

The Impact of Illegal Parking on Traffic Connection along Pasar Kembang Yogyakarta Road: Problems and Solutions



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ABSTRACT: Parking is an activity that is repeatedly carried out by everyone who is driving, whether using a motorbike or a car. Illegal parking has become a phenomenon that is often encountered in the transportation system in Indonesia, one of which is in Yogyakarta. The aim of this research is to determine the juridical factors that result in illegal parking in accordance with Law Number 22 of 2009 on the smoothness of traffic that occurs on the Yogyakarta Flower Market road and to find out what solutions can be offered to overcome the problem of illegal parking related to *ius constitutum*. The research method used is an empirical research method with primary data and secondary data, and analyzed qualitatively. The juridical factor in illegal parking is because there are still several articles that are less strict in terms of sanctions and have loopholes that can be violated, as well as solutions that can be offered by opening parking facilities by the local government and enforcing the law for those who park illegally.

KEYWORDS: Illegal Parking, Roads, Traffic, Congestion, Transportation.

I. INTRODUCTION

The Special Region of Yogyakarta is a province with a population that has now reached 4,073,907 people based on BPS Province of the Special Region of Yogyakarta in 2023, (Yogyakarta Central Statistics Agency). both good and bad impacts on Indonesian society. In the city of Jogja, the number of motorized vehicles reached 575,855 units, consisting of 489,043 motorbikes, 70,039 cars, 2,533 buses and 14,240 trucks. (Rosliana and Jalil, 2023) The large number of vehicles used on the highway can cause congestion, apart from this, congestion can also be caused if there are people who park haphazardly on the edges of the highway.

The central government delegates rights and responsibilities to regional governments to utilize and manage Regional Original Income (PAD), as well as prosperity resulting from regional autonomy development according to Law Number 32 of 2004. According to Article 157 of Law Number 33 of 2004, Regional income sources (PAD) consist of three components: taxes, parking, and other sources of wealth. Because regional autonomy is the government's ability to regulate and monitor the results of its potential. (Azis and Masyar, 2021 : 1385) The government has provided clarity regarding parking standards. One of the road facilities available in a place is parking. Article 43 paragraph (1) of Law Number 22 of 2009 concerning Road Traffic and Transportation states that "the provision of parking facilities on the edge of public roads may only be carried out outside the road space with permission granted. Article 44 of Law Number 22 of 2009 concerning Road Traffic and Transportation states that the location and construction of parking facilities for the public can be determined by the local government. (Valeria and Nayoan, 2021 : 1)

Parking is an activity that is repeatedly carried out by everyone who is driving, whether using a motorbike or a car. Parking is usually found in shops, supermarkets and minimarkets, but it is not uncommon for a lot of parking to be done on the edges of the main road, which makes the road narrower and causes traffic jams. Parking lots usually have parking attendants or commonly known as *jukirs*. *Jukirs* are people who help motorists enter and exit the parking area. (Hono, 2020: 8) Official parking usually has its own place and is charged every time you park and is supervised by the local government, however there are some parking areas outside the local government's guidance which are called illegal parking.

Illegal parking has become a phenomenon that is often encountered in the transportation system in Indonesia. This incident occurred in almost all regions and cities in Indonesia. Illegal parking of four-wheeled and two-wheeled vehicles can disrupt the beauty of the city if it is not immediately controlled. (Suliswati, 2021 : 3) Illegal parking is a parking activity as usual, but is not supervised by the local government and exists illegally or unofficially due to the unilateral recognition of ownership of the parking lot by certain individuals, Proceeds from parking lots that are outside local government management cannot be channeled

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to the government as regional income and can only be consumed privately by certain individuals. Illegal parking also creates traffic jams because parking is usually on the sides of the road which causes slow traffic flow.

Article 106 of the Government Regulation of the Republic of Indonesia Number 79 of 2013 concerning Road Traffic and Transportation Networks emphasizes that "Parking in road space as intended in Article 105 is prohibited at designated pedestrian crossings or bicycle crossings, special pedestrian lanes. , special bicycle lanes, corners, bridges, tunnels, places approaching level crossings, places that approach intersections/crossroads, in front of entrances and exits to yards/activity centers, places that can cover traffic signs or traffic signal devices, close to fire extinguishers or water sources for firefighting, or on sections with high levels of congestion ", if you park in these places then it can be said to be illegal parking which can be subject to sanctions.

Article 287 of Law Number 22 of 2009 concerning Road Traffic and Transportation states that "Every person who drives a motorized vehicle on the road violates the traffic movement rules as intended in Article 106 paragraph (4) letter d or the procedures for stopping and parking as intended referred to in Article 106 paragraph (4) letter e shall be punished with imprisonment for a maximum of 1 (one) month or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiah)". One of the factors causing traffic jams is the increase in the number of vehicles passing through the available road capacity. Many people park their cars on the road and make excuses because they don't know the rules or there are no parking spaces available on the road in the places they visit. The limited number of vehicle parking spaces in shops or other places means that many drivers do "illegal parking" on roads.

Highway is a land path on the earth's surface made by humans with a shape, size and type of construction that allows human, animal and vehicle traffic to transport goods easily and quickly. (Nurdin and Mursidi, 2016: 3), Highways are facilities provided by the government that are available to the public to be used by four-wheeled or two-wheeled drivers. However, quite a few people commit violations, such as parking haphazardly or illegally, stopping in places they shouldn't. Highways are facilities provided for the public to use and travel from one place to another with the aim of facilitating all activities and activities carried out by the community, so it is hoped that the community can also participate in maintaining order on public roads for the sake of smooth traffic.

One of the legal problems that occurs in the Yogyakarta Special Region Province is that there are many, one of which is along Pasar Kembang road, precisely in front of Yogyakarta Tugu Station, namely the quite rapid growth of illegal parking. The large number of illegal parking along Pasar Kembang road and in front of the Tugu station causes slow traffic flow, causing congestion because the road used is increasingly narrow because it is used for parking activities. Joint officers from the Yogyakarta Police Traffic Unit, Yogyakarta City Transportation Agency installed water barriers aimed at safety and comfort for traffic in the area.

II. RESEARCH PROBLEM

Based on the introduction that has been presented, the problem formulation is:

1. What are the legal factors that result in illegal parking in accordance with Law Number 22 of 2009 affecting the smoothness of traffic on Pasar Kembang Yogyakarta ?
2. What solutions can be offered to overcome the problem of illegal parking related to ius constitutum ?

III. RESEARCH PURPOSES

1. To determine the legal factors that result in illegal parking in accordance with Law Number 22 of 2009 affecting the smoothness of traffic on Jalan Pasar Kembang Yogyakarta.
2. To find out solutions that can be offered to overcome the problem of illegal parking related to ius constitutum.

IV. RESEARCH METHOD

The research method used by the author in this research is the empirical legal research method, namely the research method is carried out using empirical evidence. This empirical evidence is information obtained through observation or experimentation, (Salmaa, 2023). This research examines the impact of illegal parking on the smoothness of traffic along Jalan Pasar Kembang Yogyakarta. This empirical legal research is based on primary data and secondary data which includes primary legal materials and secondary legal materials. The data used are: data obtained directly from respondents, Law of the Republic of Indonesia Number 22 of 2009 concerning Road Traffic and Transportation, Government Regulation of the Republic of Indonesia Number 79 of 2013 concerning Road Traffic and Transportation Networks, journals and research results. Qualitative analysis of the impact of illegal parking on the smoothness of traffic along Jalan Pasar Kembang Yogyakarta.

V. LITERATURE REVIEW

1. Arrangements and Definition of Parking:

Parking is regulated in Law Number 22 of 2009 concerning Road Traffic and Transportation, this Law regulates various kinds of traffic matters. Article 1 number 15 explains that "Parking is a situation where a vehicle stops or does not move for a while and is

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left by the driver. "Vehicles that are left by their owners and are stopped can be said to be parked, and must be parked in the proper place". Then Article 43 paragraph (1) also explains that "the provision of parking facilities for the public can only be carried out outside the road space in accordance with the permission granted. Parking for the general public must have a permit and be outside on the existing road".

The provision of parking facilities is clearly regulated in Article 43 paragraph (2), namely that "located outside the Road Space can be carried out by individual Indonesian citizens or Indonesian legal entities in the form of special parking businesses; or supporting the main business". Based on this article, "public parking can be carried out by Indonesian citizens or Indonesian legal entities while still having a permit in accordance with paragraph (1) of this article". Article 43 paragraph (3) also confirms "that parking facilities in road spaces can only be provided in certain places on district roads, village roads or city roads and must be stated with existing traffic signs and/or road markings." Article 120 explains "that parking for vehicles on the road is carried out parallel to or at an angle according to the direction of traffic. "In accordance with the Article, parking must be parallel or at an angle according to the direction of traffic, so parking is not haphazard, it must be in accordance with what has been regulated".

All forms of parking violations are regulated in Article 287 paragraph (3) which explains "for every person who drives a motorized vehicle on the road who violates the traffic movement rules as intended in Article 106 paragraph (4) letter d or the procedures for stopping and parking as intended in Article 106 paragraph (4) letter e, he is punished with imprisonment for a maximum of 1 (one) month or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiah)." In accordance with this article, people who violate parking and traffic rules can be subject to criminal penalties and fines according to what they have violated.

Violations against parking have occurred a lot in Indonesia, with so many violations against parking, things that happen in society are contrary to the rules in Law Number 22 of 2009 concerning Road Traffic and Transportation, the following are the types of violations against parking:

a) Illegal Parking

Illegal parking is a traffic violation against no parking signs, no parking signs, and no parking signs on the highway. These prohibitions are based on road capacity rather than parking access. Illegal parking is the main cause of traffic jams and even a high risk of accidents for pedestrians and vehicle users.

b) Unofficial officers who collect levies

Many large cities have unofficial parking attendants who wear prescribed uniforms and often operate in areas that are not parking areas. The large number of unofficial parking attendants can result in loss of original regional income. Retributions should be able to increase Yogyakarta regional income. (Sari, 2018 : 115) Levy as part of Original Regional Income (PAD) is an important element that needs to be optimized to provide a special contribution to the district/city area (Asyari, 2022 : 21) Usually, unofficial parking attendants do not wear official attributes such as logoed parking jacket, hat and transportation service whistle.

c) Collecting higher parking rates

The parking fee is where someone parks their vehicle in a certain parking area and for how long, the vehicle owner must pay the parking fee. (Stafaruddin, 2020 : 67) Busy shopping centers are usually easily exploited by parking officers to charge high fees. These high parking rates make some people feel annoyed and sometimes no longer want to shop in busy shopping centers, so this also harms shops and other people.

2. Regulations regarding Road Traffic and Transportation

Road traffic and transportation is "an integrated system consisting of traffic, road transportation, traffic and road transportation networks, traffic and road transportation infrastructure, vehicles, drivers, road users and their administrators." Road Traffic and Transportation is regulated in Article 1 number 1 Law Number 22 of 2009 concerning Road Traffic and Transportation. Traffic is "the movement of vehicles and people in the road traffic space".

Traffic roads are facilities provided for the public to use to pass from place to place with the aim of facilitating the activities and activities carried out by the community so they are expected to participate in maintaining public order on the roads. Article 3 of Law Number 22 of 2009 concerning Road Traffic and Transportation explains that Road Traffic and Transportation is organized with the aim of:

- a) The realization of traffic and road transportation services that are safe, secure, orderly, smooth, and integrated with other modes of transportation to encourage the national economy, advance general welfare, strengthen national unity and unity, and be able to uphold the dignity of the nation.
- b) Realization of traffic ethics and national culture.
- c) Realization of law enforcement and legal certainty for the community.

Highways are facilities that can be used by the community to move from one place to another with the aim of facilitating the activities and activities of the local community, and the community is expected to participate in maintaining public order related to roads. Officers of the State Police of the Republic of Indonesia in accordance with Article 104 paragraph (1) of Law Number 22 of 2009 for certain circumstances for the smoothness and orderliness of Road Traffic and Transportation can take action:

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- a) Stop the flow of traffic and/or road users;
- b) Order road users to continue;
- c) Speed up traffic flow;
- d) Slowing down traffic flow; and/or
- e) Diverting the direction of traffic flow.

On the highway there are several road users who have the main right to take precedence in the following order:

- a) Fire fighting vehicles carrying out their duties;
- b) Ambulances that transport sick people;
- c) Vehicles to provide assistance in Traffic Accidents;
- d) Vehicle of the leadership of the State Institution of the Republic of Indonesia;
- e) Vehicles of leaders and officials of foreign countries and international institutions who are state guests;
- f) The procession delivering the corpse;
- g) Convoys and/or vehicles for certain purposes according to the considerations of the Indonesian National Police officers.

So in traffic there are several road users that must be prioritized, such as fire engines and ambulances because it involves human lives that must be saved. This is contained in Article 134 of Law Number 22 of 2009 concerning Road Traffic and Transportation

3. Business opportunities in the field of parking, the right to comfort for road users and humanity

In the context of illegal parking, there is an opportunity to create a business that is legal, transparent and respects the rights to comfort of road users and humanitarian principles. Parking entrepreneurs can collaborate with the government or related institutions to create safe, orderly and user-friendly parking areas. By providing organized, clean and safe parking, parking businesses can meet the needs of road users while supporting humanity by providing fair service and respecting the basic rights of every individual. It is important for parking operators to ensure a parking system that is efficient, environmentally friendly, and pays attention to the needs of people with disabilities. Setting up a parking business must have a permit and comply with existing regulations, as follows:

a) Warehouse or Land Parking

The building or land used as a parking area must meet the criteria for access for two-wheeled or four-wheeled vehicles and must have an area large enough to accommodate the vehicle while it is left for a while by the driver. Apart from that, you must also consider the security of the building so that visitors' vehicles can be safe and comfortable without thinking about their vehicles in the parking lot. (Putra, 2022 : 1)

b) Business License

Parking business permit must be submitted to the local government through the transportation department, because every person who wants to own a parking business is required to have a permit to operate it. Licensing itself, in the form of a permit or business registration certificate, is a grant of legitimacy to a person or business actor or certain economic activities (Therreq and Wido, 2021: 401). Several important documents such as land permits, maps of parking locations or buildings must be attached when submitting the application. parking business permit. (Son, 2022)

Those who want to set up a parking business are required to include several important documents such as Company Registration Certificate (TDP), Trading Business License (SIUP), and several documents that show the legality of the parking provider company that will be established. (Putra, 2022) After all the required documents have been completed and you have permission to set up a parking service business, you can start a parking service business. Apart from that, those who want to set up a parking business on a public road must not disturb other road users and must comply with the rules so as not to cause traffic jams. (Son, 2022)

c) Roadside Parking

Parking along the edges of roads and roads or what is usually called roadside parking is a type of parking that is often found. The advantage of this type of parking is that it is close to the place where the visitor is going. (Putra, 2022) Malls and large shops are places where you can find lots of roadside parking, because there are very many people who want to shop there and there is not enough parking space, which means parking is on the side of the road, for example at Ambarukmo Plaza there is roadside parking nearby, making the road narrow and causing traffic jams, this type of parking has a bad impact on the surrounding area.

4. Impact of Illegal Parking

Parking for vehicle parking is currently an important need for society. Of course, along with the increase in the number of vehicles and the development of shopping centers and visitor-friendly locations, shops also need to provide parking spaces for visitors. Parking is a condition where the vehicle is left by the driver and is stationary. Parking usually occurs in front of shops or in shopping centers and also at tourist attractions. Parking also has rules, namely that it must be parallel to the direction of traffic. Parking is usually managed and supervised by the local government and as a result a certain percentage goes into regional income,

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but it is not uncommon for there to be parking that does not have a permit and is just standing there, which is usually called illegal parking.

Illegal parking is a parking space that appears suddenly and uses land unilaterally illegally or unofficially. The term "illegal" or "unofficial" here means that illegal parking is not under the auspices of the local government and the money it generates is not transferred to the government as part of local revenue. (Hidayatulloh, 2023 : 40) Illegal parking is a situation like normal parking, but without permission and usually the place to park is on the edge of the road which disturbs vehicle users who want to cross the road. Illegal parking is usually set up by certain individuals in the area. The existence of illegal parking disrupts traffic flow and parking revenues do not go into local regional income but instead go to individuals in the parking area.

Illegal parking has an impact on the surrounding area, generally illegal parking is usually done along the edges of highways close to shopping centers, in Yogyakarta Special Region Province there are lots of illegal parking, one of which is on Jalan Pasar Kembang, precisely in front of Yogyakarta Tugu Station. This has an impact on other road users, such as traffic jams because the edge of the road is used for parking, and can cause accidents because the size of the road becomes narrower with illegal parking on the edges of the road, this of course makes road access difficult because traffic jam occurs.

5. Lawrence Friedman's theory

Lawrence Friedman believes that the effectiveness and success of law enforcement depends on three elements of the legal system: legal structure, legal content, and legal culture. The legal system is a combination of primary regulations in the form of customary norms and secondary regulations. (Pahlavi, 2022 : 32-33)

Sudikno Mertokusomo defines the legal system as a unity consisting of elements that interact and work together to achieve the goals of that unity (Ansori, 2017: 150). Meanwhile, the components of the legal system according to Lawrence M. Friedman's Legal System Theory are as follows:

a) Legal Structure

Lawrence M. Friedman stated that legal structures are legal institutions that support the upholding of the legal system. This section relates to the legal order, legal institutions, law enforcement officers and their authority, legal instruments, and their processes and performance in implementing and enforcing the law. Lutfil Ansori (2017) states that a legal structure that cannot move the legal system will lead to non-compliance with the law. . This has an influence on the legal culture of society. (Pahlavi, 2022 : 32-33)

b) Legal substance

Lawrence M Friedman said, "Legal substance is a collection of written and unwritten legal regulations, including legal principles, norms and court decisions, which are trusted by society and the government and which arise from the legal system." functions as a blueprint or design, not as a work tool. (Pahlavi, 2022: 32-33)

c) Legal Culture

Legal culture is the ideas, values, thoughts, opinions and actions of members of society in enforcing the law. This is related to people's awareness, understanding and acceptance of the laws imposed on them. Legal culture as part of the legal system requires an understanding of law not only as a form of rules in on paper, but also as a social reality that occurs in society. This means that law is greatly influenced by non-legal factors such as values, attitudes and views of society towards applicable laws. (Pahlavi, 2022 : 32-33)

Lawrence MFriedman's legal system theory was used as a reference in preparing national legal development plans. This is proven by the inclusion of legal system theory in Law of the Republic of Indonesia Number 17 of 2007 concerning the 2005-2025 National Long Term Development Plan (RPJPN). The invitation aims to create a national legal system based on Pancasila and the 1945 Constitution. Legal development includes the construction of physical structures such as the legal system and legal infrastructure, in order to realize the supremacy of law and build a just and democratic society, as well as the development of a society with a high level of legal awareness and legal culture. (Hutomo and Marselinus, 2021 : 53)

Lawrence M Friedman's theory of the legal system also became the initial basis for formulating a "grand design for national legal development", and legal development is aimed at realizing a stable and functioning national legal system as a means of maintaining order and prosperity, as well as realizing development. Basically, legal development includes material development , institutions, and cultural development. (Hutomo and Marselinus, 2021 : 53)

Based on the things that have been said about Lawrence Friedman's theory, the author uses this legal system theory so that law enforcement can run well by paying attention to the legal structure, legal substance and legal culture that exist in society.

VI. RESULT AND DISCUSSION

Illegal parking has become a common problem in many big cities. Yogyakarta, which is one of the big cities in Indonesia, also faces similar challenges. Many places in Yogyakarta have illegal parking which prevents traffic flow smoothly. One of the problems with illegal parking in Yogyakarta is on Jalan Pasar Kembang which results in traffic flow. (Junianto, 2023) Some of the juridical factors that cause illegal parking are Article 287 paragraph (4) of Law Number 22 of 2009 concerning Road Traffic and

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Transportation which explains the imposition of a fine of only Rp. 250,000.00 (two hundred and fifty thousand rupiah) which is considered too small so that does not have a deterrent effect for violators who park illegally, and also in Article 43 paragraph (3) of Law Number 22 of 2009 concerning Road Traffic and Transportation which also explains that "Parking can be done in road spaces on district roads, village roads, or city roads which means that a lot of parking occurs on the edge of the road. Apart from these legal factors, there are also other factors that can cause illegal parking, such as parking attendants directing parking, in places that are busy with visitors and there are still many motorists who want to park near the places they visit."

The solution that can be provided is that the regional government can collaborate with the private sector to provide wider and more efficient parking facilities/lots. Collaboration can be carried out with hotels considering the large number of hotels that stand along the flower market road. By carrying out this collaboration, we can reduce the pressure of illegal parking along the Flower Market road. But society is also a factor that influences the effectiveness of the law, if society is not aware of the law then there will be no effectiveness.

In order to improve parking facilities, the Yogyakarta Special Region Government must create parking facilities on Pasar Kembang road. The development of adequate and strategic parking areas will encourage motorists, especially four-wheeled drivers, to choose to park in official parking areas. Apart from that, the government must also pay attention to access to parking facilities that are easy to reach for motorists who want to look for parking. Authorities such as the police can also increase supervision of illegal parking and enforce strict sanctions for violators. Patrols can also be carried out as routine surveillance. Apart from that, surveillance can also use technology such as using CCTV to monitor if there are violations and illegal parking, to ensure smooth traffic along Jalan Pasar Kembang.

VII. CONCLUSION

1. Juridical factors that result in illegal parking in accordance with Law Number 22 of 2009 affecting the smoothness of traffic on Jalan Pasar Kembang Yogyakarta:

- a) Article 287 paragraph (4) explains that "any person who drives a motorized vehicle on the road who violates the traffic movement rules in accordance with Article 106 paragraph (4) can be punished with imprisonment for a maximum of 1 (one) month or a fine of a maximum of Rp. 250,000.00 (two hundred and fifty thousand rupiah)". According to the author, this is one of the legal factors why there are still many drivers who park illegally because they only get a fine of up to Rp. 250,000.00 (two hundred and fifty thousand rupiah) which cannot have a deterrent effect on motorists.
- b) In Article 43 paragraph (3) which explains that "Parking facilities in Road Owned Spaces can only be provided in certain places on district roads, village roads or city roads which must be stated with Traffic Signs and/or Road Markings". According to the author, this is also one of the juridical factors in the occurrence of illegal parking because it allows parking facilities in road spaces on district roads, village roads or city roads.

2. Solutions that can be offered to overcome illegal parking problems related to ius constitutum:

The solution that can be given is to overcome the problem of illegal parking along Pasar Kembang road, which requires implementing various effective steps such as creating special facilities for large parking so that it can accommodate many vehicles, monitoring and enforcing the law by the local government through the police for those who park illegally in accordance with ius constitutum, namely Law Number 22 of 2009 concerning Road Traffic and Transportation, and can also collaborate between the government and the private sector to provide large parking locations in busy places.

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