



## Consumer Protection Against Unauthorized Charges in Subscription-Based Parking System in Medan: A Legal Analysis from the Perspective of *Istishab*

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### ABSTRACT

*The imposition of unauthorized charges on subscription-based parking consumers in Medan City undermines legal certainty and causes significant economic and psychological harm. Although designed to ensure convenience and protection, the subscription parking system has failed to prevent double charging, exposing the weakness of current consumer protection mechanisms. This study analyzes legal protection for subscription parking consumers by integrating positive law and the Islamic legal principle of istishab. Using empirical legal research with a qualitative approach, data were collected through literature review, in-depth interviews with consumers and parking attendants, and analysis of regulatory documents. Findings reveal that consumers suffer ongoing financial losses and distress despite fulfilling their legal obligations, while weak supervision and misaligned revenue-sharing mechanisms perpetuate unauthorized levies. From an istishab perspective, consumers' rights remain valid unless lawfully nullified, rendering such charges a violation of both positive and Islamic law. The study proposes an integrative framework for consumer protection, recommending stricter enforcement, restructuring revenue-sharing schemes, and improving attendant education to restore public trust.*

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## 1. Introduction

The rapid growth of motorized vehicles remains one of the most pressing challenges in urban transportation worldwide. Parking is a critical component of integrated transportation systems, as nearly all private vehicle trips begin and end at designated parking

points. Adequate parking infrastructure is essential for ensuring smooth mobility, maintaining traffic order, and optimizing the use of urban space.<sup>1</sup> However, in many developing countries, the lack of effective parking management has led to escalating traffic congestion, inefficiencies in urban land use, and growing public dissatisfaction.

In Indonesia, the number of motorized vehicles has grown steadily over the past decade. According to data from the Indonesian Central Bureau of Statistics (BPS), the number of motorcycles increased from approximately 106 million in 2018 to around 132 million in 2023, while passenger cars grew from 14 million to 18 million in the same period.<sup>2</sup> This translates to an average annual growth rate of around 10%, which places significant pressure on urban parking infrastructure.<sup>3</sup>

The situation is particularly critical in Medan, one of Indonesia's largest metropolitan cities. As of April 2025, the number of registered motor vehicles in Medan reached 3.69 million units, consisting of approximately 2.98 million motorcycles and 530,000 passenger cars.<sup>4</sup> This rapid growth in vehicle ownership has not been matched by proportional expansion in regulated parking facilities, resulting in intensified competition for parking spaces and widespread illegal parking practices.

Illegal parking significantly exacerbates urban traffic problems. Double-parking and unauthorized use of public spaces reduce road capacity, increase congestion during peak hours, and create safety hazards for pedestrians and cyclists.<sup>5</sup> In addition, such practices contribute to environmental degradation through increased vehicle idling and rerouting<sup>6</sup> and diminish the functional use of urban spaces by obstructing designated public areas such as loading zones. Economically, enforcement remains costly and often ineffective, while existing penalties fail to deter violations due to the low perceived risk of sanctions.<sup>7</sup>

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<sup>1</sup> Mehdi Nourinejad, Amir Gandomi, dan Matthew J. Roorda, "Illegal parking and optimal enforcement policies with search friction," *Transportation Research Part E: Logistics and Transportation Review* 141, no. February (2020): 102026, <https://doi.org/10.1016/j.tre.2020.102026>.

<sup>2</sup> BPS, "Jumlah Kendaraan Bermotor Menurut Provinsi dan Jenis Kendaraan ( unit ), 2023," 2024.

<sup>3</sup> ITDP Indonesia, "Supporting E-mobility focusing on Electric Two-and Three-wheelers and Policies on Urban Traffic Integration in Indonesia Baseline Assessment of 2&3W in Indonesia," 2022, 1.

<sup>4</sup> Irfan Fadhlurrahman, "Jumlah Kendaraan Bermotor di Kota Medan ( 26 April2025)," *databoks.katadata.co.id*, 2025, <https://databoks.katadata.co.id/transportasi-logistik/statistik/82fad5cd1466255/jumlah-kendaraan-bermotor-di-kota-medanhari-ini>.

<sup>5</sup> Masoud Kadkhodaei et al., "Prediction model for drivers' tendency to perpetrate a double parking violation on urban trips," *Transport Policy* 141, no. July 2022 (2023): 331–39, <https://doi.org/10.1016/j.tranpol.2023.08.001>; Bruno Jardim et al., "The illegal parking score – Understanding and predicting the risk of parking illegalities in Lisbon based on spatiotemporal features," *Case Studies on Transport Policy* 10, no. 3 (2022): 1816–26, <https://doi.org/10.1016/j.cstp.2022.07.011>.

<sup>6</sup> Sara Ezquerro, José Luis Moura, dan Borja Alonso, "Illegal use of loading bays and its impact on the use of public space," *Sustainability (Switzerland)* 12, no. 15 (2020), <https://doi.org/10.3390/SU12155915>.

<sup>7</sup> Michael Manville dan Miriam Pinski, "The causes and consequences of curb parking management," *Transportation Research Part A: Policy and Practice* 152, no. August (2021): 295–307, <https://doi.org/10.1016/j.tra.2021.07.007>.

In response to these challenges, the Medan City Government introduced a subscription-based parking system under Mayor Regulation No. 26 of 2024.<sup>8</sup> This policy aimed to replace on-the-spot cash transactions with standardized subscription payments to improve service efficiency, reduce public financial burdens, and increase trust in municipal governance. However, its implementation has faced major obstacles.<sup>9</sup> Many consumers who have subscribed to the system continue to experience double charging by unauthorized parking attendants, undermining the policy's objectives, perpetuating illegal levies, and creating public distrust.

From a normative legal perspective, the subscription-based parking system is grounded in municipal regulation, which constitutes derivative legislation within Indonesia's legal hierarchy pursuant to Law No. 12 of 2011 on the Formulation of Laws and Regulations. However, the persistence of unauthorized levies indicates a failure in normative implementation and constitutes a violation of Law No. 8 of 1999 on Consumer Protection, particularly regarding the right to safety, comfort, and fairness in accessing public services.<sup>10</sup> Constitutionally, such practices contravene the principle of legal certainty and equal treatment before the law (Article 28D(1) of the 1945 Constitution), as well as the right to equitable access to public services (Article 28H(2)), thereby undermining the fundamental rights of citizens.<sup>11</sup> From the perspective of Islamic jurisprudence, the imposition of additional fees without legal justification violates the principle of *istishab*, which presumes the continuity of an established legal status unless there is valid evidence to change it. Accordingly, the practice of double charging not only breaches positive law but also undermines the foundational principles of justice embedded in Islamic legal thought.

Several prior studies have examined subscription parking systems in Indonesia. Pakpahan et al. (2024) analyzed barcode-based subscription parking in Medan, focusing on technical and administrative aspects such as system digitization and agency participation.<sup>12</sup> Fatimah and Rodiyah (2023) explored operational challenges in Sidoarjo, including suboptimal standards and low compliance among field officers.<sup>13</sup> Aminatuzzuria et al.

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<sup>8</sup> Pemerintah Daerah Kota Medan, "Peraturan Walikota Medan Nomor 26 Tahun 2024 tentang Petunjuk Pelaksanaan Pelayanan Parkir Berlangganan di Tepi Jalan Umum" (2024).

<sup>9</sup> Lisa Caroline Pakpahan et al., "Analisis Implementasi Perda No 1 Tahun 2024 Tentang Kebijakan Parkir Berlangganan Berbasis Barcode Di Kota Medan," *Jurnal Sosial Humaniora Sigli (JSH)* 8, no. 1 (2025).

<sup>10</sup> Yogi Prasetyo dan Imam Yazid, "Food Security and Consumer Protection: An Analysis of Sanctions on the Sale of Expired Food Products from the Perspective of Islamic Criminal Law and Positive Law in Indonesia," *Al-Adalah: Jurnal Hukum dan Politik Islam* 10, no. 1 (2025): 71–84, <https://doi.org/10.30863/ajmpi.v10i1.8374>.

<sup>11</sup> Kalbianti, Rosita, dan Irfan Amir, "Pemenuhan Hak Aksesibilitas Layanan Peradilan Bagi Penyandang Disabilitas Berhadapan Dengan Hukum," *Constitutional Law Review* 1, no. 1 (2022): 1–11.

<sup>12</sup> Pakpahan et al., "Analisis Implementasi Perda No 1 Tahun 2024 Tentang Kebijakan Parkir Berlangganan Berbasis Barcode Di Kota Medan."

<sup>13</sup> Siti Fatimah dan Isnaini Rodiyah, "Implementasi Kebijakan Parkir Berlangganan di Kabupaten Sidoarjo (Studi Di Dinas Perhubungan Kabupaten Sidoarjo)," *JKMP (Jurnal Kebijakan dan Manajemen Publik)* 6, no. 2 (2018): 155–71, <https://doi.org/10.21070/jkmp.v6i2.3010>.

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(2023) investigated the abolition of subscription parking in Bangkalan, emphasizing the tension between public dissatisfaction over double charging and potential revenue loss.<sup>14</sup> While these studies provide valuable insights, they do not sufficiently address the legal protection of consumers against illegal levies, particularly from an integrated perspective of positive law and Islamic jurisprudence.

This research fills that gap by adopting an interdisciplinary approach to examine the intersection of urban policy, consumer rights, and Islamic legal principles through the lens of *istishab*. Specifically, it aims to assess the effectiveness of Medan's subscription parking system, analyze the legal implications of unauthorized levies, and explore consumer protection mechanisms under positive and Islamic law. By doing so, this study contributes to the development of a more just and integrated legal framework for public service delivery, enriches the scholarly discourse on consumer protection, and advances the implementation of equitable urban policies

## 2. Legal Material and Methods

This study employs an empirical legal research approach aimed at understanding the implementation of the subscription parking system in Medan City in relation to consumer protection. Empirical legal research was chosen as it combines normative legal analysis of the applicable provisions with an examination of their actual application in practice.<sup>15</sup> To strengthen the analysis, a conceptual approach was also adopted to interpret the theoretical framework of consumer protection and the principle of *istishab* within the context of public policy.<sup>16</sup>

Data were collected through in-depth interviews with officials from the Department of Transportation, subscription parking attendants, and service users, selected purposively based on their relevance and direct involvement in the system. Field observations were conducted at selected subscription parking sites to capture real-time practices, while document analysis of Mayor Regulation No. 26 of 2024 and Law No. 8 of 1999 on Consumer Protection provided a normative foundation for the study.

All data were analyzed qualitatively using a deductive reasoning approach to draw conclusions derived from field findings and connected to the legal framework. To ensure the credibility of the results, source triangulation was employed by comparing information

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<sup>14</sup> Maritza Aminatuzuria et al., "Penghapusan Parkir Berlangganan Di Bangkalan: Simalakama Antara Politik Kebijakan Dan Kehilangan Pendapatan Daerah," *Pendas : Jurnal Ilmiah Pendidikan Dasar* 10, no. 02 (2021): 112–30.

<sup>15</sup> Hanoch Dagan, Roy Kreitner, dan Tamar Kricheli-Katz, "Legal Theory for Legal Empiricists," *Law and Social Inquiry* 43, no. 2 (2018): 292–318, <https://doi.org/10.1111/lsi.12357>.

<sup>16</sup> Sulistyowati Irianto et al., *Kajian sosio-legal, Seri unsur-unsur penyusun bangunan negara hukum*, 2012.

obtained from interviews, observations, and official documents, thereby reinforcing the validity and reliability of the findings.

### 3. Results And Discussion

#### 3.1 Consumer Experiences and the Implementation of Subscription Parking

The subscription parking policy in Medan City was formally implemented on July 1, 2024 through Mayor Regulation No. 26 of 2024. It was designed to address the persistent issues of illegal parking and unauthorized levies along public roads. This scheme replaced the previous e-parking program,<sup>17</sup> which had managed electronic parking transactions but failed to eliminate the problem of illegal fee collection. According to the regulation, subscription parking involves the collection of predetermined parking fees for a one-year period, verified by the issuance of a sticker or barcode as proof of registration.<sup>18</sup> This system covers roadside parking facilities designated as subscription zones, including shopfront parking, and aims to create order in parking management, regulate attendants, optimize land use, and improve the transparency of fee collection.

The annual subscription fee is set at IDR 90,000 for motorcycles, IDR 130,000 for cars, and IDR 168,000 for trucks and buses. These rates were determined based on estimated average parking frequency—one parking event every 12 days for motorcycles, 14 days for cars, and 15 days for trucks and buses.<sup>19</sup> With these calculations, the subscription model was expected to provide cost predictability for users and optimize municipal revenue from parking services.

By 2025, the Medan City Transportation Office had designated 145 subscription parking points across various city streets. Each point was staffed by two attendants and overseen by an officer from the Transportation Office. This distribution was expected to reduce illegal parking practices and unauthorized charges, providing users with a safer and more predictable parking experience. However, the effectiveness of the program depends heavily on the quality of communication between the implementing authorities and the public, particularly regarding the dissemination of accurate information on users' rights and obligations under the subscription system.

Data from the Transportation Office indicate a sharp decline in subscription adoption throughout 2024. In July, the first month of implementation, 33,880 vehicles were registered, including 20,138 cars, 13,293 motorcycles, and 449 trucks or buses. By December, the

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<sup>17</sup> Kelvin Sulystio et al., "Analysis of Implementation of Electronic-based Parking Retributions (E-Parking) to Medan City Regional Revenue," *Al-Muhtarifin: Islamic Banking and Islamic Economic Journal* 3, no. 2 (2024): 59–71, <https://doi.org/10.30596/almuhtarifin.v3i2.19626>.

<sup>18</sup> Kota Medan, Peraturan Walikota Medan Nomor 26 Tahun 2024 tentang Petunjuk Pelaksanaan Pelayanan Parkir Berlangganan di Tepi Jalan Umum.

<sup>19</sup> Medan City Transportation Office, 2025

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number of registered subscribers had fallen drastically to only 112 vehicles.<sup>20</sup> This decline signals decreasing user satisfaction and waning trust in the system, which was initially intended as an effective solution to long-standing parking issues.

In terms of proportion, cars consistently dominated subscriptions throughout the July–December period (approximately 70–80%), while motorcycles ranged between 15–40%, and trucks or buses accounted for less than 2%. These figures suggest that the subscription model was more attractive to car owners, likely due to their higher perceived value for the annual fee. In contrast, low participation among motorcycle users and truck operators reflects differing perceptions of the program’s cost-benefit value across user groups.

Interviews with consumers corroborate these quantitative findings. One subscriber reported: “*Even after paying the subscription fee, I was still asked to pay IDR 20,000 by attendants on Jalan Putri Hijau, which should be covered under the subscription*”.<sup>21</sup> Other users reported similar experiences in locations such as Jalan Ahmad Yani and the Kesawan district, with some describing confrontations with attendants in order to avoid double payments. These accounts highlight the inconsistency between the regulatory provisions of Mayor Regulation No. 26/2024 and their actual implementation in the field.

Consumer complaints provide additional insight into the program’s shortcomings. The Transportation Office recorded approximately 30 formal complaints related to illegal levies in 2024. However, an additional 20 grievances were identified through popular local social media platforms such as *Medan Talk*, *Buletin Medan*, and *Aktual.com*, indicating that a significant portion of public dissatisfaction is channeled outside the formal reporting system. Consumers frequently cited weak supervision, particularly in high-demand areas such as Jalan Putri Hijau and Jalan Dazam Raya, where unauthorized charges persisted even for registered subscribers.

From the perspective of public service delivery, the success of such a policy depends significantly on service quality. Previous studies have shown that user satisfaction with parking services is strongly influenced by perceived reliability, affordability, and

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<sup>20</sup> Monthly data from the Medan City Transportation Office indicate a steady decline in the number of vehicles registered under the subscription parking scheme since its initial implementation. In July 2024, a total of 33,880 vehicles subscribed, comprising 13,293 motorcycles, 20,138 cars, and 449 trucks or buses—with cars making up the largest share. By August, the number had dropped to 20,132 vehicles (15,734 cars, 4,403 motorcycles, and 90 trucks/buses). The decline continued sharply in September with 4,144 vehicles (2,698 cars, 1,404 motorcycles, and 42 trucks/buses), and further decreased in October to 1,148 vehicles (883 cars, 257 motorcycles, and 48 trucks/buses). November saw a significant drop to 336 vehicles (275 cars, 53 motorcycles, and 8 trucks), and by December, only 112 vehicles remained registered (83 cars, 28 motorcycles, and just 1 truck or bus). This trend reflects a decline of over 99% in subscriber numbers within six months, with trucks and buses consistently showing very low participation.

<sup>21</sup> Interview, April 20, 2025

convenience.<sup>22</sup> In Medan, although the subscription model offers predictable costs, the lack of reliable enforcement and inadequate oversight has diminished user satisfaction. Consistent with Mo et al. (2021), when prices or services fail to meet expectations, consumer satisfaction tends to decline, ultimately affecting long-term loyalty.<sup>23</sup>

Consumer loyalty in subscription models is closely linked to satisfaction.<sup>24</sup> Highly satisfied users are more likely to continue using the service and recommend it to others.<sup>25</sup> However, in the Medan case, negative experiences such as double charging and poor complaint handling have undermined consumer loyalty. Instead of fostering long-term engagement, the program has created frustration among subscribers who expected improved service and legal certainty.

Interviews with Transportation Office officials and attendants reveal structural issues underlying these challenges. Several attendants admitted to continuing cash collections because they did not receive a direct share of subscription revenues. This highlights systemic flaws in revenue distribution and accountability mechanisms for field-level staff. Without addressing these structural gaps, enforcement measures alone are unlikely to deter unauthorized collections, leaving subscribers vulnerable to exploitation and eroding public trust in municipal governance.

Overall, these findings demonstrate that the subscription parking policy in Medan has yet to achieve its primary objectives. The mismatch between regulatory provisions and field practices, weak supervisory mechanisms, and poor service quality have hindered the program's effectiveness in enhancing consumer satisfaction and loyalty. As highlighted by Faj'rina and Wibawani (2024), the success of subscription-based parking models depends on stakeholder engagement, attention to user needs, and significant improvements in public

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<sup>22</sup> Franciane Cougo Da Cruz, Anderson Cougo Da Cruz, dan Paulo Sergio Ceretta, "Mensuração da satisfação dos usuários do sistema municipal de estacionamento rotativo pago," *Urbe* 9, no. 1 (2017): 19–34, <https://doi.org/10.1590/2175-3369.009.001.AO02>; Siti Khairunisa Zainal dan Amiruddin Ismail, "Assessment of Factors Affecting Student's Satisfaction and Loyalty on the Crossed Parking System at Residential Colleges of Universiti Kebangsaan Malaysia," *Jurnal Kejuruteraan* 31, no. 1 (30 April 2019): 123–29, [https://doi.org/10.17576/jkukm-2019-31\(1\)-15](https://doi.org/10.17576/jkukm-2019-31(1)-15).

<sup>23</sup> Baichuan Mo et al., "Impact of pricing policy change on on-street parking demand and user satisfaction: A case study in Nanning, China," *Transportation Research Part A: Policy and Practice* 148, no. November 2020 (2021): 445–69, <https://doi.org/10.1016/j.tra.2021.04.013>.

<sup>24</sup> Cahaya Permata, *Aspek Hukum Perlindungan Konsumen Terhadap Peredaran Produk Pangan di Indonesia (Studi Analisis Terhadap Pemikiran Ibnu Tamiyah)*, Fakultas Syari'ah dan Hukum Universitas Islam Negeri Sumatera Utara (Medan, 2016); Muhammad Iqbal dan Rahmat Hidayat, "Perlindungan Konsumen dalam Rekayasa Rating Penilaian pada Aplikasi Shopee Perspektif Mazhab Imam Asy-Syafi'i: Studi Kasus Pengguna Aplikasi Shopee di Desa Tembung Kecamatan Percut Sei Tuan," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (2 April 2024): 1196–1205, <https://doi.org/10.47467/as.v6i4.6440>.

<sup>25</sup> Kavita Anjaria dan Aayushi Patel, "a Study on the Impact of Subscription-Based Models on Consumer Buying Behaviour With Respect To E-Commerce Platforms," *International Journal of Management, Public Policy and Research* 4, no. 1 (2025): 1–7, <https://doi.org/10.55829/ijmpr.v4i1.249>; Zulham, *Hukum Perlindungan Konsumen*, Kencana Prenada Media Group (Jakarta, 2013).

service quality.<sup>26</sup> Without addressing these critical areas, the Medan subscription system risks failing to deliver on its intended benefits.

### 3.2. Normative Gaps, Consumer Protection, and the Istishab Perspective

Field findings reveal a significant discrepancy between the objectives of Medan Mayor Regulation No. 26 of 2024 and its actual implementation. This regulation was normatively designed to create a predictable, transparent, and equitable parking system. However, the persistence of double charging, weak supervisory mechanisms, and consumer exploitation by parking attendants reflects a serious failure to achieve these objectives. This situation underscores a broader challenge in Indonesian local governance, where well-intentioned regulatory frameworks often fail to be effectively implemented, thereby eroding public trust in municipal policies.

From the perspective of positive law, these practices directly violate Law No. 8 of 1999 on Consumer Protection (UUPK). Article 4 of the UUPK guarantees consumers' rights to comfort, safety, and fairness, including the right to accurate information, the right to voice complaints, and the right to receive services commensurate with the value paid.<sup>27</sup> The imposition of additional charges on subscribed consumers constitutes a breach of these rights. Moreover, these practices conflict with the constitutional principles of legal certainty and equitable public services as enshrined in Article 28D(1) and Article 28H(2) of the 1945 Constitution, which affirm the right of citizens to fair legal protection.<sup>28</sup>

Formal complaint mechanisms such as physical complaint boxes and the *Lapor.id* platform provided by the Medan City Transportation Office represent initial steps toward enhancing public participation. However, their reactive nature and limited scope compromise their effectiveness. This is reflected in the tendency of consumers to voice their complaints on social media platforms such as Medan Talk rather than through official channels, indicating low confidence in governmental dispute resolution mechanisms. To be effective, complaint systems must be proactive, accessible, transparent, and followed by swift enforcement measures.

Another issue arises from the revenue-sharing mechanism between the municipal government and parking attendants. Several attendants admitted to continuing the practice

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<sup>26</sup> Faradila Sofia Nur Faj'rina dan Sri Wibawani, "Implementasi Kebijakan Parkir Berlangganan di Kabupaten Tuban," *Ganaya: Jurnal Ilmu Sosial dan Humaniora* 7, no. 3 (2024): 182–89, <https://doi.org/10.37329/ganaya.v7i3.3377>.

<sup>27</sup> Prasetyo dan Yazid, "Food Security and Consumer Protection: An Analysis of Sanctions on the Sale of Expired Food Products from the Perspective of Islamic Criminal Law and Positive Law in Indonesia."

<sup>28</sup> Muhammad Sattuo, Maskawati, dan Nahi Hashim Fathi Aboalela, "Evaluation of Regional Policy Regarding Street Vendors : A Case Study of Bone Regency from the Perspective of Siyasaah Syar'iyah," *Constitutional Law Review* 4, no. 1 (2025): 32–53; Irfan Amir, *Hukum Konstitusi dan Kelembagaan Negara* (Mata Kata Inspirasi, 2022).

of imposing additional charges because they did not receive direct incentives from subscription-based parking revenues. This structural shortcoming transforms attendants from service providers into exploiters, thereby harming consumers. Consequently, comprehensive policy reforms are necessary, including a review of revenue-sharing models, aligning attendant incentives with program objectives, and strengthening accountability mechanisms for field officers.

In this context, integrating Islamic legal principles offers an additional layer of normative legitimacy and improves social acceptance. One of the key principles is *istishab*, which maintains the validity of an existing legal state until there is legitimate evidence to the contrary. Linguistically, *istishab* means “to accompany, maintain, and not let go.”<sup>29</sup> In the methodology of *ijtihad*, *istishab* refers to upholding a legal ruling established by *shar’i* evidence until explicit new evidence emerges that abrogates it.<sup>30</sup> This principle serves as an important secondary source of law when the Qur’an and Sunnah do not directly regulate a matter, making it particularly relevant for addressing contemporary issues related to consumer rights in subscription-based transactions.

Methodologically, *istishab* emphasizes that a legal status remains valid until there is legitimate evidence to change it. In the context of subscription parking, consumers who have paid their subscription fees are deemed to have fulfilled their obligations. Any additional charges imposed by unauthorized parties lack legal basis, whether under local regulations or Islamic law. This aligns with the jurisprudential maxim *al-ashlu baqa’u ma kana ‘ala ma kana* (“the original state remains as it was”), affirming the continuity of legal rulings in the absence of valid evidence to overturn them.<sup>31</sup>

The concept of *istishab* is also relevant in analyzing illegal parking, which constitutes a recurring violation. Global studies suggest that illegal parking should be understood as a systemic issue rather than merely an individual offense. Imbalances between parking supply and demand are a primary factor in the prevalence of illegal parking in urban areas.<sup>32</sup> Drivers often engage in illegal parking as a calculated risk, perceiving a low likelihood of

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<sup>29</sup> Muhammad Ikhsan, Azwar Azwar, dan Imran Muhammad Yunus, “KEDUDUKAN ISTISHĀB SEBAGAI ARGUMENTASI HUKUM ISLAM DAN PENGARUHNYA TERHADAP PERSOALAN FURU’IYAH,” *HAKAM: Jurnal Kajian Hukum Islam dan Hukum Ekonomi Islam* 8, no. 1 (1 Juli 2024): 9, <https://doi.org/10.33650/jhi.v8i1.8422>.

<sup>30</sup> Ma Anshori dan Teten Jalaludin Hayat, “Ijtihad Methods in Dealing with Nomophobia The phenomenon of nomophobia , which is the anxiety of losing or being unable to use Several studies on nomophobia in Indonesia have been conducted to understand its prevalence , contributing factors , and negati” 6, no. 1 (2023): 1–20.

<sup>31</sup> Mohammad Hashim Kamali, “Principles of Islamic Jurisprudence,” in *Islamic Texts Society*, revised ed (Cambridge, 1991), 2003.

<sup>32</sup> Stefania Zoika et al., “Causal analysis of illegal parking in urban roads: The case of Greece,” *Case Studies on Transport Policy* 9, no. 3 (2021): 1084–96, <https://doi.org/10.1016/j.cstp.2021.05.009>.

enforcement.<sup>33</sup> In addition, poor urban design and inefficient use of public spaces exacerbate the problem.<sup>34</sup>

Applying the principle of *istishab* can help analyze these recurring violations. By assuming the continuity of such behavior in specific areas or by particular individuals, *istishab* provides an analytical framework for identifying patterns of responsibility. However, as Wo et al. (2023) emphasize, enforcement policies must be balanced to avoid disproportionately impacting low-income groups.<sup>35</sup> In the diplomatic context, stricter enforcement has proven effective in reducing violations, as evidenced by the significant decline in parking offenses by United Nations diplomats in New York following the introduction of stricter enforcement measures.<sup>36</sup>

In the Medan context, applying *istishab* can be used not only to protect consumers from unauthorized charges but also to assess patterns of illegal parking violations. This approach highlights that responsibility does not lie solely with individual drivers but also with urban planners, policymakers, and law enforcement authorities, given that illegal parking reflects poor planning and weak oversight.

Thus, integrating *istishab* into municipal policy can strengthen consumer protection and improve parking governance. The Medan City Government needs to adopt a three-pronged approach: (1) enhancing enforcement through active monitoring and strict sanctions, (2) restructuring attendant incentives to eliminate motivations for unauthorized levies, and (3) increasing consumer education about their rights under both positive and Islamic law.

This integrative approach, which combines positive law and Islamic jurisprudence, can transform the subscription parking program from a mere technical policy into a rights-based urban governance model that is inclusive, legally sound, and socially legitimate.

#### 4. Conclusion

This study highlights a critical gap between the normative framework of Mayor Regulation No. 26 of 2024 and its implementation in the subscription-based parking system of Medan City. While the regulation was designed to ensure fairness, predictability, and

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<sup>33</sup> Nourinejad, Gandomi, dan Roorda, "Illegal parking and optimal enforcement policies with search friction."

<sup>34</sup> Ezquerro, Moura, dan Alonso, "Illegal use of loading bays and its impact on the use of public space."

<sup>35</sup> James C. Wo, Young-An Kim, dan Sarah E. Malone, "Examining the spatial distribution of parking tickets in San Francisco neighborhoods: An overlooked form of urban inequality?," *Journal of Urban Affairs* 47, no. 5 (28 Mei 2025): 1709–40, <https://doi.org/10.1080/07352166.2023.2239956>.

<sup>36</sup> Raymond Fisman dan Edward Miguel, "Corruption, norms, and legal enforcement: evidence from diplomatic parking tickets," *Journal of Political Economy* 115, no. 6 (2007): 1020–48, <https://doi.org/10.1086/527495>.

transparency, persistent double charging, weak supervision, and ineffective complaint mechanisms demonstrate that the intended objectives have not been achieved. These findings underline the structural flaws in revenue-sharing arrangements and field-level accountability that undermine public trust.

From a legal perspective, the imposition of unauthorized charges violates the Consumer Protection Law and the principles of justice under the Indonesian Constitution. The application of the Islamic legal principle of *istishab* affirms that consumers who have fulfilled their obligations retain their rights, which cannot be negated without valid justification. This integrative approach - combining positive law with Islamic jurisprudence - offers a novel framework for strengthening consumer protection in public service governance.

The practical implications call for comprehensive reforms, including stricter enforcement, restructuring of revenue-sharing mechanisms to align attendants' incentives with policy goals, and public education to enhance consumer rights awareness. Future research should explore the operationalization of Islamic legal principles in other public service sectors, providing broader insights into rights-based and socially legitimate urban governance models.

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