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## **Effectiveness of Supervision on Potential Corruption in Parking Fees in Malang City: A Criminal Law Analysis**

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### **Abstract**

The study of the effectiveness of law enforcement towards parking officers in Malang City, Indonesia, who have the potential to commit corruption, is crucial to be done, given the discrepancy between parking fee receipts and actual regional revenue. This suggests that there is a possibility of manipulation of regional revenue in the parking sector. Furthermore, this article also aims to analyse the method of collecting parking fees, along with its management system by parking officers in Malang City, who are under the supervision of the Malang City Transportation Agency. This article employs empirical legal research with a legislative and sociological approach. Data were obtained through interviews with several relevant parties, such as the members of the Transportation Agency and several parking officers. Five parking officers were sampled to obtain

primary data on the issue. This empirical research will identify the gap between normative regulations and law enforcement in practice. The results indicate that the parking fee management system in Malang City still has weaknesses in terms of oversight, transparency, and the mechanism for depositing the collected fees, making it ineffective in a general sense. The data show that there were instances of fraud found in parking management, such as parking tickets not given to the people who park, and the practice of discrepancies between the amount of deposits and the actual collection. Based on these conditions, this study recommends strengthening the Transportation Agency's oversight and transparency systems to prevent greater losses in the future.

**Keywords:** Corruption, Criminal Law, Malang City, Parking Fees

### **Introduction**

Following the 1998 Reformation in Indonesia, implementing regional autonomy was one of the demands to establish a more democratic nation, after being in the shadow of the authoritarian regime of the New Order (1966-1998). The implementation of regional autonomy was essentially aimed at increasing the effectiveness of government administration and accelerating development at the regional level to better manage the potential of existing resources, including in terms of regional revenue management <sup>[1]</sup>. One important indicator in measuring the autonomy level of a region is the ability of the regional government to increase the regional revenue. Regional revenue is a source of financing derived from the potential of the regional economy collected based on prevailing regulations, as stipulated in Law Number 33 of 2004 concerning the Financial Balance between the Central Government and Regional Governments, which was later amended by Law Number 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments <sup>[2]</sup>.

One of the components of regional revenue to improve the regional economy is regional levies. Regional levies, including parking fees for two-wheeled and four-wheeled vehicles, have a clear legal basis for fee collection in the form of tangible services provided by the government to the public, so they must be levied in accordance with the tariff provisions stipulated in regional regulations. The obligation to deposit regional revenue into the regional treasury in full and on time is mandated by Articles 284 to 287 of Law Number 23 of 2014 concerning Regional Government, which mandates that all regional revenue must be deposited into the regional general treasury account <sup>[3]</sup>. Therefore, any deviation in the process of collecting or depositing regional levies is not merely an administrative violation, but has the potential to cause regional financial losses that can be classified as criminal acts of corruption. Optimizing regional revenue is crucial in supporting the implementation of sustainable regional governance and development.

Parking management in Malang City is fundamentally regulated through Malang City Regional Regulation Number 4 of 2009

concerning Parking Management. This regulation mandates the Transportation Agency to regulate the licensing mechanism, the appointment of parking officers, and the obligation to issue parking tickets as an instrument for controlling the transparency of deposits. However, there is complexity in the regulations because parking in special places (such as government-owned buildings or yards) still refers to Malang City Regional Regulation Number 2 of 2011 concerning Business Service Retribution. In Malang City Regional Regulation Number 3 of 2015, public roadside parking rates are set differently according to vehicle type: two-wheeled vehicles are charged Rp. 2,000 per parking, while four-wheeled vehicles are charged Rp. 3,000 per parking. Parking tickets are considered official documents that must be provided to every parking service user and serve as valid proof of payment as well as an instrument for recording parking fee receipts. This ticket system also serves as a control tool for the Transportation Agency in verifying the number of parked vehicles and the amount of deposits that should be deposited through the regional treasury<sup>[4]</sup>. Furthermore, the Malang City Regional Regulation also requires every parking officer to have official identification in the form of an ID card issued by the Transportation Agency, and requires the use of uniforms while on duty. These obligations are intended to ensure that parking management is carried out in an orderly, transparent, and accountable manner in accordance with applicable laws and regulations.

Despite being regulated by positive law, several regions, such as Surabaya City and Sidoarjo Regency, show that the implementation of the parking fee system in various regions often faces various problems, particularly related to the discrepancy between parking fee receipts and the actual revenue recorded in regional financial reports<sup>[5, 6]</sup>. This condition indicates the potential for misappropriation of funds in the collection and payment of parking fees. Furthermore, reality often shows that parking officers do not always issue parking tickets to service users, making it difficult to monitor the actual amount of revenue. This phenomenon indicates a gap between the legal norms governing parking fee collection and actual practice by parking officers themselves.

The practice of misappropriation of parking fees indicates the potential for corruption by parking officers. Conceptually, corruption can weaken the effectiveness of government administration and public services. Various sectors of state financial management, both at the central and regional levels, have the potential for irregularities if not accompanied by an adequate oversight system<sup>[7]</sup>. In the context of regional government, the management of regional revenue sources is an area vulnerable to abuse of authority, even though corruption is regulated normatively in Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which was later amended by Law Number 20 of 2001. Furthermore, Article 604 of the Criminal Code also emphasises the criminal threat of corruption by civil servants or state officials who intend to benefit themselves or others unlawfully.

Based on the background outlined above, this study aims to assess the effectiveness of Malang City's Transportation Agency in supervising parking officers regarding the potential of parking fee corruption in Malang City. Given the gap between legal norms and actual practice, an in-depth study is necessary through direct fieldwork. This research is

done so that research data can be obtained based on facts occurring in the community, in order to be able to determine the effectiveness of the Transportation Agency's oversight of parking officers. Furthermore, this study also aims to uncover the modes of unlawful acts by parking officers that may have the potential to be categorized as criminal acts of corruption, so that in the future, law enforcement against parking officers, especially in Malang City, can be carried out more effectively.

### Research Method

This article employs empirical legal research methods to assess the effectiveness of law enforcement in society<sup>[8]</sup>. The main object of study in this research is official parking officers under the supervision of the Malang City Transportation Agency regarding potential misappropriation and the possibility of corruption in the collection and deposit of parking fees. The approach used in this research is a statutory and sociological approach to examine law not only as norms written in laws and regulations, but also as actual behavior that occurs in society<sup>[9]</sup>. Through this approach, the research not only analyses laws and regulations related to parking fees and corruption but also examines the implementation of parking fee collection and deposit, involving parking officers and supervision carried out by the Malang City Transportation Agency. An interview technique was used in this research to obtain primary data from predetermined sources, namely four personnel from the Transportation Agency and five parking officers as samples.

### Results and Discussion

#### 1. Level of Effectiveness of Supervision towards Parking Officers in Malang City by the Transportation Agency

As a state governed by law (*Rechstaat*), all actions of both the rulers and the people must be regulated by law. This embodies the concept of the supremacy of law within the state<sup>[10]</sup>. This concept implies that the Transportation Agency should also have the legal basis for their actions to be legitimate. Normatively speaking, the Malang City Transportation Agency oversees all parking fee collection activities carried out by official parking officers, including monitoring compliance with ticket issuance, compliance with applicable regulations, and orderly payment administration. The Transportation Agency has the right to require parking officers to wear uniforms and carry Membership Cards so that the public can recognize that the parking officers on duty are official parking officers supervised by the Transportation Agency. This also serves as a form of supervision by the Transportation Agency to minimize illegal parking<sup>[11]</sup>.

To enforce the parking fee management mechanism in Malang City, a parking ticket payment system is used by official parking officers, allowing them to periodically deposit the collected fees to the Transportation Agency through a designated virtual account. This parking ticket system is implemented in other regions in Indonesia as well<sup>[12]</sup>. The Malang City Transportation Agency targets Rp. 15 billion in parking revenue by 2026, consisting of Rp. 8.5 billion from on-street parking service fees and Rp. 6.5 billion from special parking lots service fees. This target is calculated based on the number of tickets issued by approximately 3,400 official parking officers across 806 on-street parking locations throughout Malang City. The

transparency of this system requires that the number of tickets issued be proportional to the total revenue collected, so that any discrepancy between the number of tickets and the amount deposited can be identified as a potential leak in future retribution.

To gain a portrait of the actual facts regarding parking officers supervision, an interview was first conducted with the Transportation Agency, the primary source responsible for overseeing parking officers in Malang City. Interviews were conducted with several relevant officers, including:

- a. Widjaya Saleh Putra, as the Chief of Malang Transportation Agency;
- b. Rahmat Hidayat, as the Head of Parking Division;
- c. Jajan Heryana, as the Head of Parking Management Services;
- d. Hery Santoso, as the Head of Parking Supervision.

Putra, the Head of the Transportation Agency, stated that, in fact, law enforcement against parking officers who, potentially, commit corruption still faces a number of obstacles, making law enforcement less effective. The main problem faced by the Transportation Agency is the disproportionate number of supervisors compared to the number of parking officers spread across hundreds of locations throughout Malang City. Considering the vast area of Malang City itself, which consists of five districts, the lack of members from the Transportation Agency makes it difficult to continuously supervise parking officers intensively. Thus, the lack of quantity of supervisors from the Transportation Agency is a major challenge that is yet to be overcome.

Heryana and Hidayat then went on to explain the methods commonly used by parking officers to misappropriate deposit funds. According to them, some of the common methods include:

- a. Parking officers do not give parking tickets to people who park. Since tickets are used as proof of the number of people parked in an area, not providing tickets can result in lower reports on parking numbers than the actual numbers. This constitutes manipulation of the actual number of vehicles parked in a given area.
- b. Some parking officers were found guilty of fraud when depositing parking fees to the Transportation Agency. The Agency has sometimes found that parking officers fail to deposit parking fees based on the number of vehicles parked in a certain area. For example, if there are 100 motorcycles and 50 cars parked in a parking area, the officers only report that there were only 50 motorcycles and 25 cars, resulting in only a fraction of the actual amount.
- c. Some parking officers don't deposit the fees directly to the Transportation Agency, but instead go through the parking coordinator first. This practice is commonly found in individually owned shophouses, where the parking officers who work at the shophouse first deposit the parking fees to the shophouse manager, who then deposits the parking fees to the Transportation Agency. In practice, this tends to reduce the actual number of fees that should be paid because the amount of payment by the parking coordinator or shophouse manager tends not to match the actual amount of fees received. This is usually done so that shop owners can profit more from parking fees, rather than honestly reporting the fees to the Transportation Agency.

Santoso added that these kinds of actions done by parking officers tend to be difficult for the Transportation Agency to handle because actions like these have already been done from time to time within the parking officers community. Furthermore, the lack of transparency in the process of depositing parking fees to the Transportation Agency also makes it difficult to prevent the potential act of corruption. Corruption can usually only be uncovered after the payment has been made, when a discrepancy is discovered between the amount received by the parking officers and the amount actually paid.

Putra also added information regarding the way the Transportation Agency handle illegal acts. According to him, so far, parking officers who are proven to have committed illegal acts have mostly taken the form of unwritten warnings. If the warning is still not strong enough, and the illegal acts continue to occur, parking officers are given a second warning in the form of a written statement promising not to do something similar again. Finally, if the practices still continue, the parking permit can be revoked by the Transportation Agency. Heryana also emphasized that if officers are proven to have not paid the deposit for a long period of time, parking officers are potentially subject to criminal sanctions. So far, illegal acts committed by parking officers can be categorized as minor crimes. The imposition of criminal sanctions is indeed a last resort, considering that the majority of people who work as parking officers are people from the lower to middle class, making work as a parking officer their main livelihood.

Based on interviews with several officials from the Transportation Agency, it can be observed that there are still a number of weaknesses in supervising parking officers in Malang City. Supervision of parking officers should be strengthened, considering that the Transportation Agency is obliged to supervise parking officers to prevent misappropriation of funds, as stated in Malang City Regional Regulation Number 4 of 2009 concerning Parking Management. Problems related to the lack of supervision from the Transportation Agency are not unique to Malang City, but occur in other regions as well <sup>[13]</sup>. Furthermore, based on Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, parking officers, as state officials, are potentially threatened with criminal penalties if proven to have *mens rea* and *actus reus* for their acts. However, since the majority of parking officers are people from lower-middle economic levels, criminal law should be used as an *ultimum remedium* so that the law can be directed towards restorative rather than retributive.

In order to achieve a more organized deposit of parking fees, supervision of parking officers should be tightened. One way to do this is by requiring parking officers to consistently document parking fees deposited to the Transportation Agency. This will allow for better control over the revenue generated and the amount deposited. This is intended to prevent greater losses in the future. Furthermore, the Transportation Agency must also conduct preliminary surveys of potential parking areas to estimate the number of vehicles entering and exiting the area. This will allow for better control of parking revenue and remittances through the improvement of transparency mechanisms <sup>[14]</sup>.

## 2. Potential Corruption Modes of Parking Fee Deposits from the Parking Officer's Perspective

After conducting interviews with the Transportation Agency, acting as law enforcement, further interviews with the officers themselves were conducted to gain a more comprehensive understanding of the issues raised in this article. The interviews involved five parking officers at different locations.

Interviews with parking officers were conducted to obtain an overview of the Transportation Agency's fee collection mechanism, deposit system, and supervision system. This was done to determine whether parking fee collection practices comply with applicable regulations. Based on interviews with five parking attendants, we have found the information as follows:

- a. The fee is collected when a motorcyclist or car driver leaves the parking area guarded by parking officers. The amount collected is always in accordance with Malang City Regional Regulation Number 3 of 2015, which stipulates Rp. 2,000 for motorcycles and Rp. 3,000 for cars. All parking officers claim the rates charged are the same, as the public is already familiar with the standard parking fee.
- b. The system of deposit from the fees collected by parking officers to the Transportation Agency is simple and familiar to all parking officers. Deposits are made through a virtual account to Bank Jatim in the name of the Transportation Agency. The deposit mechanism for fees is already understood by all parking officers, as they have undergone a training process provided by the Transportation Agency.
- c. The Transportation Agency's supervision is rarely implemented in practice, resulting in suboptimal oversight of parking fee deposits. Parking officers stated that, in practice, they are rarely approached by the Transportation Agency for supervision, except when practices such as late payments or insufficient funds are discovered. This lack of oversight from the Transportation Agency is primarily due to the vastness area of Malang City, resulting in a disproportionate number of parking officers compared to the members of the Transportation Agency.

Based on interviews conducted with five parking officers, it was found that there are loopholes commonly used for illegal acts, such as the lack of monitoring mechanisms and transparency in the system implemented by the Transportation Agency. Furthermore, parking officers also sometimes take advantage of the public's lack of awareness of the importance of parking tickets, making it easy for them not to issue parking tickets, which results in the manipulation of the number of vehicles that have parked in their respective areas. This practice shows that public awareness plays a crucial role in monitoring the implementation of law enforcement to avoid potential corruption by parking officers<sup>[15]</sup>.

## 3. Theoretical Analysis of the Effectiveness of Law Enforcement towards Parking Officers in Malang City

The act of corruption committed by parking officers is further examined using the legal theory proposed by Lawrence M. Friedman. Friedman explains that the factors influencing the effectiveness of law enforcement are determined by three main elements that have to work harmoniously. These three elements are: 1) legal substance;

2) legal structure; and 3) legal culture<sup>[16]</sup>. Legal substance related to the written rules, norms, and provisions that govern people's behavior in everyday life. The legal structure includes institutions that implement and enforce the law, such as the police, courts, and other government officials, including the Transportation Agency. Meanwhile, legal culture refers to the attitudes, values, and level of public awareness of applicable laws. These three elements are interrelated and inseparable because the success of a legal system is greatly influenced by the balance between rules, law enforcement officials, and public legal awareness<sup>[17]</sup>.

Within the framework of Lawrence M. Friedman's theory, law enforcement is a crucial aspect closely related to the legal structure. Legal structure not only refers to the existence of law enforcement agencies but also to the quality, integrity, and professionalism of officers in carrying out their duties. Good law enforcement will create legal certainty and increase public trust in the applicable legal system. Otherwise, weak law enforcement can create loopholes for deviant acts, including corruption and abuse of authority. Based on this theory, law enforcement officers must be able to carry out their duties transparently, fairly, and in accordance with statutory regulations<sup>[18]</sup>. Thus, a strong legal structure will support the creation of effective and equitable legal governance.

Legal culture is also a crucial element in creating a well-functioning legal system<sup>[19]</sup>. In the context of parking management, parking officers' awareness of legal regulations needs to be continuously improved through incentivized education so they understand their responsibilities and obligations. This awareness can encourage parking officers to work more honestly and professionally in carrying out their duties. By raising legal awareness among parking officers, the potential for corrupt practices, such as embezzlement of parking fees or manipulation of ticket numbers, can hopefully be reduced due to a higher level of awareness. If a well-established legal culture among parking officers, the parking management system will become more orderly and transparent. Thus, increasing legal awareness can be a preventative measure to minimize future violations.

In addition to parking officers, the public is also a crucial part of legal culture, as the success of a regulation is greatly influenced by the level of public awareness in complying with it<sup>[20]</sup>. In parking management, the public needs to be educated about the importance of parking tickets as a means of controlling the transparency of payments. Parking tickets not only serve as proof of payment but also serve as a monitoring instrument for potential fraud in parking management. If the public is accustomed to requesting and retaining parking tickets, the potential for regional revenue leakage can be minimized. Furthermore, public awareness to participate in monitoring parking practices can help the government create a more accountable system. Therefore, legal education for the public must be carried out continuously to create a legal culture that supports transparency and compliance with regulations<sup>[21]</sup>.

Referring to the theory presented by Lawrence M. Friedman, it is understandable that the success of law enforcement does not depend solely on the existence of good legal regulations. Good legal substance must be supported by a professional legal structure and a strong legal culture within the community. In parking management, the

harmonious elements between the Transportation Agency, parking officers, and the public community are a key factor in creating a transparent system to minimize the act of corruption. High legal awareness from all parties will encourage the creation of more orderly and responsible parking management. Furthermore, ongoing education and supervision are necessary to ensure that every element of the legal system functions optimally. Thus, the legal objective of creating justice, order, and public welfare can be effectively achieved.

### Conclusion

This article concludes that the parking fee deposit management system in Malang City still faces various weaknesses that impact its effectiveness. The main problems can be seen in the aspects of supervision and transparency, resulting in a less-than-optimal parking remittance mechanism. In practice, violations are still found, such as the failure to provide parking tickets to the public as official proof of payment. Furthermore, there are indications of discrepancies between the amount of remittances received and the amount of fees deposited to the Transportation Agency. This situation indicates that parking retribution management remains vulnerable to irregularities and potential corruption, which can lead to losses in regional revenue. Therefore, corrective measures are needed through strengthening a stricter and more integrated system of supervision. In this case, the Transportation Agency specifically needs to improve transparency and accountability in parking retribution management so that regional revenue can be more effective, orderly, and free from irregularities in the future.

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