



A juridical review of illegal parking fees based on the regional regulation of Pandeglang regency number 4 of 2023 concerning retribution and local original income

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ABSTRACT

Inheritance disputes arising from gifts without a deed have become a recurring issue in society, particularly due to the persistence of informal transfer practices and limited legal awareness regarding the importance of written documentation. This research is motivated by the rampant practice of illegal parking fees in Pandeglang Regency, particularly at Pasar Badak, which violates Regional Regulation Number 4 of 2023 concerning Retribution and Regional Original Revenue (PAD). Parking retribution is an important PAD source that should be managed officially and transparently by the local government through the Department of Transportation. Illegal parking not only reduces PAD but also creates legal, social, and economic problems. The study aims to identify the causes of illegal parking at Pasar Badak and examine the legal measures taken by the Department of Transportation of Pandeglang Regency. Using normative juridical and empirical juridical approaches, data were collected through interviews, field observations, and literature studies. Findings show that weak supervision, low public legal awareness, and limited official parking facilities are the main causes of illegal parking. Efforts by the Department of Transportation, such as enforcement actions and public outreach, remain sporadic and not yet effective in ensuring sustainable law enforcement. The study recommends strengthening supervision, utilizing technology through a digital parking system, and improving inter-agency coordination to maximize PAD revenue and regulate illegal parking more effectively.

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1. Introduction

Indonesia is a state of law as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "The State of Indonesia is a law country." The principle of a state of law means that all actions of the government and citizens must be based on applicable law (Sapari & Samkamaria, 2025). In this framework, constitutional law plays an

important role in regulating the relationship between the state, government institutions, and the rights and obligations of citizens. As part of the national legal system, constitutional law governs the organization of state power, including the division of authority between the central government and local governments (Radar Banten, 2024). Since the implementation of regional autonomy, local governments have the authority to manage and regulate governmental affairs in order to provide public services and improve the welfare of the community, one of which is through the establishment of regional regulations (Perda) (Dewi & Lestari, 2020). In practice, local governments are vested with the authority to explore the potential for original regional revenue (PAD), among others through regional retribution (Ramadhan, 2024). One common form of retribution implemented is parking service charges on public roads. However, in reality, there are often practices of illegal parking fees that are not based on applicable laws, resulting in legal issues and harming the community as well as regional finances. Pandeglang Regency, as one of the autonomous regions in Banten Province, has established the Regional Regulation of Pandeglang Regency Number 4 of 2023 concerning Retribution and Original Regional Revenue (Rohmah & Fauzi, 2024).

This Regional Regulation serves as the legal basis for the management and collection of levies, including parking retribution. However, in practice, there are still instances of illegal parking charges that do not comply with the provisions of the regulation (Noviantoro & Rosando, 2023). This raises questions regarding the effectiveness and compliance with the regional regulation as well as the juridical review of illegal parking charges within the perspective of constitutional law. One of the important sources of regional revenue is Regional Original Revenue (PAD), which serves as an indicator of a region's fiscal independence in financing development and public services (Rohmah & Fauzi, 2024). In the context of regional autonomy, local governments are authorized to explore sources of revenue in a legal and legitimate manner, one of which is through regional levies, including parking retribution. In practice, parking retribution has become an essential component as it holds significant revenue potential if managed properly and transparently. Nevertheless, in many regions, including Pandeglang Regency, illegal parking charges remain prevalent. These are fees collected without a legitimate legal basis and not deposited into the regional treasury as part of PAD. Regional Regulation of Pandeglang Regency Number 4 of 2023 on Levies and Regional Original Revenue is the latest regulation governing the types, mechanisms, and objects of regional levies, including parking retribution (Banten, 2024). The provisions related to parking retribution state that every parking operator must obtain an official license and deposit collected fees into the regional treasury in accordance with applicable regulations. This regulation is a follow-up to Law Number 1 of 2022 on Fiscal Relations between the Central and Regional Governments, which strengthens regional fiscal autonomy in managing their own sources of revenue (Hidayatulloh, 2023). However, in reality, illegal parking practices are still frequently found in the field, carried out by certain individuals or groups exploiting public areas or facilities without authorization and without depositing the collected fees to the local government. Such practices not only violate applicable laws but also harm both the community as service users and the regional government as the party losing potential revenue (Mahardita, 2024). This also reflects weak supervision and law enforcement by the relevant authorities, namely the Department of Transportation of Pandeglang Regency and the Civil Service Police Unit. The phenomenon of illegal parking cannot be separated from several factors, including inadequate official parking facilities, weak inter-agency coordination in managing parking areas, and a permissive public culture toward unofficial charges. If left unaddressed, this practice will perpetuate legal injustice, disrupt public order, and hinder efforts to increase PAD from the parking service levy sector (Fauqa et al., 2025). A case study on the Department of Transportation of Pandeglang Regency is therefore essential, given its supervisory and regulatory functions over parking management within its jurisdiction. In this regard, it is necessary to examine how the implementation of Regional Regulation Number 4 of 2023 addresses and regulates illegal parking charges (Larasati & Rohman, 2020).

Previous research has mostly discussed regional levies in the context of fiscal decentralization, focusing on the optimization of regional original revenue (PAD) and administrative challenges in its implementation. For example, studies by Dewi & Lestari (2020) and Ramadhan (2024) emphasize the management of regional retributions as an instrument of local fiscal policy, while research by (Mahardita, 2024) explores the economic impact of illegal levies. However, few studies have specifically examined the legal review of illegal parking charges within the framework of regional regulations, particularly those governed by Pandeglang Regency Regulation Number 4 of 2023. Therefore, this research extends previous studies by analyzing the issue from a constitutional and juridical perspective, focusing on the effectiveness of regulatory enforcement at the local level.

The novelty of this research lies in its focus on a juridical analysis of illegal parking charges as a violation of local regulatory authority and public legal order under the newly enacted Pandeglang Regency Regulation Number 4 of 2023. Unlike previous studies that mainly discussed fiscal or administrative aspects, this study highlights the intersection between constitutional law, regional autonomy, and practical law enforcement in addressing illegal levies. By using a case study approach at the Department of Transportation of Pandeglang Regency, this research provides a new perspective on how the regional government's legal instruments function in preventing revenue leakage and ensuring the protection of public rights through effective implementation of regional regulations.

In addition, a legal review needs to be conducted to evaluate whether the existing legal instruments are strong enough, clear, and operational in combating illegal levies. Therefore, given the issues outlined above, this research will discuss in depth "LEGAL REVIEW OF ILLEGAL PARKING CHARGES BASED ON BANTEN PROVINCE REGULATION NUMBER 4 OF 2023 ON LEVIES AND LOCAL ORIGINAL INCOME (CASE STUDY AT THE DEPARTMENT OF TRANSPORTATION OF PANDEGLANG REGENCY)."

2. Method

In conducting this research, the author employs a normative-empirical juridical method, which combines normative legal aspects with empirical data support. This method was chosen because it allows the integration of written legal norms with real-world practices, providing a comprehensive understanding of how law operates in society. The empirical legal research utilizes primary data, namely data obtained directly from the field in relation to the issues under study. The research was conducted at the Wahyudi and Partner Law Firm, which was selected due to its extensive experience handling civil and administrative cases related to local regulation disputes, particularly concerning illegal levies and parking retribution. This firm's direct involvement in similar cases within Pandeglang Regency provided access to authentic data, professional legal insights, and practical understanding of local regulatory enforcement.

Primary data in this research were collected through interviews, while secondary data consist of three types of legal materials. First, primary legal materials, which include Law Number 12 of 2011 concerning the Establishment of Laws and Regulations, Law Number 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments (UU HKPD), Minister of Home Affairs Regulation Number 19 of 2017 concerning Guidelines for the Management of Regional Property, and Regional Regulation of Pandeglang Regency Number 4 of 2023 concerning Retribution and Regional Original Revenue. Second, secondary legal materials derived from books, theses, and journals relevant to this research. Although the study primarily focuses on civil and constitutional law, the researcher also acknowledges the presence of customary practices influencing local governance and community behavior. While comparative analysis with customary law is not the main emphasis, brief references are made to illustrate how informal community norms contribute to the persistence of illegal parking fees, complementing the statutory law perspective. Third, tertiary legal materials in the form of legal dictionaries, which serve as supporting references in clarifying legal terminology used in this

study.

The researcher employs a qualitative approach as the research method, which produces descriptive data in the form of written or spoken words from observed individuals or behaviors. Descriptive data serve as a method for studying a group of people, an object, a condition, a system of thought, or a particular event in the present time. In this study, the researcher describes the practice of illegal parking fees based on Regional Regulation of Pandeglang Regency Number 4 of 2023 concerning Retribution and Regional Original Revenue. Data analysis was carried out using a qualitative descriptive technique through three stages: (1) data reduction, involving the selection and categorization of relevant information from interviews and documents; (2) data presentation, where the reduced data were systematically arranged to identify thematic relationships between legal norms and empirical findings; and (3) conclusion drawing and verification, linking normative interpretations with field realities. This process ensures that the analysis remains doctrinally sound while grounded in practical legal realities.

3. Analysis and Results

3.1. Mechanism of the Causes of Illegal Parking Fees in Badak Market, Pandeglang Regency

Since the implementation of regional autonomy era, local governments have been given the authority to regulate and manage various government affairs in order to provide public services and improve the welfare of the community. One of the implementation instruments is through the establishment of regional regulations (Perda). In its implementation, local governments are also given the authority to explore the potential of local revenue (PAD), among others, through levies. Parking service levies on public roads are one of the most widely applied forms of charges. However, in reality, illegal collections that lack legal basis are still frequently encountered, resulting in legal issues, harming the community, and simultaneously decreasing local revenue.

Pandeglang Regency, as an autonomous region in Banten Province, has enacted Regional Regulation No. 4 of 2023 concerning Retributions and Locally-Owned Revenue. This regulation serves as the legal basis for the collection and management of retributions, including parking fees. However, in practice, illegal levies that do not comply with the provisions of the regulation continue to be found. This situation raises issues regarding the effectiveness, compliance, and legal review of illegal parking levies from a constitutional law perspective. Locally-generated revenue (PAD) itself is a crucial source of regional revenue, reflecting a region's level of fiscal independence in financing development and public services. Within the framework of regional autonomy, the government has the authority to optimize legally valid revenue sources, one of which is through parking levies. If managed properly and transparently, the parking sector should be a significant source of revenue. However, in Pandeglang Regency, illegal parking levies are still found, namely levies without a valid legal basis and not deposited into the regional treasury.

Regional Regulation Number 4 of 2023 regulates in detail the types, mechanisms, and objects of levies, including parking levies. The relevant articles emphasize that every parking operator is required to hold an official permit and deposit the collected revenue into the regional treasury. This regulation implements the mandate of Law Number 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments, which emphasizes strengthening regional fiscal autonomy. However, on the ground, illegal parking practices persist, involving individuals and groups who utilize public facilities or public land without permits and who fail to deposit the collected revenue to the regional government. This practice not only violates legal provisions but also harms parking service users and the regional government, who lose potential local revenue (PAD). This phenomenon also illustrates the weak oversight and enforcement of regulations by relevant authorities, such as the Transportation Agency and the Public Order Agency (Satpol PP).

The emergence of illegal parking practices is influenced by several factors, such as the lack of adequate official parking facilities, weak coordination between agencies in parking management, and a permissive culture among the community regarding illegal levies. If this phenomenon is not addressed promptly, it will lead to legal injustice, disruption of public order, and obstacles to optimizing local revenue (PAD). Therefore, a case study of the Pandeglang Regency Transportation Agency is significant for examining the implementation of Regional Regulation No. 4 of 2023 in the context of curbing illegal levies.

In a study conducted at the Pandeglang Regency Transportation Agency, researchers interviewed Agus Langlang Nugraha, S.IP., M.M., who serves as the Traffic Traffic Control and Safety Development Section. The interview aimed to obtain detailed information regarding the factors causing illegal levies in Pandeglang and answers to the research questions. According to the interviewee, parking management in Pandeglang Regency has now been handed over to a third party, CV. Arga Pratama, as the official winner of a tender from the local government. This handover is based on a cooperation agreement that outlines the company's authority and responsibility for managing parking fees in a designated area. CV. Arga Pratama is fully responsible for collecting the fees and is required to contribute to achieving the local government's local revenue (PAD) targets. Therefore, the Transportation Agency no longer collects directly but instead sets PAD targets for the third party to achieve each year. Specifically for the parking lot in front of Badak Market in Pandeglang, the area is officially covered by parking fees, so the proceeds are deposited into the regional treasury.

However, in parking lots behind the market or in other areas where management status is unclear, illegal fees still frequently arise from irresponsible individuals. This illegal parking phenomenon is increasingly difficult to monitor due to the market's vast area, limited supervisory staff, and the presence of illegal parking attendants at certain times, such as at night or early morning before official parking attendants begin their shifts. This situation has caused the practice of illegal fees to persist at Badak Market. This situation also presents a challenge for third parties and the Transportation Agency to conduct evaluations and improvements in aspects of supervision, regulation enforcement, and education for the public and parking attendants.

Research findings indicate that even though parking management has been transferred to a third party, the implementation of the principle of legal certainty remains suboptimal. According to the theory of legal certainty, as proposed by Gustav Radbruch, laws should be clear, firm, and consistently enforceable so that the public understands their rights and obligations. Meanwhile, Satjipto Rahardjo emphasized that legal certainty extends beyond written regulations to ensure fair and effective implementation. In this context, Regional Regulation No. 4 of 2023 provides normative clarity regarding parking fees. However, weak implementation and oversight leave room for illegal parking practices, creating legal uncertainty for the public.

At Badak Market in Pandeglang, the vast area, not entirely covered by the official management system, increases the potential for illegal levies. As a result, the public, as service users, cannot distinguish between official and unofficial officers, leading to confusion and diminished trust in the parking system. This situation contradicts the purpose of the Regional Regulation, which is to provide clarity regarding the rights and obligations of all parties involved.

The conclusion of this study indicates that weak oversight by law enforcement and low public legal awareness are indeed factors driving illegal parking. However, upon closer examination, the root of the problem lies not in the substance of the law, but rather in the weak enforcement of existing regulations. From a retribution theory perspective, the existence of illegal parking also indicates the low quality of government services in providing safe and comfortable parking facilities. In other words, the problem lies not only with the public's reluctance to comply, but also with the government's failure to provide adequate public services. Meanwhile, from a legal theory perspective, the emergence of illegal parking can be understood as a result of weak

implementing regulations derived from regional regulations, such as technical standards for retribution, parking zoning, and the use of digital ticketing systems.

In line with previous research, the theory of legal certainty should ensure that all parking charges are enforced in accordance with regulations by authorized officers. However, findings in the field indicate that illegal charges persist, creating uncertainty for the public. Therefore, it is recommended that local governments tighten oversight of parking management delegated to third parties, along with ongoing public education to distinguish between legitimate and illegal charges. Consistent law enforcement against violations is also key to realizing legal certainty in the parking retribution sector in Pandeglang Regency.

3.2. Legal Efforts of the Pandeglang Regency Transportation Agency to Address Illegal Parking Levies at Badak Market, Pandeglang Regency

The practice of illegal parking fees in the Badak Market area of Pandeglang Regency has become a complex issue, directly impacting public service delivery and hindering the optimization of Regional Original Revenue (PAD). This situation not only causes losses for the public as parking service users but also creates legal uncertainty in parking management. Recognizing this, the Pandeglang Regency Transportation Agency, as the agency with authority over parking, is taking several steps to curb the rampant illegal fees. These measures are being implemented both preventively and repressively, while adhering to applicable regulations, including Pandeglang Regency Regulation Number 4 of 2023 concerning Regional Taxes and Regional Levies. This handling is crucial to achieve legal certainty, improve the quality of public services, and ensure that parking levy revenue is properly deposited into the regional treasury as stipulated.

In a study conducted at the Pandeglang Regency Transportation Agency, the researcher conducted a direct interview with Mr. Agus Langlang Nugraha, S.IP., M.M., as the Head of the LLAJ Control and LLAJ Safety Development Section. This interview was intended to obtain in-depth information regarding the factors causing illegal parking levies in Pandeglang Regency and to answer the research problem formulation related to these causal factors. The resource person explained that as part of orderly administration and improving service quality, the Transportation Agency together with the police also conducted outreach to parking attendants (*jukir*) working in the Badak Market area. The outreach was intended to provide an understanding of the procedures for collecting legal parking fees in accordance with the provisions of laws and regulations.

The third party, acting as the official manager, CV. Arga Pratama, has also established Standard Operating Procedures (SOPs) that parking attendants must adhere to. These SOPs include the requirement for parking attendants to wear official uniforms, name tags, assignment letters, and whistles to assist in traffic control in the parking lot. However, in practice, the distribution of these attributes is still uneven, resulting in many parking attendants working without official identification, especially name tags. This situation raises public doubts about the legitimacy of these parking attendants. The parking lot in front of Badak Market has been officially designated as an object of parking fees, and the proceeds are deposited into the regional treasury. However, for parking areas located behind the market or other locations where the land status is unclear, illegal levies by irresponsible individuals are still found. This phenomenon is known as illegal parking, which is the practice of collecting fees without official permission and not being deposited into the regional treasury.

This problem demonstrates a complexity that requires comprehensive management. Although the local government has delegated parking management authority to a legitimate third party, CV. Arga Pratama, the reality on the ground is that many illegal levies are still being practiced by parties lacking legal legitimacy. This situation not only harms parking users but also reduces potential local revenue (PAD). The Pandeglang Regency Transportation Agency has taken various legal measures, both preventative and repressive, such as outreach to the public and parking attendants, collaboration with Public Order Agency (Satpol PP) officers and the police,

imposing administrative sanctions and taking action against perpetrators of illegal levies, and regular monitoring. Furthermore, routine evaluations of the performance of third parties are conducted to optimize parking management implementation. These efforts align with the principle of legal certainty, as stated by Gustav Radbruch, that the law must be consistently enforced to create a sense of security, justice, and social order.

Law enforcement against illegal parking practices is crucial because, if left unchecked, it will create public confusion regarding the authority to impose parking levies and the legitimate retribution mechanism. Therefore, firm and consistent action from the local government is the key to realizing legal certainty and order in the management of parking fees in Pandeglang Regency, especially in the Badak Market area.

The research results show that the legal efforts undertaken by the Transportation Agency, such as outreach, distribution of attributes, and enforcement, are essentially steps to implement the Regional Regulation. However, from a critical perspective, the effectiveness of these measures remains questionable. Within the framework of the Theory of Legal Certainty, occasional or unsustainable actions actually create new uncertainty. The public may perceive enforcement as being carried out only occasionally and thus lacking a deterrent effect. Legal certainty should be built through consistency, not mere incidental actions.

From the perspective of Retribution Theory, enforcement that is not accompanied by the provision and improvement of official parking facilities has the potential to simply shift the problem. Illegal parking attendants may be prosecuted, but if official parking capacity is limited and services are inadequate, the public will continue to seek alternatives, even through illegal channels. Thus, the Transportation Agency's efforts have not fully addressed the root of the problem, in accordance with the principle of retribution, which emphasizes reciprocity in the form of adequate services from the government.

From the perspective of Legislation Theory, although the Transportation Agency acts based on the Regional Regulation, the weak enforcement of sanctions means that legal norms remain limited to the text. This gives the impression that the regulations only apply formally on paper, while practice in the field is still far from the applicable legal provisions.

4. Conclusion

Based on the results of the study entitled Legal Review of Illegal Parking Charges Based on Pandeglang Regency Regulation Number 4 of 2023 Concerning Retribution and Regional Original Revenue (Case Study at the Pandeglang Regency Transportation Agency), it can be concluded that the practice of illegal parking charges at the Badak Pandeglang Market remains a recurring issue that causes public unrest, triggered by weak supervision by officials, low public legal awareness, and limited official parking facilities. Legal efforts carried out by the Transportation Agency, such as regulation and socialization, have indeed been implemented but remain temporary and have not addressed the root causes due to the lack of community empowerment strategies and improvements in adequate parking infrastructure. Compared to previous studies that focused more on economic or administrative aspects, this research emphasizes a constitutional law perspective combined with empirical field findings, providing a more comprehensive legal understanding of the issue. Therefore, more comprehensive measures are needed, including the implementation of firm and consistent sanctions, layered supervision, and community participation to build a sustainable parking order culture so that the potential for Regional Original Revenue can be optimized and legal certainty can be effectively realized.

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