

JURIDICAL REVIEW ON CORRUPTION PREVENTION COMMITMENTS IN THE PROCUREMENT SECTOR OF GOODS / GOVERNMENT SERVICES IN INDONESIA

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Abstract: *Government Goods / Services Procurement is the most vulnerable sector used as a land of corruption for state administrators because Government Goods / Services Procurement is related to money and the implementation of government projects. Procurement of Goods / Services The government spends around 800 Trillion Rupiah every year and has auctioned 120,000 work packages consisting of procurement of goods, consultancy services, construction services and other services. According to the Asian Development Bank (ADB) and World Bank (WB) there are budget inefficiencies in the Government Goods / Services Procurement sector in Indonesia, around 10% to 50% of the total procurement expenditure in each fiscal year. Meanwhile, according to the Supreme Audit Agency (BPK) there are budget inefficiencies of around 20% to 50% in the Government Goods / Services Procurement sector. Then, the Financial and Development Supervisory Agency (BPKP) stated inefficiency in the Government Goods / Services Procurement sector around 10% to 30% each year. If it is assumed that Government Procurement of Goods / Services is IDR 800 Trillion Rupiah annually and budget inefficiencies are around 20%, there will be a leakage of around IDR 160 Trillion State finance in every implementation of the fiscal year. Research on the above conditions was carried out qualitatively by the method of data collection through library research. The data used are secondary data such as legislation related to the procurement of government goods / services, scientific articles related to procurement of government goods / services, the results of the presentation of experts and government agencies in the field of procurement of goods / services and the results of previous research relevant. The results of the analysis of various sources of information and data above mentioned that there are high inefficiencies in the process of implementing Government Goods / Services Procurement in Indonesia, all of which start with the Government Goods / Services Procurement policy, Procurement planning, budget allocation, selection of suppliers of goods / services , signing of contracts, execution of work, handover of work results, utilization of goods / services, recording of goods / services and deletion of goods / services. The length of the process of procurement of government goods / services, the weak supervision and control of work implementation, the number of procurement stakeholders involved, the lack of procurement dispute resolution mechanisms and the unintegrated procurement process are some of the problems that have the potential to cause practices of abuse of power and corruption in Government Goods / Services Procurement sector. Therefore, efforts are needed to improve, restore and transform Government's Goods / Services Procurement policy that can support the creation of a conducive, transparent, credible, accountable and integrity climate for Government Procurement. Anti-corruption stakeholders need to take strategic steps in encouraging the government to make efforts to improve and simplify the process of procurement of government goods / services so that the process of procurement of government goods / services can be more credible, accountable and with integrity.*

Key Words: *Government Goods / Services Procurement, Prevention, Supervision.*

1. INTRODUCTION:

The Government's Goods / Services Procurement Policy must continue to be encouraged to support the realization of a corruption-free climate in the Government's Goods / Services Procurement sector. The prevention and suppression of corruption in Indonesia all boil down to national policies related to efforts to prevent and deal with corruption. Preventive policies with anti-corruption nuances must continue to be produced by Government Institutions conducting government affairs in the Government Goods / Services Procurement sector by closing invisible small holes for potential misuse of authority and criminal acts of corruption in the Procurement / Government Services.

According to data from Indonesia Corruption Watch, the Government Goods / Services Procurement sector accounts for around 70% of corruption in Indonesia. The rest is caused by the abuse of authority and intervention in the process of Government Goods / Services Procurement. This fact is a warning for the government to issue various anti-corruption policies in the Government Goods / Services Procurement sector. Policies in the field of Government Goods / Services Procurement are implemented by the Government Goods / Services Procurement Policy Agency which was formed based on Presidential Regulation Number 106 of 2007 concerning Government Goods / Services Procurement Institutions as amended by Presidential Regulation Number 157 of 2014 Amendment to Presidential Regulation Number 106 of 2007 concerning Government Goods / Services Procurement Institutions leads to significant changes to Government Goods / Services Procurement practices so that they become more open, transparent, credible and accountable. LKPP has the task of carrying out the development and formulation of the Government Goods / Services Procurement policy while also functioning to formulate and formulate strategies and

determine policies and standard procedures in the field of Government Goods / Services including procurement of business entities within the framework of Government Business Entity Cooperation.

Furthermore, formulating and formulating policies and determining policies on developing human resources in the field of Government Goods / Services Procurement, carrying out monitoring and evaluating, fostering and developing information technology systems for procurement and overseeing the implementation of Government Procurement of Goods / Services electronically (electronic procurement), providing technical guidance, advocacy and legal opinion and fostering and organizing general administrative support to all organizational units in LKPP. From some of these assignments, there is still a visible overlap in policies where, on the one hand, LKPP functions as a regulator of Government Goods / Services Procurement, but on the other hand carries out supervision of the policy products that it produces itself. Various Government Goods / Services Procurement policies should have a significant impact on efforts to prevent corruption in the Government Goods / Services Procurement sector. If it is looked carefully and deeply in terms of the tasks and functions of LKPP, it can be concluded that the role and function of LKPP is so great in issuing policies to prevent corruption in the Government Goods / Services Procurement sector. LKPP must always conduct an evaluation of the Government's Goods / Services Procurement practices that are being implemented and put in place policies that can close the gaps in the potential for fraud and corruption in the Government Goods / Services Procurement sector. So far, there have been several anti-corruption policies issued by LKPP such as the whistleblowing system, complaints channel, and the development of an electronic procurement system. However, there is still a need for an external monitoring and control system that can oversee and control the implementation of electronic procurement as a whole, including monitoring the implementation process of e-tendering, e-catalog, e-purchasing, and whistleblowing systems. Because the fostering, policy implementation, control and supervision functions are not possible to be carried out by the same agency because their independence and objectivity will be questioned.

For example, the presence of an external, independent and accountable government agency for the control and supervision and control of Government Procurement of Goods / Services is the name of the Indonesian Goods / Services Procurement Supervisory Committee. There is also a need to increase accountability and transparency regarding the mechanism of objections, objections and community complaints against the process of Government Procurement of Goods / Services. The government even needs to adopt international best practices related to the Procurement of Goods / Services such as the World Trade Organization Government Procurement Agreement (WTO GPA), ISO 20400 on Sustainable Procurement, the UNCITRAL Model Law on Public Procurement and the Guide to Enactment of the UNCITRAL Model Law on Public Procurement. Including the Education and Training system for Goods / Services Procurement must include a curriculum regarding anti-corruption in the process of Procurement of Goods / Services, Sustainable Procurement and International Best Practices that apply in the International Goods / Services Procurement system. With the integration of the local content material for the Procurement of Goods / Services with the International Procurement Best Practices, it is expected that the Government's Goods / Services Procurement system will be more integrity, accountable, credible, and professional. The synergy between the stakeholders of Government Goods / Services Procurement needs to be improved so that all stakeholders have the same opportunity to apply good Government Procurement Practices (Good Government Procurement Practices). Government Goods / Services Procurement Stakeholders are divided into 3 (three) groups, namely Procurement Managers (government), providers of goods / services (business entities) and procurement practitioners (Procurement Lawyers, Procurement Contract Legal Experts, Procurement Mediators, Procurement Arbitrators, Procurement Experts, Non-Governmental Organizations in the procurement sector). In carrying out its duties and functions, LKPP must affirm its position as a non-ministerial government institution that is independent and is above all these groups or tends to favor only one group, clarity of position and role will have a significant impact on the policies that will be issued later. If LKPP positions itself as an independent non-ministerial government institution, the portion to obtain access to services to improve human resource capacity in the sector of government goods / services procurement must be shared equally with all groups so that the realization of a Government Procurement / Services system with integrity and accountable.

Improvement of the Government / Public Procurement / Goods Procurement system is a legal obligation that must be carried out immediately by the relevant government agencies. Improvement of Government Goods / Services Procurement system in order to close the "gates" or holes for corruption for all parties involved in the Government Procurement of Goods / Services. Government Goods / Services Procurement System is an important and strategic element in encouraging the realization of good governance and clean government in Indonesia. The acceleration of the improvement of the Government's Goods / Services Procurement system is not only seen from the point of availability of fast, cheap and simple services based on electronic applications but must also be seen from the point of substance of its regulation, aspects of control, supervision and evaluation at each stage of the Government's Goods / Services Procurement process. The most crucial and decisive stage in the Government Goods / Services Procurement process is the planning stage. At that stage the planners must really use data and information that is truly valid and objective in

compiling the identification of Procurement requirements and Committing Officers must also really use methodologies and data sources that are valid and can be accounted for in compiling and setting Prices Self Estimation and Technical Specifications so as to reduce the workload and legal risks that will be faced by other Goods / Services Procurement actors such as the Election working group (Pokja) at the stage of selecting goods / services providers, Officials / Examiners of Work Results, PPTK). Although each stage of the Government Goods / Services Procurement process has different characteristics of the problems, each of the characteristics of the problems in each of these stages all boils down to aspects of accountability both in criminal, civil, state administration as well as business competition. Therefore it is necessary to have a support team or a team of qualified specialists starting from the process of preparing the procurement plan to the handover of the work. The team will later work professionally and independently in order to provide assistance through providing advice and input on all stages of the Government Goods / Services Procurement process with high standards of quality, integrity and accountability and can be accounted for. Even with the spirit of transparency, Procurement of procurement stakeholders can access information and data related to the Government's Goods / Services Procurement process easily, simply and quickly. A credible, integrity and accountable Government goods / service procurement system is an absolute prerequisite for the establishment of a country free of corruption, collusion and nepotism. With the improvement and continuous improvement in the Government Goods / Services Procurement system in Indonesia towards a more open, transparent, credible and accountable Government Goods / Services Procurement system, it can be measured the extent to which the effectiveness of the policy in reducing the occurrence of fraud) and Corruption in the Government Goods / Services Procurement sector in Indonesia.

2. LITERATURE REVIEW:

2.1. Government Goods / Services Procurement:

Government Goods / Services Procurement is an activity of Procurement of Goods / Services by the Ministry / Institution / Regional Apparatus funded by the State Budget / Regional Budget whose processes have since identified the needs, up to the handover of the work. Where the Manager of the Procurement of Goods / Services is a Functional Officer who is given the duties, responsibilities, authority, and full rights by the authorized official to carry out the Procurement of Goods / Services.

2.2. Prevention:

Prevention is the process, way, action to prevent or the act of holding so that something does not happen. Thus, prevention is an action. Prevention is synonymous with behavior.

2.3. Supervision:

Supervision is the whole of activities that compare or measure what is or has been carried out with the criteria, norms, standards or plans that have been determined previously. or it can be said that a process of observation rather than the implementation of all activities of the organization to ensure that all work being carried out goes according to a predetermined plan.

3. RESEARCH METHODS:

This research was conducted using qualitative research methods and applying data search methods (data collection methods) with data library (library data). So that the study used in this study also uses a literature study. Research that uses literature review is research that demands critical analysis from the researcher by analyzing each existing document and carefully connecting the various events in each finding. Some of the literature data used in this short study are;

- Legislation related to Government Procurement of Goods / Services
- Previous research related to Government Procurement of Goods / Services.
- Articles both domestically and internationally related to the procurement of goods / services.
- Books that are relevant to the Government Goods / Services Procurement process.
- Magazines
- Newspaper

Research that uses a qualitative data approach is data that is structured, focused and specific and can change at any time depending on the object of research [Prasetya Irawan; 2002. P.77]. By using a qualitative research approach and literature review, it is expected that the results of the analysis, conclusions, recommendations and suggestions from this research can contribute to the development of improved policies and systems for procurement of government goods / services in Indonesia, especially in the context of preventing and eradicating Procurement Corruption in Indonesia.

4. THE RESULT AND DISCUSSION:

From various data and information collected, there are several findings that must be of mutual concern in order to improve the policies and systems of Government Goods / Services Procurement in Indonesia. Some of the findings are as follows;

Indonesian Goods / Services Procurement Supervisory Committee:

Indonesian Goods / Services Procurement Supervisory Committee or other name is an institution whose function is to control, monitor, supervise and evaluate the process of procurement of Government goods / services. Until now the agency does not yet exist and is expected to be formed as soon as possible in order to carry out the functions and tasks of controlling, monitoring, supervising, receiving reports / complaints from the public, conducting an investigation process, providing sanctions recommendations and evaluating the Government's Goods / Services Procurement system on an ongoing basis. During this time the supervisory and control functions are carried out by the Government Internal Supervisory Apparatus (APIP), including receiving reports or complaints from the public regarding potential fraud in the Government Goods / Services Procurement process. Supervision and control carried out by APIP are considered not optimal because APIP itself is structurally part of the internal structure of the Ministry / Institution / Regional Government so that it is still affected by conflict of interest and is not entirely pure, free and independent in conducting supervision and control of the Procurement of Goods / Services Government.

In Article 6 of Presidential Regulation Number 16 of 2018 concerning Procurement of Goods / Services the Government is regulated on the Principles of Procurement of Goods / Services namely;

- Efficient,
- Effective,
- Transparent,
- Open,
- Compete
- Fair, and
- Accountable

Then, in Article 7 of Presidential Regulation Number 16 of 2018 concerning Procurement of Goods / Services the Government regulates the Ethics of Procurement of Goods / Services namely;

Carry out tasks in an orderly manner, accompanied by a sense of responsibility to achieve the goals, smoothness and accuracy of the achievement of the objectives of the Procurement of Goods / Services;

Work professionally and independently, and maintain confidentiality of Goods / Services Procurement Documents which by their nature must be kept confidential to prevent irregularities in the Procurement of Goods / Services;

Not affect each other directly or indirectly resulting in unfair competition;

Accept and be responsible for all decisions made in accordance with the written agreement of the parties;

Avoid and prevent conflicts of interests of the parties involved either directly or indirectly in the process of procurement of goods / services;

Avoid and prevent waste and leakage of state finances in the procurement of goods / services;

Avoid and prevent the abuse of authority and / or collusion, with the aim of personal, group or other party benefits that directly or indirectly harm the country, and

Not accepting, not offering or not promising to give or receive gifts, rewards, commissions, rebates and in whatever form from or to whatever is known or reasonably suspected relating to the Procurement of Goods / Services.

Furthermore, in Articles 9 to 17 Presidential Regulation Number 16 Year 2018 governs the Procurement of Goods / Services. During this time there are several criteria that must be fulfilled by a State Civil Apparatus that will be appointed as a member of the Election Working Group or Committing Officer, namely;

Have integrity, discipline, and responsibility in carrying out tasks;

Understand the work to be held;

Understand the specific types of work that are the task of the Election Working Group concerned;

Understand the contents of documents, methods and procedures for procurement;

Has no family relations with officials who set him as a member of the Election Working Group;

Have a certificate of expertise in the procurement of goods / services in accordance with the required competencies; and Signed the Integrity Pact.

Various provisions concerning the Government Procurement of Goods / Services that have been regulated in Presidential Regulation Number 16 Year 2018 concerning Procurement of Government Goods / Services are in the framework of encouraging the realization of Government Goods / Services Procurement practices with integrity, credibility and accountability. Based on the findings in the field, one of the fundamental problems in the process of Government Goods / Services Procurement is the weak mechanism of prevention, control, supervision, enforcement and evaluation in the process of Procurement of Government Goods / Services both at central and regional levels. With the strengthening of prevention, control, monitoring, enforcement and evaluation mechanisms, it is expected that

the level of fraud and corrupt practices will decrease every day and at some point become zero fraud and zero corruption in the Government Goods / Services Procurement sector. The existence of LKPP with an office only in the capital of the country makes all the problems of Government Goods / Services Procurement faced by procurement actors, suppliers of goods / services, Procurement Lawyers, Procurement Contract Legal Experts and other interested parties all have to deal with Jakarta. Whereas such vast territory of Indonesia with 34 (thirty four) Provinces and 548 (five hundred forty eight) Regencies / Cities with Procurement value per year around 2000 Trillion Rupiah requires the presence of LKPP in all regions in Indonesia or at least LKPP has regional offices in several strategic areas in Indonesia.

Important and strategic aspects such as prevention, control, supervision, enforcement and evaluation need to be developed both theoretically and practically so that they all become a unified sub-system that supports the realization of Good Procurement Practices, Good Governance and Clean Government. If analyzed in more depth, LKPP's policies related to prevention, control, supervision, enforcement and evaluation can be described in more depth, in detail and comprehensively, as follows;

5.1. Preventive Aspects:

Prevention is the most important part in the process of implementing goods / services of the Government with the maximum prevention efforts so that the risk of irregularities / abuse of authority, state financial losses, environmental pollution and illegal levies can be reduced. Several attempts have been made in strengthening aspects of prevention including;

Requiring the management of government goods / services procurement to have a Certificate of Goods / Services Procurement Expertise;
Signing of the Integrity Pact;
Promotes whistleblowing system; and
Empowering the role of the Government Internal Supervisory Apparatus in conducting a probity audit or audit of goods / services procurement.

A number of prevention efforts that have been made above are a tangible form of the maximum prevention efforts by LKPP or other parties in preventing deviations / abuse of authority, corruption and other general criminal acts. However, these efforts need to be increased, developed and updated from time to time so that the process of change towards improvement in order to improve existing mechanisms.

However, if analyzed in more depth about the duties and functions of LKPP as the only government institution that is given the mandate to develop and formulate policies in the Government Goods / Services Procurement sector, it is not yet possible to find any tasks and functions that expressly and clearly mandate LKPP to make these prevention efforts. Although usually in government practice, specifically regarding prevention is usually carried out by APIP as a form of internal supervision, BPKP as an internal oversight body and BPK as an external auditor institution. Therefore it is necessary to strengthen the supervision and control of the procurement of goods / services by establishing an independent, professional and accountable supervisory institution. It is necessary to clarify and straighten the meaning of efforts to prevent, control, supervise, act on and evaluate because each word has almost the same meaning and overlaps with one another. Then if, seen from the supervision process carried out by internal institutions such as APIP and BPKP, it often seems to be less than optimal and also often faces the problem of "conflict of interest" among fellow State Civil Apparatuses. The less optimal condition of the role of the internal supervision agency in supervising and controlling the procurement of goods / services is evident by the large number of corruption cases that have arisen at various levels of government both handled by the Police, Attorney's Office and the Corruption Eradication Commission.

KPK data shows a tendency to increase cases of Corruption in which the perpetrators involved various groups of officials, academics, procurement managers and providers of goods / services. The data shows that the role of internal and external control carried out by APIP and BPKP has not shown significant success. Therefore we need other efforts that are more creative, innovative, and progressive in preventing the occurrence of criminal acts of Corruption, especially by making preventive efforts progressively in the Public Procurement sector. Prevention efforts in the Public Procurement sector must be carried out at all stages of the Government's goods / service procurement process starting from the planning stage, the budgeting stage, the supplier selection stage, the contract signing stage, the work implementation stage, the work handover stage, the utilization stage, the documenting stage of procurement of goods / services and the stage of transfer of status or deletion of goods / services.

5.2. Controlling Aspect:

The control aspect is one of the strategic stages in order to prevent the occurrence of criminal acts of corruption and deviations of authority. Control can be done both internally and externally. In some developed countries such as the United States and Australia, they usually use external controls in order to guarantee the quality of the work carried out in order to meet the standards of transparency, credibility and accountability. In the Presidential

Regulation of the Republic of Indonesia Number 16 Year 2018 concerning Procurement of Government Goods / Services, Articles have been stipulated that aim to prevent Procurement Corruption and at the same time control the Government Procurement of Goods / Services through the provision of professional opinions and opinions. The Articles are namely;

Article 9 paragraph (1) letters k and i Presidential Regulation Number 16 Year 2018 states "PA as referred to in Article 8 letter a has rights and authority;

- Establish a technical team; and / or
- Establishing a jury / expert team for Procurement through a contest / contest. "

Article 11 paragraph (2) of Presidential Regulation Number 16 Year 2018 states "PPK in the Procurement of Goods / Services as referred to in Article 8 letter c has duties;

- Establish a support team
- Assign a team or experts "
- Article 13 paragraph (4) of Presidential Regulation Number 16 Year 2018 states "Election Working Groups can be assisted by teams or experts.

Some examples of the above arrangements that currently apply in the process of procurement of government goods / services should be made part of the control mechanism in the process of procurement of goods / services so that each expert employed can provide an opinion both juridical and non-juridical in nature. in order to encourage accountability in the work being carried out. Therefore a comprehensive plan is needed related to the procurement of Government goods / services so that some important items above can be used as traditions for procurement managers in carrying out the selection process of Government goods / services providers.

5.3. Supervisory Aspect:

The aspects of supervision in the process of procurement of government goods / services are divided into 2 (two) forms of supervision, namely internal supervision and external supervision. Internal supervision is carried out by the Inspectorate as part of the Government Internal Supervisory Apparatus (APIP) and also carried out by the Financial and Development Supervisory Agency (BPKP). The mechanism of work of the Government Internal Supervisory Apparatus (APIP) is regulated in Government Regulation of the Republic of Indonesia Number 60 of 2008. The elements which are the objects of government internal control include; control environment, risk assessment, control activities, information and communication and internal control monitoring. The Inspectorate is the frontline in carrying out internal government oversight so that the burden, duties and responsibilities assumed by APIP are so great. So in Article 115 paragraph (3) of Presidential Regulation Number 4 of 2015 it is stated that APIP is one of the parties entitled to obtain legal services from the leadership of Ministries / Institutions / Regional Governments / Institutions if APIP faces legal problems. Therefore it is necessary to have a comprehensive legal protection system for APIP and other parties involved in the process of procurement of government goods / services. The Financial and Development Supervisory Agency (BPKP) is also part of the government's internal supervision system. BPKP's position is structurally within the executive structure so that BPKP can act as a party that provides input and advice to government officials, especially procurement managers in order to carry out procurement activities in accordance with government procurement of goods / services. The existence of BPKP as an organization is based on Article 52 of Presidential Decree Number 103 of 2001 concerning the Composition and Position of Non-Departmental Government Institutions. Although the existence of BPKP as an organization is part of the government / executive, in the field many procurement managers are actually worried about audits conducted by BPKP auditors. Whereas the BPKP audit should have been used as a medium to improve the performance of government officials before facing an audit of the Supreme Audit Agency (BPK). BPKP audits can be used as input and advice, especially for managers of government procurement of goods / services so that the process of procurement of government goods / services can be better, cleaner, more transparent, credible and accountable. In fact, BPKP itself has prepared an audit of government goods / services procurement called Probity Audit. Probity Audit is carried out in accordance with the principles and ethics of procurement in order to increase public confidence in the procurement process of government goods / services carried out by procurement managers.

But on the other hand, BPKP also has a partnership with the Republic of Indonesia National Police regarding an investigative audit of state financial losses. This has become a scourge for procurement managers because on one hand BPKP is part of the government's internal supervision, but on the other hand it has a partnership with Law Enforcement Officials related to investigative audits of state financial losses. The results of the investigative audit are one of the evidences that must be fulfilled by APH before determining the status of a suspect to someone suspected of having committed a criminal act of corruption originating from the procurement of government goods / services. Therefore, re-positioning of the role and function of BPKP is needed as part of the government's internal watchdogs. In addition, there is also a need for an Investigative Audit Audit Standards for State Financial Losses both conducted by BPKP and BPK so that the rights of the nominated candidates can be given to the maximum. And if one of the

institutions has conducted audits of state financial losses and the results do not find any state financial losses, the results must be respected by other financial audit institutions and the agency is not allowed to re-examine the same audit object. This is important to be straightened out and fought for because if every institution that has the task and authority to conduct a state financial loss check is allowed to repeatedly check the same audit object then there is no respect for the principle of legal certainty. Therefore we need a truly comprehensive arrangement where on the one hand the eradication of corruption can be implemented well but on the other hand the rights of potential suspects can be given to the maximum by statutory regulations. In fact in the field, there are a number of cases that show that there is no state financial loss but because someone has been named a suspect and then the process continues to be the defendant he is finally convicted by the Judge even though in the trial process there was no discovery of state financial losses.

5.4. Curative Aspect:

Enforcement aspect is an aspect of law enforcement carried out in the context of carrying out investigations, investigations, prosecutions and convictions of alleged acts of corruption which have originated from the procurement process of government goods / services. Procurement managers always complain that administrative errors or procedural errors are always used as an excuse by law enforcement officials as an entry point to determine the status of suspects to procurement managers. Even law enforcement efforts are not only carried out against the procurement manager, but also carried out against the providers of goods / services. So many procurement managers are afraid to become members of the Election Working Group. Likewise, providers of goods / services are afraid to take part in government projects auctions. Such conditions eventually made budget absorption low because many State Civil Apparatus were unwilling to be appointed as members of the Working Group and many providers of government goods / services preferred to take part in tenders at private companies rather than to bid on government projects.

Law enforcement carried out by APH is always in Article 2 paragraph (1) of Law Number 31 of 1999 concerning Eradication of Corruption, namely "Every person who unlawfully commits acts of enriching oneself or another person or a corporation that can be detrimental state finances or state economy, shall be sentenced to imprisonment with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a minimum fine of Rp 200,000,000.00 (two hundred million rupiah) and a maximum of Rp 1,000,000,000.00 (one billion rupiah). "Then in Article 2 paragraph (2) it is stated that" In the case of a criminal act of corruption as referred to in paragraph (1) carried out in certain circumstances, the death penalty may be imposed. "Furthermore, in Article 3 of Law Number 31 of 1999 concerning Eradication of Corruption is stated, namely, "Everyone who has the purpose of benefiting himself or others or a corporation, misusing the authority, opportunity or means available to it because of a position or position that can be detrimental to the country's finances or the country's economy, shall be punished with life imprisonment or imprisonment for a minimum of 1 (one) year and a maximum of 20 (twenty) years and / or a fine of at least IDR 50,000,000 (fifty million) and a maximum of IDR 1,000,000,000 (one billion rupiah). " Law Enforcement Officials should be given training in government goods / services procurement so they can understand the world of procurement of goods and have knowledge and experience in exploring the situations and conditions that occur in the implementation of government goods / services procurement.

5.5. Evaluation Aspects:

An evaluation of the various processes and stages of government procurement of goods / services is absolutely necessary as an effort to improve government procurement of goods / services. The process of evaluating the procurement of government goods / services must be carried out in accordance with the stages of the process of procurement of government goods / services starting from the planning stage, the budgeting stage, the selection stage of goods / service providers, the contract signing stage, the implementation stage, the handover stage of the work, the documentation of the goods / service and stage of removal and transfer of goods / services status. Each of the above stages has their respective characteristics so that it needs a special expertise in order to carry out various evaluation processes in each of these stages.

6. CONCLUSION:

The complexity of the problem of government goods / services procurement starts from the planning stage, the budgeting stage, the selection stage of goods / service providers, the contract signing stage, the implementation phase, the handover of work results, the documented goods / services stage up to the phase of removal and transfer of the status of goods / services . An effort to provide assistance and assistance to procurement managers and providers of goods / services is needed in order to carry out the procurement process of goods / services in accordance with the principles and ethics of procurement. Then, it is necessary to improve public procurement policies in Indonesia in order to realize Good Procurement Practices and Good Procurement Governance as well as in order to face global challenges in the Procurement of Government Goods / Services / Public Procurement.

7. RECOMMENDATIONS:

Recommendations that can be given in order to improve the process of procurement of government goods / services are as follows;

- ✓ Encouraging the acceleration of the birth of Government Procurement of Goods / Services / Public Procurement Laws and Government Contracts for Procurement of Goods / Services in Indonesia.
- ✓ Encouraging the formation of an Ad-Hoc Public Procurement Court.
- ✓ Encouraging the formation of the Indonesian Goods / Services Procurement Supervisory Committee

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