



Law Enforcement Against Illegal Parking Attendants as Perpetrators of Extortion Crimes With the Restorative Justice Method in the Jurisdiction of the Medan Sunggal Police

Yolla Veronica Sembiring¹, Yasmirah Mandasari Saragih², T. Riza Zarzani³

^{1,2,3} Postgraduate Program Master of Law Study Program Panca Budi

Development University of Medan, Indonesia

Email : yollaveronica9@gmail.com yasmirahmandasari@gmail.com

tengkuriza@dosen.pancabudi.ac.id

Abstract Extortion by illegal parking attendants is very troubling to the community, especially motorists, and law enforcement should be carried out. Based on the description above, the author is interested in making the problem a research entitled Restorative Justice as an Approach in Law Enforcement Against Perpetrators of Extortion Crimes. This journal aims to describe and analyze the factors that cause the crime of extortion and the role of restorative justice as a method of law enforcement against the perpetrators of the crime of extortion. The research method used in this study is empirical juridical research. There are several factors that cause the occurrence of extortion crimes, namely economic, environmental, educational, lack of supervision and law enforcement and lack of legal awareness in the community. The Medan Sunggal Police enforce the law through alternative or restorative justice. Restorative justice is the settlement of criminal cases by involving the perpetrator, the victim, the perpetrator/victim's family, and other related parties to jointly seek a fair settlement by emphasizing restoration to the original state, and not retaliation.

Keywords: Restorative Justice, Law Enforcement, Extortion Crime

1. INTRODUCTION

Indonesia is a country of law, there is nothing in this country that is not carried out on the basis of law. To realize the principles of the rule of law, legal norms or laws and regulations are needed, as well as professional, integrated and disciplined legal and enforcement apparatus supported by legal facilities and infrastructure as well as community legal behavior. Law is related to justice (*iustitia*), but in practice law enforcement officials are not fully aware of this. Because through a just legal system people can live peacefully toward a physical and spiritual well-being.

Law basically regulates human behavior in society. Laws contain prohibitions and orders to do something or not to do something and also contain sanctions. Not only about prohibitions and orders, the law also contains the rights and obligations of each individual. One of the rights that every individual has is the right to live freely and get protection. The problem of extortion with threats must of course receive attention and action to prevent it.

Free life can be interpreted as living without any coercion and not being blackmailed by anyone. Everyone who coerces and extorts others is the same as taking away the right to freedom of that person. Events like this are very common in big cities such as the city of Medan. In the city of Medan, there are often extortionists carried out by illegal parking attendants. Illegal parking attendants are very common along the roads in Medan City. In the last 5 years, the Medan Sunggal Police as law enforcement in the Medan Sunggal area has carried out law

enforcement against illegal parking attendants as perpetrators of extortion crimes with *the restorative justice* method.

Law enforcement is the process of applying the law carried out by the authorities, to ensure that the law is carried out and obeyed by every citizen. Extortion by illegal parking attendants is very troubling to the community, especially motorists, and law enforcement should be carried out. Based on the description above, the author is interested in making the problem a research with the title Law Enforcement Against Illegal Parking Attendants as Perpetrators of Extortion Crimes Using *the Restorative Justice* Method in the Jurisdiction of the Medan Sunggal Police.

2. PROBLEM FORMULATION

The formulation of the problem based on the background description above is as follows:

1. What are the factors that cause the crime of extortion?
2. How is law enforcement against illegal parking attendants as perpetrators of extortion crimes with *the restorative justice* method in the jurisdiction of the Medan Sunggal Police?

3. RESEARCH METHODS

The research method used in this study is empirical juridical research. According to Abdul Kadir Muhammad, empirical juridical research is research that is carried out by examining secondary data first and then continuing by conducting research on primary data in the field. Empirical juridical research is to examine the law as a pattern of behavior shown in the application of legal regulations. Meanwhile, empirical research is used to analyze the law not only as a mere normative set of laws and regulations, but the law is seen as a symptomatic and patterned community behavior in people's lives, always interacting and related to social aspects such as politics, economy, social and culture. Empirical juridical is carried out by collecting primary data information obtained directly in the field aimed at the application of law related to the use of family witnesses.

This research is also called sociological legal research and field research. Empirical juridical research examines law as a pattern of behavior shown in the application of legal regulations. This research examines the applicable legal provisions and what happens in society. The researcher wanted to know restorative justice as a method of law enforcement against perpetrators of extortion crimes in Medan City. In this study, the researcher collected data by interviewing the Medan Sunggal Police Criminal Investigation Office and collecting

information relevant to the topic being researched. The information collected by the researcher is in the form of information about restorative justice as a method of law enforcement against perpetrators of extortion crimes.

4. DISCUSSION

Factors Causing the Crime of Extortion

The city of Medan is a city that is crowded with motorists. This causes the need for more and more parking spaces. Often motorists park on the side of public roads that are not official parking lots. This is what causes the emergence of illegal parking attendants. Usually, these illegal parking attendants are residents around the area who do not have a permanent job. Because of this economic factor, many of them claim to be parking attendants in order to get money from drivers. Economic factors are the driving factors for the occurrence of extortion crimes committed by illegal parking attendants.

It is not uncommon for parking attendants to force motorists to ask for parking fees. The money from the illegal parking attendant is considered enough for them. In addition, being an illegal parking attendant is very easy. So that many unemployed people choose to work as illegal parking attendants. In addition to economic factors, environmental factors are also the cause of extortion crimes by illegal parking attendants. Where this factor has a great influence on a person to do an illegal parking business. These illegal parking attendants usually come from neighborhoods that often commit crimes such as theft or thuggery.

In daily life, a person will not be separated from the environment around him, where there are great desires attached to a person to get more income, especially as a parking attendant who only earns a small income that is not enough to eat daily and pay for children to go to school. Usually, illegal parking attendants are people who do not go to school or drop out of school. These illegal parking attendants are engaged by people who do not get an education.

Anyone can become an illegal parking attendant, whether young or old. The illegal parking attendant who committed the crime of extortion did not have the awareness that the actions he committed were wrong and punishable. Illegal parking attendants not only disrupt public order, but also take advantage of loopholes in the surveillance and law enforcement system for personal gain. Their presence in various strategic locations, such as shopping centers, business districts, and other public places, creates inconvenience and potential conflicts for road users and harms the original local income that should be obtained from the official parking levy. The lack of supervision from the authorities over the parking area makes

many people take advantage of this loophole to become illegal parking attendants and extort motorists.

Law Enforcement Against Illegal Parking Attendants as Perpetrators of Extortion Crimes Using the Restorative Justice Method in the Jurisdiction of the Medan Sunggal Police Station

The crime of extortion committed by illegal parking attendants in Medan Sunggal is the jurisdiction of the Medan Sunggal Police. Illegal parking attendants initially had no intention of extorting money, but because they wanted to get money from the driver, if the driver did not pay the money he wanted, then often the illegal parking attendant forced the driver to ask for money. The police play a role in creating and maintaining order in society so that it is always conducive. When there are reports or complaints or public attention to a problem, that is where the role of the police is needed.

The Medan Sunggal Police have taken action in the form of security measures and arrests of illegal parking attendants. Illegal parking attendants who have been secured will be taken to the Medan Sunggal Police and then will be recorded by the Police. After conducting a data check, the Medan Sunggal Police will usually give a warning not to commit acts of extortion that can cause unrest in the community. In the last 5 years, the Medan Sunggal Police have routinely carried out patrols to discipline illegal parking attendants. In addition, the arrest of this illegal parking attendant was also carried out because of reports from victims or drivers who were harmed. In 2020 there were no cases of illegal parking attendants at the Medan Sunggal Police Station. And in 2021 there were 3 cases/reports at the Medan Sunggal Police. Reports of illegal parking attendants increased in 2022 and declined again in 2023 to 2024. These illegal parking attendants not only extort motorists who stop their vehicles in the area but also motorists who only drop off passengers. Like online motorcycle taxis that only drop off passengers, they are often asked to pay for parking even though the place where passengers get off is not an official parking lot and the vehicle is not parked. This is a problem that often occurs. To eradicate the case of illegal parking attendants who commit extortion crimes, the Medan Sunggal Police made several efforts. Policies or efforts to combat crime are essentially an integral part of efforts to protect the community (*social defence*) and efforts to achieve community welfare (*social welfare*).

The efforts to prevent extortion crimes carried out by the Medan Sunggal Police are as follows:

- a. Conduct routine patrols

The Medan Sunggal Police conduct routine patrols in the jurisdiction of the Medan Sunggal Police to ascertain the actual situation in the field. For illegal parking attendants and parking attendants who do not wear parking attendant attributes such as name tags and vests, the Medan Sunggal Police will secure the illegal parking attendant.

b. Giving warnings to parking attendants

Parking attendants usually do not have an understanding related to parking regulations and so on. So this is the duty for law enforcement officials to give warnings to parking attendants not to commit crimes.

c. Inviting parking attendants on the side of public roads to become official parking attendants.

People who become illegal parking attendants are basically just for personal gain. The role of the police is not only to arrest illegal parking attendants but also to appeal to illegal parking attendants not to carry out activities that harm others. So in this case, the Medan Sunggal Police invites parking attendants to become official parking attendants appointed by the Head of Service or by the Regional Revenue Agency.

Illegal parking attendants are basically just people who are blind to the law. And it is the obligation of the police to appeal and direct the public to continue to comply with the applicable law. In an effort to enforce the law in the community, of course, the Medan Sunggal Police faced several obstacles. The obstacles faced in enforcing the law against illegal parking attendants as perpetrators of extortion crimes are as follows:

1. The crime of extortion is a complaint

Because the crime of extortion is a complaint where someone must make a report to the police, after which it can be processed, therefore the Medan Sunggal Police often experience difficulties. In criminal law, the word *delik* is known in several terms such as criminal acts, criminal events or criminal acts. In the Great Dictionary of Indonesian, the meaning of *delik* is limited, namely, "Acts that can be punished because they are violations of the criminal law".

Usually, the Medan Sunggal police receive reports from residents who are blackmailed by illegal parking attendants or receive complaints through videos circulating on social media. When there is a video that shows unrest in the community due to extortion by illegal parking attendants, the Medan Sunggal Police will go directly to the place where the illegal parking attendant is located and secure the illegal parking attendant.

2. Facilities and Facilities

Facilities and facilities are an obstacle for the Medan Sunggal Police in enforcing the law for perpetrators of extortion crimes. The facility factor is a very important factor to make a

rule itself effective. To obtain legal success or legal effectiveness, it is necessary to have facilities or facilities that support the implementation of these rules. Without these facilities or facilities, it will not be possible for law enforcement to harmonize the role that should be with the actual role.

The factor of facilities and facilities that hinder the Medan Sunggal Police in an effort to eradicate the crime of extortion by illegal parking attendants in Medan City is the absence of information exchange from all parties who cooperate regarding activities and the results, including the problems faced by each other. There is no agreement and unity of understanding regarding the goals that must be achieved as the direction of joint activities, the Implementing Regulation of the Medan City Inspectorate is based on the Mayor's Decree, so the decision is in the hands of the Mayor. The Human Resources owned by the Medan City Inspectorate are still lacking, so they are often unable to carry out their duties optimally.

3. Lack of legal awareness in the community

The community in this case is a factor that is quite influential also in the effectiveness of the law. If the community is not aware of the law and/or does not obey the law, there is no effectiveness. The awareness in question is a positive legal awareness or called obedience to the law, while a negative legal awareness is called legal disobedience. The community factor that hinders the performance of the Medan Sunggal Police in efforts to overcome extortion crimes in Medan City is that there is still a reluctance to participate in law enforcement, especially against extortion, both in their capacity as reporters and witnesses. This reluctance can depart from not or not understanding the rights and obligations of the community as someone who must report what they know about a criminal act or other causes because there is still an attitude of unwillingness of the community to face and deal with law enforcement institutions at all levels, both at the police, prosecutor's office and court levels. The reason people do not want to report the occurrence of a crime or criminal act is because they do not want to bother and have problems with the law, because later it will make it difficult for themselves. Ideally, the community should help law enforcement officials in preventing and tackling criminal acts, but this is sometimes not done because people are not willing to be reporters and witnesses.

Many parking attendants carry out extortion actions to get money from motorists. The fact is that law enforcement embodies values or rules that contain justice and truth, law enforcement is not only the task of law enforcers who are already known conventionally, but it is the task of everyone. In a narrow sense, law enforcement is only defined as the efforts of

certain law enforcement officials to guarantee and ensure that a rule of law runs as it should. The purpose of law enforcement is to protect human interests. The crime of extortion that is usually committed by illegal parking attendants is one part of a misdemeanor, because the amount of the complainant's loss is not up to Rp. 2,500,000 (Two Million Five Hundred Thousand Rupiah).

Misdemeanor crimes are minor cases that are threatened with imprisonment or imprisonment for a maximum of 3 months or a maximum fine of Rp. 7,500 with adjustments and minor violations, except for traffic violations. So in this case, the Medan Sunggal Police enforced the law with alternative or *restorative justice* channels. *Restorative Justice* is an approach in the criminal justice system that focuses on the recovery, reconciliation, and restoration of relationships damaged by criminal acts. This approach emphasizes efforts to address the root of the problem and the psychological, social, and emotional impacts generated by criminal acts, both for victims, perpetrators, and society as a whole.

Restorative justice is the settlement of criminal cases by involving the perpetrator, the victim, the perpetrator/victim's family, and other related parties to jointly seek a fair settlement by emphasizing restoration to the original state, and not retaliation. Restorative justice is a concept of thought that responds to the development of the criminal justice system by focusing on the need for community involvement and victims who are felt to be excluded with mechanisms that work in the current criminal justice system. Restorative justice is also a new frame of mind that can be used in responding to a criminal act for law enforcement and law enforcement workers.

Some of the conditions that must be met for the implementation of restorative justice include:

- a. Identify the victim.
- b. Voluntary participation of the victim.
- c. The existence of perpetrators who wish to be responsible for the criminal acts they commit.
- d. There is no coercion on the perpetrator.

Basically, *this restorative justice* is in accordance with the objectives of the criminal justice system itself, which are as follows:

- a. Prevent people from becoming victims of crime.
- b. Resolve the crime cases that occurred so that the community is satisfied that justice has been served and the guilty are convicted; and
- c. Trying to prevent those who have committed crimes from repeating their crimes.

The main principle of *Restorative Justice* is to shift the focus from mere punishment and retribution to problem solving and restoration. Overall, *restorative justice* is an innovative and holistic approach in conflict resolution and law enforcement. In the *Restorative Justice* approach, there is a dialogue between victims, perpetrators, and communities to discuss the consequences of criminal acts and find solutions that are appropriate for all parties. This can include an apology, restitution, or other actions that help remedy the impact of the action.

This approach seeks to encourage accountability and learn from mistakes, so it is expected to reduce the rate of repetition of crimes. Illegal parking attendants who have been secured and have been recorded will be tried at the Medan Sunggal Police Station. The Medan Sunggal Police Criminal Investigation Unit said that the trial was a misdemeanor crime trial carried out at the Medan Sunggal Police Station. The handling of minor crime cases is different from other cases. The detention was not carried out to illegal parking attendants. In the examination of minor crimes, there are several provisions, namely:

- a) The person who functions as a prosecutor is the investigator or the public prosecutor's attorney, where this meaning of "over power" is for the sake of the law.
- b) No indictment was made, because the basis for the examination was the records and files sent by the investigator to the court.
- c) The witness does not take an oath or promise, except when the judge deems it necessary.
- d) Which is usually reported by the victim to the Medan Sunggal Police

5. CONCLUSION

1. Economic factors are the driving factors for the occurrence of extortion crimes committed by illegal parking attendants. In addition to economic factors, environmental factors are also the cause of extortion crimes by illegal parking attendants. Where this factor has a great influence on a person to do an illegal parking business. The illegal parking attendant who committed the crime of extortion did not have the awareness that the actions he committed were wrong and punishable.
2. The crime of extortion that is usually committed by illegal parking attendants is one part of a misdemeanor, because the amount of loss of the complainant is not up to Rp. 2,500,000 (Two Million Five Hundred Thousand Rupiah). So in this case, the Medan Sunggal Police enforced the law with alternative or *restorative justice* channels. In the *Restorative Justice* approach, there is a dialogue between victims, perpetrators, and communities to discuss the consequences of criminal acts and find solutions that are

suitable for all parties. This can include an apology, restitution, or other actions that help remedy the impact of the action.

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