

The urgency of parking regulations in Bandung City: A legal analysis of illegal parking management

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Abstract

Parking is an integral part of the transportation system that supports urban mobility. In Bandung City, the rapid growth of vehicles has not been matched by the availability of adequate parking space, leading to the phenomenon of illegal parking or "parkir liar." This practice often disrupts traffic flow, reduces road capacity, and creates legal uncertainty. This study aims to analyze the urgency of implementing parking regulations, specifically regarding the enforcement against illegal parking in Bandung City. The research method used is normative legal research with statutory and conceptual approaches. The results indicate that legal certainty through strict regulations is urgently needed to organize public spaces, optimize road functions, and increase local revenue. Regulations such as Regional Regulation Number 10 of 2013 and Mayor Regulation Number 560 of 2016 must be enforced effectively to create an orderly, safe, and comfortable urban environment.

Keywords: Parking regulation, illegal parking, Bandung City, traffic order, legal certainty

Introduction

Background

Urban development is always accompanied by an increase in the volume of traffic and the need for infrastructure. Bandung City, as the capital of West Java and a center of economy, education, and tourism, faces significant challenges in transportation management^[1]. One of the most visible issues is the lack of balance between the number of vehicles and the availability of parking areas. According to data from the Bandung City Transportation Department, the number of vehicles in Bandung grows by approximately 5-7% annually, while parking space availability increases by less than 2%^[2].

This condition has led to the emergence of illegal parking practices, commonly known as parkir liar. Illegal parking refers to parking activities carried out on public roads, sidewalks, green open spaces, or other areas not designated for parking, often managed by unauthorized individuals^[3]. This phenomenon is not only a matter of traffic disorder but also a legal issue that violates spatial planning and public order regulations.

Illegal parking causes various negative impacts, including narrowing road lanes, causing traffic jams, endangering pedestrian safety, and causing losses to the regional income (Pendapatan Asli Daerah)^[4]. Therefore, comprehensive and enforceable regulations are urgently needed. The Government of Bandung City has issued several regulations, including Regional Regulation (Peraturan Daerah) Number 10 of 2013 concerning Parking and Mayor Regulation (Peraturan Walikota) Number 560 of 2016 concerning the Implementation of Parking Management on Public Roads^[5]. However, the implementation in the field still faces obstacles, making the analysis of the urgency of these regulations highly relevant to be studied.

Problem Statement

1. What is the legal basis governing parking management and illegal parking in Bandung City?
2. How urgent is the enforcement of these regulations in creating order and legal certainty?

Research Objectives

1. To identify and explain the legal framework regarding parking in Bandung City.
2. To analyze the urgency and importance of enforcing regulations against illegal parking for the public interest.

Research Method

This research is a normative legal research that focuses on the study of positive law by examining legal materials consisting of laws and regulations, books, and scientific journals^[6]. The approaches used are:

1. **Statute Approach:** Analyzing laws and regulations related to parking and traffic.
2. **Conceptual Approach:** Using legal concepts related to public order and government authority^[7].

The legal materials used include:

- **Primary Materials:** Law Number 22 of 2009 concerning Traffic and Road Transportation, Regional Regulation of Bandung City Number 10 of 2013, and Mayor Regulation Number 560 of 2016.
- **Secondary Materials:** Books, research results, and scientific articles regarding urban transportation management and parking policies published between 2020-2026.

Data analysis was performed qualitatively by describing the provisions and drawing conclusions regarding the urgency of the regulations^[8].

Results and Discussion

1. Legal Basis for Parking Management in Bandung City

The authority to regulate and manage parking in the city is derived from the authority of the Regional Government in managing public facilities and infrastructure. The highest legal basis is found in Law Number 22 of 2009 concerning Traffic and Road Transportation, which mandates that

parking management must prioritize safety, smooth traffic, and public order^[9].

Specifically in Bandung City, the legal framework is regulated in Regional Regulation Number 10 of 2013. Article 2 of the regulation states that parking management is aimed at realizing order, safety, security, smooth traffic, and increasing regional income^[10]. Furthermore, Article 44 strictly prohibits parking activities that are not in accordance with the provisions, including parking on sidewalks and roads that can disrupt traffic^[11].

To implement these provisions, the Mayor issued Regulation Number 560 of 2016 which regulates technical matters, including the prohibition of illegal parking attendants (joki parkir) and unauthorized levies^[12]. This regulation clearly states that only officers appointed by the Government are authorized to manage parking and collect fees. Any form of parking management by unauthorized parties is considered an illegal act and is subject to administrative or criminal sanctions^[13].

2. The Urgency of Regulating Illegal Parking

2.1 Ensuring Traffic Smoothness and Safety

The primary urgency of parking regulations is to guarantee the function of roads as means of transportation, not as storage areas for vehicles. Illegal parking narrows the effective width of the road, forcing vehicles to maneuver dangerously and increasing the risk of accidents^[14]. Research by Sutanto et al. (2022) shows that illegal parking on major roads in Bandung reduces road capacity by 15% to 20%, which is a significant factor causing chronic congestion^[15]. Therefore, strict enforcement is necessary to restore the optimal function of the road.

2.2 Protecting Pedestrian Rights and Public Space

Sidewalks and green open spaces are public facilities intended for pedestrians and environmental sustainability. Illegal parking often transforms these spaces into vehicle storage areas, forcing pedestrians to walk on the roadway^[16]. This violates the principle of walkability and inclusivity in urban planning. The regulation serves as a tool to protect public space from privatization by certain parties who seek personal profit without regard to public interest^[17].

2.3 Legal Certainty and Prevention of Illegal Levies

One of the main problems of illegal parking is the practice of unauthorized levies, which create legal uncertainty for road users. People are forced to pay fees without clear legal basis or official receipts^[18]. By enforcing the regulations, the city government provides clarity on where parking is allowed, how much the fee is, and who is authorized to collect it. This is in line with the principle of good governance that prohibits unauthorized levies (pungli)^[19].

2.4 Optimizing Regional Original Income (PAD)

From an economic perspective, illegal parking causes significant financial losses for the city. Fees that should enter the regional treasury are instead taken by unauthorized individuals^[20]. According to the Bandung City Regional Revenue Agency, the potential loss due to illegal parking reaches billions of Rupiah per year^[21]. Effective regulation and enforcement will ensure that parking management is carried out officially, thereby maximizing revenue that can be reused for infrastructure development and public services^[22].

2.5 Creating Urban Order and Discipline

A city is said to be advanced if it has order and discipline. The existence of illegal parking reflects weak law enforcement and a lack of public awareness^[23]. Regulations on parking are not merely administrative rules but also instruments to build a culture of discipline and compliance with the law. As stated by Wicaksono (2024) in a Scopus-indexed journal, strict parking enforcement correlates positively with increased compliance with other traffic regulations and improves the city's image^[24].

Conclusion

Based on the research and discussion, it can be concluded that the regulation of parking, specifically regarding the prohibition and control of illegal parking in Bandung City, is very urgent and strategic.

1. **Legal Basis:** The regulations are firmly grounded in Law Number 22 of 2009, Regional Regulation Number 10 of 2013, and Mayor Regulation Number 560 of 2016, which clearly prohibit unauthorized parking activities and illegal levies.
2. **Urgency:** The enforcement of these regulations is essential for:
 - Maintaining traffic smoothness and road safety.
 - Protecting public spaces and pedestrian facilities.
 - Providing legal certainty and preventing illegal levies.
 - Increasing Regional Original Income (PAD).
 - Fostering order, discipline, and a positive city image.

Therefore, the Bandung City Government needs to increase supervision and strict enforcement of these regulations. Synergy between the Transportation Department, Police, Satpol PP, and the community is necessary to eliminate illegal parking practices and create a better transportation system in Bandung.

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