



State Obligations toward Unauthorized Parking Attendants in the Fulfilment of the Right to Work and Urban Public-Space Governance

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ABSTRACT

This article examines state obligations toward unauthorized parking attendants in Indonesia by placing the issue at the intersection of informal labor protection, the constitutional right to work, and urban public-space governance. Unauthorized parking attendants are commonly treated as public-order offenders because they collect parking fees without official authorization, operate outside registered parking systems, and often contribute to congestion, tariff uncertainty, illegal levies, and leakage of local revenue. This view is legally relevant but incomplete. It becomes analytically weak when state policy relies only on raids, removal, administrative sanctions, or criminalization without addressing the socio-economic structure that produces unauthorized parking work. Using normative legal research with statutory, conceptual, and literature-based approaches, this article argues that unauthorized parking attendants must be understood as informal workers located in a transitional legal position. Their practices may be unlawful, but their social position reflects limited access to decent work, weak social protection, and gaps in urban governance. The state must therefore distinguish between illegal parking practices that require control and the persons behind those practices who remain rights-bearing citizens. The article proposes a model of state obligation based on three layers: respecting the dignity of informal workers, protecting the public and attendants from illegal levies and exploitation, and fulfilling access to lawful work through data collection, selective registration, social security, training, digitalized payment systems, and job transition schemes.



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INTRODUCTION

Unauthorized parking attendants are among the most visible forms of informal work in Indonesian urban spaces. They are found around traditional markets, convenience stores, restaurants, commercial strips, roadside areas, tourist zones, and transport nodes where the demand for parking exceeds formal management capacity. Their presence is often associated with disorder because parking fees are collected without official tickets, tariffs are uncertain, service standards are weak, and payment can be accompanied by pressure. Yet this phenomenon cannot be reduced to the language of illegality alone. Behind the practice are questions of livelihood, exclusion from formal employment, weak urban planning, insufficient parking infrastructure, and fragmented local-government supervision.

The core legal problem arises from the double character of unauthorized parking work. On one side, it involves the use of public space and fee collection without legal authority. It may disturb traffic flow, occupy pedestrian space, reduce local revenue, and expose citizens to arbitrary charges. On the other side, it is often performed as daily work by individuals who have limited access to stable employment. They spend hours at particular sites, direct vehicles, maintain informal order, and rely on daily parking income for household survival. This double character requires a careful legal response. If the state treats all unauthorized parking attendants merely as offenders, it risks criminalizing poverty. If the state tolerates the practice entirely, it weakens legal authority and abandons public-space governance.

The issue is inseparable from the broader structure of informal employment. Informal workers generally stand outside the full protection of labor law because the existing regulatory framework remains strongly attached to formal employment relations. Legal protection often assumes the existence of an employer, a contract, wages, and a command structure. Unauthorized parking attendants usually do not fit neatly into these categories. Some work independently, some operate under informal coordinators, and some work in areas tolerated by business owners. This creates a legal vacuum in which they are treated as illegal actors when enforcement occurs but remain invisible as workers when protection is discussed. The vulnerability of informal workers in Indonesia has been linked to the absence of adequate regulation under the current employment framework, particularly where legal protection depends too heavily on formal work status (Hamid & Intan, 2024).

The insufficiency of formal labor categories becomes more visible when unauthorized parking work is examined through the right to work. Article 27 paragraph 2 of the 1945 Constitution of the Republic of Indonesia guarantees every citizen the right to work and to a livelihood worthy of humanity. This constitutional guarantee does not authorize citizens to occupy public space or collect fees without permission. However, it does require the state to avoid arbitrary deprivation of livelihood and to provide realistic pathways toward lawful and decent work. The state is therefore not merely a regulator of traffic and public order. It is also a constitutional duty-bearer that must design policies for vulnerable informal workers who live from urban spaces.

The right to work should not be interpreted as a defense for unauthorized levies. Rather, it operates as a normative limit on how the state may respond. The state may prohibit illegal fee collection, close dangerous parking points, and sanction coercive practices. Nevertheless, the state must also ask why such practices persist. Unauthorized parking continues because formal parking infrastructure is insufficient, local supervision is inconsistent, users still demand practical parking assistance, and many workers lack alternatives. When policy fails to address these roots, enforcement merely produces temporary displacement. Parking attendants disappear during raids and return afterward, or shift to other locations where the same pattern repeats.

Urban parking governance studies in Indonesia indicate that unauthorized parking is often a symptom of parking mismanagement, not merely individual disobedience. Problems include weak law enforcement, inappropriate cash-flow mechanisms, insufficient parking signs, limited official parking points, inadequate personnel, and poor coordination across local institutions (Cheisviyanny et al., 2023). This finding is crucial because it shifts the analytical focus from the individual attendant to the institutional environment that allows unauthorized parking to persist. If public space is insufficiently regulated, informal actors will fill the gap. When the state is absent in everyday governance, the informal economy becomes the *de facto* mechanism through which urban needs are handled.

This article therefore formulates the following problem: how should state obligations toward unauthorized parking attendants be constructed within the fulfilment of the right to work and the governance of urban public space? The article argues that the state must adopt a differentiated approach. Unauthorized practices must be controlled, but the individuals involved must be treated as informal workers requiring transition, protection, and legal access. The aim is not to legalize all unauthorized parking, but to transform part of the practice into accountable service where feasible and to provide alternative livelihoods where legalization would endanger public order or safety.

RESEARCH METHODS

This article uses normative legal research. The statutory approach is applied to examine constitutional guarantees of the right to work, human rights obligations, social security norms, and local-government authority in parking governance. The conceptual approach is used to clarify the relationship between informal labor, public-space regulation, social protection, and state obligations. The literature-based approach is used to examine recent journal studies on unauthorized parking, informal workers, social security, local revenue, and urban governance.

The analysis uses the tripartite framework of state obligations in human rights law: the obligations to respect, protect, and fulfil. The obligation to respect means that the state must not act arbitrarily against people whose livelihoods depend on informal work. The obligation to protect means that the state must protect the public from illegal levies while also protecting parking attendants from exploitation by coordinators, groups, or business actors who benefit from unclear arrangements. The obligation to fulfil means that the state must actively provide legal pathways, registration mechanisms,

training, social security access, digital payment systems, and job transition schemes. This framework enables the article to reject both excessive repression and excessive permissiveness.

RESULTS AND DISCUSSION

1. Unauthorized Parking Attendants as Informal Workers in a Transitional Legal Position

Unauthorized parking attendants occupy a transitional legal position. Their work is not fully lawful because it often lacks permits, official tariff structures, public accountability, and administrative recognition. Yet it is not socially meaningless. It is a livelihood activity performed repeatedly, often at fixed locations, with working hours, informal routines, income expectations, and exposure to risk. This transitional position requires legal analysis that goes beyond the binary of legal or illegal. The practice may be unlawful, but the person performing it remains a worker in socio-economic terms and a citizen in constitutional terms.

The insecurity of this work is evident in the absence of legal protection. Unauthorized parking attendants may face traffic accidents, conflict with users, arbitrary removal, income instability, and informal pressure from coordinators. Research on unauthorized parking attendants in Pekanbaru shows that this work is often chosen for economic reasons and carried out under the risk of local transportation-agency raids (Yendra & Kadarisman, 2024). The legal implication is clear. Enforcement may be justified, but a purely punitive response ignores the vulnerability that pushes individuals into this kind of work. A rights-based policy should therefore classify parking attendants according to conduct, location, risk, and potential for integration into legal schemes.

The transitional legal position also explains why labor-law categories are insufficient. Unauthorized parking attendants do not always have employers, written contracts, fixed wages, or formal command relations. Some operate independently, while others are subject to informal deposit systems. This makes it difficult to place them within ordinary employment law. However, the absence of formal employment elements should not erase the need for protection. The broader problem of informal labor protection in Indonesia reflects a fragmented legal structure that recognizes workers' rights but lacks comprehensive operational mechanisms for informal arrangements (Avianti & Lie, 2025). Unauthorized parking attendants are precisely the kind of workers who fall into this gap.

A proper state response must therefore begin with recognition of factual work without automatically validating unlawful conduct. Recognition does not mean unconditional legalization. It means acknowledging that the individuals involved require policy treatment different from organized extortion or violent coercion. A person who informally assists parking in an unmanaged area is not identical to an actor who uses threats to force payment. This distinction is important because the state must calibrate its response. Administrative violations may require registration, relocation, or training. Coercive or violent practices require stricter law enforcement.

The concept of transition is central. Unauthorized parking attendants should not be left permanently in illegality, but they should not be expelled without alternative pathways. Transition may involve limited registration for feasible locations, social security enrolment, service training, integration into official parking systems, or transfer to other municipal work programs. This approach treats the right to work as a practical governance principle. It does not romanticize informal labor, but it also refuses to convert poverty into a permanent object of repression.

Unauthorized parking is not merely the result of individual misconduct. It is often produced by failures in parking governance. Urban spaces generate parking demand through commercial density, population mobility, vehicle growth, and inadequate land-use planning. When formal parking systems cannot absorb this demand, informal actors step in. They provide practical but legally unstable services. The resulting system is neither fully public nor fully private. It is an informal arrangement that survives because it answers an immediate need while escaping formal accountability.

Parking mismanagement takes several forms. Local governments may lack reliable maps of unauthorized parking points. Enforcement may occur only after public complaints or periodic raids. Parking signs may be inadequate. Official payment systems may be weak. Institutional coordination may be fragmented. Business owners may attract vehicles without providing sufficient parking space. Users may continue paying unauthorized attendants because doing so is socially easier than resisting. These conditions create a governance vacuum. Unauthorized attendants do not merely violate rules; they operate in spaces where formal rules are weakly implemented.

Empirical studies on city-level parking problems reinforce this analysis. Research on Cirebon shows that illegal parking persists because enforcement under local parking regulation is constrained by limited personnel, inadequate infrastructure, weak sanctions, and low legal awareness (Farikah et al., 2025). Research on Surabaya similarly links illegal parking to the imbalance between vehicle growth and parking-space availability, making local regulation ineffective when formal facilities and enforcement capacity are insufficient (Ramadhan, 2024). These findings indicate that parking enforcement cannot succeed if it focuses only on attendants without addressing infrastructure, supervision, and public compliance.

The fiscal dimension is equally important. Unauthorized parking diverts potential parking levies away from local government revenue. This weakens the financial basis of public services and reduces the credibility of local governance. A study on potential losses from parking levies found that illegal parking attendants contribute to significant leakage in parking revenue because the local government fails to identify and capture actual levy potential (Sari et al., 2023). This makes unauthorized parking not only a public-order issue but also a public-finance issue. When fees are collected informally, the public pays, but the revenue is not returned to public service.

Unauthorized parking also creates hybrid authority in urban spaces. In some areas, parking points are controlled by coordinators, local groups, or community organizations. These actors may provide informal order while extracting economic benefits outside formal legal structures. Research on illegal parking management in Jakarta shows that community organizations can operate in a dual role: enforcing informal order while also engaging in economic exploitation through illegal fees (Feriandy et al., 2026). This hybrid authority is dangerous because it normalizes non-state control over public space. The state may still possess formal legal authority, but daily control is exercised by informal actors.

Therefore, the problem is not solved by removing individual attendants alone. If the structure behind them remains intact, the removed attendant will be replaced. If parking demand remains unmanaged, another informal worker will occupy the same space. If business owners are not held accountable, unauthorized parking will continue to serve commercial interests without formal responsibility. A governance-based policy must therefore move from episodic enforcement to structural management.

2. State Obligation

The obligation to respect requires the state to refrain from arbitrary interference with the livelihoods of vulnerable citizens. In the context of unauthorized parking attendants, this obligation does not prevent enforcement. It requires enforcement to be lawful, proportionate, and connected to transition mechanisms. The state may close unsafe parking points, prohibit unauthorized fee collection, and sanction coercive behavior. Yet it should not conduct raids that merely eliminate income without data, classification, dialogue, or alternative arrangements. A purely repressive model tends to fail for three reasons. First, it treats symptoms rather than causes. The demand for parking remains, and workers still need income. Second, it targets the most visible actors, usually field-level attendants, while leaving coordinators or informal beneficiaries untouched. Third, it produces temporary compliance. Once enforcement weakens, the practice returns. This pattern weakens public confidence in the law because the law appears episodic rather than structural.

Humane enforcement requires procedural clarity. Local governments should identify which locations are prohibited, why they are prohibited, what risks they create, and what alternatives are available. Parking attendants should be informed whether a location can be regularized or must be closed. If closure is necessary because of safety, traffic, pedestrian access, or emergency routes, the state should provide job-transition pathways. This does not mean that unlawful work must be preserved. It means that enforcement should be integrated into a social-policy design.

Proportionality also requires differentiation between types of conduct. Unauthorized work without coercion should not be treated the same as extortion, intimidation, violence, or organized illegal levy collection. The former may be addressed through administrative mechanisms, registration, relocation, or training. The latter requires firm legal action. This distinction prevents the excessive use of criminal law against poverty while preserving state authority against harmful conduct. Respect for the right to work also limits the moral language used in policy. Unauthorized parking attendants should not be described only as urban disorder. They are part of the informal labor structure and often operate

because formal opportunities are limited. The right to work does not excuse illegality, but it requires the state to ask whether its response deepens vulnerability. A rights-based state does not merely remove vulnerable workers from visible spaces. It designs legal routes through which they can leave informality.

The obligation to protect has a dual structure. The state must protect the public from unauthorized levies, arbitrary tariffs, coercion, congestion, and unsafe parking practices. At the same time, it must protect parking attendants from exploitation within informal systems. These two dimensions must be held together. If the state protects only the public, it may treat attendants as disposable offenders. If it protects only attendants, it risks legitimizing illegal control over public space.

Protection of the public requires tariff certainty, official payment proof, complaint mechanisms, and the restoration of public-space functions (Kadir, 2026b). Sidewalks must remain accessible to pedestrians. Road shoulders should not be converted into unmanaged parking areas where safety is compromised. Parking near schools, hospitals, emergency access points, or narrow traffic corridors must be strictly controlled. The right to work cannot justify the deprivation of other citizens' rights to safety, mobility, and orderly public facilities (Driscoll et al., 2024).

Protection of attendants requires attention to exploitative structures. Field-level parking attendants may not be the main beneficiaries of unauthorized parking. They may pay daily deposits to coordinators or groups that control certain territories. They may be exposed to pressure from local actors, business interests, or even corrupt officials. Studies of informal actors in market parking management show that the absence of effective state control allows informal actors to occupy regulatory space and extract benefits from local parking arrangements (Masyahid, 2025). In such situations, attendants may be both offenders and exploited workers.

Business owners must also be included in the protection framework. Many commercial premises generate parking demand but do not provide adequate facilities. Unauthorized attendants then fill the gap, indirectly supporting the business by assisting customers. The business benefits, the public space bears the burden, and field-level attendants carry legal risk. Local governments should impose obligations on businesses that generate parking demand. These obligations may include providing parking space, cooperating with official parking operators, contributing to area-based parking management, or facing sanctions if they tolerate illegal levies around their premises.

The obligation to protect should therefore target the structure of benefit. Enforcement that stops at the attendant is insufficient. The state must identify who controls locations, who receives deposits, who benefits from illegal fee collection, and who allows public space to be informally privatized. This structural approach restores the meaning of public authority. The state should not merely remove the visible worker. It must dismantle the informal arrangements that make illegal parking profitable and persistent.

The obligation to fulfil requires active measures. The state must create legal pathways through which informal workers can move toward safer and more accountable forms of work. For unauthorized parking attendants, fulfilment begins with data collection. Local governments need accurate information on attendant identities, working locations, working hours, average income, risk levels, deposit systems, business-owner involvement, and public complaints. Without data, policy will remain reactive and imprecise.

Data collection should be followed by classification. Not all unauthorized parking attendants should receive the same policy response. Some may be integrated into official parking systems because they operate in locations that are technically suitable. Some must be relocated because their locations endanger safety. Some should receive job-transition support because parking is not feasible in their area. Some must be sanctioned because they use coercion or participate in organized illegal levies. Classification enables proportional policy.

Limited registration is a key instrument. Registration should not legalize all unauthorized parking. It should apply selectively to locations that meet safety, traffic, and public-interest requirements. Registered attendants must receive identification numbers, official attributes, fixed locations, tariff rules, payment procedures, service standards, and sanctions for violations. In return, they gain limited recognition, legal certainty, access to training, and possible inclusion in social security schemes. Registration thus becomes a compliance contract between the state and informal workers.

Social security is essential because parking attendants face real occupational risks. They work near moving vehicles, face weather exposure, interact with strangers, and may experience conflict.

Protection for non-wage workers is relevant because informal workers who earn income independently still require work-accident and death benefits (Tsabitah & Hoesin, 2024). Social security should therefore be integrated into any guided or registered parking-attendant scheme.

The main obstacle is contribution affordability. Informal workers often have unstable income and may be unable to pay regular contributions. Legal protection for BPJS employment social security for informal workers must address inability to pay contributions as a practical barrier, not merely an administrative excuse (Meilarovasari et al., 2025). Local governments can respond through temporary subsidies, shared contribution mechanisms, or integration of contributions into official parking revenue (Kadir et al., 2026). Such measures would convert registration from mere administrative control into real social protection.

Local policy innovation is crucial. Vulnerable workers often require locally designed mechanisms to expand social security participation, especially when national schemes do not automatically cover informal workers in practice (Khairani et al., 2025). Unauthorized parking attendants can be treated as a vulnerable-worker group in local policy. They may be enrolled gradually, starting with those registered in official or guided parking schemes. This approach allows the state to fulfil the right to work through concrete protection rather than abstract recognition.

Legal transition requires more than registration. Unauthorized parking attendants must be transformed into accountable service providers where integration is feasible. Training should cover official tariffs, service ethics, traffic safety, pedestrian protection, communication with users, prohibition of additional levies, complaint handling, and digital payment use (Kadir & Mappaselleng, 2025). Without training, formalization may only change the appearance of illegality. An attendant may wear an official vest while continuing old practices if supervision and standards are weak. Digital payment systems can reduce leakage and improve accountability. They make parking income traceable, reduce arbitrary cash collection, and support audit mechanisms. Research on Sorong identifies digital payment, stronger supervision, and officer training as important strategies for addressing illegal parking and improving public-service order and local revenue (Riry et al., 2026). However, digitalization must be gradual. Some attendants and users may lack digital literacy or access. The state must provide assistance, transitional mechanisms, and clear institutional design.

Digitalization should be tied to identity-based supervision. Each registered attendant should be linked to a specific location and identification number. Each payment should be traceable. Each complaint should be attributable to a specific officer and site. This creates accountability that does not exist in informal parking systems. Digitalization is not merely a payment method. It is a governance instrument that connects tariff, revenue, supervision, and sanctions.

Local-government strategies must also address institutional capacity. Enforcement and registration systems often fail because of limited personnel, weak public awareness, and poor inter-agency coordination (Supriyadi, 2025). This means that formal policy will not work unless the state invests in administrative capacity. Transportation agencies, public-order officers, police, district governments, village administrations, and social agencies must share data and coordinate action. Parking governance cannot be treated as the responsibility of one agency alone. Graduated sanctions should accompany service standards. Minor violations may lead to warnings, retraining, or temporary suspension. Serious violations such as intimidation, violence, tariff manipulation, or organized illegal levies should lead to revocation and legal action. Graduated sanctions enable the state to distinguish between administrative failure and harmful conduct. They also provide incentives for attendants to comply with official standards.

3. Toward an Integrated Model of State Obligation

An integrated model of state obligation should begin with territorial mapping (Luhur & Abdillah., 2020). Local governments should map all unauthorized parking points and classify them by safety, traffic impact, revenue potential, public complaints, and social vulnerability of attendants. This map becomes the foundation for deciding which locations can be formalized, which must be closed, and which require enforcement against informal networks. The second element is selective legalization through limited registration. Legalization should not be automatic. It should be granted only where the location is suitable and the attendant agrees to comply with official standards. This avoids the danger of rewarding illegal occupation of public space while still creating pathways out of informality.

Registration should include identity, location, tariff, payment method, service standards, social security access, and sanctions.

The third element is job transition. Some locations cannot be legalized because they endanger safety, block sidewalks, disturb emergency access, or damage traffic flow. Attendants working in such locations should be redirected into alternative work programs. These may include public works, cleaning services, cooperatives, micro-enterprise training, official parking placement in other locations, or municipal service contracts. Job transition is necessary because the right to work does not require preserving every existing informal occupation, but it does require preventing sudden livelihood destruction without reasonable alternatives.

The fourth element is business responsibility. Businesses that generate parking demand must be required to provide parking solutions or cooperate with official parking systems. They should not externalize parking burdens to public space while informal attendants absorb the risk. Local governments may impose administrative sanctions on businesses that tolerate illegal levies or fail to manage parking impacts. This shifts the policy burden from individual attendants to the broader urban economy that produces parking demand (Kadir, 2026a).

The fifth element is structural enforcement. Enforcement must target coordinators, deposit collectors, territorial controllers, and informal organizations that profit from unauthorized parking. Field-level attendants should not be the only objects of enforcement (Riyanto et al., 2024). This distinction is crucial because some attendants are vulnerable workers, while others higher in the informal structure are beneficiaries of exploitation. Structural enforcement restores state authority over public space.

The sixth element is periodic evaluation. The government must assess whether registration reduces illegal levies, whether digital payment increases local revenue, whether attendants receive social security, and whether public complaints decline. Evaluation should use measurable indicators rather than ceremonial reporting. If registered points continue to produce violations, registration should be revoked. If a model succeeds, it may be expanded to other locations.

CONCLUSION

State obligations toward unauthorized parking attendants cannot be reduced to enforcement. Unauthorized parking does create legal and administrative problems, including illegal levies, traffic disruption, public-space occupation, local-revenue leakage, and weak service accountability. Yet the attendants involved are also informal workers who often lack access to stable employment, legal recognition, occupational safety, and social protection. A legally sound policy must therefore distinguish between the unlawful practice and the rights-bearing person behind it. The practice may be prohibited or regulated, but the person must not be treated merely as an object of removal.

The state must respect, protect, and fulfil. Respect requires humane and proportionate enforcement that avoids arbitrary destruction of livelihood. Protection requires safeguarding the public from illegal levies while also protecting attendants from coordinators, informal groups, and business structures that exploit unclear legal status. Fulfilment requires active measures such as data collection, classification, limited registration, training, social security integration, digital payment systems, business responsibility, structural enforcement, and job transition schemes. Through this integrated model, unauthorized parking is not tolerated, but unauthorized parking attendants are not abandoned. The state reclaims public space while opening a realistic path from informality toward legality, safety, and human dignity.

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