforce criminal law based on a socio-legal approach towards illegal parking officers?

In fact, many previous researchers have conducted research discussing illegal parking, especially those conducted by three previous researchers, namely: (a) research by Artanaya, et al. (2021) which discusses the effectiveness of controlling illegal parking at Ubud tourist attractions.⁶ In research by Artanaya, et al. (2021), community participation is needed to be proactive in providing information to law enforcement officials so that illegal parking at Ubud tourist attractions can be enforced optimally. Research related to parking was also carried out by (b) Hidayatulloh (2023) who analyzed criminal sanctions for parking fees by illegal parking officers. In Hidayatulloh's (2023) research, criminal parking charges by illegal parking officers can be subject to sanctions for criminal acts of corruption. Penelitian selanjutnya dilakukan oleh Gomathi, et.al. (2023) which discusses efforts to control traffic congestion and its relevance to illegal parking.⁷ The novelty of Gomathi, et.al.'s (2023) research is the need for a special method to reduce congestion caused by misuse of vehicle parking. Further research was conducted by Triputro, et.al. (2023) which analyzes the government's efforts to combat illegal parking. The novelty of Triputro, et., al.'s (2023) research is the need for efforts to enforce local regulations by accommodating the involvement of various parties so that illegal parking can be overcome.⁸ Further research related to parking was also carried out by (e) Armanda (2024) who reviewed illegal parking in the theory of legal effectiveness.⁹ Research from Armanda (2024) confirms that the main cause of illegal parking is the lack of legal awareness in the community and the lack of effective law enforcement efforts.

From the five previous studies above, it appears that the discussion regarding the orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers has not been the focus of the three previous studies so this research is original research.

This research is legal research that prioritizes socio-legal research based methods. This research is based on socio-legal research because it seeks to analyze the non-legal aspects of a legal problem so that a comprehensive and holistic understanding of legal problems is obtained.¹⁰ The primary legal materials in this research are: the Criminal

⁶ Pande Putu Gede Parwata, Ida Ayu Putu Widiati, and I Wayan Artanaya, "Efektivitas Penertiban Parkir Liar Di Kawasan Obyek Wisata Ubud," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 207–12, <https://doi.org/10.22225/jkh.2.1.2999.207-212>.

⁷ V. Gomathi et al., "Traffic Congestion Control by Monitor Illegal Parking and Enabling Intimation," *Journal of Physics: Conference Series* 2484, no. 1 (2023): 1–7, <https://doi.org/10.1088/1742-6596/2484/1/012047>.

⁸ R Widodo Triputro et al., "Government Policy in Illegal Parking Charges at Public Spaces," *Journal of Governance and Public Policy* 10, no. 2 (2023): 191–202, <https://doi.org/10.18196/jgpp.v10i2.17880>.

⁹ Bagus Armanda, "Parkir Liar Dalam Perspektif Teori Efektifitas Hukum," *Pelita Nusantara* 1, no. 4 (2024): 477–81, <https://doi.org/10.59996/jurnalpelitanusantara.v1i4.351>.

¹⁰ Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Socio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 240. Terkait hal ini dapat dilihat juga dalam Sulistyowati Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal," in *Metode Penelitian Hukum: Konstelasi & Refleksi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), 1–38.

Code and the HKPD Law. Secondary legal materials are journal articles, books and research results that discuss parking, especially illegal parking officers. Non-legal materials are language dictionaries. Analysis of legal materials is carried out qualitatively-prescriptively, namely analyzing existing legal materials that are adapted to legal and non-legal aspects relating to the formulation of existing problems to then formulate legal prescriptions or solutions.

2. ANALYSIS AND DISCUSSION

2.1. The Factors of Causing the Emergence of the Illegal Parking Officer Phenomenon in Indonesia

The phenomenon of illegal parking officers is a common phenomenon that occurs in society, especially when the number of motorized vehicles continues to increase massively. The increase in the number of motorized vehicle owners also increases the land or space that must be allocated by the government (including regional governments) in order to facilitate motorized vehicles wishing to park.¹¹ In this context, the state then regulates parking aspects so that parking practices can guarantee aspects of legal certainty and justice for the community.

Although in general parking activities are regulated in various laws and regulations, in practice there are still increasingly massive numbers of illegal parking officers. The increase in the number of illegal parking officers is generally dominated by people in urban areas. This is based on at least three arguments, namely: first, in urban communities, the number of owners and users of motorized vehicles is increasing every year, thereby creating the potential for disorder and even the potential for accidents caused by the massive number of motorized vehicle users in urban areas.¹² This is actually an opportunity for illegal parking officers to be present to provide services to people who park and benefit from these parking practices..

Second, illegal parking officers also occur massively in urban areas because in urban areas there are many supermarkets and shops which can be used by illegal parking officers as "hanging out" places to attract parking from visitors to supermarkets and shops in urban areas.¹³ Third, illegal parking officers carry out many of their actions in urban areas because they understand that in urban areas there is a comprehensive circulation of money and occurs in large quantities. This can be seen from the provision of parking fees by people in urban areas which is generally greater than providing parking in areas which tend to be in rural areas. From the three arguments above, it can be seen that the increase in the number of illegal parking officers in urban areas in general is due to an increase in the number of motorized vehicle owners, which creates the opportunity for the need for certain parties to regulate and regulate parking, thus opening up

¹¹ Rosmary Elsy Richi Demichel Johannes, Irawan, "Manajemen Retribusi Parkir Dalam Meningkatkan Pendapatan Asli Daerah Pada Pemerintah Kota Kupang Provinsi Nusa Tenggara Timur," *Jurnal Pendidikan Dan Konseling* 4, no. 5 (2022): 1707–15.

¹² Dwi Suryahartati, "Perjanjian Penitipan Barang Dalam Pengelolaan Parkir Bagi Perlindungan Konsumen Di Indonesia," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 2, no. 2 (2019): 252, <https://doi.org/10.24198/acta.v2i2.102>.

¹³ Roy Lembong Syalom W.J. Gerungan, Anna Wahongan, "Pertanggungjawaban Perdata Pengelola Parkir Terhadap Kendaraan Konsumen," *Lex Administratum* 10, no. 5 (2022): 8.

opportunities for the birth of illegal parking officers..

Apart from referring to the three arguments for the large number of illegal parking officers above, the causes of illegal parking officers can be seen in at least three aspects, namely: first, the economic aspect. The economic aspect is a classic aspect of the increasing number of illegal parking officers in urban areas. One of the economic aspects is that in the current era, job vacancies are increasingly difficult, especially if there are job vacancies, they must be based on age requirements, a certain level of education, and certain experience and skills.¹⁴ For people who have not received secondary level education and also do not have certain experience and skills, of course this makes it even more difficult for the potential to get a job.¹⁵ Therefore, realistically, becoming an illegal parking officer is an option that must be implemented because apart from not requiring age restrictions, a certain level of education, and certain experience and skills, it makes it easier for people to become illegal parking officers. Apart from that, what needs to be emphasized is that the income of illegal parking officers can be said to be sufficient to survive in urban areas. It has been reported from various sources that the income of illegal parking officers can reach at least one hundred thousand rupiah and varies depending on the location of the parking lot.¹⁶ In fact, the monthly income of illegal parking officers can reach a turnover of three million to eight million rupiah depending on the city and location of the parking lot. From these facts it can be seen that economic reasons are the main reason for the large number of illegal parking officers, especially in urban areas.

The second aspect is the cultural aspect. This happens because there are some people who believe that being an illegal parking attendant is good because the working hours are based on personal intentions and desires while also earning more than enough income. This has created a public perception that working in other sectors does not mean you can relax and earn income like being an illegal parking attendant. This cultural aspect is what makes people disobey the law because some people actually know that being an illegal parking attendant is breaking the law, but people tend to ignore this and believe that the law is actually made to be broken.

The third aspect is the political aspect. Although the political aspect does not always occur with every illegal parking officer, this political aspect often occurs where illegal parking officers are sometimes backed or protected by parties who have certain political positions. Those who "protect" illegal parking officers usually take advantage of the electoral momentum, be it general elections or regional head elections, which ask all illegal parking officers to vote for certain candidates in exchange for money and are protected in carrying out actions to become illegal parking officers.¹⁷ With this "mutually beneficial" relationship, this is what has led to the proliferation of illegal parking officers,

¹⁴ Anang Dony Irawan and Al Qodar Purwo Sulisty, "Pengaruh Pandemi Dalam Menciptakan Ketimpangan Sosial Ekonomi Antara Pejabat Negara Dan Masyarakat," *Jurnal Citizenship Virtues* 2, no. 1 (2022): 251–62, <https://doi.org/10.37640/jcv.v2i1.1184>.

¹⁵ Bagong Suryanto, *Masalah Sosial Anak* (Jakarta: kencana, 2010).

¹⁶ Abdul Haris Maulana, "Simulasi Pendapatan Parkir Liar Di Jakarta, Bisa Raup Rp 1,28 Miliar Per Hari," 2024, <https://megapolitan.kompas.com/read/2024/05/15/16070851/simulasi-pendapatan-parkir-liar-di-jakarta-bisa-raup-rp-128-miliar-per> (Diakses Pada Tanggal 14 Mei 2024).

¹⁷ Arisanto Soeroyo, "Kajian Perumusan Tata Kelola Parkir Kabupaten Malang," *Kerta Raharja* 3, no. 2 (2021): 37.

especially in urban areas.

Viewed from a legal sociology aspect, the practice of illegal parking officers can be seen by referring to aspects related to law enforcement as emphasized by Soerjono Soekanto. From the sociological aspect of law, illegal parking officers are seen from the external aspect of law which does not only refer to statutory regulations or positive law (black letter law), but looks at how it is practiced and implemented in society. (*law in social context*)¹⁸. This is because, if viewed only from the aspect of statutory regulations or positive law (black letter law), it is clear that illegal parking officers have actually violated existing statutory regulations.¹⁹ However, if we refer to the practice and its application in society, we will be able to see why illegal parking officers exist and exist in society as well as the factors that cause illegal parking officers to exist.

In relation to illegal parking officers, according to Soerjono Soekanto's view, it can be seen that the operation of the law is influenced by five factors, namely ²⁰: (i) legal rule factors, (ii) institutional factors or law enforcement officers, (iii) facility or facility factors that support and support law enforcement practices, (iv) community factors, and (v) cultural factors. From Soerjono Soekanto's views above, the author expands Soerjono Soekanto's views to societal factors which include economic aspects. This is because illegal parking officers have relevance to economic aspects as the reason why many people still work as illegal parking officers.

In terms of legal regulations, there has actually been confirmation that illegal parking officers are actually something that is prohibited. This can be seen from the laws and regulations at both the central and regional levels which prohibit this. However, the legal rules that prohibit the practice of illegal parking officers are only a "paper tiger" which means that the legal rules already exist but are hampered by their practice and implementation in the field.²¹ Regarding institutional factors or law enforcement officers, this can be seen from the limited number of institutions or law enforcement officers who enforce the law against illegal parking officers. This is because the number of illegal parking officers is greater than law enforcement officers. This is what makes it always difficult for law enforcement officers to enforce the law regarding illegal parking officers.

The facilities or facilities that support and support law enforcement practices can be said to be quite limited because illegal parking officers can appear instantly in various places that have the potential to be used as parking by the public. This creates limitations regarding the facilities or facilities that support and support law enforcement practices so that this has an impact on the massive presence of illegal parking officers.²² In terms of community factors, it can be seen that the practice of illegal parking officers actually also gets support from the community, especially in relation to economic aspects. With it being

¹⁸ Saifullah, *Refleksi Sosiologi Hukum*, 3rd ed. (Bandung: Refika Aditama, 2013).

¹⁹ Eko Wahyudi Anajeng Esri Edhi Mahanani, Zuhda Mila Fitriana, Teddy Prima Anggriawan, "Kausalitas Kesadaran Dan Budaya Hukum Dalam Membentuk Kepatuhan Hukum Kebijakan Penanggulangan Covid-19 Anajeng," *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 68, <http://journal.um-surabaya.ac.id/index.php/JKM/article/view/2203>.

²⁰ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2014).

²¹ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *Jurnal Usm Law Review* 5, no. 1 (2022): 110, <https://doi.org/10.26623/julr.v5i1.4965>.

²² Zubairi Bagus Imam Faisal, Siwi Widia Dara, St. Ika Noerwulan Fraja, "Pertanggungjawaban Pengelola Parkir Atas Kehilangan Kendaraan Di Tempat Parkir," *RechtIde* 15, no. 2 (2020): 346.

difficult for everyone to get a job, the practice of illegal parking attendants is considered "normal" by society, and there is even a public perception that states, "Giving illegal parking attendants will not make people poor."²³ Regarding cultural factors, the practice of illegal parking officers also sometimes gets legitimacy from the legal culture of society where Indonesian people are happy with "relaxed" work but earn more than enough income. Being an illegal parking attendant can be said to be a relaxing job while earning more than enough income.

From the description above, it can be seen that the rise of illegal parking officers in society is actually based on various factors that make existing regulations and law enforcement officers unable to enforce the law against illegal parking officers. Therefore, it is hoped that in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law..

2.2. The Concept of Criminal Law Enforcement Based on a Socio-Legal Approach to Illegal Parking Officers

The concept of law enforcement is widely understood differently by each legal expert or experts. Soerjono Soekanto, for example, provides an understanding that law enforcement is interpreted as an action to embody legal values, abstractions and norms in actions, attitudes and legal practices in society..²⁴ A similar view regarding law enforcement was expressed by Satjipto Rahardjo who viewed law enforcement as a form of realization and value and abstraction of existing law.²⁵ The view of law enforcement put forward by Soerjono Soekanto and Satjipto Rahardjo actually has two main similarities, namely: first, they both emphasize the value aspect of law enforcement. This means that in simple terms it can be understood that the law enforcement process is the process of applying or implementing legal values in society.²⁶ The second similarity between Soerjono Soekanto and Satjipto Rahardjo's views regarding law enforcement is that legal values are the main parameter of the law enforcement process.²⁷ This means, apart from being based on values, the law enforcement process must have objectives in the form of legal values such as justice, benefit, and upholding aspects of fairness that exist in society.²⁸

In connection with the views of Soerjono Soekanto and Satjipto Rahardjo regarding law enforcement above, Jimly Asshiddiqie has a different view regarding law enforcement which sees law enforcement in a narrow sense and in a broad sense.²⁹ Law

²³ Kamanto Sunarto, *Pengantar Sosiologi* (Depok: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004).

²⁴ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

²⁵ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2010).

²⁶ Ganiviantara Pratama, "Construction of Restorative Justice Law Enforcement by The Prosecutor: Development Law Theory Perspective," *Pancasila And Law Review* 3, no. 2 (2022): 95–104.

²⁷ Muhammad Akbar et al., "The Progressive Legal Perspective of Legal Justice in Customary Dispute Resolution Related To Natural Resources," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (2023): 225–36, <https://doi.org/10.29303/ius.v11i2.1252>.

²⁸ Mabarroh Azizah, "Peran Negara Dalam Perlindungan Konsumen Muslim Di Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 2 (2021): 153–65, <https://doi.org/10.24090/volksgeist.v4i2.5738>.

²⁹ Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*, 1st ed. (Jakarta: Buana Ilmu Populer, 2007).

enforcement in a broad sense is a law enforcement process that does not only refer to and pay attention to legal aspects, but also includes moral, religious and decency aspects that exist in society.³⁰ Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. Law enforcement is narrowly interpreted as only enforcing written regulations and only focuses on legal efforts.³¹ In connection with the views and conceptions regarding law enforcement above, in fact the broad view of law enforcement as emphasized by Jimly Asshiddiqie finds relevance, especially when linked to law enforcement practices in society. This is because law enforcement in society is not only based on a normative view of law that is internal to the law, but also includes utilizing various non-legal aspects that can support the law enforcement process.³² The utilization of non-legal aspects in the law enforcement process is relevant to law enforcement efforts based on a socio-legal approach.³³

According to Sulisyowati Irianto, the term socio-legal approach itself must be viewed broadly, not only the social aspects of law, but also all non-legal aspects related to and related to law..³⁴ The need for non-legal aspects of the law enforcement process is actually in line with Sudek's view which sees that legal reality is not actually autonomous and the process of enforcing and implementing the law cannot run according to machine logic and automation like a machine that is immediately ready to run.³⁵ Laws that are non-autonomous in practice are implemented by paying attention to humanitarian aspects, where humanitarian aspects are an important aspect in their implementation.³⁶

In relation to law enforcement in the field of criminal law, Sudarto views that the law enforcement process can be carried out in a non-penal and penal manner.³⁷ The non-penal process is carried out before a criminal act occurs, where this non-penal effort is in the form of socialization and providing public understanding regarding criminal acts that can disrupt order and harm society.³⁸ Penal measures, namely criminal law enforcement, are based on the criminal justice system in which perpetrators of criminal acts are prosecuted according to the criminal act that has been committed.³⁹ Another view

³⁰ Priastami Anggun Puspita Dewi, "Proving The Insanity Defense in The Enforcement of Criminal Law in Indonesia," *Jurnal Dinamika Hukum* 19, no. 3 (2020): 670, <https://doi.org/10.20884/1.jdh.2019.19.3.2739>.

³¹ Liliana Tedjosaputro Andre Birawa, "Criminal Law Enforcement Policy On Mineral And Coal Mining Businesses," *Magistra Law Review* 1, no. 2 (2020): 117–19.

³² Abdullah Abdullah, "Juridical Study of Corruption Crime in Indonesia: A Comparative Study," *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45–61, <https://doi.org/10.51749/injurlens.v2i1.22>.

³³ Nadia Nursantih Setiyono, Dinda Keumala, Ahmad Sabirin, "Has Indonesia Safeguarded Traditional Cultural Expressions?," in *Jambura Law Review*, vol. 6, 2024, 206–39.

³⁴ Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal."

³⁵ Mariana Motta Vivian, "Law, Justice and Reza Banakar's Legal Sociology," *Onati Socio-Legal Series* 11, no. 1 (2021): 1–29, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1169>.

³⁶ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

³⁷ Santyo Widayatmo, "Pendekatan Humanis Sebagai Upaya Non-Penal: Implementasi Nilai-Nilai Pancasila Dalam Mengurangi Tindak Kriminalitas Dan Premanisme," *Jagaddhita* 1, no. 2 (2022): 47–58, <https://journal.unindra.ac.id/index.php/jagaddhita>.

³⁸ Bakhrul Amal, "Nolle Prosequi Sebagai Inovasi Baru Di Bidang Hukum Acara Pidana," *Al-Jinâyah* 8, no. 2 (2022): 106.

³⁹ Hwian Christianto, "Norma Persatuan Sebagai Batasan Perbuatan Pidana Penyebaran Ujaran Kebencian Melalui Internet," *Veritas et Justitia* 6, no. 1 (2020): 94–126, <https://doi.org/10.25123/vej.3501>.

regarding criminal law enforcement was put forward by Muladi and Barda Nawawi Arif who saw criminal law enforcement as a functionalization of criminal law which is related to the operation of criminal law in society.⁴⁰ Muladi and Barda Nawawi Arif's views emphasize that in the process of enforcing criminal law there are three aspects that need to be considered, namely the factors of criminal law regulations, criminal law enforcement officers, and public legal awareness.⁴¹ These three aspects are interrelated and play a role in criminal law enforcement efforts.

In relation to efforts to enforce criminal law against illegal parking officers, a socio-legal approach needs to be oriented so that the process of enforcing criminal law against illegal parking officers can be carried out comprehensively. Efforts to enforce criminal law against illegal parking officers based on a socio-legal approach need to be carried out because the phenomenon of illegal parking officers is not only related to written legal aspects, but is related to various aspects such as social, economic, cultural and political aspects. Based on this, the conception of criminal law enforcement against illegal parking officers based on a socio-legal approach must be carried out by referring to the concept of law enforcement broadly, which also includes the law enforcement process which does not only refer to and pay attention to legal aspects, but also includes aspects morals, religion and propriety that exist in society. Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally.

2.3. The Criminal Law Enforcement Efforts Based on a Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

Efforts to enforce criminal law against illegal parking officers actually need to pay attention to aspects of justice so that the criminal law enforcement process can be carried out proportionally and on target. In relation to criminal law enforcement against illegal parking officers, the importance of the socio-legal approach aspect is to ensure that the criminal law enforcement process against illegal parking officers can be carried out substantively so that it can touch on legal and non-legal aspects in the process. The socio-legal approach aspect in enforcing criminal law against illegal parking officers is intended so that substantive justice can be realized in the process of enforcing criminal law against illegal parking officers. Substantive justice can actually be realized if legal and non-legal aspects are simultaneously considered in the law enforcement process.⁴²

The justice orientation in enforcing criminal law against illegal parking officers is actually relevant to the idea of justice which aims to maintain the utility dimension that exists in society. Utility or also known as utilitarianism is a legal idea put forward by

⁴⁰ Barda Nawai Arief Muladi, *Teori-Teori Dan Kebijakan Pidana*, 2nd ed. (Bandung: Alumni, 1998).

⁴¹ Yogi Yasa Wedha and Edy Nurcahyo, "Criminal Law Reform Toward Deprivation of Property Resulting from Corruption Criminal Acts," *Prizren Social Science Journal* 5, no. 1 (2021): 97–103, <https://doi.org/10.32936/pssj.v5i1.207>.

⁴² Wawan Andriawan, "Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 1–11, <https://doi.org/10.24090/volksgeist.v5i1.6361>.

Jeremy Bentham which emphasizes that ideal law is a law that aims to realize benefits for as many people as possible.⁴³

The idea of utilitarianism as put forward by Jeremy Bentham in the context of criminal law has close relevance to the idea of sanctions, such as the imposition of sanctions must also pay attention to the impacts caused by the sanctions..⁴⁴ Sanctions are indeed a fundamental aspect of criminal law as in the utilitarianism conception which views sanctions as a positive consequence for actions that harm other parties or society. In this context, utilitarianism views that sanctions as part of criminal law enforcement must have a useful dimension. This benefit must primarily be given to the victim, then to the community, and especially to the perpetrator, so that the sanctions given are oriented towards the restoration aspect so that the perpetrator does not repeat his actions again..⁴⁵

Jeremy Bentham's legal view regarding law enforcement which guarantees utilitarianism can be considered close to the dimensions of justice in criminal law. This is because in the utilitarianism-based law enforcement process one looks not only at how the law is enforced against the perpetrator but how the law provides benefits to the victim, society (state) and the perpetrator. In connection with criminal law enforcement efforts for illegal parking officers in realizing justice, law enforcement efforts are needed that accommodate aspects of utilitarianism that pay attention to the socio-legal approach dimension. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement..

The legal aspect of preventive law enforcement can be carried out by socializing the importance of procedures and mechanisms for becoming a parking attendant in accordance with statutory regulations. This socialization also includes an affirmation that illegal parking officers can be punished in accordance with Article 368 paragraph (1) of the Criminal Code, where anyone who forces or uses violence to hand over goods or something valuable to another person can be subject to a maximum sanction of 9 years in prison. This socialization also includes the policies of each region which also stipulate sanctions for illegal parking operators. The non-legal aspect of preventive law enforcement is carried out by taking a social, economic and cultural approach in society, especially why there are so many and widespread illegal parking officers. Social, economic and cultural approaches in society related to the rise of illegal parking officers can describe the reality of illegal parking officers including non-legal solutions that can be offered.

The legal aspect in enforcing repressive laws is by processing illegal parking officers in accordance with the Criminal Code and Criminal Procedure Code if there are illegal parking officers who are clearly causing harm to the community. An important aspect that also needs to be paid attention to is non-legal efforts in enforcing repressive laws which include restorative justice-based resolution efforts and paying attention to aspects of the socio-legal approach so that justice can be realized in the law enforcement

⁴³ Judith Resnik, "The Democracy in Courts: Jeremy Bentham, 'Publicity', and the Privatization of Process in the Twenty-First Century," *NoFo* 10, no. 1 (2013): 77–119.

⁴⁴ Jeremy Bentham, *Principles of Penal Law* (New York: Russel and Russel, 1962).

⁴⁵ Bryan Green, "Jeremy Bentham's Social Ontology: Fictionality, Factuality and Language Critique," *Philosophy of the Social Sciences* 52, no. 3 (2022): 111.

process against illegal parking officers.

3. CONCLUSION

The factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. Therefore, in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law.

The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement.

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The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

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Abstract

This research aims to analyze aspects of law enforcement based on a socio-legal approach towards illegal parking officers in realizing justice. This research is socio-legal legal research which looks at law comprehensively including its relationship to non-legal aspects. The research results confirm that the factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be carried out by approaching legal and non-legal aspects in both preventive and repressive law enforcement.

Keywords: Illegal Parking, Law Enforcement, Socio-Legal Approach.

1. INTRODUCTION

Parking practices are an important aspect in society because they are directly related to security and security related to vehicles and public transportation.¹ In practice, there are problems related to parking where there are illegal parking officers who exist in the community. The existence of illegal parking officers on the one hand also disturbs the public because often illegal parking officers are not responsible for the cars or motorbikes that have been parked and apart from that, illegal parking officers also often charge parking fees that are not uniform and tend to charge high parking fees, especially to newcomers. or tourists.

The phenomenon of illegal parking officers creates its own problems in society. The practice of illegal parking officers in the community becomes increasingly disturbing when illegal parking officers are actually present at supermarkets which

¹ Muhamad Aruga Rizwan, Yana Fajar FY Basor, and Rizki Hegia Sampurna, "Implementasi Kebijakan Pengelolaan Parkir Di Kota Sukabumi," *Dinamika : Jurnal Ilmiah Ilmu Administrasi Negara* 8, no. 3 (2021): 371–85.

incidentally have emphasized in the supermarket yard that supermarket customers are actually exempted or free from parking fees..² Even so, in practice in society there are still illegal parking officers at supermarkets who have confirmed the exemption or elimination of parking fees. Apart from supermarkets, illegal parking officers are also present at restaurants and shops in cities, especially big cities. The presence of illegal parking officers at restaurants and shops in cities, especially big cities, has also slowly reduced the sales turnover of existing restaurants and shops. The phenomenon of many illegal parking officers is a complex phenomenon that was born from a reaction to social problems, such as: the difficulty and lack of job opportunities, the lack of decent wages so that many choose to become illegal parking officers, and the role of political elites or community elites who help the proliferation of officers. illegal parking in the community.³

From the phenomenon of illegal parking officers above, it can be seen that legally related to parking has been regulated in Article 54 paragraph (2) of Law no. 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) actually confirms that parking authority is regulated by the central and regional governments.⁴ Specifically regarding regional governments, they have an important role in organizing parking because based on Article 54 paragraph (2) letter d of the HKPD Law, parking operators organized by regions are regulated in Regional Regulations. Although in general the regulations related to parking are regulated in the laws and regulations in each region, they specifically emphasize the prohibition of illegal parking practices by officers. Illegal parking officers or also called illegal parking officers are parking officers who do not go through an authorized institution so they are only carried out on personal initiative with the aim of getting money and/or profits from the people who park.⁵

In this modern era, there are more and more illegal parking officers, this is because the number of illegal parking officers has increased in line with the massive number of vehicle users and owners. Due to the above phenomenon of illegal parking officers' practices, this research specifically aims to analyze criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers. The orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers is intended to comprehensively look at the problems of illegal parking officers, especially in its non-legal dimensions, such as economic, political, cultural, social and other non-legal aspects. Non-legal aspects need to be taken into account so that the law enforcement process against illegal parking officers can be carried out to the roots because often the law enforcement process against illegal parking officers takes place at one time but at another time illegal parking officers appear again. From

² Kadek Apriliani Ida Bagus Panji Winangun, "Pelaksanaan Kebijakan Pengawasan Dalam Penertiban Parkir Liar Di Kota Denpasar," *Jumaha* 2, no. 2 (2022): 417–30.

³ Khairun Nisa, Dedi Sukarno, and Ahmad Buchori, "Implementasi Kebijakan Penyelenggaraan Retribusi Parkir Tunai Di Kawasan Taman Dewi Sartika Pelataran Balai Kota Bandung Implementation of Cash Parking Retribution Policy in Dewi Sartika Park Area in Bandung City Hall," *Jurnal Administrasi Negara*, Februari 13, no. 2 (2022): 225–34.

⁴ Amalia Syauket Bambang Karsono, *Otonomi Daerah: Perspektif Human Security Dalam Negara Demokrasi*, 1st ed. (Bekasi: Ubhara Jaya Press, 2021).

⁵ Muhammad Syahid Hidayat, "Penyalahgunaan Klausula Eksonerasi Yang Merugikan Konsumen," *Jurnal Juristic* 1, no. 01 (2020): 107, <https://doi.org/10.35973/jrs.v1i01.1487>.

this description, this research aims to answer three problem formulations, namely: (i) what are the factors that cause the emergence of the phenomenon of illegal parking officers in Indonesia?, (ii) what is the concept of criminal law enforcement based on a socio-legal approach towards officers? illegal parking?, and (iii) what are the efforts to enforce criminal law based on a socio-legal approach towards illegal parking officers?

In fact, many previous researchers have conducted research discussing illegal parking, especially those conducted by three previous researchers, namely: (a) research by Artanaya, et al. (2021) which discusses the effectiveness of controlling illegal parking at Ubud tourist attractions.⁶ In research by Artanaya, et al. (2021), community participation is needed to be proactive in providing information to law enforcement officials so that illegal parking at Ubud tourist attractions can be enforced optimally. Research related to parking was also carried out by (b) Hidayatulloh (2023) who analyzed criminal sanctions for parking fees by illegal parking officers. In Hidayatulloh's (2023) research, criminal parking charges by illegal parking officers can be subject to sanctions for criminal acts of corruption. Penelitian selanjutnya dilakukan oleh Gomathi, et.al. (2023) which discusses efforts to control traffic congestion and its relevance to illegal parking.⁷ The novelty of Gomathi, et.al.'s (2023) research is the need for a special method to reduce congestion caused by misuse of vehicle parking. Further research was conducted by Triputro, et.al. (2023) which analyzes the government's efforts to combat illegal parking. The novelty of Triputro, et., al.'s (2023) research is the need for efforts to enforce local regulations by accommodating the involvement of various parties so that illegal parking can be overcome.⁸ Further research related to parking was also carried out by (e) Armanda (2024) who reviewed illegal parking in the theory of legal effectiveness.⁹ Research from Armanda (2024) confirms that the main cause of illegal parking is the lack of legal awareness in the community and the lack of effective law enforcement efforts.

From the five previous studies above, it appears that the discussion regarding the orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers has not been the focus of the three previous studies so this research is original research. The urgency and novelty of this study, compared to the five previous studies, lie in its in-depth analysis utilizing a socio-legal approach and its emphasis on both punitive and non-punitive solutions related to parking issues. While the previous studies primarily address parking from a punitive perspective, this research highlights a dual approach incorporating both non-punitive and punitive solutions to address the complexities of parking problems.

This research is legal research that prioritizes socio-legal research based methods. This research is based on socio-legal research because it seeks to analyze the non-legal

⁶ Pande Putu Gede Parwata, Ida Ayu Putu Widiati, and I Wayan Artanaya, "Efektivitas Penertiban Parkir Liar Di Kawasan Obyek Wisata Ubud," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 207–12, <https://doi.org/10.22225/jkh.2.1.2999.207-212>.

⁷ V. Gomathi et al., "Traffic Congestion Control by Monitor Illegal Parking and Enabling Intimation," *Journal of Physics: Conference Series* 2484, no. 1 (2023): 1–7, <https://doi.org/10.1088/1742-6596/2484/1/012047>.

⁸ R Widodo Triputro et al., "Government Policy in Illegal Parking Charges at Public Spaces," *Journal of Governance and Public Policy* 10, no. 2 (2023): 191–202, <https://doi.org/10.18196/jgpp.v10i2.17880>.

⁹ Bagus Armanda, "Parkir Liar Dalam Perspektif Teori Efektifitas Hukum," *Pelita Nusantara* 1, no. 4 (2024): 477–81, <https://doi.org/10.59996/jurnalpelitanusantara.v1i4.351>.

aspects of a legal problem so that a comprehensive and holistic understanding of legal problems is obtained.¹⁰ The primary legal materials in this research are: the Criminal Code and the HKPD Law. Secondary legal materials are journal articles, books and research results that discuss parking, especially illegal parking officers. Non-legal materials are language dictionaries. Analysis of legal materials is carried out qualitatively-prescriptively, namely analyzing existing legal materials that are adapted to legal and non-legal aspects relating to the formulation of existing problems to then formulate legal prescriptions or solutions.

2. ANALYSIS AND DISCUSSION

2.1. The Factors of Causing the Emergence of the Illegal Parking Officer Phenomenon in Indonesia

The phenomenon of illegal parking officers is a common phenomenon that occurs in society, especially when the number of motorized vehicles continues to increase massively. The increase in the number of motorized vehicle owners also increases the land or space that must be allocated by the government (including regional governments) in order to facilitate motorized vehicles wishing to park.¹¹ In this context, the state then regulates parking aspects so that parking practices can guarantee aspects of legal certainty and justice for the community.

The issue of illegal parking is a widespread phenomenon occurring in major cities around the world. For instance, in India, with its growing population and increasing number of vehicles, illegal parking has become a significant focus of governmental concern.¹² Addressing illegal parking is also a priority in various countries, often through legal and policy innovations. In Malaysia, for example, efforts to digitize parking management have been implemented as a solution to combat illegal parking.¹³ Similarly, Tokyo, Japan, has introduced high parking fees with the aim of reducing the use of private vehicles and encouraging greater reliance on public transportation.¹⁴

Although in general parking activities are regulated in various laws and regulations, in practice there are still increasingly massive numbers of illegal parking officers. The increase in the number of illegal parking officers is generally dominated by people in urban areas. This is based on at least three arguments, namely: first, in urban communities, the number of owners and users of motorized vehicles is increasing every year, thereby creating the potential for disorder and even the potential for accidents

¹⁰ Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 240. Terkait hal ini dapat dilihat juga dalam Sulistyowati Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal," in *Metode Penelitian Hukum: Konstelasi & Refleksi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), 1–38.

¹¹ Rosmary Elsy Richi Demichel Johannes, Irawan, "Manajemen Retribusi Parkir Dalam Meningkatkan Pendapatan Asli Daerah Pada Pemerintah Kota Kupang Provinsi Nusa Tenggara Timur," *Jurnal Pendidikan Dan Konseling* 4, no. 5 (2022): 1707–15.

¹² Palak Vikas Jain, Nishika Jain, and Nishith Jain, "A Study on Smart Parking Management System in India," *International Journal of Creative Research Thoughts* 11, no. 4 (2023): 696, www.ijcrt.org.

¹³ Low Zhi Qi, Douglas Tong Kum Tien, and Swee King Phang, "Integrated Smart Public Parking System for Malaysia," *Journal of Physics: Conference Series* 2523, no. 1 (2023): 1–14, <https://doi.org/10.1088/1742-6596/2523/1/012040>.

¹⁴ Arif Rochman Mustopa, "Perbandingan Pengaturan Lahan Parkir Dalam Rangka Penataan Kota (Studi Banding Hukum Agraria Antara Indonesia-Jepang)," *Pilar Keadilan* 3, no. 1 (2024): 1–31.

caused by the massive number of motorized vehicle users in urban areas.¹⁵ This is actually an opportunity for illegal parking officers to be present to provide services to people who park and benefit from these parking practices..

Second, illegal parking officers also occur massively in urban areas because in urban areas there are many supermarkets and shops which can be used by illegal parking officers as "hanging out" places to attract parking from visitors to supermarkets and shops in urban areas.¹⁶ Third, illegal parking officers carry out many of their actions in urban areas because they understand that in urban areas there is a comprehensive circulation of money and occurs in large quantities. This can be seen from the provision of parking fees by people in urban areas which is generally greater than providing parking in areas which tend to be in rural areas. From the three arguments above, it can be seen that the increase in the number of illegal parking officers in urban areas in general is due to an increase in the number of motorized vehicle owners, which creates the opportunity for the need for certain parties to regulate and regulate parking, thus opening up opportunities for the birth of illegal parking officers..

Apart from referring to the three arguments for the large number of illegal parking officers above, the causes of illegal parking officers can be seen in at least three aspects, namely: first, the economic aspect. The economic aspect is a classic aspect of the increasing number of illegal parking officers in urban areas. One of the economic aspects is that in the current era, job vacancies are increasingly difficult, especially if there are job vacancies, they must be based on age requirements, a certain level of education, and certain experience and skills.¹⁷ For people who have not received secondary level education and also do not have certain experience and skills, of course this makes it even more difficult for the potential to get a job.¹⁸ Therefore, realistically, becoming an illegal parking officer is an option that must be implemented because apart from not requiring age restrictions, a certain level of education, and certain experience and skills, it makes it easier for people to become illegal parking officers. Apart from that, what needs to be emphasized is that the income of illegal parking officers can be said to be sufficient to survive in urban areas. It has been reported from various sources that the income of illegal parking officers can reach at least one hundred thousand rupiah and varies depending on the location of the parking lot.¹⁹ In fact, the monthly income of illegal parking officers can reach a turnover of three million to eight million rupiah depending on the city and location of the parking lot. From these facts it can be seen that economic reasons are the main reason for the large number of illegal parking officers, especially in urban areas.

¹⁵ Dwi Suryahartati, "Perjanjian Penitipan Barang Dalam Pengelolaan Parkir Bagi Perlindungan Konsumen Di Indonesia," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 2, no. 2 (2019): 252, <https://doi.org/10.24198/acta.v2i2.102>.

¹⁶ Roy Lembong Syalom W.J. Gerungan, Anna Wahongan, "Pertanggungjawaban Perdata Pengelola Parkir Terhadap Kendaraan Konsumen," *Lex Administratum* 10, no. 5 (2022): 8.

¹⁷ Anang Dony Irawan and Al Qodar Purwo Sulisty, "Pengaruh Pandemi Dalam Menciptakan Ketimpangan Sosial Ekonomi Antara Pejabat Negara Dan Masyarakat," *Jurnal Citizenship Virtues* 2, no. 1 (2022): 251–62, <https://doi.org/10.37640/jcv.v2i1.1184>.

¹⁸ Bagong Suryanto, *Masalah Sosial Anak* (jakarta: kencana, 2010).

¹⁹ Abdul Haris Maulana, "Simulasi Pendapatan Parkir Liar Di Jakarta, Bisa Raup Rp 1,28 Miliar Per Hari," 2024, <https://megapolitan.kompas.com/read/2024/05/15/16070851/simulasi-pendapatan-parkir-liar-di-jakarta-bisa-raup-rp-128-miliar-per> (Diakses Pada Tanggal 14 Mei 2024).

The second aspect is the cultural aspect. This happens because there are some people who believe that being an illegal parking attendant is good because the working hours are based on personal intentions and desires while also earning more than enough income.²⁰ This has created a public perception that working in other sectors does not mean you can relax and earn income like being an illegal parking attendant. This cultural aspect is what makes people disobey the law because some people actually know that being an illegal parking attendant is breaking the law, but people tend to ignore this and believe that the law is actually made to be broken.

The third aspect is the political aspect. Although the political aspect does not always occur with every illegal parking officer, this political aspect often occurs where illegal parking officers are sometimes backed or protected by parties who have certain political positions. Those who "protect" illegal parking officers usually take advantage of the electoral momentum, be it general elections or regional head elections, which ask all illegal parking officers to vote for certain candidates in exchange for money and are protected in carrying out actions to become illegal parking officers.²¹ With this "mutually beneficial" relationship, this is what has led to the proliferation of illegal parking officers, especially in urban areas.

Viewed from a legal sociology aspect, the practice of illegal parking officers can be seen by referring to aspects related to law enforcement as emphasized by Soerjono Soekanto. From the sociological aspect of law, illegal parking officers are seen from the external aspect of law which does not only refer to statutory regulations or positive law (black letter law), but looks at how it is practiced and implemented in society. (*law in social context*)²². This is because, if viewed only from the aspect of statutory regulations or positive law (black letter law), it is clear that illegal parking officers have actually violated existing statutory regulations.²³ However, if we refer to the practice and its application in society, we will be able to see why illegal parking officers exist and exist in society as well as the factors that cause illegal parking officers to exist.

In relation to illegal parking officers, according to Soerjono Soekanto's view, it can be seen that the operation of the law is influenced by five factors, namely ²⁴: (i) legal rule factors, (ii) institutional factors or law enforcement officers, (iii) facility or facility factors that support and support law enforcement practices, (iv) community factors, and (v) cultural factors. From Soerjono Soekanto's views above, the author expands Soerjono Soekanto's views to societal factors which include economic aspects. This is because illegal parking officers have relevance to economic aspects as the reason why many people still work as illegal parking officers.

In terms of legal regulations, there has actually been confirmation that illegal

²⁰ Ratih Lestari, "The Sociological Perspective on The Study of The Living Law: Is It a Part of Legal Discipline or Social Discipline?," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023): 448–64, <https://doi.org/10.29303/ius.v11i3.1270>.

²¹ Arisanto Soeroyo, "Kajian Perumusan Tata Kelola Parkir Kabupaten Malang," *Kerta Raharja* 3, no. 2 (2021): 37.

²² Saifullah, *Refleksi Sosiologi Hukum*, 3rd ed. (Bandung: Refika Aditama, 2013).

²³ Eko Wahyudi Anajeng Esri Edhi Mahanani, Zuhda Mila Fitriana, Teddy Prima Anggriawan, "Kausalitas Kesadaran Dan Budaya Hukum Dalam Membentuk Kepatuhan Hukum Kebijakan Penanggulangan Covid-19 Anajeng," *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 68, <http://journal.um-surabaya.ac.id/index.php/JKM/article/view/2203>.

²⁴ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2014).

parking officers are actually something that is prohibited. This can be seen from the laws and regulations at both the central and regional levels which prohibit this.²⁵ However, the legal rules that prohibit the practice of illegal parking officers are only a "paper tiger" which means that the legal rules already exist but are hampered by their practice and implementation in the field.²⁶ Regarding institutional factors or law enforcement officers, this can be seen from the limited number of institutions or law enforcement officers who enforce the law against illegal parking officers. This is because the number of illegal parking officers is greater than law enforcement officers. This is what makes it always difficult for law enforcement officers to enforce the law regarding illegal parking officers.

The facilities or facilities that support and support law enforcement practices can be said to be quite limited because illegal parking officers can appear instantly in various places that have the potential to be used as parking by the public. This creates limitations regarding the facilities or facilities that support and support law enforcement practices so that this has an impact on the massive presence of illegal parking officers.²⁷ In terms of community factors, it can be seen that the practice of illegal parking officers actually also gets support from the community, especially in relation to economic aspects. With it being difficult for everyone to get a job, the practice of illegal parking attendants is considered "normal" by society, and there is even a public perception that states, "Giving illegal parking attendants will not make people poor."²⁸ Regarding cultural factors, the practice of illegal parking officers also sometimes gets legitimacy from the legal culture of society where Indonesian people are happy with "relaxed" work but earn more than enough income. Being an illegal parking attendant can be said to be a relaxing job while earning more than enough income.

From the description above, it can be seen that the rise of illegal parking officers in society is actually based on various factors that make existing regulations and law enforcement officers unable to enforce the law against illegal parking officers. Therefore, it is hoped that in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law..

2.2. The Concept of Criminal Law Enforcement Based on a Socio-Legal Approach to Illegal Parking Officers

The concept of law enforcement is widely understood differently by each legal expert or experts. Soerjono Soekanto, for example, provides an understanding that law enforcement is interpreted as an action to embody legal values, abstractions and norms in actions, attitudes and legal practices in society..²⁹ A similar view regarding law

²⁵ Fahmi Kamuli, Tunggul Anshari, and Article Info, "Regional Head ' s Authority in Determining Work Placement Due to Mutations of Government Employees," *Jambura Law Review* 3, no. 01 (2021): 37–54.

²⁶ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *Jurnal Usm Law Review* 5, no. 1 (2022): 110, <https://doi.org/10.26623/julr.v5i1.4965>.

²⁷ Zubairi Bagus Imam Faisal, Siwi Widia Dara, St. Ika Noerwulan Fraja, "Pertanggungjawaban Pengelola Parkir Atas Kehilangan Kendaraan Di Tempat Parkir," *RechtIdee* 15, no. 2 (2020): 346.

²⁸ Kamanto Sunarto, *Pengantar Sosiologi* (Depok: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004).

²⁹ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

enforcement was expressed by Satjipto Rahardjo who viewed law enforcement as a form of realization and value and abstraction of existing law.³⁰ The view of law enforcement put forward by Soerjono Soekanto and Satjipto Rahardjo actually has two main similarities, namely: first, they both emphasize the value aspect of law enforcement. This means that in simple terms it can be understood that the law enforcement process is the process of applying or implementing legal values in society.³¹ The second similarity between Soerjono Soekanto and Satjipto Rahardjo's views regarding law enforcement is that legal values are the main parameter of the law enforcement process.³² This means, apart from being based on values, the law enforcement process must have objectives in the form of legal values such as justice, benefit, and upholding aspects of fairness that exist in society.³³

In connection with the views of Soerjono Soekanto and Satjipto Rahardjo regarding law enforcement above, Jimly Asshiddiqie has a different view regarding law enforcement which sees law enforcement in a narrow sense and in a broad sense.³⁴ Law enforcement in a broad sense is a law enforcement process that does not only refer to and pay attention to legal aspects, but also includes moral, religious and decency aspects that exist in society.³⁵ Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. Law enforcement is narrowly interpreted as only enforcing written regulations and only focuses on legal efforts.³⁶ In connection with the views and conceptions regarding law enforcement above, in fact the broad view of law enforcement as emphasized by Jimly Asshiddiqie finds relevance, especially when linked to law enforcement practices in society. This is because law enforcement in society is not only based on a normative view of law that is internal to the law, but also includes utilizing various non-legal aspects that can support the law enforcement process.³⁷ The utilization of non-legal aspects in the law enforcement process is relevant to law enforcement efforts based on a socio-legal approach.³⁸

According to Sulisyowati Irianto, the term socio-legal approach itself must be viewed broadly, not only the social aspects of law, but also all non-legal aspects related to and related to law..³⁹ The need for non-legal aspects of the law enforcement process is

³⁰ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2010).

³¹ Ganiviantara Pratama, "Construction of Restorative Justice Law Enforcement by The Prosecutor: Development Law Theory Perspective," *Pancasila And Law Review* 3, no. 2 (2022): 95–104.

³² Muhammad Akbar et al., "The Progressive Legal Perspective of Legal Justice in Customary Dispute Resolution Related To Natural Resources," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (2023): 225–36, <https://doi.org/10.29303/ius.v11i2.1252>.

³³ Mabarroh Azizah, "Peran Negara Dalam Perlindungan Konsumen Muslim Di Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 2 (2021): 153–65, <https://doi.org/10.24090/volksgeist.v4i2.5738>.

³⁴ Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*, 1st ed. (Jakarta: Buana Ilmu Populer, 2007).

³⁵ Priastami Anggun Puspita Dewi, "Proving The Insanity Defense in The Enforcement of Criminal Law in Indonesia," *Jurnal Dinamika Hukum* 19, no. 3 (2020): 670, <https://doi.org/10.20884/1.jdh.2019.19.3.2739>.

³⁶ Liliana Tedjosaputro Andre Birawa, "Criminal Law Enforcement Policy On Mineral And Coal Mining Businesses," *Magistra Law Review* 1, no. 2 (2020): 117–19.

³⁷ Abdullah Abdullah, "Juridical Study of Corruption Crime in Indonesia: A Comparative Study," *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45–61, <https://doi.org/10.51749/injurlens.v2i1.22>.

³⁸ Nadia Nursantih Setiyono, Dinda Keumala, Ahmad Sabirin, "Has Indonesia Safeguarded Traditional Cultural Expressions?," in *Jambura Law Review*, vol. 6, 2024, 206–39.

³⁹ Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal."

actually in line with Sudek's view which sees that legal reality is not actually autonomous and the process of enforcing and implementing the law cannot run according to machine logic and automation like a machine that is immediately ready to run.⁴⁰ Laws that are non-autonomous in practice are implemented by paying attention to humanitarian aspects, where humanitarian aspects are an important aspect in their implementation.⁴¹

In relation to law enforcement in the field of criminal law, Sudarto views that the law enforcement process can be carried out in a non-penal and penal manner.⁴² The non-penal process is carried out before a criminal act occurs, where this non-penal effort is in the form of socialization and providing public understanding regarding criminal acts that can disrupt order and harm society.⁴³ Penal measures, namely criminal law enforcement, are based on the criminal justice system in which perpetrators of criminal acts are prosecuted according to the criminal act that has been committed.⁴⁴ Another view regarding criminal law enforcement was put forward by Muladi and Barda Nawawi Arif who saw criminal law enforcement as a functionalization of criminal law which is related to the operation of criminal law in society.⁴⁵ Muladi and Barda Nawawi Arif's views emphasize that in the process of enforcing criminal law there are three aspects that need to be considered, namely the factors of criminal law regulations, criminal law enforcement officers, and public legal awareness.⁴⁶ These three aspects are interrelated and play a role in criminal law enforcement efforts.

In relation to efforts to enforce criminal law against illegal parking officers, a socio-legal approach needs to be oriented so that the process of enforcing criminal law against illegal parking officers can be carried out comprehensively. Efforts to enforce criminal law against illegal parking officers based on a socio-legal approach need to be carried out because the phenomenon of illegal parking officers is not only related to written legal aspects, but is related to various aspects such as social, economic, cultural and political aspects. Based on this, the conception of criminal law enforcement against illegal parking officers based on a socio-legal approach must be carried out by referring to the concept of law enforcement broadly, which also includes the law enforcement process which does not only refer to and pay attention to legal aspects, but also includes aspects morals, religion and propriety that exist in society. Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation.⁴⁷ The concept of

⁴⁰ Mariana Motta Vivian, "Law, Justice and Reza Banakar's Legal Sociology," *Onati Socio-Legal Series* 11, no. 1 (2021): 1–29, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1169>.

⁴¹ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

⁴² Santyo Widayatmo, "Pendekatan Humanis Sebagai Upaya Non-Penal: Implementasi Nilai-Nilai Pancasila Dalam Mengurangi Tindak Kriminalitas Dan Premanisme," *Jagaddhita* 1, no. 2 (2022): 47–58, <https://journal.unindra.ac.id/index.php/jagaddhita>.

⁴³ Bakhrul Amal, "Nolle Prosequi Sebagai Inovasi Baru Di Bidang Hukum Acara Pidana," *Al-Jinayah* 8, no. 2 (2022): 106.

⁴⁴ Hwian Christianto, "Norma Persatuan Sebagai Batasan Perbuatan Pidana Penyebaran Ujaran Kebencian Melalui Internet," *Veritas et Justitia* 6, no. 1 (2020): 94–126, <https://doi.org/10.25123/vej.3501>.

⁴⁵ Barda Nawai Arief Muladi, *Teori-Teori Dan Kebijakan Pidana*, 2nd ed. (Bandung: Alumni, 1998).

⁴⁶ Yogi Yasa Wedha and Edy Nurcahyo, "Criminal Law Reform Toward Deprivation of Property Resulting from Corruption Criminal Acts," *Prizren Social Science Journal* 5, no. 1 (2021): 97–103, <https://doi.org/10.32936/pssj.v5i1.207>.

⁴⁷ Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic

criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally.

2.3. The Criminal Law Enforcement Efforts Based on a Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

Efforts to enforce criminal law against illegal parking officers actually need to pay attention to aspects of justice so that the criminal law enforcement process can be carried out proportionally and on target. In relation to criminal law enforcement against illegal parking officers, the importance of the socio-legal approach aspect is to ensure that the criminal law enforcement process against illegal parking officers can be carried out substantively so that it can touch on legal and non-legal aspects in the process. The socio-legal approach aspect in enforcing criminal law against illegal parking officers is intended so that substantive justice can be realized in the process of enforcing criminal law against illegal parking officers. Substantive justice can actually be realized if legal and non-legal aspects are simultaneously considered in the law enforcement process.⁴⁸

The justice orientation in enforcing criminal law against illegal parking officers is actually relevant to the idea of justice which aims to maintain the utility dimension that exists in society. Utility or also known as utilitarianism is a legal idea put forward by Jeremy Bentham which emphasizes that ideal law is a law that aims to realize benefits for as many people as possible.⁴⁹

The idea of utilitarianism as put forward by Jeremy Bentham in the context of criminal law has close relevance to the idea of sanctions, such as the imposition of sanctions must also pay attention to the impacts caused by the sanctions..⁵⁰ Sanctions are indeed a fundamental aspect of criminal law as in the utilitarianism conception which views sanctions as a positive consequence for actions that harm other parties or society. In this context, utilitarianism views that sanctions as part of criminal law enforcement must have a useful dimension. This benefit must primarily be given to the victim, then to the community, and especially to the perpetrator, so that the sanctions given are oriented towards the restoration aspect so that the perpetrator does not repeat his actions again..⁵¹

Jeremy Bentham's legal view regarding law enforcement which guarantees utilitarianism can be considered close to the dimensions of justice in criminal law. This is because in the utilitarianism-based law enforcement process one looks not only at how the law is enforced against the perpetrator but how the law provides benefits to the victim, society (state) and the perpetrator. In connection with criminal law enforcement efforts for illegal parking officers in realizing justice, law enforcement efforts are needed that accommodate aspects of utilitarianism that pay attention to the socio-legal approach

Law,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 41–51, <https://doi.org/10.24090/volksgeist.v5i1.6430>.

⁴⁸ Wawan Andriawan, “Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 1–11, <https://doi.org/10.24090/volksgeist.v5i1.6361>.

⁴⁹ Judith Resnik, “The Democracy in Courts: Jeremy Bentham, ‘Publicity’, and the Privatization of Process in the Twenty-First Century,” *NoFo* 10, no. 1 (2013): 77–119.

⁵⁰ Jeremy Bentham, *Principles of Penal Law* (New York: Russel and Russel, 1962).

⁵¹ Bryan Green, “Jeremy Bentham’s Social Ontology: Fictionality, Factuality and Language Critique,” *Philosophy of the Social Sciences* 52, no. 3 (2022): 111.

dimension. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement..

The legal aspect of preventive law enforcement can be carried out by socializing the importance of procedures and mechanisms for becoming a parking attendant in accordance with statutory regulations. This socialization also includes an affirmation that illegal parking officers can be punished in accordance with Article 368 paragraph (1) of the Criminal Code, where anyone who forces or uses violence to hand over goods or something valuable to another person can be subject to a maximum sanction of 9 years in prison. This socialization also includes the policies of each region which also stipulate sanctions for illegal parking operators. The non-legal aspect of preventive law enforcement is carried out by taking a social, economic and cultural approach in society, especially why there are so many and widespread illegal parking officers. Social, economic and cultural approaches in society related to the rise of illegal parking officers can describe the reality of illegal parking officers including non-legal solutions that can be offered.

The legal aspect in enforcing repressive laws is by processing illegal parking officers in accordance with the Criminal Code and Criminal Procedure Code if there are illegal parking officers who are clearly causing harm to the community. An important aspect that also needs to be paid attention to is non-legal efforts in enforcing repressive laws which include restorative justice-based resolution efforts and paying attention to aspects of the socio-legal approach so that justice can be realized in the law enforcement process against illegal parking officers.

3. CONCLUSION

The factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. Therefore, in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law.

The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement.

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[IUS] Editor Decision

1 message

Titin Nurfatlah <titinnurfatlah11@unram.ac.id>

Tue, Feb 27, 2024 at 10:55 AM

To: Baharuddin Badaru <baharuddin.badaru@umi.ac.id>

Baharuddin Badaru:

We have reached a decision regarding your submission to Jurnal IUS Kajian Hukum dan Keadilan, "The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice".

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The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

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1 Abstrak

Penelitian ini bertujuan untuk menganalisis aspek penegakan hukum berbasis *socio-legal approach* terhadap petugas parkir liar dalam mewujudkan keadilan. Penelitian ini merupakan penelitian hukum *socio-legal* yang melihat hukum secara komprehensif termasuk kaitannya dengan aspek non-hukum. Hasil penelitian menegaskan bahwa Faktor-faktor yang berkaitan dengan fenomena petugas parkir liar sejatinya bersifat kompleks meliputi faktor ekonomi, sosial, budaya, dan faktor politik. Adanya petugas parkir liar secara umum terjadi karena baik aturan maupun aparat penegak hukum di Indonesia belum optimal dan efektif dalam melakukan upaya penegakan hukum terhadap petugas parkir liar. Konsep penegakan hukum pidana terhadap petugas parkir liar berbasis *socio-legal approach* juga dapat mengedepankan upaya non penal dan upaya penal sehingga diharapkan proses penegakan hukum pidana dapat dijalankan secara optimal. Upaya penegakan hukum pidana bagi petugas parkir liar dalam mewujudkan keadilan dapat dilakukan dengan melakukan pendekatan aspek hukum dan non-hukum baik dalam penegakan hukum yang sifatnya preventif maupun represif.

Kata Kunci: *Parkir Liar, Penegakan Hukum, Socio-Legal Approach.*

12 Abstract

This research aims to analyze aspects of law enforcement based on a socio-legal approach towards illegal parking officers in realizing justice. This research is socio-legal legal research which looks at law comprehensively including its relationship to non-legal aspects. The research results confirm that the factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be carried out by approaching legal and non-legal aspects in both preventive and repressive law enforcement.

Keywords: Illegal Parking, Law Enforcement, Socio-Legal Approach.

1. INTRODUCTION

Parking practices are an important aspect in society because they are directly related to

security and security related to vehicles and public transportation.¹ In practice, there are problems related to parking where there are illegal parking officers who exist in the community. The existence of illegal parking officers on the one hand also disturbs the public because often illegal parking officers are not responsible for the cars or motorbikes that have been parked and apart from that, illegal parking officers also often charge parking fees that are not uniform and tend to charge high parking fees, especially to newcomers. or tourists.

The phenomenon of illegal parking officers creates its own problems in society. The practice of illegal parking officers in the community becomes increasingly disturbing when illegal parking officers are actually present at supermarkets which incidentally have emphasized in the supermarket yard that supermarket customers are actually exempted or free from parking fees..² Even so, in practice in society there are still illegal parking officers at supermarkets who have confirmed the exemption or elimination of parking fees. Apart from supermarkets, illegal parking officers are also present at restaurants and shops in cities, especially big cities. The presence of illegal parking officers at restaurants and shops in cities, especially big cities, has also slowly reduced the sales turnover of existing restaurants and shops. The phenomenon of many illegal parking officers is a complex phenomenon that was born from a reaction to social problems, such as: the difficulty and lack of job opportunities, the lack of decent wages so that many choose to become illegal parking officers, and the role of political elites or community elites who help the proliferation of officers. illegal parking in the community.³

From the phenomenon of illegal parking officers above, it can be seen that legally related to parking has been regulated in Article 54 paragraph (2) of Law no. 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) actually confirms that parking authority is regulated by the central and regional governments.⁴ Specifically regarding regional governments, they have an important role in organizing parking because based on Article 54 paragraph (2) letter d of the HKPD Law, parking operators organized by regions are regulated in Regional Regulations. Although in general the regulations related to parking are regulated in the laws and regulations in each region, they specifically emphasize the prohibition of illegal parking practices by officers. Illegal parking officers or also called illegal parking officers are parking officers who do not go through an authorized institution so they are only carried out on personal initiative with the aim of getting money and/or profits from the people who park..⁵

In this modern era, there are more and more illegal parking officers, this is because the number of illegal parking officers has increased in line with the massive number of vehicle users and owners. Due to the above phenomenon of illegal parking officers' practices, this

¹⁹ Muhamad Aruga Rizwan, Yana Fajar FY Basor, and Rizki Hegia Sampurna, "Implementasi Kebijakan Pengelolaan Parkir Di Kota Sukabumi," *Dinamika : Jurnal Ilmiah Ilmu Administrasi Negara* 8, no. 3 (2021): 371–85.

² Kadek Aprilianti Ida Bagus Panji Winangun, "Pelaksanaan Kebijakan Pengawasan Dalam Penertiban Parkir Liar Di Kota Denpasar," *Jumaha* 2, no. 2 (2022): 417–30.

³ Khairun Nisa, Dedi Sukarno, and Ahmad Buchori, "Implementasi Kebijakan Penyelenggaraan Retribusi Parkir Tunai Di Kawasan Taman Dewi Sartika Pelataran Balai Kota Bandung," *Implementation of Cash Parking Retribution Policy in Dewi Sartika Park Area in Bandung City Hall*, *Jurnal Administrasi Negara*, *Februari* 13, no. 6 (2022): 225–34.

⁴ Amalia Syauket Bambang Karsono, *Otonomi Daerah: Perspektif Human Security Dalam Negara Demokrasi*, 1st ed. (Bekasi: Ubhara Jaya Press, 2021).

⁵ Muhamad Syahid Hidayat, "Penyalahgunaan Klausula Eksonerasi Yang Merugikan Konsumen," *Jurnal Jurisic* 1, no. 01 (2020): 107, <https://doi.org/10.35973/jrs.v1i01.1487>.

research specifically aims to analyze criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers. The orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers is intended to comprehensively look at the problems of illegal parking officers, especially in its non-legal dimensions, such as economic, political, cultural, social and other non-legal aspects. Non-legal aspects need to be taken into account so that the law enforcement process against illegal parking officers can be carried out to the roots because often the law enforcement process against illegal parking officers takes place at one time but at another time illegal parking officers appear again. From this description, this research aims to answer three problem formulations, namely: (i) what are the factors that cause the emergence of the phenomenon of illegal parking officers in Indonesia?, (ii) what is the concept of criminal law enforcement based on a socio-legal approach towards officers? illegal parking?, and (iii) what are the efforts to enforce criminal law based on a socio-legal approach towards illegal parking officers?

In fact, many previous researchers have conducted research discussing illegal parking, especially those conducted by three previous researchers, namely: (a) research by Artanaya, et al. (2021) which discusses the effectiveness of controlling illegal parking at Ubud tourist attractions.⁶ In research by Artanaya, et al. (2021), community participation is needed to be proactive in providing information to law enforcement officials so that illegal parking at Ubud tourist attractions can be enforced optimally. Research related to parking was also carried out by (b) Hidayatulloh (2023) who analyzed criminal sanctions for parking fees by illegal parking officers. In Hidayatulloh's (2023) research, criminal parking charges by illegal parking officers can be subject to sanctions for criminal acts of corruption. Further research related to parking was also carried out by (c) Armanda (2024) who reviewed illegal parking in the theory of legal effectiveness.⁷ Research from Armanda (2024) confirms that the main cause of illegal parking is the lack of legal awareness in the community and the lack of effective law enforcement efforts.

From the three previous studies above, it appears that the discussion regarding the orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers has not been the focus of the three previous studies so this research is original research.

This research is legal research that prioritizes socio-legal research based methods. This research is based on socio-legal research because it seeks to analyze the non-legal aspects of a legal problem so that a comprehensive and holistic understanding of legal problems is obtained.⁸ The primary legal materials in this research are: the Criminal Code and the HKPD Law. Secondary legal materials are journal articles, books and research results that discuss parking, especially illegal parking officers. Non-legal materials are language dictionaries. Analysis of legal materials is carried out qualitatively-prescriptively, namely analyzing

⁶ Pande Putu Gede Parwata, Ida Ayu Putu Widiati, and I Wayan Artanaya, "Efektivitas Penertiban Parkir Liar Di Kawasan Obyek Wisata Ubud," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 207-12, <https://doi.org/10.22225/jkh.2.1.2999.207-212>.

⁷ Bagus Armanda, "Parkir Liar Dalam Perspektif Teori Efektifitas Hukum," *Pelita Nusantara* 1, no. 4 (2024): 77-81, <https://doi.org/10.59996/jurnalpelitanusantara.v1i4.351>.

⁸ Fachrizar Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 240. Terkait hal ini dapat dilihat juga dalam Sulistyowati Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal," in *Metode Penelitian Hukum: Konstelasi & Refleksi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), 1-38.

existing legal materials that are adapted to legal and non-legal aspects relating to the formulation of existing problems to then formulate legal prescriptions or solutions.

2. ANALYSIS AND DISCUSSION

2.1. The Factors of Causing the Emergence of the Illegal Parking Officer Phenomenon in Indonesia

The phenomenon of illegal parking officers is a common phenomenon that occurs in society, especially when the number of motorized vehicles continues to increase massively. The increase in the number of motorized vehicle owners also increases the land or space that must be allocated by the government (including regional governments) in order to facilitate motorized vehicles wishing to park..⁹ In this context, the state then regulates parking aspects so that parking practices can guarantee aspects of legal certainty and justice for the community.

Although in general parking activities are regulated in various laws and regulations, in practice there are still increasingly massive numbers of illegal parking officers. The increase in the number of illegal parking officers is generally dominated by people in urban areas. This is based on at least three arguments, namely: first, in urban communities, the number of owners and users of motorized vehicles is increasing every year, thereby creating the potential for disorder and even the potential for accidents caused by the massive number of motorized vehicle users in urban areas.¹⁰ This is actually an opportunity for illegal parking officers to be present to provide services to people who park and benefit from these parking practices..

Second, illegal parking officers also occur massively in urban areas because in urban areas there are many supermarkets and shops which can be used by illegal parking officers as "hanging out" places to attract parking from visitors to supermarkets and shops in urban areas.¹¹ Third, illegal parking officers carry out many of their actions in urban areas because they understand that in urban areas there is a comprehensive circulation of money and occurs in large quantities.³⁶ This can be seen from the provision of parking fees by people in urban areas which is generally greater than providing parking in areas which tend to be in rural areas. From the three arguments above, it can be seen that the increase in the number of illegal parking officers in urban areas in general is due to an increase in the number of motorized vehicle owners, which creates the opportunity for the need for certain parties to regulate and regulate parking, thus opening up opportunities for the birth of illegal parking officers..

Apart from referring to the three arguments for the large number of illegal parking officers above, the causes of illegal parking officers can be seen in at least three aspects, namely: first, the economic aspect. The economic aspect is a classic aspect of the increasing number of illegal parking officers in urban areas. One of the economic aspects is that in the current era, job vacancies are increasingly difficult, especially if there are job vacancies, they must be based on age requirements, a certain level of education, and certain experience and

⁹ Rosmary Elsy Richi Demichel Johannes, Irawan, "Manajemen Retribusi Parkir Dalam Meningkatkan Pendapatan Asli Daerah Pada Pemerintah Kota Kupang Provinsi Nusa Tenggara Timur," *Jurnal Pendidikan Dan Konseling* 4, no. 5 (2022): 1707–15.

¹⁰ Dwi Suryahartati, "Perjanjian Penitipan Barang Dalam Pengelolaan Parkir Bagi Perlindungan Konsumen Di Indonesia," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 2, no. 2 (2019): 252, <https://doi.org/10.24198/acta.v2i2.102>.

¹¹ Roy Lembong Syalom W.J. Gerungan, Anna Wahongan, "Pertanggungjawaban Perdata Pengelola Parkir Terhadap Kendaraan Konsumen," *Lex Administratum* 10, no. 5 (2022): 8.

skills.¹² For people who have not received secondary level education and also do not have certain experience and skills, of course this makes it even more difficult for the potential to get a job.¹³ Therefore, realistically, becoming an illegal parking officer is an option that must be implemented because apart from not requiring age restrictions, a certain level of education, and certain experience and skills, it makes it easier for people to become illegal parking officers. Apart from that, what needs to be emphasized is that the income of illegal parking officers can be said to be sufficient to survive in urban areas. It has been reported from various sources that the income of illegal parking officers can reach at least one hundred thousand rupiah and varies depending on the location of the parking lot.¹⁴ In fact, the monthly income of illegal parking officers can reach a turnover of three million to eight million rupiah depending on the city and location of the parking lot. From these facts it can be seen that economic reasons are the main reason for the large number of illegal parking officers, especially in urban areas.

The second aspect is the cultural aspect. This happens because there are some people who believe that being an illegal parking attendant is good because the working hours are based on personal intentions and desires while also earning more than enough income. This has created a public perception that working in other sectors does not mean you can relax and earn income like being an illegal parking attendant. This cultural aspect is what makes people disobey the law because some people actually know that being an illegal parking attendant is breaking the law, but people tend to ignore this and believe that the law is actually made to be broken.

The third aspect is the political aspect. Although the political aspect does not always occur with every illegal parking officer, this political aspect often occurs where illegal parking officers are sometimes backed or protected by parties who have certain political positions. Those who "protect" illegal parking officers usually take advantage of the electoral momentum, be it general elections or regional head elections, which ask all illegal parking officers to vote for certain candidates in exchange for money and are protected in carrying out actions to become illegal parking officers.¹⁵ With this "mutually beneficial" relationship, this is what has led to the proliferation of illegal parking officers, especially in urban areas.

Viewed from a legal sociology aspect, the practice of illegal parking officers can be seen by referring to aspects related to law enforcement as emphasized by Soerjono Soekanto. From the sociological aspect of law, illegal parking officers are seen from the external aspect of law which does not only refer to statutory regulations or positive law (black letter law), but looks at how it is practiced and implemented in society. (*law in social context*)¹⁶. This is because, if viewed only from the aspect of statutory regulations or positive law (black letter law), it is clear that illegal parking officers have actually violated existing statutory regulations.¹⁷ However, if we refer to the practice and its application in society, we will be able

¹² Anang Dony Irawan and Al Qodar Purwo Sulisty, "Pengaruh Pandemi Dalam Menciptakan Ketimpangan Sosial Ekonomi Antara Pejabat Negara Dan Masyarakat," *Jurnal Citizenship Virtues* 2, no. 1 (2022): 251–62, <https://doi.org/10.37640/jcv.v2i1.1184>.

¹³ Bagong Suryanto, *Masalah Sosial Anak* (Jakarta: kencana, 2010).

¹⁴ Abdul Haris Maulana, "Simulasi Pendapatan Parkir Liar Di Jakarta, Bisa Raup Rp 1,28 Miliar Per Hari," 2024, <https://megapolitan.kompas.com/read/2024/05/15/16070851/simulasi-pendapatan-parkir-liar-di-jakarta-bisa-raup-rp-128-miliar-per> (Diakses Pada Tanggal 14 Mei 2024).

¹⁵ Arisanto Soeroyo, "Kajian Perumusan Tata Kelola Parkir Kabupaten Malang," *Kerta Raharja* 3, no. 2 (2021): 37.

¹⁶ Saifullah, *Refleksi Sosiologi Hukum*, 3rd ed. (Bandung: Refika Aditama, 2013).

¹⁷ Eko Wahyudi Anajeng Esri Edhi Mahanani, Zuhda Mila Fitriana, Teddy Prima Anggriawan, "Kausalitas Kesadaran Dan Budaya Hukum Dalam Membentuk Kepatuhan Hukum Kebijakan Penanggulangan Covid-19

to see why illegal parking officers exist and exist in society as well as the factors that cause illegal parking officers to exist.

In relation to illegal parking officers, according to Soerjono Soekanto's view, it can be seen that the operation of the law is influenced by five factors, namely ¹⁸: (i) legal rule factors, (ii) institutional factors or law enforcement officers, (iii) facility or facility factors that support and support law enforcement practices, (iv) community factors, and (v) cultural factors. From Soerjono Soekanto's views above, the author expands Soerjono Soekanto's views to societal factors which include economic aspects. This is because illegal parking officers have relevance to economic aspects as the reason why many people still work as illegal parking officers.

In terms of legal regulations, there has actually been confirmation that illegal parking officers are actually something that is prohibited. This can be seen from the laws and regulations at both the central and regional levels which prohibit this. However, the legal rules that prohibit the practice of illegal parking officers are only a "paper tiger" which means that the legal rules already exist but are hampered by their practice and implementation in the field.¹⁹ Regarding institutional factors or law enforcement officers, this can be seen from the limited number of institutions or law enforcement officers who enforce the law against illegal parking officers. This is because the number of illegal parking officers is greater than law enforcement officers. This is what makes it always difficult for law enforcement officers to enforce the law regarding illegal parking officers.

The facilities or facilities that support and support law enforcement practices can be said to be quite limited because illegal parking officers can appear instantly in various places that have the potential to be used as parking by the public. This creates limitations regarding the facilities or facilities that support and support law enforcement practices so that this has an impact on the massive presence of illegal parking officers.²⁰ In terms of community factors, it can be seen that the practice of illegal parking officers actually also gets support from the community, especially in relation to economic aspects. With it being difficult for everyone to get a job, the practice of illegal parking attendants is considered "normal" by society, and there is even a public perception that states, "Giving illegal parking attendants will not make people poor."²¹ Regarding cultural factors, the practice of illegal parking officers also sometimes gets legitimacy from the legal culture of society where Indonesian people are happy with "relaxed" work but earn more than enough income. Being an illegal parking attendant can be said to be a relaxing job while earning more than enough income.

From the description above, it can be seen that the rise of illegal parking officers in society is actually based on various factors that make existing regulations and law enforcement officers unable to enforce the law against illegal parking officers. Therefore, it is hoped that in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to

Anajeng, ¹Widya Pranata H ²²um : *Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 68, <http://journal.um-surabaya.ac.id/index.php/JKM/article/view/2203>.

¹⁸ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2014).

¹⁹ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *Jurnal Usm Law Review* 5, no. 1 (2022): 110, <https://doi.org/10.26623/julr.v5i1.4965>.

²⁰ Zubairi Bagus Imam Faisal, Siwi Widia Dara, St. Ika Noerwulan Fraja, "Pertanggungjawaban Pengelola Parkir Atas Kehilangan Kendaraan Di Tempat Parkir," *RechtIde* 15, no. 2 (2020): 346.

²¹ Ramanto Sunarto, *Pengantar Sosiologi* (Depok: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004).

reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law..

2.2. The Concept of Criminal Law Enforcement Based on a Socio-Legal Approach to Illegal Parking Officers

The concept of law enforcement is widely understood differently by each legal expert or experts. Soerjono Soekanto, for example, provides an understanding that law enforcement is interpreted as an action to embody legal values, abstractions and norms in actions, attitudes and legal practices in society..²² A similar view regarding law enforcement was expressed by Satjipto Rahardjo who viewed law enforcement as a form of realization and value and abstraction of existing law.²³ The view of law enforcement put forward by Soerjono Soekanto and Satjipto Rahardjo actually has two main similarities, namely: first, they both emphasize the value aspect of law enforcement. This means that in simple terms it can be understood that the law enforcement process is the process of applying or implementing legal values in society.²⁴ The second similarity between Soerjono Soekanto and Satjipto Rahardjo's views regarding law enforcement is that legal values are the main parameter of the law enforcement process. This means, apart from being based on values, the law enforcement process must have objectives in the form of legal values such as justice, benefit, and upholding aspects of fairness that exist in society..

In connection with the views of Soerjono Soekanto and Satjipto Rahardjo regarding law enforcement above, Jimly Asshiddiqie has a different view regarding law enforcement which sees law enforcement in a narrow sense and in a broad sense.²⁵ Law enforcement in a broad sense is a law enforcement process that does not only refer to and pay attention to legal aspects, but also includes moral, religious and decency aspects that exist in society.²⁶ Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. Law enforcement is narrowly interpreted as only enforcing written regulations and only focuses on legal efforts.²⁷ In connection with the views and conceptions regarding law enforcement above, in fact the broad view of law enforcement as emphasized by Jimly Asshiddiqie finds relevance, especially when linked to law enforcement practices in society. This is because law enforcement in society is not only based on a normative view of law that is internal to the law, but also includes utilizing various non-legal aspects that can support the law enforcement process.²⁸ The utilization of non-legal aspects in the law enforcement process is relevant to law enforcement efforts based on a socio-legal approach.

According to Tulisowati Irianto, the term socio-legal approach itself must be viewed broadly, not only the social aspects of law, but also all non-legal aspects related to and related

²² Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

²³ Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2010).

²⁴ Ganiviantara Pratama, "Construction of Restorative Justice Law Enforcement by The Prosecutor: Development Law Theory Perspective," *Pancasila And Law Review* 3, no. 2 (2022): 95–104.

²⁵ Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*, 1st ed. (Jakarta: Buana Ilmu Publisher, 2007).

²⁶ Priastami Anggun Puspita Dewi, "Proving The Insanity Defense in The Enforcement of Criminal Law in Indonesia," *Jurnal Dinamika Hukum* 19, no. 3 (2020): 670, <https://doi.org/10.20884/1.jdh.2019.19.3.2739>.

²⁷ Liliana Tedjosaputro Andre Birawa, "Criminal Law Enforcement Policy On Mineral And Coal Mining Businesses," *Magistra Law Review* 1, no. 2 (2020): 117–19.

²⁸ Abdullah Abdullah, "Juridical Study of Corruption Crime in Indonesia: A Comparative Study," *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45–61, <https://doi.org/10.51749/injurlens.v2i1.22>.

to law..²⁹ The need for non-legal aspects of the law enforcement process is actually in line with Sudek's view which sees that legal reality is not actually autonomous and the process of enforcing and implementing the law cannot run according to machine logic and automation like a machine that is immediately ready to run..³⁰ Laws that are non-autonomous in practice are implemented by paying attention to humanitarian aspects, where humanitarian aspects are an important aspect in their implementation.³¹

In relation to law enforcement in the field of criminal law, Sudarto views that the law enforcement process can be carried out in a non-penal and penal manner.³² The non-penal process is carried out before a criminal act occurs, where this non-penal effort is in the form of socialization and providing public understanding regarding criminal acts that can disrupt order and harm society.³³ Penal measures, namely criminal law enforcement, are based on the criminal justice system in which perpetrators of criminal acts are prosecuted according to the criminal act that has been committed.³⁴ Another view regarding criminal law enforcement was put forward by Muladi and Barda Nawawi Arif who saw criminal law enforcement as a functionalization of criminal law which is related to the operation of criminal law in society.³⁵ Muladi and Barda Nawawi Arif's views emphasize that in the process of enforcing criminal law there are three aspects that need to be considered, namely the factors of criminal law regulations, criminal law enforcement officers, and public legal awareness.³⁶ These three aspects are interrelated and play a role in criminal law enforcement efforts.

In relation to efforts to enforce criminal law against illegal parking officers, a socio-legal approach needs to be oriented so that the process of enforcing criminal law against illegal parking officers can be carried out comprehensively. Efforts to enforce criminal law against illegal parking officers based on a socio-legal approach need to be carried out because the phenomenon of illegal parking officers is not only related to written legal aspects, but is related to various aspects such as social, economic, cultural and political aspects. Based on this, the conception of criminal law enforcement against illegal parking officers based on a socio-legal approach must be carried out by referring to the concept of law enforcement broadly, which also includes the law enforcement process which does not only refer to and pay attention to legal aspects, but also includes aspects morals, religion and propriety that exist in society. Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal

²⁹ Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal."

³⁰ Mariana Motta Vivian, "Law, Justice and Reza Banakar's Legal Sociology," *Onati Socio-Legal Series* 11, no. 1 (2021): 1–29, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1169>.

³¹ Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

³² Santyo Widayatmo, "Pendekatan Humanis Sebagai Upaya Non-Penal: Implementasi Nilai-Nilai Pancasila Dalam Mengurangi Tindak Kriminalitas Dan Premanisme," *Jagaddhita* 1, no. 2 (2022): 47–58, <https://jurnal.unindra.ac.id/index.php/jagaddhita>.

³³ Bakhrul Amal, "Nolle Prosequi Sebagai Inovasi Baru Di Bidang Hukum Acara Pidana," *Al-Jinâyah* 8, no. 2 (2022): 106.

³⁴ Hwian Christianto, "Norma Persatuan Sebagai Batasan Perbuatan Pidana Penyebaran Ujaran Kebencian Melalui Internet," *Veritas et Justitia* 6, no. 1 (2020): 94–126, <https://doi.org/10.25123/vej.3501>.

³⁵ Barda Nawawi Arief Muladi, *Teori-Teori Dan Kebijakan Pidana*, 2nd ed. (Bandung: Alumni, 1998).

³⁶ Yogi Yasa Wedha and Edy Nurcahyo, "Criminal Law Reform Toward Deprivation of Property Resulting from Corruption Criminal Acts," *Prizren Social Science Journal* 5, no. 1 (2021): 97–103, <https://doi.org/10.32936/pssj.v5i1.207>.

efforts so that it is hoped that the criminal law enforcement process can be carried out optimally.

2.3. The Criminal Law Enforcement Efforts Based on a Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

Efforts to enforce criminal law against illegal parking officers actually need to pay attention to aspects of justice so that the criminal law enforcement process can be carried out proportionally and on target. In relation to criminal law enforcement against illegal parking officers, the importance of the socio-legal approach aspect is to ensure that the criminal law enforcement process against illegal parking officers can be carried out substantively so that it can touch on legal and non-legal aspects in the process. The socio-legal approach aspect in enforcing criminal law against illegal parking officers is intended so that substantive justice can be realized in the process of enforcing criminal law against illegal parking officers. Substantive justice can actually be realized if legal and non-legal aspects are simultaneously considered in the law enforcement process.³⁷

The justice orientation in enforcing criminal law against illegal parking officers is actually relevant to the idea of justice which aims to maintain the utility dimension that exists in society. Utility or also known as utilitarianism is a legal idea put forward by Jeremy Bentham which emphasizes that ideal law is a law that aims to realize benefits for as many people as possible.³⁸

The idea of utilitarianism as put forward by Jeremy Bentham in the context of criminal law has close relevance to the idea of sanctions, such as the imposition of sanctions must also pay attention to the impacts caused by the sanctions..³⁹ Sanctions are indeed a fundamental aspect of criminal law as in the utilitarianism conception which views sanctions as a positive consequence for actions that harm other parties or society. In this context, utilitarianism views that sanctions as part of criminal law enforcement must have a useful dimension. This benefit must primarily be given to the victim, then to the community, and especially to the perpetrator, so that the sanctions given are oriented towards the restoration aspect so that the perpetrator does not repeat his actions again..⁴⁰

Jeremy Bentham's legal view regarding law enforcement which guarantees utilitarianism can be considered close to the dimensions of justice in criminal law. This is because in the utilitarianism-based law enforcement process one looks not only at how the law is enforced against the perpetrator but how the law provides benefits to the victim, society (state) and the perpetrator. In connection with criminal law enforcement efforts for illegal parking officers in realizing justice, law enforcement efforts are needed that accommodate aspects of utilitarianism that pay attention to the socio-legal approach dimension. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement..

The legal aspect of preventive law enforcement can be carried out by socializing the

³⁷ Wawan Andriawan, "Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 1-11, <https://doi.org/10.24090/volksgeist.v5i1.6361>.

³⁸ Judith Resnik, "The Democracy in Courts: Jeremy Bentham, 'Publicity', and the Privatization of Process in the Twenty-First Century," *NoFo* 10, no. 1 (2013): 77-119.

³⁹ Jeremy Bentham, *Principles of Penal Law* (New York: Russel and Russel, 1962).

⁴⁰ Bryan Green, "Jeremy Bentham's Social Ontology: Fictionality, Factuality and Language Critique," *Philosophy of the Social Sciences* 52, no. 3 (2022): 111.

importance of procedures and mechanisms for becoming a parking attendant in accordance with statutory regulations. This socialization also includes an affirmation that illegal parking officers can be punished in accordance with Article 368 paragraph (1) of the Criminal Code, where anyone who forces or uses violence to hand over goods or something valuable to another person can be subject to a maximum sanction of 9 years in prison. This socialization also includes the policies of each region which also stipulate sanctions for illegal parking operators. The non-legal aspect of preventive law enforcement is carried out by taking a social, economic and cultural approach in society, especially why there are so many and widespread illegal parking officers. Social, economic and cultural approaches in society related to the rise of illegal parking officers can describe the reality of illegal parking officers including non-legal solutions that can be offered.

The legal aspect in enforcing repressive laws is by processing illegal parking officers in accordance with the Criminal Code and Criminal Procedure Code if there are illegal parking officers who are clearly causing harm to the community. An important aspect that also needs to be paid attention to is non-legal efforts in enforcing repressive laws which include restorative justice-based resolution efforts and paying attention to aspects of the socio-legal approach so that justice can be realized in the law enforcement process against illegal parking officers..

3. CONCLUSION

The factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. Therefore, in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement.

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5. Naskah Publish
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The Criminal Law Enforcement Based on Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

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Abstract

This research aims to analyze aspects of law enforcement based on a socio-legal approach towards illegal parking officers in realizing justice. This research is socio-legal legal research which looks at law comprehensively including its relationship to non-legal aspects. The research results confirm that the factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be carried out by approaching legal and non-legal aspects in both preventive and repressive law enforcement.

Keywords: *Illegal Parking; Law Enforcement; Socio-Legal Approach.*

1. INTRODUCTION

Parking practices are an important aspect in society because they are directly related to security and security related to vehicles and public transportation.¹ In practice, there are problems related to parking where there are illegal parking officers who exist in the community. The existence of illegal parking officers on the one hand also disturbs the public because often illegal parking officers are not responsible for the cars or motorbikes that have been parked and apart from that, illegal parking officers also often charge parking fees that are not uniform and tend to charge high parking fees, especially to newcomers. or tourists.

The phenomenon of illegal parking officers creates its own problems in society. The practice of illegal parking officers in the community becomes increasingly disturbing when illegal parking officers are actually present at supermarkets which incidentally have emphasized in the supermarket yard that supermarket customers are actually exempted or free from parking fees.² Even so, in practice in

1 Muhamad Aruga Rizwan, Yana Fajar FY Basor, and Rizki Hegia Sampurna, "Implementasi Kebijakan Pengelolaan Parkir Di Kota Sukabumi," *Dinamika : Jurnal Ilmiah Ilmu Administrasi Negara* 8, no. 3 (2021): 371–85.

2 Kadek Apriliani Ida Bagus Panji Winangun, "Pelaksanaan Kebijakan Pengawasan Dalam Penerbitan Parkir Liar Di Kota Denpasar," *Jumaha* 2, no. 2 (2022): 417–30.

society there are still illegal parking officers at supermarkets who have confirmed the exemption or elimination of parking fees. Apart from supermarkets, illegal parking officers are also present at restaurants and shops in cities, especially big cities. The presence of illegal parking officers at restaurants and shops in cities, especially big cities, has also slowly reduced the sales turnover of existing restaurants and shops. The phenomenon of many illegal parking officers is a complex phenomenon that was born from a reaction to social problems, such as: the difficulty and lack of job opportunities, the lack of decent wages so that many choose to become illegal parking officers, and the role of political elites or community elites who help the proliferation of officers. illegal parking in the community.³

From the phenomenon of illegal parking officers above, it can be seen that legally related to parking has been regulated in Article 54 paragraph (2) of Law no. 1 of 2022 concerning Financial Relations Between the Central Government and Regional Governments (HKPD Law) actually confirms that parking authority is regulated by the central and regional governments.⁴ Specifically regarding regional governments, they have an important role in organizing parking because based on Article 54 paragraph (2) letter d of the HKPD Law, parking operators organized by regions are regulated in Regional Regulations. Although in general the regulations related to parking are regulated in the laws and regulations in each region, they specifically emphasize the prohibition of illegal parking practices by officers. Illegal parking officers or also called illegal parking officers are parking officers who do not go through an authorized institution so they are only carried out on personal initiative with the aim of getting money and/or profits from the people who park.⁵

In this modern era, there are more and more illegal parking officers, this is because the number of illegal parking officers has increased in line with the massive number of vehicle users and owners. Due to the above phenomenon of illegal parking officers' practices, this research specifically aims to analyze criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers. The orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers is intended to comprehensively look at the problems of illegal parking officers, especially in its non-legal dimensions, such as economic, political, cultural, social and other non-legal aspects. Non-legal aspects need to be taken into account so that the law enforcement process against illegal parking officers can be carried out to the roots because often the law enforcement process against illegal parking officers takes place at one time but at another time illegal parking officers appear again. From this description, this research aims to answer three problem formulations, namely: (i) what are the factors that cause the emergence of the phenomenon of illegal parking officers in Indonesia?,

3 Khairun Nisa, Dedi Sukarno, and Ahmad Buchori, "Implementasi Kebijakan Penyelenggaraan Retribusi Parkir Tunai Di Kawasan Taman Dewi Sartika Pelataran Balai Kota Bandung Implementation of Cash Parking Retribution Policy in Dewi Sartika Park Area in Bandung City Hall," *Jurnal Administrasi Negara*, Februari 13, no. 2 (2022): 225–34.

4 Amalia Syauket Bambang Karsono, *Otonomi Daerah: Perspektif Human Security Dalam Negara Demokrasi*, 1st ed. (Bekasi: Ubhara Jaya Press, 2021).

5 Muhammad Syahid Hidayat, "Penyalahgunaan Klausula Eksonerasi Yang Merugikan Konsumen," *Jurnal Juristic* 1, no. 01 (2020): 107, <https://doi.org/10.35973/jrs.v1i01.1487>.

(ii) what is the concept of criminal law enforcement based on a socio-legal approach towards officers? illegal parking?, and (iii) what are the efforts to enforce criminal law based on a socio-legal approach towards illegal parking officers?.

In fact, many previous researchers have conducted research discussing illegal parking, especially those conducted by three previous researchers, namely: (a) research by Artanaya, et al. (2021) which discusses the effectiveness of controlling illegal parking at Ubud tourist attractions.⁶ In research by Artanaya, et al. (2021), community participation is needed to be proactive in providing information to law enforcement officials so that illegal parking at Ubud tourist attractions can be enforced optimally. Research related to parking was also carried out by (b) Hidayatulloh (2023) who analyzed criminal sanctions for parking fees by illegal parking officers. In Hidayatulloh's (2023) research, criminal parking charges by illegal parking officers can be subject to sanctions for criminal acts of corruption. Penelitian selanjutnya dilakukan oleh Gomathi, et.,al. (2023) which discusses efforts to control traffic congestion and its relevance to illegal parking.⁷ The novelty of Gomathi, et.,al's (2023) research is the need for a special method to reduce congestion caused by misuse of vehicle parking. Further research was conducted by Triputro, et.,al. (2023) which analyzes the government's efforts to combat illegal parking. The novelty of Triputro, et., al's (2023) research is the need for efforts to enforce local regulations by accommodating the involvement of various parties so that illegal parking can be overcome.⁸ Further research related to parking was also carried out by (e) Armanda (2024) who reviewed illegal parking in the theory of legal effectiveness.⁹ Research from Armanda (2024) confirms that the main cause of illegal parking is the lack of legal awareness in the community and the lack of effective law enforcement efforts.

From the five previous studies above, it appears that the discussion regarding the orientation of criminal law enforcement efforts based on a socio-legal approach towards illegal parking officers has not been the focus of the three previous studies so this research is original research. The urgency and novelty of this study, compared to the five previous studies, lie in its in-depth analysis utilizing a socio-legal approach and its emphasis on both punitive and non-punitive solutions related to parking issues. While the previous studies primarily address parking from a punitive perspective, this research highlights a dual approach incorporating both non-punitive and punitive solutions to address the complexities of parking problems.

This research is legal research that prioritizes socio-legal research based methods. This research is based on socio-legal research because it seeks to analyze the non-legal aspects of a legal problem so that a comprehensive and holistic understanding of legal problems

6 Pande Putu Gede Parwata, Ida Ayu Putu Widiati, and I Wayan Artanaya, "Efektivitas Penertiban Parkir Liar Di Kawasan Obyek Wisata Ubud," *Jurnal Konstruksi Hukum* 2, no. 1 (2021): 207–12, <https://doi.org/10.22225/jkh.2.1.2999.207-212>.

7 V. Gomathi et al., "Traffic Congestion Control by Monitor Illegal Parking and Enabling Intimation," *Journal of Physics: Conference Series* 2484, no. 1 (2023): 1–7, <https://doi.org/10.1088/1742-6596/2484/1/012047>.

8 R Widodo Triputro et al., "Government Policy in Illegal Parking Charges at Public Spaces," *Journal of Governance and Public Policy* 10, no. 2 (2023): 191–202, <https://doi.org/10.18196/jgpp.v10i2.17880>.

9 Bagus Armanda, "Parkir Liar Dalam Perspektif Teori Efektifitas Hukum," *Pelita Nusantara* 1, no. 4 (2024): 477–81, <https://doi.org/10.59996/jurnalpelitanusantara.v1i4.351>.

is obtained.¹⁰ The primary legal materials in this research are: the Criminal Code and the HKPD Law. Secondary legal materials are journal articles, books and research results that discuss parking, especially illegal parking officers. Non-legal materials are language dictionaries. Analysis of legal materials is carried out qualitatively-prescriptively, namely analyzing existing legal materials that are adapted to legal and non-legal aspects relating to the formulation of existing problems to then formulate legal prescriptions or solutions.

2. ANALYSIS AND DISCUSSION

2.1. The Factors of Causing the Emergence of the Illegal Parking Officer Phenomenon in Indonesia

The phenomenon of illegal parking officers is a common phenomenon that occurs in society, especially when the number of motorized vehicles continues to increase massively. The increase in the number of motorized vehicle owners also increases the land or space that must be allocated by the government (including regional governments) in order to facilitate motorized vehicles wishing to park.¹¹ In this context, the state then regulates parking aspects so that parking practices can guarantee aspects of legal certainty and justice for the community.

The issue of illegal parking is a widespread phenomenon occurring in major cities around the world. For instance, in India, with its growing population and increasing number of vehicles, illegal parking has become a significant focus of governmental concern.¹² Addressing illegal parking is also a priority in various countries, often through legal and policy innovations. In Malaysia, for example, efforts to digitize parking management have been implemented as a solution to combat illegal parking.¹³ Similarly, Tokyo, Japan, has introduced high parking fees with the aim of reducing the use of private vehicles and encouraging greater reliance on public transportation.¹⁴

Although in general parking activities are regulated in various laws and regulations, in practice there are still increasingly massive numbers of illegal parking officers. The increase in the number of illegal parking officers is generally dominated by people in urban areas. This is based on at least three arguments, namely: first, in urban communities, the number of owners and users of motorized vehicles is increasing every year, thereby creating the potential for disorder and even the potential for accidents

10 Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (2022): 240. Terkait hal ini dapat dilihat juga dalam Sulistyowati Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal," in *Metode Penelitian Hukum: Konstelasi & Refleksi* (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), 1–38.

11 Rosmary Elsy Richi Demichel Johannes, Irawan, "Manajemen Retribusi Parkir Dalam Meningkatkan Pendapatan Asli Daerah Pada Pemerintah Kota Kupang Provinsi Nusa Tenggara Timur," *Jurnal Pendidikan Dan Konseling* 4, no. 5 (2022): 1707–15.

12 Palak Vikas Jain, Nishika Jain, and Nishith Jain, "A Study on Smart Parking Management System in India," *International Journal of Creative Research Thoughts* 11, no. 4 (2023): 696, www.ijert.org.

13 Low Zhi Qi, Douglas Tong Kum Tien, and Swee King Phang, "Integrated Smart Public Parking System for Malaysia," *Journal of Physics: Conference Series* 2523, no. 1 (2023): 1–14, <https://doi.org/10.1088/1742-6596/2523/1/012040>.

14 Arif Rochman Mustopa, "Perbandingan Pengaturan Lahan Parkir Dalam Rangka Penataan Kota (Studi Banding Hukum Agraria Antara Indonesia-Jepang)," *Pilar Keadilan* 3, no. 1 (2024): 1–31.

caused by the massive number of motorized vehicle users in urban areas.¹⁵ This is actually an opportunity for illegal parking officers to be present to provide services to people who park and benefit from these parking practices..

Second, illegal parking officers also occur massively in urban areas because in urban areas there are many supermarkets and shops which can be used by illegal parking officers as “hanging out” places to attract parking from visitors to supermarkets and shops in urban areas.¹⁶ Third, illegal parking officers carry out many of their actions in urban areas because they understand that in urban areas there is a comprehensive circulation of money and occurs in large quantities. This can be seen from the provision of parking fees by people in urban areas which is generally greater than providing parking in areas which tend to be in rural areas. From the three arguments above, it can be seen that the increase in the number of illegal parking officers in urban areas in general is due to an increase in the number of motorized vehicle owners, which creates the opportunity for the need for certain parties to regulate and regulate parking, thus opening up opportunities for the birth of illegal parking officers..

Apart from referring to the three arguments for the large number of illegal parking officers above, the causes of illegal parking officers can be seen in at least three aspects, namely: first, the economic aspect. The economic aspect is a classic aspect of the increasing number of illegal parking officers in urban areas. One of the economic aspects is that in the current era, job vacancies are increasingly difficult, especially if there are job vacancies, they must be based on age requirements, a certain level of education, and certain experience and skills.¹⁷ For people who have not received secondary level education and also do not have certain experience and skills, of course this makes it even more difficult for the potential to get a job.¹⁸ Therefore, realistically, becoming an illegal parking officer is an option that must be implemented because apart from not requiring age restrictions, a certain level of education, and certain experience and skills, it makes it easier for people to become illegal parking officers. Apart from that, what needs to be emphasized is that the income of illegal parking officers can be said to be sufficient to survive in urban areas. It has been reported from various sources that the income of illegal parking officers can reach at least one hundred thousand rupiah and varies depending on the location of the parking lot.¹⁹ In fact, the monthly income of illegal parking officers can reach a turnover of three million to eight million rupiah depending on the city and location of the parking lot. From these facts it can be seen that

15 Dwi Suryahartati, “Perjanjian Penitipan Barang Dalam Pengelolaan Parkir Bagi Perlindungan Konsumen Di Indonesia,” *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 2, no. 2 (2019): 252, <https://doi.org/10.24198/acta.v2i2.102>.

16 Roy Lembong Syalom W.J. Gerungan, Anna Wahongan, “Pertanggungjawaban Perdata Pengelola Parkir Terhadap Kendaraan Konsumen,” *Lex Administratum* 10, no. 5 (2022): 8.

17 Anang Dony Irawan and Al Qodar Purwo Sulisty, “Pengaruh Pandemi Dalam Menciptakan Ketimpangan Sosial Ekonomi Antara Pejabat Negara Dan Masyarakat,” *Jurnal Citizenship Virtues* 2, no. 1 (2022): 251–62, <https://doi.org/10.37640/jcv.v2i1.1184>.

18 Bagong Suryanto, *Masalah Sosial Anak* (Jakarta: kencana, 2010).

19 Abdul Haris Maulana, “Simulasi Pendapatan Parkir Liar Di Jakarta, Bisa Raup Rp 1,28 Miliar Per Hari,” 2024, <https://megapolitan.kompas.com/read/2024/05/15/16070851/simulasi-pendapatan-parkir-liar-di-jakarta-bisa-raup-rp-128-miliar-per> (Diakses Pada Tanggal 14 Mei 2024).

economic reasons are the main reason for the large number of illegal parking officers, especially in urban areas.

The second aspect is the cultural aspect. This happens because there are some people who believe that being an illegal parking attendant is good because the working hours are based on personal intentions and desires while also earning more than enough income.²⁰ This has created a public perception that working in other sectors does not mean you can relax and earn income like being an illegal parking attendant. This cultural aspect is what makes people disobey the law because some people actually know that being an illegal parking attendant is breaking the law, but people tend to ignore this and believe that the law is actually made to be broken.

The third aspect is the political aspect. Although the political aspect does not always occur with every illegal parking officer, this political aspect often occurs where illegal parking officers are sometimes backed or protected by parties who have certain political positions. Those who “protect” illegal parking officers usually take advantage of the electoral momentum, be it general elections or regional head elections, which ask all illegal parking officers to vote for certain candidates in exchange for money and are protected in carrying out actions to become illegal parking officers.²¹ With this “mutually beneficial” relationship, this is what has led to the proliferation of illegal parking officers, especially in urban areas.

Viewed from a legal sociology aspect, the practice of illegal parking officers can be seen by referring to aspects related to law enforcement as emphasized by Soerjono Soekanto. From the sociological aspect of law, illegal parking officers are seen from the external aspect of law which does not only refer to statutory regulations or positive law (black letter law), but looks at how it is practiced and implemented in society. (*law in social context*)²². This is because, if viewed only from the aspect of statutory regulations or positive law (black letter law), it is clear that illegal parking officers have actually violated existing statutory regulations.²³ However, if we refer to the practice and its application in society, we will be able to see why illegal parking officers exist and exist in society as well as the factors that cause illegal parking officers to exist.

In relation to illegal parking officers, according to Soerjono Soekanto's view, it can be seen that the operation of the law is influenced by five factors, namely²⁴: (i) legal rule factors, (ii) institutional factors or law enforcement officers, (iii) facility or facility factors that support and support law enforcement practices, (iv) community factors, and (v) cultural factors. From Soerjono Soekanto's views above, the author expands Soerjono Soekanto's views to societal factors which include economic aspects. This is

20 Ratih Lestarini, “The Sociological Perspective on The Study of The Living Law: Is It a Part of Legal Discipline or Social Discipline?,” *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023): 448–64, <https://doi.org/10.29303/ius.v11i3.1270>.

21 Arisanto Soeroyo, “Kajian Perumusan Tata Kelola Parkir Kabupaten Malang,” *Kerta Raharja* 3, no. 2 (2021): 37.

22 Saifullah, *Refleksi Sosiologi Hukum*, 3rd ed. (Bandung: Refika Aditama, 2013).

23 Eko Wahyudi Anajeng Esri Edhi Mahanani, Zuhda Mila Fitriana, Teddy Prima Anggriawan, “Kausalitas Kesadaran Dan Budaya Hukum Dalam Membentuk Kepatuhan Hukum Kebijakan Penanggulangan Covid-19 Anajeng,” *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 68, <http://journal.um-surabaya.ac.id/index.php/JKM/article/view/2203>.

24 Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Press, 2014).

because illegal parking officers have relevance to economic aspects as the reason why many people still work as illegal parking officers.

In terms of legal regulations, there has actually been confirmation that illegal parking officers are actually something that is prohibited. This can be seen from the laws and regulations at both the central and regional levels which prohibit this.²⁵ However, the legal rules that prohibit the practice of illegal parking officers are only a “paper tiger” which means that the legal rules already exist but are hampered by their practice and implementation in the field.²⁶ Regarding institutional factors or law enforcement officers, this can be seen from the limited number of institutions or law enforcement officers who enforce the law against illegal parking officers. This is because the number of illegal parking officers is greater than law enforcement officers. This is what makes it always difficult for law enforcement officers to enforce the law regarding illegal parking officers.

The facilities or facilities that support and support law enforcement practices can be said to be quite limited because illegal parking officers can appear instantly in various places that have the potential to be used as parking by the public. This creates limitations regarding the facilities or facilities that support and support law enforcement practices so that this has an impact on the massive presence of illegal parking officers.²⁷ In terms of community factors, it can be seen that the practice of illegal parking officers actually also gets support from the community, especially in relation to economic aspects. With it being difficult for everyone to get a job, the practice of illegal parking attendants is considered “normal” by society, and there is even a public perception that states, “Giving illegal parking attendants will not make people poor.”²⁸ Regarding cultural factors, the practice of illegal parking officers also sometimes gets legitimacy from the legal culture of society where Indonesian people are happy with “relaxed” work but earn more than enough income. Being an illegal parking attendant can be said to be a relaxing job while earning more than enough income.

From the description above, it can be seen that the rise of illegal parking officers in society is actually based on various factors that make existing regulations and law enforcement officers unable to enforce the law against illegal parking officers. Therefore, it is hoped that in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people’s interest in becoming illegal parking officers, which is actually a practice that violates the law..

2.2. The Concept of Criminal Law Enforcement Based on a Socio-Legal Approach to Illegal Parking Officers

25 Fahmi Kamuli, Tunggul Anshari, and Article Info, “Regional Head ’ s Authority in Determining Work Placement Due to Mutations of Government Employees,” *Jambura Law Review* 3, no. 01 (2021): 37–54.

26 Lalu M. Alwin Ahadi, “Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum,” *Jurnal Usm Law Review* 5, no. 1 (2022): 110, <https://doi.org/10.26623/julr.v5i1.4965>.

27 Zubairi Bagus Imam Faisal, Siwi Widia Dara, St. Ika Noerwulan Fraja, “Pertanggungjawaban Pengelola Parkir Atas Kehilangan Kendaraan Di Tempat Parkir,” *RechtIdee* 15, no. 2 (2020): 346.

28 Kamanto Sunarto, *Pengantar Sosiologi* (Depok: Lembaga Penerbit Fakultas Ekonomi Universitas Indonesia, 2004).

The concept of law enforcement is widely understood differently by each legal expert or experts. Soerjono Soekanto, for example, provides an understanding that law enforcement is interpreted as an action to embody legal values, abstractions and norms in actions, attitudes and legal practices in society..²⁹ A similar view regarding law enforcement was expressed by Satjipto Rahardjo who viewed law enforcement as a form of realization and value and abstraction of existing law.³⁰ The view of law enforcement put forward by Soerjono Soekanto and Satjipto Rahardjo actually has two main similarities, namely: first, they both emphasize the value aspect of law enforcement. This means that in simple terms it can be understood that the law enforcement process is the process of applying or implementing legal values in society.³¹ The second similarity between Soerjono Soekanto and Satjipto Rahardjo's views regarding law enforcement is that legal values are the main parameter of the law enforcement process.³² This means, apart from being based on values, the law enforcement process must have objectives in the form of legal values such as justice, benefit, and upholding aspects of fairness that exist in society.³³

In connection with the views of Soerjono Soekanto and Satjipto Rahardjo regarding law enforcement above, Jimly Asshiddiqie has a different view regarding law enforcement which sees law enforcement in a narrow sense and in a broad sense.³⁴ Law enforcement in a broad sense is a law enforcement process that does not only refer to and pay attention to legal aspects, but also includes moral, religious and decency aspects that exist in society.³⁵ Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation. Law enforcement is narrowly interpreted as only enforcing written regulations and only focuses on legal efforts.³⁶ In connection with the views and conceptions regarding law enforcement above, in fact the broad view of law enforcement as emphasized by Jimly Asshiddiqie finds relevance, especially when linked to law enforcement practices in society. This is because law enforcement in society is not only based on a normative view of law that is internal to the law, but also includes utilizing various non-legal aspects that can support the law enforcement process.³⁷ The utilization of non-legal aspects in the law enforcement process is relevant to law enforcement efforts based on a socio-legal approach.³⁸

29 Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*.

30 Satjipto Rahardjo, *Penegakan Hukum Progresif* (Jakarta: Kompas, 2010).

31 Ganiviantara Pratama, "Construction of Restorative Justice Law Enforcement by The Prosecutor: Development Law Theory Perspective," *Pancasila And Law Review* 3, no. 2 (2022): 95–104.

32 Muhammad Akbar et al., "The Progressive Legal Perspective of Legal Justice in Customary Dispute Resolution Related To Natural Resources," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (2023): 225–36, <https://doi.org/10.29303/ius.v11i2.1252>.

33 Mabarroh Azizah, "Peran Negara Dalam Perlindungan Konsumen Muslim Di Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 4, no. 2 (2021): 153–65, <https://doi.org/10.24090/volksgeist.v4i2.5738>.

34 Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi*, 1st ed. (Jakarta: Buana Ilmu Populer, 2007).

35 Priastami Anggun Puspita Dewi, "Proving The Insanity Defense in The Enforcement of Criminal Law in Indonesia," *Jurnal Dinamika Hukum* 19, no. 3 (2020): 670, <https://doi.org/10.20884/1.jdh.2019.19.3.2739>.

36 Liliana Tedjosaputro Andre Birawa, "Criminal Law Enforcement Policy On Mineral And Coal Mining Businesses," *Magistra Law Review* 1, no. 2 (2020): 117–19.

37 Abdullah Abdullah, "Juridical Study of Corruption Crime in Indonesia: A Comparative Study," *International Journal of Law, Environment, and Natural Resources* 2, no. 1 (2022): 45–61, <https://doi.org/10.51749/injurlens.v2i1.22>.

38 Nadia Nursantih Setiyono, Dinda Keumala, Ahmad Sabirin, "Has Indonesia Safeguarded Traditional Cultural Expressions ?," in *Jambura Law Review*, vol. 6, 2024, 206–39.

According to Sulisyowati Irianto, the term socio-legal approach itself must be viewed broadly, not only the social aspects of law, but also all non-legal aspects related to and related to law..³⁹ The need for non-legal aspects of the law enforcement process is actually in line with Sudek's view which sees that legal reality is not actually autonomous and the process of enforcing and implementing the law cannot run according to machine logic and automation like a machine that is immediately ready to run.⁴⁰ Laws that are non-autonomous in practice are implemented by paying attention to humanitarian aspects, where humanitarian aspects are an important aspect in their implementation.⁴¹

In relation to law enforcement in the field of criminal law, Sudarto views that the law enforcement process can be carried out in a non-penal and penal manner.⁴² The non-penal process is carried out before a criminal act occurs, where this non-penal effort is in the form of socialization and providing public understanding regarding criminal acts that can disrupt order and harm society.⁴³ Penal measures, namely criminal law enforcement, are based on the criminal justice system in which perpetrators of criminal acts are prosecuted according to the criminal act that has been committed.⁴⁴ Another view regarding criminal law enforcement was put forward by Muladi and Barda Nawawi Arif who saw criminal law enforcement as a functionalization of criminal law which is related to the operation of criminal law in society.⁴⁵ Muladi and Barda Nawawi Arif's views emphasize that in the process of enforcing criminal law there are three aspects that need to be considered, namely the factors of criminal law regulations, criminal law enforcement officers, and public legal awareness.⁴⁶ These three aspects are interrelated and play a role in criminal law enforcement efforts.

In relation to efforts to enforce criminal law against illegal parking officers, a socio-legal approach needs to be oriented so that the process of enforcing criminal law against illegal parking officers can be carried out comprehensively. Efforts to enforce criminal law against illegal parking officers based on a socio-legal approach need to be carried out because the phenomenon of illegal parking officers is not only related to written legal aspects, but is related to various aspects such as social, economic, cultural and political aspects. Based on this, the conception of criminal law enforcement against illegal parking officers based on a socio-legal approach must be carried out by referring to the concept of law enforcement broadly, which also includes the law enforcement

39 Irianto, "Praktik Penelitian Hukum: Perspektif Sosiolegal."

40 Mariana Motta Vivian, "Law, Justice and Reza Banakar's Legal Sociology," *Onati Socio-Legal Series* 11, no. 1 (2021): 1–29, <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1169>.

41 Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27, <https://doi.org/10.14710/jphi.v3i2.217-227>.

42 Santyo Widayatmo, "Pendekatan Humanis Sebagai Upaya Non-Penal: Implementasi Nilai-Nilai Pancasila Dalam Mengurangi Tindak Kriminalitas Dan Premanisme," *Jagaddhita* 1, no. 2 (2022): 47–58, <https://journal.unindra.ac.id/index.php/jagaddhita>.

43 Bakhrul Amal, "Nolle Prosequi Sebagai Inovasi Baru Di Bidang Hukum Acara Pidana," *Al-Jinayah* 8, no. 2 (2022): 106.

44 Hwian Christianto, "Norma Persatuan Sebagai Batasan Perbuatan Pidana Penyebaran Ujaran Kebencian Melalui Internet," *Veritas et Justitia* 6, no. 1 (2020): 94–126, <https://doi.org/10.25123/vej.3501>.

45 Barda Nawai Arief Muladi, *Teori-Teori Dan Kebijakan Pidana*, 2nd ed. (Bandung: Alumni, 1998).

46 Yogi Yasa Wedha and Edy Nurcahyo, "Criminal Law Reform Toward Deprivation of Property Resulting from Corruption Criminal Acts," *Prizren Social Science Journal* 5, no. 1 (2021): 97–103, <https://doi.org/10.32936/pssj.v5i1.207>.

process which does not only refer to and pay attention to legal aspects, but also includes aspects morals, religion and propriety that exist in society. Law enforcement in a broad sense also includes optimizing legal and non-legal efforts in its implementation.⁴⁷ The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally.

2.3. The Criminal Law Enforcement Efforts Based on a Socio-Legal Approach Against Illegal Parking Officers in Achieving Justice

Efforts to enforce criminal law against illegal parking officers actually need to pay attention to aspects of justice so that the criminal law enforcement process can be carried out proportionally and on target. In relation to criminal law enforcement against illegal parking officers, the importance of the socio-legal approach aspect is to ensure that the criminal law enforcement process against illegal parking officers can be carried out substantively so that it can touch on legal and non-legal aspects in the process. The socio-legal approach aspect in enforcing criminal law against illegal parking officers is intended so that substantive justice can be realized in the process of enforcing criminal law against illegal parking officers. Substantive justice can actually be realized if legal and non-legal aspects are simultaneously considered in the law enforcement process.⁴⁸

The justice orientation in enforcing criminal law against illegal parking officers is actually relevant to the idea of justice which aims to maintain the utility dimension that exists in society. Utility or also known as utilitarianism is a legal idea put forward by Jeremy Bentham which emphasizes that ideal law is a law that aims to realize benefits for as many people as possible.⁴⁹

The idea of utilitarianism as put forward by Jeremy Bentham in the context of criminal law has close relevance to the idea of sanctions, such as the imposition of sanctions must also pay attention to the impacts caused by the sanctions..⁵⁰ Sanctions are indeed a fundamental aspect of criminal law as in the utilitarianism conception which views sanctions as a positive consequence for actions that harm other parties or society. In this context, utilitarianism views that sanctions as part of criminal law enforcement must have a useful dimension. This benefit must primarily be given to the victim, then to the community, and especially to the perpetrator, so that the sanctions given are oriented towards the restoration aspect so that the perpetrator does not repeat his actions again..⁵¹

Jeremy Bentham's legal view regarding law enforcement which guarantees utilitarianism can be considered close to the dimensions of justice in criminal law. This is because in the utilitarianism-based law enforcement process one looks not only at

47 Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 41–51, <https://doi.org/10.24090/volksgeist.v5i1.6430>.

48 Wawan Andriawan, "Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 5, no. 1 (2022): 1–11, <https://doi.org/10.24090/volksgeist.v5i1.6361>.

49 Judith Resnik, "The Democracy in Courts: Jeremy Bentham, 'Publicity', and the Privatization of Process in the Twenty-First Century," *NoFo* 10, no. 1 (2013): 77–119.

50 Jeremy Bentham, *Principles of Penal Law* (New York: Russel and Russel, 1962).

51 Bryan Green, "Jeremy Bentham's Social Ontology: Fictionality, Factuality and Language Critique," *Philosophy of the Social Sciences* 52, no. 3 (2022): 111.

how the law is enforced against the perpetrator but how the law provides benefits to the victim, society (state) and the perpetrator. In connection with criminal law enforcement efforts for illegal parking officers in realizing justice, law enforcement efforts are needed that accommodate aspects of utilitarianism that pay attention to the socio-legal approach dimension. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement..

The legal aspect of preventive law enforcement can be carried out by socializing the importance of procedures and mechanisms for becoming a parking attendant in accordance with statutory regulations. This socialization also includes an affirmation that illegal parking officers can be punished in accordance with Article 368 paragraph (1) of the Criminal Code, where anyone who forces or uses violence to hand over goods or something valuable to another person can be subject to a maximum sanction of 9 years in prison. This socialization also includes the policies of each region which also stipulate sanctions for illegal parking operators. The non-legal aspect of preventive law enforcement is carried out by taking a social, economic and cultural approach in society, especially why there are so many and widespread illegal parking officers. Social, economic and cultural approaches in society related to the rise of illegal parking officers can describe the reality of illegal parking officers including non-legal solutions that can be offered.

The legal aspect in enforcing repressive laws is by processing illegal parking officers in accordance with the Criminal Code and Criminal Procedure Code if there are illegal parking officers who are clearly causing harm to the community. An important aspect that also needs to be paid attention to is non-legal efforts in enforcing repressive laws which include restorative justice-based resolution efforts and paying attention to aspects of the socio-legal approach so that justice can be realized in the law enforcement process against illegal parking officers.

3. CONCLUSION

The factors related to the phenomenon of illegal parking officers are actually complex, including economic, social, cultural and political factors. The existence of illegal parking officers generally occurs because both regulations and law enforcement officers in Indonesia have not been optimal and effective in carrying out law enforcement efforts against illegal parking officers. Therefore, in dealing with the practice of illegal parking officers, the government (both central and regional) can formulate policies in the form of opening job opportunities along with skills training to reduce people's interest in becoming illegal parking officers, which is actually a practice that violates the law.

The concept of criminal law enforcement against illegal parking officers based on a socio-legal approach can also prioritize non-penal and penal efforts so that it is hoped that the criminal law enforcement process can be carried out optimally. Efforts to enforce criminal law for illegal parking officers in realizing justice can be done by approaching legal and non-legal aspects, both in preventive and repressive law enforcement.

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