



Protecting Traders at the Fish Market in Medan City in Relation to Subscription-Based Parking: An Analysis from the Perspective of Masalah Mursalah

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Abstract: Trader protection in this context is a highly significant issue. Small-scale traders often lack the capacity to quickly adapt to new policies that directly impact their economic activities. This study aims to understand the regulations surrounding subscription-based parking, to examine its impact in Medan City, and to elaborate on the concept of trader protection in response to the subscription-based parking policy from the perspective of Masalah Mursalah. The research employs an empirical juridical method using a Living Case Study Approach and a Conceptual Approach. Data collected in the field is supported by interviews and document studies, and analyzed qualitatively. The findings indicate that the implementation of the subscription-based parking system has caused both conflict and satisfaction among traders and consumers within the designated parking zones. From the perspective of *Masalah Mursalah*, trader protection by the government should include public awareness campaigns about the benefits and workings of the subscription-based parking system. Furthermore, the government is expected to conduct regular evaluations of the implemented system to ensure that the policy operates as intended and can be improved when necessary.

Keywords: Protection, Subscription-Based Parking, Masalah Mursalah

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1. Introduction

Traditional markets serve a crucial function in local economies, acting as hubs for daily trade and social interaction among producers, vendors, and consumers. These markets exhibit distinct economic and cultural dynamics. However, as modernization progresses, traditional markets increasingly encounter new challenges one of which is the issue of parking management. A notable development is the introduction of a subscription-based parking system in several areas as part of broader efforts to modernize market operations. This initiative is in line with Indonesia's Trade Law No. 7 of 2014, which outlines various provisions related to commerce, including the safeguarding of traditional markets. Specifically, Article 13, paragraph (1) mandates that both national and regional governments are responsible for supporting the growth and protection of traditional markets, alongside other retail and commercial centers, within their respective jurisdictions.

Etymologically, the term *al-maslahah* refers to something beneficial and good, standing in direct contrast to *al-mafsadah*, which denotes harm or corruption. At its core, *maslahah* involves efforts to promote benefit and prevent harm. Terminologically, scholars of *usul al-fiqh* generally define *maslahah* in a similar manner—as the act of securing benefits and averting harm in alignment with the objectives of Islamic law (*maqasid al-shari'ah*). Imam Al-Ghazali, in his work *Al-Mustasfa min 'Ilm al-Usul*, emphasizes that *maslahah* is not limited to seeking benefit or avoiding harm, but rather entails the preservation of the essential purposes of the Shari'ah, as the welfare of humanity depends on fulfilling these divine objectives. On the other hand, local governments and market authorities have compelling reasons for implementing the subscription-based parking system. This policy is believed to be an effective response to issues such as illegal parking, and it is expected to enhance local revenue (*Pendapatan Asli Daerah* or PAD) while promoting more organized and efficient parking management. In accordance with Medan Mayor Regulation No. 26 of 2024 concerning the Implementation Guidelines for Subscription-Based On-Street Parking Services, the regulation provides a technical framework for executing the system in the city. (Ivana & Mohammad Ridwan, 2023) One of its primary objectives is to boost local revenue. Over the past six months, Medan's PAD from this sector reached approximately IDR 9.63 billion, or about 0.82% of the total PAD of IDR 1.18 trillion—highlighting this sector's potential as a significant source of local income.

However, the implementation of this policy also reveals a potential conflict between the fiscal interests of the local government and the economic access rights of traditional market traders. While the policy may contribute to increasing PAD and improving urban order, it may also impose additional burdens on traders and consumers—particularly in traditional markets where price sensitivity and customer flow are essential. From the perspective of *maqashid al-shari'ah*, such a policy must be examined through the lens of *maslahah* and *'adl* (justice), especially in regard to *hifz al-mal* (protection of wealth) for economically vulnerable communities. If the subscription-based parking system reduces consumer access or trader competitiveness as reported by some stakeholders in Medan it risks undermining the very objectives of Islamic law that seek to protect public welfare and ensure balanced socioeconomic development.

Based on this policy framework, the Mayor of Medan implemented a subscription-based parking system as outlined in Medan Mayor Regulation No. 26 of 2024 concerning the Implementation Guidelines for Subscription-Based On-Street Parking Services. One of the well-known areas affected by this regulation is *Pajak Ikan*, a traditional market area where traders primarily sell textiles, clothing, and related goods. This market is a prominent commercial zone within the city and has been directly subjected to the policy. Since the regulation came into effect, several traders have expressed concerns, particularly regarding a noticeable decline in customer visits. For instance, one buyer—referred to here as Mr. X (a pseudonym)—reported a reluctance to shop in the area due to the inefficiency of the parking system. He noted that, as an out-of-town visitor who only shops there occasionally and briefly, the subscription-based parking scheme feels inconvenient and impractical for short-term consumers.

Etymologically, the term *al-maslahah* refers to something beneficial and good, serving as the opposite of *al-mafsadah*, which denotes harm or corruption (Syafiq & Hasanah, 2024). At its core, *maslahah* is associated with the effort to promote benefits and prevent harm. In terms of terminology, scholars of *usul al-fiqh* commonly define *maslahah* as the pursuit of benefit and the avoidance of harm in order to uphold the objectives of Islamic law. Imam Al-Ghazali, in his seminal work *Al-Mustasfa min 'Ilm al-Usul*, emphasized that *maslahah* is not merely about seeking advantages or avoiding detriment; rather, it is about preserving the purposes of the Shari'ah, as human well-being depends on the fulfillment of these divine objectives.

Several previous studies have been used as references in this research due to their relevance to the topic. For instance (Fatimah & Rodiyah, 2018). conducted a study titled "Implementation of Subscription-Based Parking Policy in Sidoarjo Regency (A Study at the Department of Transportation of Sidoarjo Regency)". This research focused on the implementation of subscription-based parking policies, highlighting issues related to standard operating procedures, infrastructure, and enforcement among parking attendants. Another relevant study by (Setiawan, A. B., & Widiyarta, 2022), entitled "*The Quality of Subscription-Based Parking Services in Pasuruan City*", examined the quality of public service delivery within the subscription-based parking system and analyzed user satisfaction across various service dimensions. In addition, (Anam et al., 2015) in her study "Analysis of the Quality of Subscription-Based Parking Retribution Services (A Study at the Department of Transportation in Sidoarjo Regency)", investigated factors influencing service quality and operational efficiency in the management of subscription-based parking systems in the region.

The primary objective of this study is to examine the concept of *maslahah mursalah* in relation to the subscription-based parking policy, as well as to assess the impact of this policy on traditional market traders. This research aims to provide a more comprehensive, evidence-based perspective to ensure that the implemented policy is not only economically efficient but also socially just. By conducting this study, it is hoped that a harmonious synergy can be achieved between the modernization of traditional markets and the protection of traders' rights ensuring that these markets remain a strong and sustainable pillar of the local economy. Ultimately, the research seeks to analyze and describe the subscription-based parking policy not only from an administrative efficiency standpoint, but also through the lens of fairness and the protection of small traders' interests, particularly those operating in *Pajak Ikan*, Medan City, in accordance with the principles of *maslahah mursalah*.

2. Materials and Methods

This type of research is empirical juridical. Empirical juridical research refers to legal research that examines the enforcement or implementation of normative legal provisions directly in actual legal events occurring within society. Since this is an empirical juridical study, the research method used is field research, which aims to obtain information and describe events based on facts found in the field, namely through observation and interviews. Meanwhile, the approaches used in this research are the Living Case Study Ap-

proach and the Conceptual Approach. The data obtained from the field is reinforced by document studies, then processed and described qualitatively. In this context, the conceptual approach—particularly through the framework of *maslahah mursalah*—can be effectively utilized as an analytical tool when combined with a qualitative-based policy impact test, especially regarding informal economic actors. *Maslahah mursalah*, as a principle within Islamic legal theory, emphasizes the pursuit of public benefit and the prevention of harm in accordance with the objectives of *maqashid al-shari'ah*, including the protection of wealth (*hifz al-mal*) and social justice. When integrated with qualitative methods such as in-depth interviews and field observations, this approach allows the research to capture not only the legal and economic dimensions of policy implementation but also the lived experiences and moral implications affecting vulnerable groups like traditional market traders. Thus, the combination enriches the normative analysis with empirical insight, reinforcing the social and ethical validity of the research findings.

3. Results and Discussion

3.1 General Overview of *Maslahah Mursalah*

All prohibited actions, according to Islamic law, inherently contain elements of harm, which is why they are bound by *shari'ah* rulings to safeguard the well being of humanity. In order for Islamic legal rulings (*ahkam syar'iyah*) to remain relevant and adaptable to the changing times, scholars have made continuous efforts to address issues not explicitly mentioned in the *Qur'an* or the *Sunnah*. One such scholar from the Shafi'i school of thought, Imam al-Ghazali widely regarded as one of the most influential figures in Islamic intellectual tradition was among the first to provide a detailed explanation of the concept of *maslahah*, more so than earlier scholars of *usul al-fiqh* (Tanjung & Hidayat, 2024).

In his seminal work *Al-Mustasfa*, Imam Al-Ghazali explains that *maslahah* fundamentally refers to the pursuit of benefit and the avoidance of harm. While attaining benefit and preventing harm are indeed universal goals for all human beings, the *maslahah* referred to by Al-Ghazali is more specifically tied to the preservation of five essential objectives of the *Shari'ah*—namely religion (*din*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and property (*mal*). Any measures taken to safeguard these five necessities are considered *maslahah*, while anything that threatens or undermines them is regarded as *mafsadah* or harm (Maharani & Permata, 2024).

In *Al-Mustasfa*, Imam al-Ghazali divides *maslahah* into three main categories, which represent varying degrees of how public interest is assessed in relation to Islamic legal norms. These include: (a) A type of *maslahah* that is explicitly endorsed by Islamic texts and supported by clear evidence (*maslahah mu'tabarah* or *daruriyyah*), which is considered fundamental and ranks as the highest level of legal interest, (b) A form of *maslahah* that contradicts textual sources (*maslahah mulghah*), and therefore is not taken into account in legal reasoning, (c) A *maslahah* for which there is no specific scriptural support nor any rejection (*maslahah mursalah*). This third type has led to varying interpretations among scholars regarding its admissibility in Islamic jurisprudence.

Drawing from Imam al-Ghazali's discussions across his four principal texts, it can be concluded that *maslahah mursalah* is permissible to serve as a basis for legal reasoning (*hujjah*), provided it meets the following criteria: (a) It must involve the protection of es-

essential human needs namely, safeguarding religion, life, intellect, lineage, and property. If these core interests are preserved, then the application of *maslahah mursalah* becomes valid. (b) The benefit (*maslahah*) must be certain and based on clear evidence; it cannot be speculative or merely presumed. (c) The benefit must be universal in scope, serving the interests of the broader public—not just a particular group, class, or individual. (d) The benefit must align with the overarching objectives of Islamic law (*maqasid al-shari'ah*), ensuring it does not contradict the fundamental goals of the *Shari'ah*.

Al-Ghazali's views on *maslahah mursalah* are not presented uniformly across his four major works—*al-Manqul*, *al-Qiyas*, *Shifa' al-Ghalil*, and *al-Mustasfa*. In *al-Mustasfa*, he identifies *maslahah mursalah* with *istislah* (حلاصت), defining it as the pursuit of public benefit that serves to uphold the essential objectives of the *Shari'ah* (*maqasid al-shari'ah*) or the *dharuriyyat*—namely, the preservation of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*). Therefore, according to Al-Ghazali, there is no valid reason to reject *maslahah mursalah* if it clearly supports the attainment of these fundamental human necessities and contributes to public welfare (Salahuddin & Hidayat, 2022).

3.2 Regulations Related to Subscription-Based Parking

The Regional Regulation (Perda) of North Sumatra Province No. 1 of 2024 on Regional Taxes and Levies governs various types of taxes and levies applicable throughout the province. One of the levies addressed in this regulation is the on-street parking levy, the implementation of which in Medan City is further regulated by Mayor Regulation No. 26 of 2024 on the Technical Guidelines for Subscription-Based On-Street Parking Services. This policy is formulated based on the authority of regional government officials, as outlined in Law No. 23 of 2014 on Regional Government, which was most recently amended by Law No. 1 of 2024. In addition, this regional regulation also refers to ministerial regulations (*Peraturan Menteri*) concerning regional levies, as stipulated in the relevant national legislation.

The implementation of subscription-based parking policies has taken place across various regions in Indonesia, each showing different levels of success and challenges. In Tuban Regency, the policy has effectively increased parking revenue through stakeholder collaboration, although limited user engagement remains a key concern (Faj'rina & Wibawani, 2024). In contrast, Tulungagung recently discontinued its subscription-based parking system in favor of a conventional ticketing system, which, while resulting in decreased revenue, led to greater service efficiency (Setianingsih & Purnomo, 2024). Meanwhile, Pasuruan City has encountered significant obstacles, such as poor implementation and unlawful practices by parking attendants, highlighting the urgent need for clearer regulations and enhanced community involvement (Kurniawan, 2019). Overall, these cases illustrate the critical role of stakeholder participation, regulatory clarity, and public awareness in ensuring the success of subscription-based parking policies. In comparison, Medan City's subscription parking system has been introduced with the dual aim of increasing local revenue and safeguarding citizen rights, with annual fees set at Rp 90,000 for motorcycles and Rp 130,000 for cars (Kiki Fadhilah et al., 2024).

Although both regulations primarily address the management of taxes and levies including parking fees they do not contain specific provisions that directly ensure the protection of street vendors, particularly those operating along public roads. Nevertheless, several key implications for traders can be observed in the context of these regulations. (Andry, H., & Zulkifli, 2023). The implementation of the subscription-based parking system on public roads is intended to organize parking zones more systematically. This restructuring is expected to prevent illegal parking activities that often obstruct access to vendors' business premises. In this regard, a more orderly environment around commercial areas could enhance their appeal to visitors. On the other hand, the introduction of parking fees under the subscription model may raise concerns among vendors about a potential decline in customer traffic. Some customers might be discouraged from shopping if additional parking costs are imposed, which could ultimately reduce traders' income. To address this, local governments are encouraged to involve traders in the socialization and implementation stages of such policies. Open communication can help vendors better understand the purpose behind the regulation and provide constructive input to support its successful and inclusive enforcement.

3.3 The Impact of the Subscription-Based Parking Policy

This subscription parking policy is not exclusive to the city of Medan; several regions in Indonesia have also implemented this system, including the city of Yogyakarta. However, the case in Yogyakarta demonstrates the necessity of a clear legal framework to ensure safe and orderly parking services, protect consumer rights, and improve transparency in revenue collection (Triputro et al., 2023). While the Medan Mayor's directive aims to regulate parking effectively, it is crucial to consider the broader implications of the policy. The principle of *maslahah mursalah* suggests that policies should prioritize public welfare and prevent harm, requiring effective implementation and consistency with legal and ethical standards. Experiences from other cities highlight the importance of addressing implementation challenges and ensuring that the policy is not only well-intentioned but also carried out effectively.

To ensure the smooth implementation of the Subscription-Based Parking program, the Medan City Transportation Agency has conducted outreach activities to publicize the program to parking attendants and the broader Medan community (Raden Rahma Raijani, 2023). As the organizer of the program, the Medan City Transportation Agency has held multiple outreach sessions and training events, either through direct invitations or by conducting sessions in parking areas and in the field. During these sessions, the agency not only explained the operational mechanisms of the Subscription-Based Parking System but also provided information on the system's establishment and its overarching goals. However, the policy faces several challenges and negative impacts. A major issue is the uneven dissemination of information and lack of public understanding regarding the subscription system, which can lead to conflict and dissatisfaction. This can result in declining service quality for vehicle owners, ultimately affecting the reputation of the parking service unit. Despite the introduction of the subscription system, illegal parking may still occur if firm law enforcement is not implemented. The program has

shown several positive outcomes. For instance, based on data from the Regional Financial Management Agency of Medan City, the subscription parking system contributed approximately IDR 9.63 billion to local revenue (PAD) in 2024, marking a significant increase compared to the period before its implementation. The system also helps reduce revenue leakage due to fraud. Nevertheless, challenges remain, particularly regarding poor service delivery and persistent illegal parking issues. On the other hand, the subscription model has improved parking space utilization, reduced congestion, and enhanced public mobility. It also contributes to better local budget control, as parking revenue becomes more stable and predictable (Rahayu et al., 2023). However, the effectiveness of the Subscription-Based Parking system remains below expectations due to issues such as low public adoption and confusion among parking attendants (Ivana & Mohammad Ridwan, 2023).

Since the implementation of the Subscription-Based Parking System eight months ago, various responses and impacts have emerged within the community. For instance, in the area of Pajak Ikan, Medan City, interviews conducted with ten local vendors revealed that eight of them reported a decline in customer numbers due to the policy. According to these vendors, the system requires customers to use a barcode for parking payment, which becomes problematic for out-of-town shoppers those who do not reside in Medan and typically shop there only occasionally (Siregar & Kusmilawaty, 2022). These customers are often unaware of the barcode requirement and are forced to park elsewhere if they do not have one. The vendors argued that such customers should be granted an exemption, allowing them to pay for parking through conventional methods. This would alleviate their concerns about parking and, in turn, prevent a loss of business for the vendors. (Rahma & Sihombing, 2023).

3.4 Protection of Vendors at Pajak Ikan Regarding the Subscription-Based Parking System in Medan City from the Perspective of Masalah Mursalah

The protection of vendors at Pajak Ikan in relation to the Subscription-Based Parking policy in Medan City encompasses several key aspects. While the policy aims to provide safety and convenience for vendors, it has also introduced certain challenges particularly a decline in customers who do not have access to the parking system. Additionally, vendors have expressed concerns about the negative impact the policy has had on their sales. In its implementation, the Medan City Government introduced the Subscription-Based Parking policy to increase local revenue (*Regional Original Revenue*, PAD) and offer greater convenience for vehicle users. (Akhavan-Tabatabaei et al., 2014).

The subscription-based parking fees are determined based on the type of vehicle, with the aim of regulating the use of parking space more efficiently. However, this policy can restrict customer access to vendor locations, particularly for those who do not possess the subscription parking barcode sticker. This situation has the potential to reduce the number of visitors to Pajak Ikan. Vendors have reported that customers often face difficulties in finding parking, which negatively affects their sales revenue (Gunawan & Nuh, 2023). When convenient parking is unavailable, customers may opt not to shop at all. To address this, the government must enhance outreach efforts regarding the Subscription-Based Parking policy to both vendors and customers. In addition, public

awareness campaigns about the benefits and operational mechanisms of the system are essential. These efforts are expected to improve public understanding and acceptance of the policy, thereby enabling the Subscription-Based Parking system to function more effectively. The government is also encouraged to conduct regular evaluations of the implemented system to ensure that the policy operates as intended and can be adjusted or improved when necessary (Widyasari, 2023).

It is essential for all stakeholders to understand the benefits and operational mechanisms of the Subscription-Based Parking System. Therefore, strict supervision is necessary to prevent illegal fees imposed by parking attendants, which could disadvantage vendors. Additionally, legal protections for vendors must be strengthened to prevent exploitative practices. In this regard, the government is expected to conduct regular evaluations of the policy's impact, including taking vendor feedback into account for future improvements. These measures are intended to ensure that the Subscription-Based Parking System operates fairly and effectively.

Furthermore, the government should consider providing designated parking areas for customers shopping at Pajak Ikan, so that they are not adversely affected by the parking policy. It is also recommended that the government implement a dual payment system both the subscription-based barcode system and a conventional method such as e-parking using e-money. This would help accommodate non-Medan residents who shop at Pajak Ikan occasionally and may otherwise face difficulties due to the current parking requirements.

4. Conclusion

The Subscription-Based Parking Policy in Medan City is intended to increase local government revenue (Regional Original Revenue, PAD) and to manage the use of parking spaces more efficiently. However, this policy faces several challenges, particularly its impact on vendors at Pajak Ikan, who have reported a decline in customers due to limited parking access for those without a barcode system. From the perspective of *maslahah mursalah*, it is essential to ensure that the policy not only benefits the government but also does not disadvantage vendors and consumers. To achieve this, the local government needs to design inclusive and adaptive policies that uphold social justice.

One strategic design is the implementation of a tiered pricing system, allowing lower parking rates for small-scale vendors and low-income consumers, while applying standard or higher rates to commercial users. Additionally, providing subsidies or special access cards for traditional market vendors can serve as compensation and support for their economic resilience. The active involvement of vendors in the policy's socialization and implementation is crucial to improving their understanding of the system's benefits. Regular evaluation of the policy is also necessary to assess its impact and identify areas for improvement. It is recommended that the government provide designated parking areas for customers at Pajak Ikan and develop a more flexible payment system—such as combining the subscription model with a conventional method. With these measures in place, the Subscription-Based Parking Policy is expected to function more effectively and deliver benefits to all stakeholders, including

vendors, consumers, and the local government. The success of this policy depends on effective communication between the government, vendors, and the public, as well as on the strict enforcement of regulations to prevent harmful practices. Through an inclusive approach, the policy has the potential to contribute positively to the local economy and enhance community well-being in Medan City.

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