
JURIDICAL BOXING OF GOVERNMENT PROCUREMENT OF GOODS AND SERVICES

Ahmad Alsa Zaki Fuad*, Edi Pranoto, Nyoman Ardika

Faculty of Law, Universitas 17 Agustus 1945 Semarang, Central Java, Indonesia

Emails: ahmadalsa870@gmail.com, pranoto.edi@gmail.com

ABSTRACT:

Procurement of goods and services to government agencies is the main task of government agencies, not to produce goods and services but rather to provide services to the community. The National Revenue Expenditure Budget (APBN) structure is namely State Revenue and grants, State Expenditure, Budget Surplus or Deficit, and Financing. Types of Central government spending. To achieve the goal of providing quality goods or services output, the regulation of procurement of goods and services continues to be improved. Therefore it is necessary to study the procurement of government goods and services, especially in the Blera Regency Area. A formulation consisting of: (1) The procurement process of goods and services at the District level is following the Law. Then the : (2) problems that arise in procuring goods and services. To be able to help the wider community with the procurement process of goods or services and also the problems that arise in the procurement of goods and services. The method taken in this final project is normative Law, data collection using interviews with sources, books, and articles. The research results obtained by the District government procurement process have been carried out effectively and efficiently. Still, some problems arise so that the suggestions submitted fulfill the greatest value of benefits and contributions in increasing the use of domestic products and increasing the role of micro-enterprises and need to be reviewed directly by the employment so that problems do not arise.

Keywords: Juridical Review, Procurement of Goods, Services

Article History

Received: 10 February 2023

Revised: 10 March 2023

Accepted: 26 March 2023

DOI: xxx

INTRODUCTION

Implementing government tasks requires logistics, equipment, and services to ensure optimal agency performance. Many parties, both public and private companies, meet this need. Unlike the procurement of goods and services by private bodies and companies, the procurement of goods and services by the government is more complicated because it is related to the calculation of the APBN / APBD used to pay for these goods or services. In addition, several rules govern the procurement process, namely Presidential Regulation No. 70 of 2012 concerning the Second Amendment to the Presidential Decree of the Republic of Indonesia No. 54 of 2010 concerning the Procurement of Goods/Services.

The National Revenue Expenditure Budget (APBN) structure is namely State Revenue and grants, State Expenditure, Budget Surplus or Deficit, and Financing. Types of central government expenditures are employee expenditures, goods expenditures, capital expenditures, debt interest payments, subsidies, grant expenditures, and social assistance (Rosikah & Listianingsih, 2022) (Darniati, 2022) (Amira, 2022). This type of capital expenditure consists of capital expenditures for land buildings, buildings, equipment, and intangible assets (Shoba & Fidiana, 2022) (Raudhotul, 2022).

Belanja Daerah adalah semua kewajiban Pemerintah Daerah yang diakui sebagai pengurang nilai kekayaan bersih dalam periode tahun anggaran berkenaan.

Regional Expenditures include all expenditures from the Regional General Cash Account that do not need to be received back by the District and other expenditures following the provisions of the laws and regulations recognized as equity deductions which are regional liabilities in 1 (one) fiscal year. Financing is any receipts that need to be repaid and expenses that will be received back in the relevant fiscal year or subsequent fiscal years. A good procurement process will support the development of a country since the proper use of the budget will support development leading to the growth of the country's economy.

This need is the main reason for the establishment of the Government Goods/Services Procurement Policy Institute (LKPP) in 2008 (Pengadaan, 2011) (Garini & Alim, 2019).

On his shoulders, carrying out the task of developing policies and systems of public procurement systems is given with the hope of creating credible and prosperous procurement (Pengadaan, 2011) (SIBUEA, 2022) (PUTRA, 2012). Therefore, it is necessary to study the procurement of government goods and services, especially in the Blora Regency.

Based on this background, the formulation of the problems that will be discussed in this study are:

1. How is the procurement of goods or services according to Presidential Regulation 54 of 2010 at the Blora Regency DPRD Secretariat Office?

2. Problems that arise in the procurement of government goods and services?

RESEARCH METHODS

This is normative legal research because it is conceived and developed by examining rules and norms. Rules relating to the problem under study with an approach to legislation and some examples of cases intended to collect a wide variety of laws and regulations, theories, and literature closely related to the problem to be studied.

RESULTS AND DISCUSSION

A. Procurement of Goods or Services According to Presidential Regulation Number 54 of 2010 at the Secretariat Office of the DPRD of Blora Regency

The Secretariat of the Regional People's Representative Council of Blora Regency was formed based on Regional Regulation Number 2 of 2001 to implement Law Number 22 of 1999 concerning Local Government. At the same time, the duties and functions of the Blora Regency DPRD are stated in Regent Decree No. 48 of 2016 concerning the position, organizational structure, duties, and functions and work procedures of the Secretariat of the Regional People's Representative Council.

1. Location and Geographical Location

Address of the Blora Regency DPRD Secretariat Office: Jl. Ahmad Yani No.36 Kab. Blora. Tel: (0296) 531043. Fax : (0296) 532600. Postal

code: 582119. Email: Office Coordinator setwan@blorakab.go.id : 6° 57'57.6"S 111o25'21.0"E. (Amperawan, 2021)

1. Duties and Authorities

Establish local regulations with the Regent. Discuss and approve the draft regional regulations on the regional budget submitted by the Regent. Supervise the implementation of regional regulations and regional budgets. Elect the Regent and Deputy Regent or Deputy Regent in the event of a vacancy to continue the remaining term of office of more than 18 (eighteen) months. Propose the appointment and dismissal of the Regent and Deputy Regent to the Minister of Home Affairs through the Governor to ratify the appointment and dismissal.

Provide opinions and considerations to local governments on plans for international agreements in the regions. Approve international cooperation plans carried out by local governments. Request a report on the accountability of the Regent in the implementation of local government. Approve cooperation plans with other regions or with third parties that burden the community and daerah and carry out other duties and authorities regulated in the provisions of laws and regulations (Amperawan, 2021).

2. Programs and Activities for Fiscal Year 2023

The Programs and Activities of the Secretariat Unit of the Blora Regency DPRD Integrated One-Stop in 2020 are as follows:

a. Office Administration Service Program

Provision of correspondence services. Provision of communication services, water resources, and electricity. Provision of maintenance services and licensing of official/operational vehicles. Provision of financial administration services (Wirotoomo & Pasaribu, 2015) (Rahmani & Sulaeman, 2022). Provision of office cleaning services. Provision of office stationery. Provision of printed goods and doubling.

b. Apparatus Facilities and Infrastructure Improvement Program

Procurement of office building supplies. Procurement of office building equipment. Routine/periodic maintenance of office buildings. Routine/periodic maintenance of official/operational vehicles (Amperawan, 2021).

3. Methods of Setting and Evaluating Offers

a. Associate assignment method

After the plan is matured by both PA/KPA, PPK, and ULP Procurement officials, the next step in the procurement of government goods and services is to determine the method that will

be used to select partners providing these goods and services.

In Presidential Regulation No. 54 of 2010 and the changes listed in Presidential Regulation No. 35 of 2011, the selection of methods for providing goods and services consists of ten types:

1) Contest

This method is carried out if the job package description is in the form of a creative industry.

2) Competition

This method is carried out if the job package is described as a creative industry that is not in kind.

3) Direct Appointment

This method is carried out if the job package description is not in the form of a creative industry but only in certain or special circumstances.

4) Direct Procurement

This method is carried out if the job package description is not in the form of a creative industry and is not in certain or special circumstances but is more based on the value of tau prices with an amount below 200 million rupiahs for goods and under 50 million rupiahs for services.

5) Direct Elections

This method is carried out if the work package description

is a construction worker valued below 200 million rupiahs (Amperawan, 2021).

6) Simple Selection

This method is carried out if the job package description is consulting services with a value below 100 million rupiahs.

7) Simple Auction

This method is carried out if the work package description is not in the form of consulting and construction work with a value below 200 million rupiahs but the work is classified as not complex.

8) Limited Auctions

This method is carried out if the job description is included in a complex work with a value above 1 billion rupiahs and requires high technology, has high risks, and uses specially designed equipment.

9) General Selection

This method is carried out if the job package description is in the form of consulting services for complex work with a limited number of providers or partners. The value is above 100 billion rupiahs.

10) Public Auctions

This method is carried out on complex work in the form of other goods and services valued above 100 billion rupiahs (Amperawan, 2021).

4. Scope of Presidential Regulation No.54 of 2010

According to Mr. Sukamto, S.H, M.Si, regarding the scope of Presidential Regulation No.54 of 2010, he explained that following Presidential Regulation No.54 of 2010, namely:

a. Procurement of goods or services within the K / L / D / I whose source of financing either as well as or entirely comes from the APBN / APBD or foreign loans.

b. Procurement of goods or services for investment within Bank Indonesia, State-Owned Legal Entities, State-Owned Enterprises, and Regional-Owned Enterprises, whose sources of financing either partially or fully come from the APBN/APBD or foreign loans. Mr. Sukamto, S.H, M.Si also added that the income from the STATE BUDGET, APBD, and foreign loans to meet the needs of K / L / D / I and all types of goods and services needed at BUMN, BUMD so that the institution included in BUMN or BUMD all goods and services is money from the APBN and APBD (Hastuti, 2013).

5. Procurement System for Goods or Services and Their Scope

Public goods and services are goods whose use is related to the interests of many people in groups or general. In contrast, private goods or services are only used individually or

in certain groups. Based on this classification, a good or service can be categorized as public or private, depending on its use. In principle, public procurement is an acquisition process by the government and public institutions to obtain goods, buildings, and services transparent, effectively, and efficient

ly.

Members of public procurement of catholic procurement are the executor of the procurement and the user of the goods/services held. In addition to these two types, there is a mixed type called cooperative public procurement, where the procurement implementation carries out procurement on behalf of and for users of goods or services. Still, the motivation for needs and procurement proposals is carried out by procurement implementers.

All procurements sourced from the government, open APBD, and community fund management managed by government institutions are categorized as public procurement. Therefore all procurement activities refer to and follow Presidential Regulation No.54 of 2010 (Hastuti, 2013) (Mulyadi & Rahmawati, 2022).

According to Mr. Suamto, S.H,M.Msi, public goods and private goods, namely public goods in general, can be enjoyed or needed by everyone. There is no limit on this

item's use, and as much as possible, there is no need to spend money to get it. Examples of personal items include Traffic Signs, Finns, Light, and Air.

Private goods are goods that those who want to use or have must spend money to pay for the goods because not everyone can enjoy or use them, but only people who want to spend money can use or enjoy them. For example, private goods such as mobile phones, clothes, motorcycles, and cars.

B. Problems That Arise in the Procurement of Government Goods and Services at the Secretariat Office of the DPRD of Blora Regency

Mr. Sukamto, S.H, M.Si, explained several aspects of the government's procurement of goods and services. The first is the aspect of supervision, the absence of public space to exercise control or supervision in the procurement process or implementation. Because in procurement that carries out agreements, only KPA (Power of Budget User) and Providers of services or goods so that people outside of KPA and providers cannot carry out supervision. The second is the weakness of the bureaucracy. It does not create competition in healthy providers of goods or services, tends to side with one of the providers, the aspect that favors one of the providers is an old colleague, one organization, or a family. Thus creating an unfair situation in the

procurement process of goods and services.

The third is human resources in the field of procurement, namely the occurrence of price sales or price appeals by providers to win auctions so that the estimated price itself is open. The function of the hips is to assess the reasonableness of the provider's bid price, a tool for negotiating several procurement methods.

CONCLUSION

In essence, the process contained in Presidential Regulation No. 54 of 2010 is followed up with relevant agencies for the purchase of goods and services. To balance a region's economy, related parties in district agencies carry out the procurement process, especially at the district level, effectively and efficiently.

Problems that Arise in the Procurement of Government Goods and Services at the Secretariat Office of the DPRD of Blora Regency are divided into three aspects. Namely: Aspects of supervision, the absence of public space to exercise control or supervision in the procurement process or implementation. The weakness of the bureaucracy does not create competition in healthy providers of goods or services. And resources in the field of procurement, that is, the occurrence of price sales or price appeals by providers to win auctions so that the forecast price itself is open.

To realize the Government Procurement of Goods and Services as

referred to above, it is necessary to regulate the procurement of goods/services that provide the fulfillment of the greatest value of benefits and contributions in increasing the use of domestic products, increasing the role of micro-enterprises, small businesses, and medium enterprises as well as sustainable development.

As a country of Law, it is appropriate that the Law must be obeyed and obeyed to create a prosperous country. Therefore the government should come down directly to review the procurement process of goods and services, whether the procurement process of goods and services is following applicable Law, and immediately review the problems that exist in the procurement process of goods and services.

BIBLIOGRAPHY

- Amira, S. (2022). *Pengelolaan Dana Desa dalam Meningkatkan Pembangunan Ekonomi Masyarakat Desa Cilellang Kecamatan Mallusetasi Kabupaten Barru*. IAIN parepare.
- Amperawan, C. P. (2021). *Sambutan Sekretaris DPRD*.
- Darniati, C. A. (2022). *Vonis Ringan Terhadap Pelaku Tindak Pidana Korupsi Dana Desa (Analisis Putusan Hakim Nomor 19/Pid. Sus/TPK/2021/PN. Bna)*. UIN Ar-Raniry.
- Garini, I. M., & Alim, M. R. (2019). Analisis Implementasi Iso 9001: 2015 Klausul Operasi Pada Direktorat Pelatihan Kompetensi Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah Tahun 2017. *Oikonomia: Jurnal Manajemen*, 14(2).

- Hastuti, I. F. (2013). *Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah (LKPP)*. Universitas Mercu Buana.
- Mulyadi, W., & Rahmawati, N. F. (2022). Peran Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah (LKPP) Dalam Monitoring Dan Evaluasi Pengadaan Barang/Jasa Pemerintah. *Jurnal Reformasi Administrasi: Jurnal Ilmiah Untuk Mewujudkan Masyarakat Madani*, 9(2), 139–146.
- Pengadaan, J. (2011). Senarai Pengadaan Barang. *Jasa Pemerintah, Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah (LKPP)*, Jakarta.
- PUTRA, P. W. (2012). *Pengaruh Implementasi Kebijakan E-Procurement dan Kualitas Pelayanan Terhadap Efektivitas Kinerja lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah*. Universitas Gadjah Mada.
- Rahmani, A. T., & Sulaeman, S. (2022). Pengaruh sistem kebijakan tunjangan kinerja terhadap kinerja pegawai pada Direktorat Jenderal Perimbangan Keuangan. *Indonesian Treasury Review: Jurnal Perbendaharaan, Keuangan Negara Dan Kebijakan Publik*, 7(1), 1–19.
- RAUDHOTUL, A. (2022). *Flypaper Effect Pada Dana Alokasi Umum (DAU) dan Pendapatan Asli Daerah (Pad) Terhadap Belanja Daerah Pemerintah Provinsi Lampung Tahun 2005-2020 Menurut Perspektif Ekonomi Islam*. UIN Raden Intan Lampung.
- Rosikah, C. D., & Listianingsih, D. M. (2022). *Pendidikan antikorupsi: Kajian antikorupsi teori dan praktik*. Sinar Grafika.
- Shoba, A. N., & Fidiana, F. (2022). Kemandirian Keuangan Daerah Berdasarkan Pendapatan Asli Daerah, Dana Bagi Hasil, Pertumbuhan Ekonomi. *Jurnal Ilmu Dan Riset Akuntansi (JIRA)*, 11(5).
- SIBUEA, H. (2022). *Analisis terhadap kontrak pengadaan barang/jasa pemerintah dalam penanganan keadaan darurat berdasarkan peraturan lembaga kebijakan pengadaan barang/jasa pemerintah nomor 13 tahun 2018 tentang pengadaan barang/jasa dalam penanganan keadaan darurat*. Universitas Gadjah Mada.
- Wirotomo, D., & Pasaribu, P. N. (2015). Pengaruh kompetensi, pengembangan karir, pendidikan dan pelatihan (diklat) terhadap kinerja pegawai direktorat jenderal perimbangan keuangan. *MIX: Jurnal Ilmiah Manajemen*, 5(3), 153627.

Copyright holder:

Ahmad Alsa Zaki Fuad*, Edi Pranoto, Nyoman Ardika (2023)

First publication right:

Asian Journal of Engineering, Social, and Health (AJESH)

This article is licensed under the following:

