

Legal Responsibility for Corruption Policies in Digital-Based Local Government Goods and Services Procurement Mechanisms

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Abstract. *Policy corruption in digital-based local government procurement mechanisms is a serious threat to the integrity of governance and national development. This phenomenon specifically occurs when public regulations or policies, such as overly specific technical requirements or qualification criteria that deviate from fair procurement principles, are manipulated to benefit certain goods/services providers who have close ties with policy makers. This manipulation exploits gaps in digital systems that should be designed to increase transparency and accountability, for example by deliberately creating ambiguity in electronic auction specifications or limiting access to digital platforms for other potential providers. Therefore, the author raises the title "Legal Responsibility for Policy Corruption in Digital-Based Local Government Procurement Mechanisms". The research method uses a normative juridical approach, namely by examining primary, secondary and tertiary materials, primary legal materials consist of the 1945 Constitution, Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services and various official documents containing law, then examining secondary legal materials in the form of books, journals, articles, research reports and so on. This research uses 2 approach models, namely carried out with a Statute approach and a conceptual approach. The analysis method of this qualitative juridical research is an analysis method used to describe data comprehensively and qualitatively in the form of sentences that are coherent, orderly, logical, and effective to facilitate data interpretation and understanding of the results of the analysis, the analytical tools used in this study use the theory of legal responsibility and the theory of legal certainty The digital-based procurement mechanism for regional government goods and services is regulated by Presidential Regulation No. 12 of 2021 concerning Amendments to Presidential Regulation No. 16 of 2018 concerning Government Procurement of Goods/Services, supported by the LKPP Regulation as a technical guideline. Legal liability for corruption in digital-based regional government goods and services procurement policies, with criminal liability regulated by the Corruption Law, civil liability can be filed, and administrative sanctions are imposed in the form of a National Blacklist sanction by the LKPP.*

Keywords: *Policy Corruption; Procurement of Goods and Services; Responsibility.*

1. Introduction

In various parts of the world, corruption consistently receives more attention than other crimes. This is understandable given its negative impact. Corruption is currently a common enemy of all Indonesians who desire to live in peace and be an independent nation. Corruption is a serious problem because it can jeopardize societal stability and security, jeopardize socio-economic and political development, and undermine democratic values and morality.¹

In Indonesia, corruption has become an open secret and has widespread implications in people's lives. There is no area of life that is not tainted by corruption, collusion, and nepotism, both on a small and large scale from the central government to the city/district/municipal level. Villages, including government or private institutions.

Corruption in Indonesia continues to increase year after year. Corruption is rampant in society, both in terms of the number of cases and the amount of state losses, as well as in terms of the quality of the crimes, which are carried out more systematically and reach all aspects of society. Recognizing the complexity of the corruption problem and the real threat it inevitably poses, corruption can be categorized as a national problem that must be addressed seriously through a balance of firm and clear actions involving all potentials in society, especially the government and law enforcement officials.²

The Unitary State of the Republic of Indonesia (hereinafter referred to as NKRI) is a state based on law that upholds the sovereignty of the people, and Article 1 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) is the foundation for the Indonesian state based on law. This means that the state must achieve and fulfill the interests of the sovereign people. One way for the government to improve human resources is by purchasing goods and services for the benefit of the government. One of the countries currently actively carrying out comprehensive development is Indonesia. Progress aims to realize the welfare of the people. Therefore, the development of science and technology encourages change and progress in all business fields, including the procurement of goods and services and the results of development must be available to everyone.

Based on Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states "The State of Indonesia is a state of law", it has the most important implications in eradicating policy corruption. The principle of the state requires that all actions, including actions and implementation of policies, must be subject to applicable law. In the context of policy corruption, the policies made must not be contrary to the law, violate human rights, or abuse authority for the benefit of certain individuals or groups. The application of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia in policy corruption

¹Fanani, MZ, & Zamroni, M. "Function and Role of Administrative Law in the Prevention and Combating of Corruption in Indonesia." *Journal of Legal Reform*, Vol.1, No.1, April 2019. Page 9

²Maiti, & Bidinger, "Corruption and Abuse of Authority Cases Reviewed from the Perspective of State Administrative Law." *Journal of Chemical Information and Modeling*, Vol.53, No.9. 2001. P. 1689

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such as transparency and accountability, compliance with the law, justice and equality, prevention of abuse of authority, and firm law enforcement.³

Statistics released by the Corruption Eradication Commission (KPK) indicate that corruption in Indonesia remains very high. Corruption can occur in almost all branches of government, from the executive, legislative, and judicial branches. Corruption has even evolved to involve several public officials and law enforcement officials. Through their diverse range of powers, public officials are able to make and implement policies. If this authority is not monitored and controlled, it can potentially lead to the implementation of policies that benefit individuals or groups.⁴

This fact justifies that even a government policy cannot be ruled out by certain interests seeking to benefit individuals or groups. Furthermore, government policies suspected of being a vehicle for corruption can also cause material and moral harm to the nation and state.

The practice of corruption in Indonesia has recently shown an increase in quantity and expansion, both in terms of its modus operandi and its forms. The classification of corruption crimes is constantly evolving, revealing several new types of corruption that can also occur in private-government relations. This development in the types and scale of corruption into new forms is due to the expanding scope of corruption, including policy corruption and corruption by the private sector.⁵ It's important to consistently monitor the various cases and real-world impacts of corruption. The literature suggests that corruption could potentially occur and spread throughout the industrial sector. This raises concerns and concerns, given the negative impact corruption has on national life.

The most obvious impact is the state's financial and economic losses due to corruption, the majority of which are never recovered or restored. Consequently, the state, through its legal role, must be able to expand its law enforcement mechanisms to address the development and practice of corruption, including corruption carried out through loopholes in government policy. One such development is the practice of policy corruption, which in its process takes the form of agreements containing spoils or fraud, persuasive lobbying or negative political approaches or interests, or political interests with negative objectives.⁶

This situation can also occur structurally and systematically at various levels of government where control or oversight is still lacking, such as at the local government level. The implication is that if gaps in policy and oversight persist, it will result in persistent corruption in vulnerable areas of policy implementation, such as procurement of goods and services within local government agencies.

³Constitutional Court of the Republic of Indonesia, "Breaking the Chain of Organized and Systematic Corruption," <https://www.mkri.id/berita/memutus-mata-rantai-korupsi-terorganisir-dan-sistemik-23601>, accessed on August 12, 2025, at 16.38 WIB

⁴Made Sugi Hartono, "Policy Corruption by Public Officials: A Criminological Perspective Analysis", *Journal of Legal Communication*, Vol. 2, No. 2, August 2016, pp. 212-227.

⁵Eddy Rifai, "Perspectives on Corporate Criminal Liability as Perpetrators of Corruption", *Mimbar Hukum*, Vol. 26, No. 1, 2017, pp. 87-101.

⁶Sholehuddin, *Sanction system in criminal law*, PT Raja Grafindo Persada, Jakarta, 2007, p. 45

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Policy corruption, therefore, has the potential to be highly detrimental because it can occur through mechanisms that tend to be systemic and structural. Policy corruption also exploits loopholes in the legal framework used as the basis for its implementation, such as Regional Regulations, Regional Head Regulations, and Circulars. This then presents an extraordinary negative impact of policy corruption, the impact of which can certainly be felt on a large or macro scale. The various controversies mentioned above have proven that the spoil system, political intervention that leads to negative political interests, the culture of power, seniority, bureaucratic patronism, and others remain classic problems in the effort to realize good governance and a government free from all forms of corruption, collusion, and nepotism in Indonesia.⁷

Corruption itself cannot be separated from humans as perpetrators of corruption. Each person plays a specific role and is involved in the interaction. However, analytically, these actors can be separated from each other through role play and action. Two different people can play the same role, and conversely, the same two people can also play different roles.

State governance is a dynamic and ongoing process, carried out to achieve goals by utilizing human and material resources through coordination and cooperation. According to them, planning, organizing, and leadership are explicitly included in this definition.⁸

In general, administration can be interpreted as direction, governance, implementation activities, activity development, creation of principles for implementing public policies, activity analysis, balancing and presenting decisions, policy considerations, as individual and group work in producing public goods and services, as well as an arena for academic and theoretical work.⁹

Corruption in construction and service tendering processes generally occurs because supplier selection and consulting services often involve large contract values. Furthermore, procurement contracts for goods and services are often linked to influential parties within and outside the government, with powerful positions and networks.¹⁰ *System-tendering* designed to enable more effective, efficient, transparent, fair, non-discriminatory, and accountable government procurement of goods and services, thereby minimizing corrupt practices. In accordance with Article 69 of the Presidential Regulation on Procurement of Goods/Services, the procurement process is conducted electronically through the Electronic Procurement System (SPSE).

Procurement of goods and services conducted by ministries, institutions, or regional apparatuses involves selecting providers and providing consulting services funded through the State Budget (APBN) or Regional Budget (APBD). This process begins with identifying

⁷Muchsan, *Supervision System for the Actions of Government Officials and State Administrative Courts in Indonesia*, (Yogyakarta: Bima Pustaka, 2002), p. 13.

⁸Asaj Nur, *Public Administration Law*, Jakarta: Pustaka Baru, 2010), p. 37

⁹Supandi, *Modernization of State Administrative Courts in the Era of the Industrial Revolution 5.0 to Encourage the Progress of Indonesian Legal Civilization*, Jakarta: Kencana Pustaka, 2002, p. 124

¹⁰Sari, RD, Nasution, FA, Nasution. "Implementation of Good Governance in Government Procurement of Goods/Services at the Health Office of North Labuhanbatu Regency." *Journal Dharmawangsa News*, Vol.16, No. 3. October 2022. Page 471–486.

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needs and ends with the delivery of work results (Presidential Regulation of the Republic of Indonesia Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services, 2021).

The crime of corruption is a crime that has a character *extraordinary crime*. As the days go by, the perpetrators or actors are becoming more massive, not only the impact.¹¹ The perpetrators are not only the elderly but are increasingly regenerating. Corruptors are now increasingly younger, and their prevalence extends beyond the political trias institutions to village heads, the smallest government units in Indonesia. Corruption is a bad act committed by individuals through bribery, paying bribes, accepting things that violate the law, and causing financial losses to the state. Corruption is also a reprehensible act that benefits oneself or others through unlawful means.¹²

Policy corruption has been a phenomenon that has received much public attention in Indonesia in recent years. This phenomenon sometimes sparks debate among experts as to whether problematic public officials' policies should be prosecuted through state administrative law mechanisms as maladministration or through criminal law as corruption. Furthermore, from a criminal law perspective, policy corruption represents a new type of corruption with a sophisticated *modus operandi* involving powerful individuals, often leading to serious obstacles in law enforcement. Several cases of policy corruption exist at varying levels of the judiciary.¹³

In this era of digitalization technology, in order to keep up with more specific developments in the government procurement of goods or services, which are more efficient and transparent, the government issued Presidential Regulation No. 54 of 2010 concerning Procurement of Goods or Services. The presence of policies regarding goods/services through the e-catalog system e-purchasing mechanism is a new policy that aims to be able to help the flow of government procurement in the era of the Internet of Things (IoT) so that it can be in accordance with the progress of the times.

Government procurement of goods and services is an activity aimed at meeting the needs of ministries, regional government agencies, institutions, and government agencies. The procurement of goods and services is governed by principles that serve as a guideline for its implementation.

Procurement of government goods/services according to the provisions of Article 1 number 1 of Presidential Regulation Number 16 of 2018 concerning Procurement of Goods/Services. Government as amended by Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 is the procurement of goods/services by Ministries/Institutions/Regional Devices funded by the APBN/APBD whose process starts from identifying needs, until the handover of work results. Thus the

¹¹Wahab, SA, *Policy Analysis: From Formulation to Compiling Public Policy Implementation Models*, Jakarta: Bumi Aksara, 2021. P. 68

¹²Hartono, "Policy Corruption by Public Officials (A Criminological Perspective Analysis)", *Journal of Legal Communication*, Vol. 2, No. 2, April 2016, p. 125

¹³Nugroho, "Utilization of Information Technology to Eradicate Corruption Electronically", *Journal of Legal Dynamics*, Vol. 14, No. 3, May 2014, p. 539

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philosophy of procurement of goods/services is an effort to obtain the desired goods/services and is carried out on the basis of logical and systematic thinking (the system of thought), following applicable norms and ethics, based on standard procurement methods and processes.¹⁴

Procurement of goods/services for government purposes is one of the tools to drive the wheels of the economy, in order to improve the national economy in order to improve the welfare of the Indonesian people, because procurement of goods and services, especially in the public sector, is closely related to the use of the state budget.¹⁵ The key point here is the urgency of implementing effective, efficient, and economical procurement to maximize the benefits of budget utilization. This is because the procurement of goods and services is largely funded by state funds, both through the state budget and non-state budget sources.

Electronic procurement of government goods and services (e-procurement) since the enactment of Law Number 11 of 2008 concerning Electronic Information and Transactions, we have been given broad legal space to move. E-procurement As an information system, it is a synergy between data, data processing machines (which usually include computers, application programs, and networks) and humans to produce information. The purpose of implementing-procurement basically to; increase transparency and accountability, increase market access and healthy business competition, improve the efficiency level of the procurement process, support the monitoring and audit process, and fulfill the need for access to information real time. Implementation-procurement in various government agencies, making the interaction process between users and service providers, as well as the public, easier and accelerating the procurement process. Equally important, the implementation of-procurement has automatically improved the control system against various deviations and violations of the rules.

In Indonesia the implementation procurement regulated through Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services. In general,-procurement can be done in 2 (two) ways, namely-tendering And-purchasing. E-tendering is a procedure for selecting goods/service providers that is carried out openly and can be participated in by all goods/service providers registered in the electronic system by submitting one offer within a specified time. Meanwhile-purchasing is a procedure for purchasing goods and services through an electronic catalog system. The purpose of this system is toe-purchasing order to create a direct goods and services selection process through an electronic catalog system, thus enabling all Goods and Services Procurement Work Units (UKPBJ) or Procurement Officers to select the best goods and services and increase the efficiency of costs and time in

¹⁴Adrian Sutedi, *Legal Aspects of Procurement of Goods and Services and Various Problems*, Sinar Grafika, Jakarta, 2008, p. 3.

¹⁵Apri Listiyanto, "Reformation of Government Procurement Regulations (Reformation Regulation of Goods and Services Government Procurement)", *Jurnal Rechts Vinding: Media for National Legal Development*, Vol. 1 No. 1, April 2012, p. 115

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the goods and services selection process from the side of goods and services providers and users.¹⁶

2. Research Methods

This research was conducted using a normative juridical approach, a scientific research procedure to discover the truth based on legal logic from a normative perspective. Scientific logic in normative legal research is built on scientific disciplines and the working methods of normative legal science.¹⁷

3. Results and Discussion

3.1. Regulation of Digital-Based Regional Government Procurement Mechanisms

1. Digital-Based Procurement of Goods/Services Implementation Mechanism

Procurement of goods and services plays a crucial role in development as a means of improving public services and the economy. To achieve this, procurement of goods and services must be carried out in accordance with the principles of efficiency, effectiveness, transparency, openness, competition, fairness, and accountability. However, various obstacles exist in its implementation, particularly the potential for corruption. According to Kaufmann, procurement of goods and services is considered the most vulnerable activity to corruption, and this occurs everywhere throughout the world.

According to sources from the Financial Supervisory Agency of the Republic of Indonesia, there is potential in the process of procuring goods and services, including overpayments, fines for late work not yet received, inappropriate product specifications, high prices, fictitious spending or procurement, and work not being completed as it should be.¹⁸

Referring to the Republic of Indonesia Law Number 31 of 1999 as amended by the Republic of Indonesia Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption, there are several classifications that can be categorized as acts of corruption crimes, such as financial or economic losses to the state, bribery, embezzlement, extortion, fraud, conflict of interest, and gratuities.

The provisions contained in Article 2 paragraph (1) of the Law on the Eradication of Corruption Crime,¹⁹ states "Any person who unlawfully commits an act of enriching himself or another person or corporation that can harm state finances or the state economy...etc.", the explanation in the article that is meant by "Unlawfully" includes unlawful acts in both formal and material sense, namely even though the act is not regulated in legislation, but if the act is considered reprehensible because it does not

¹⁶Much. Nurachmad. Smart Book on Government Procurement of Goods/Services. Jakarta: Transmedia Perkasa. 2011. Pages 140-141

¹⁷Jhony Ibrahim, Normative Legal Research Theory and Methods, Bayumedia Publisher, Malang, 2006, p. 47

¹⁸Framework for Criminal Acts of Corruption in the Procurement of Goods and Services by Government Institutions, <https://hukum.ipb.ac.id/frame-tindak-pidana-korupsi-pada-pengadaan-barang-dan-jasa-oleh-lembaga-pemerintahan/> accessed June 27, 2023

¹⁹Abraham Samad, "Limitations on Criminal Acts of Corruption", Ghalia Indonesia Publisher, Bogor, 2015, p. 21

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comply with the sense of justice or social norms of life in society, then the act can be punished. In this provision, the word "can" before the phrase "harmful to state finances or the state economy" indicates that the crime of corruption is a formal crime, namely that it is sufficient to fulfill the elements of the act that have been formulated, not arising after the consequences.

However, with a criminal law approach through the Corruption Eradication Law which is repressive, only oriented towards prosecution, and there are few preventive efforts in the procurement system of goods and services, so that the repressive overuse approach can create a sense of anxiety for state officials to take action and/or innovation to advance public services and the economy, and this repressive approach also creates fear of involvement in procurement activities directly or indirectly. So that the success of eradicating corruption, especially in the procurement of goods and services, is often used as a mathematical benchmark, while the number of successful handling of corruption cases by law enforcement agencies.²⁰

The stages of government procurement of goods/services consist of procurement planning, procurement preparation, procurement selection, supplier selection, and contract implementation. The following are the procurement stages typically carried out by government procurement:

a. Procurement planning and preparation consist of technical specifications/TOR, procurement packaging, procurement consolidation and announcement of the General Procurement Plan (RUP). Procurement preparation consists of self-procurement, procurement preparation through suppliers which consists of determining the Own Estimated Price (HPS), determining the contract design, and determining procurement guarantees including down payment guarantee, implementation guarantee, maintenance guarantee, warranty certificate and/or price adjustment. The procurement planning and preparation stage also includes identification of needs, determination of the type of goods/services, cost estimation, and technical specifications.

b. The supplier selection process consists of e-purchasing, direct procurement, direct appointment, express tender, and tender. E-purchasing is the process of purchasing goods/services through an electronic catalog. Procurement using e-purchasing is similar to the general purchasing process in e-marketplaces, where goods are purchased through an electronic storefront.

Based on the Indonesian government's efforts to eradicate corruption, collusion, and nepotism (KKN), the implementation of good governance, as defined by the Indonesian government, is essential. This is intended to ensure effective, efficient, transparent, accountable, and responsible governance.²¹

One of the Indonesian government's efforts to achieve good governance is through reforms in all government activities and public services, specifically through the use of information and communication technology. One example is electronic procurement of goods and

²⁰*Ibid*

²¹Dwipayana, Ari. Building Good Governance in Villages. Yogyakarta: IRE Press. 2003. P. 67

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services (e-procurement). Today, the integration of technology and information systems has impacted public institutions, from the central government to regional governments.

Currently, electronic procurement of government goods and services, known as e-Procurement, has been implemented. E-Procurement is a procurement process for goods and services that is carried out electronically (internet-based). The objectives of e-Procurement include increasing transparency and openness in the government procurement process; increasing healthy competition in the provision of public services and governance; and increasing the effectiveness and efficiency in managing the government procurement process.

It is also emphasized in Presidential Decree Number 16 of 2018 that government procurement of goods and services must be carried out electronically or e-Procurement within the Central, Provincial, Regency/City Governments must carry out procurement of goods and services electronically or e-Procurement. This policy is expected to be more transparent, save time and costs and be easily accountable. The implementation of e-Procurement has principles that make electronic procurement of goods and services more efficient, effective, transparent, open, competitive, fair, and accountable. Through this policy, all central and regional government agencies must implement e-Procurement.²²As a procurement process for goods and services conducted via the internet, e-Procurement is an efficient system for providing goods and services, because it can save costs, time, and is more transparent in its implementation. Providers of goods and services no longer need to come to the government procurement office, but can simply view and register on the website online. Electronic procurement of goods and services will increase transparency and accountability, improve market access and healthy business competition, improve the efficiency of the procurement process, support the monitoring and audit process and meet the need for real-time information access to realize clean and good governance in government procurement of goods and services.

This will be one step towards eradicating corruption, collusion, and nepotism, as well as an effort to prepare national goods and services providers to face global challenges and developments. More efficient, open, and competitive procurement of goods and services is essential for the availability of affordable, high-quality goods and services, which will impact on improving public services. According to Neupane,²³e-Procurement can reduce corruption in public procurement processes. It also has a positive relationship with the concept of reduction of monopoly power and information asymmetry, and transparency and accountability that contribute to the reduced chances of corruption in public procurement.

Procurement of goods/services using a new system called e-Procurement has been implemented for Ministries/Institutions/Work Units/Agencies since 2010. Based on Presidential Decree of the Republic of Indonesia Number 54 of 2010, it states that

²²Government Goods/Services Procurement Policy Institute (LKPP). About E-Procurement, from <http://eproc.lkpp.go.id/goto/tentang-e-procurement>, accessed January 25, 2019

²³Neupane, "An Empirical Evaluation of the Potential of Public E-Procurement to Reduce Corruption." *Australasian Journal of Information Systems* Vol. 18 Num.2, 2014, pg. 21-44.

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"Procurement of goods/services is carried out using information technology and electronic transactions in accordance with statutory provisions."

The implementation of e-Procurement activities includes the following implementation methods:

a. e-Tendering

e-Tendering is a supplier selection procedure that is carried out openly and can be participated in by all suppliers registered in the electronic procurement system.

b. e-Bidding

e-Bidding is the implementation of procurement of goods and services by means of submitting procurement information and/or data from goods and services providers, starting from the announcement to the announcement of procurement results, carried out via electronic media including using the internet, intranet and/or electronic data interchange (EDI).

The modules provided in the LPSE application include e-Tendering, e-Bidding, e-Catalogue, and e-Purchasing. This makes it easier for the public to participate in tenders for the procurement of goods and services. The procurement mechanism for goods/services should adhere to the principles of regional asset management. The main principle that must be considered in regional asset management is that the Regional Government must manage these assets from the planning stage to the disposal stage. All stages must be well documented. Based on this opinion, the procurement mechanism for goods/services through e-Procurement should be carried out in an orderly manner, so that the e-Procurement system can make procurement activities more optimal.

The procedures for implementing E-Procurement include general plans for procurement of goods and services, preparation for selection, and implementation of selection (package creation and registration, providing explanations, submitting qualifications, submitting bids, opening bids, objections, letters of appointment of goods and services providers, signing contracts). In its implementation, LPSE invites SKPD, associations including GAPENSI, GAPEKNAS, and other goods and services providers in the context of direction related to the implementation of e-procurement which is packaged in technical guidance activities.

E-procurement results in a number of reductions, from the purchase price of goods, the time for purchasing, billing, and payment, to reductions in administrative costs and time during the procurement process. Furthermore, through e-procurement, the procurement process for goods/services becomes more transparent, open, and creates healthy competition by reducing face-to-face meetings between the procurement committee and prospective suppliers, as well as minimizing irregularities.

ImplementationElectronic procurement of goods/services is driven by various benefits and strategic objectives for the government, namely:

a. Increasing Transparency and Accountability

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Electronic procurement minimizes face-to-face interactions and requires physical documentation, reducing the potential for manipulation and corruption. Digitally recorded processes facilitate audits and oversight. The e-Audit feature in the V6 Electronic Catalog is specifically designed to enhance transparency and accountability through real-time oversight and monitoring.

b. Improving Market Access and Healthy Business Competition

Electronic platforms enable more goods/service providers to participate in the tender process, expanding market access and creating healthier competition.

The transformation towards a more modern and integrated procurement, such as through the launch of the V6 Electronic Catalog, ensures that the entire PBJ process runs end-to-end, is digitalized, and is accessible to work units.

2. Legal Basis and Development of Regulations for Digital-Based Regional Government Procurement of Goods/Services

Regulation of the mechanism for electronic procurement of goods and services by the government in Indonesia is regulated through a series of regulations aimed at increasing transparency, accountability, efficiency and business competition. healthy. The primary legal basis for government procurement of goods/services is Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services, which was later amended by Presidential Regulation Number 12 of 2021. This Presidential Regulation serves as the basis for the development of more technical and operational derivative regulations, one of which is issued by the Government Procurement Policy Agency (LKPP).²⁴

The regulatory framework for electronic procurement of government goods/services covers several aspects, from planning to contract implementation, with focuses on the use of information technology. Government Procurement of Goods/Services (PBJP) is a crucial activity funded by the State Budget (APBN) and the Regional Budget (APBD). This process covers all stages, from identifying needs to handover of work results. In an effort to increase effectiveness, transparency, accountability, and efficiency in PBJP, the government continues to update existing regulations, including adaptation to developments in digital technology.

a. Presidential Regulation as the main basis

1) Presidential Decree No. 16 of 2018 concerning Government Procurement of Goods/Services serves as the primary foundation governing the entire government procurement cycle. It also serves as the legal basis for the establishment of the Goods/Services Procurement Work Unit (UKPBJ) and the Electronic Procurement Services Agency (LPSE).

2) Presidential Decree No. 12 of 2021 concerning Amendments to Presidential Decree No. 16 of 2018, this amendment updates and refines the provisions in the previous Presidential Decree, including aspects related to electronic procurement.

²⁴Abenaya Satria, "Implementation of E-Procurement in the Procurement of Goods/Services in Electronic Procurement Service Institutions," *Journal of Government Administration*, Vol. 1, No. 2, 2021, p. 72

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3) Presidential Regulation No. 12 of 2021 provides a stronger legal basis for parties in carrying out government procurement of goods and services. This Presidential Regulation also provides the foundation for the development of an electronic procurement system, which aims to increase transparency and accountability, expand market access and promote healthy business competition, and improve the efficiency of the procurement process.

b. Regulation of the Government Goods/Services Procurement Policy Agency (LKPP) as a technical guideline

1) LKPP Regulation No. 12 of 2021 concerning Guidelines for the Implementation of Government Procurement of Goods/Services Through Providers, this regulation serves as a guideline for procurement actors in carrying out the process of procuring government goods/services through providers electronically. Its scope includes procurement preparation, preparation for provider selection, implementation of provider selection through various methods (Tender/Selection, E-purchasing, Direct Appointment, Direct Procurement, and Fast Tender), as well as preparation and implementation of provider selection.

2) LKPP Regulation No. 4 of 2021 concerning the Development of Business Actors in Government Goods/Services Procurement, this regulation regulates aspects of business actor development, which is also important in the electronic procurement ecosystem.

3) LKPP Regulation No. 9 of 2021 concerning Online Stores and Electronic Catalogs in Government Procurement of Goods/Services specifically regulates the use of online stores and electronic catalogs as an electronic procurement mechanism. This is part of the government's efforts to digitize goods/services procurement.

c. The Electronic Procurement System (SPSE) is an e-Procurement application developed by the Procurement Systems Directorate of the National Public Procurement Agency (LKPP). SPSE is the backbone of the electronic procurement of government goods and services.

The SPSE functions and modules consist of several modules covering the procurement process through Tender/Selection/Quick Tender, Non-Tender (Direct Appointment and Direct Procurement), Non-Tender Registration, Self-Management Registration, Emergency Procurement Registration, e-Audit, and Contract Management. This application is used by LPSE in all Ministries/Institutions/Regional Governments.²⁵

Compliance with the ITE Law, in organizing an electronic goods/services procurement service system, LPSE is required to fulfill the requirements as stipulated in Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law).

Despite the availability of regulations, the implementation of electronic procurement of goods and services continues to evolve. Changes to regulations, such as LKPP Regulation No. 4 of 2024, which amends LKPP Regulation No. 12 of 2021, demonstrate efforts to adapt to

²⁵Nanang Sutisna, Legal Risk Management and Regulation of Procurement of Goods/Services Study of Government, Regionally-Owned Enterprises, and Regionally-Owned Enterprises, Kencana Prenamedia Group, Jakarta, 2024, p. 46

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current needs and technology. The involvement of partners such as PT Telkom Indonesia in the development of the national procurement platform also demonstrates collaboration to strengthen the digitalization of the process. This development aligns with the commitment to realizing procurement with greater integrity. Overall, the regulatory mechanisms for electronic procurement of goods and services in Indonesia are well-structured, based on Presidential Regulations and detailed in LKPP Regulations. The clear goal is to create an efficient, transparent, accountable, and competitive process through the use of information technology, with SPSE as the primary platform.

3.2. Forms of Accountability for Corruption Policies in Digital-Based Regional Government Procurement of Goods and Services.

1. Forms of Policy Corruption in Digital-Based Government Procurement of Goods and Services

Policy corruption in this context refers to actions involving the creation or manipulation of policies, regulations, or procedures in the procurement of digital goods and services that benefit certain parties, often unlawfully, and harm state finances or the national economy. Specific forms can include:²⁶

a. Manipulation of Digital Procurement Systems and Algorithms

1) Auction Parameter Settings

The policies underlying digital procurement systems can be manipulated to favor certain providers. For example, setting qualification criteria so specific that only one or a handful of providers can meet them, or setting technical parameters that favor specific products or services already agreed upon with providers.

2) Tender Information Leakage

Despite being digitally based, information leaks regarding specifications, HPS (Estimated Price), or even the list of potential winning participants can occur through unauthorized access or abuse of authority by those managing the system. This violates the principles of transparency and fair competition.

b. Abuse of Authority in Determining Procurement Policy

1) Formation of Pro-Corruption Regional Regulations

Officials who have the authority to formulate procurement policies at the regional level can create derivative regulations or internal policies that actually open up opportunities for corruption, for example by unreasonably simplifying procedures for certain types of procurement that benefit certain groups.

2) Unaccountable Discretion

²⁶Hasbullah F., 2017, *Directors of Limited Liability Companies and Corporate Criminal Liability*, Jakarta: Kencana. 2017, p. 35

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Policies that grant officials discretion in the digital procurement process must be balanced with strict accountability. Abuse of this discretion can include direct supplier selection (direct appointment) without a strong basis or violating open procurement principles.

c. Corruption in the Use of Digital Data and Information

1) Exploitation of Procurement Data for Personal Gain

Data collected in digital procurement systems, such as supplier lists, tender history, and bid prices, can be misused for personal or group interests, for example to predict or facilitate bribery practices.

2) Non-Transparent Blacklist Management

Although the LKPP maintains a National Blacklist, regional internal policies for managing and reporting problematic providers can be manipulated. Providers who should be blacklisted may not be reported, or, conversely, innocent providers may be blacklisted as a form of intimidation or extortion.

2. Elements of Policy Corruption in Digital-Based Procurement of Goods/Services in Regional Government Agencies

The elements of policy corruption in the procurement of goods and services within local government agencies in the digital era are caused by several factors. This is the first study in the discussion chapter of this thesis. The elements of policy corruption in the procurement of goods and services within local government agencies can be analyzed from the relationship between local governments and their authorities in procurement policies. Case studies (case approach) obtained from news, decisions, and statistics related to corruption in procurement of goods and services by local governments serve as sources of study, which are then analyzed using theories such as the theory of criminal liability, the theory of authority liability, and several related reviews such as policy corruption, government actions, and procurement of goods and services.²⁷

The elements of policy corruption in the procurement of goods and services within the scope of digital-based regional government agencies include:

a. Elements of Abuse of Authority in Procurement of Goods and Services

Abuse of authority is an inseparable dimension of the implementation of authority. It should be noted that a state based on the rule of law is theoretically a form of state in which there is recognition of the principle of the supremacy of law and the constitution, then the adoption of the principle of separation and limitation of powers according to the constitutional system regulated in the Basic Law or constitution. One of these is the existence of guarantees of human rights in the Basic Law or constitution, the existence of the principle of an independent and impartial judiciary that guarantees equality of all citizens before the law, and guarantees justice for everyone, including against abuse of

²⁷Yohanes Suhardin, "The Role of Law in Realizing Public Welfare," *Pro Justitia Law Journal*, Vol. 25, No. 3, 2007, p. 78

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authority by those in power.⁷⁷ This is important to understand because it relates to the principle of the implementation of authority, which must be based on the law that regulates it.

Procedural principles relate to the policy-making process, such as the obligation of government officials to act impartially or impartially (obligation of impartiality) in making policies, the recognition of the right to self-defense, and the obligation of policymakers to provide reasons. Meanwhile, substantive principles relate to the material or content of the policy. That the material or content of the policy made should pay attention to the principle of equality (principle of equality), the principle of legal certainty (legal certainty), the prohibition of abuse of authority (prohibition of 'machtsafwending'), the obligation to be careful (duty of care), and the principle based on reason (principle of reasonableness).

In the substance of the regulations of Law Number 30 of 2014 concerning Government Administration, it has classified abuse of authority which includes actions exceeding authority, actions mixing authority and arbitrary actions. Based on these provisions, then a convicted case of abuse of authority or crime related to the position of a state administrator if the court decides that they have been proven to have committed a crime of abuse of authority, no matter how many sentences they have received cannot avoid the administrative sanction of dishonorable dismissal as a State Civil Apparatus.

This, in fact, shows the existence of a multi-layered sanction mechanism that will be faced by those convicted of corruption in the procurement of goods and services, in addition to criminal sanctions of imprisonment, fines, substitute punishment, the convict will also face administrative sanctions in the form of dismissal as a State Civil Apparatus. The scheme or model of proving abuse of authority between Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption and Law Number 30 of 2014 concerning Government Administration, thus it is necessary to carry out harmonization efforts. This harmonization can be carried out as a priority first with Law Number 30 of 2014 concerning Government Administration. Such a step is relevant to the implementation of the principle of *lex posteriori derogat legi priori* so that fair and beneficial law enforcement procedures can be realized.²⁸

b. Elements of Intervention by Superior Officials

The bureaucratic work environment is influenced by several factors, including structure and seniority. In some cases, a power culture, characterized by power or patronism and seniority, persists within the Indonesian bureaucracy. This creates an unhealthy bureaucratic work environment that can even lead to interference from seniors to juniors or from superiors to subordinates. This situation clearly impacts the objectivity of bureaucratic performance. Within local government agencies, a power culture, characterized by power or patronism, also exists. This implies that intervention can even extend to political intervention or pressure. Intervention is deeply rooted in Indonesian bureaucratic culture.

²⁸Mario Julyano and Aditya Yuli Sulistyawan, "Understanding the Principle of Legal Certainty Through the Construction of Legal Positivism Reasoning", *Crepido Journal*, Vol. 1, No. 1, 2019, pp. 13-22.

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Interventions can develop within agencies, including local governments, through goods and services procurement policies due to a lack of integrity. Integrity can be defined as actions that comply with established norms, values, and principles. Integrity is also defined as honesty. In the procurement of goods and services, integrity is the primary requirement for the Commitment Making Officer (PPK), the Procurement Officer or ULP Working Group, and the Work Result Recipient or Official (PPHP). Integrity is embodied in an Integrity Pact, which must be signed by the Personnel Development Officer (PPK), namely the local Regional Head, as well as the Procurement Officer or ULP Working Group and PPHP.

An Integrity Pact is a written statement containing a consensus or agreement to jointly prevent and refrain from collusion, corruption, and nepotism in the procurement of goods and services. However, in practice, integrity pacts are often underutilized and merely serve as supplementary documents in the procurement process. This situation even leads to the practice of signing integrity pacts without first reading and understanding their substance.

A person's personal integrity is often affected by intervention from certain parties, both structural and political. Intervention, in practice, is defined as the act of interfering. A common form of intervention in the procurement of goods and services is the presence of an order or pressure to favor a particular supplier. The terms commonly used are directives or entrustments, which are then referred to as policies.²⁹

3. Legal Accountability for Corruption in Digital-Based Regional Government Procurement of Goods/Services Policies

Legal accountability for corruption in policies in digital-based regional government procurement of goods and/or services involves many parties and sanctions, both criminal and administrative.

a. Legal basis, in this case includes several laws and regulations, namely:

1) Corruption Eradication Law

General provisions in the Corruption Eradication Law, such as Article 2 paragraph (1) which states "Any person who unlawfully commits an act of enriching himself or another person or corporation that can harm state finances or the state economy...", is the main basis for action. The definition of "unlawful" includes acts that violate formal and material laws, meaning that actions that are not in accordance with a sense of justice or social norms can also be punished even if they are not explicitly regulated in the law.

2) State Administrative Law

The field of state administrative law is highly relevant because it regulates the government's procedures for carrying out its functions, including the procurement of goods and services. The government's role in protecting state administration from inappropriate actions is crucial.

²⁹Karel Antonius Paeh, "Recovery of State Financial Losses Based on the Recommendations of the Supreme Audit Agency (BPK) in Relation to the Element of State Losses in Corruption Crimes", Journal of Criminal Law, Vol. 7, No. 2, 2017. P. 98

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3) Presidential Regulation (Perpres) concerning Government Procurement of Goods/Services

Presidential Regulations, such as Presidential Regulation Number 12 of 2021, regulate in detail the actions and sanctions that can be imposed on parties in the implementation of procurement according to their respective areas of responsibility and functions.

b. Responsible Parties

1) Public Officials/Decision Makers

Those authorized to establish policies, draft regulations, or grant approvals in digital procurement processes can be held accountable if those policies are proven to facilitate corruption or are unlawfully created. This includes regional heads, officials in the Goods and Services Procurement Work Unit (UKPBJ), or other officials involved in the planning and oversight process.

2) State Civil Apparatus (ASN) involved

Civil servants tasked with the procurement process, from the preparation of the General Procurement Plan (RUP), preparation of specifications, the supplier selection process, to supervision, can be subject to sanctions if proven to have committed violations or abuse of authority, including in the context of policy.

The form of accountability for corruption in procurement policies within the scope of regional government agencies in the digital era can be formulated by first defining the elements of corruption in procurement policies within the scope of regional government agencies in the digital era, as explained in the previous discussion. The object of accountability is of course imposed on officials who have the authority to procure goods and services. The form of accountability of officials who make or implement procurement policies must therefore also be classified as including administrative and criminal accountability.³⁰

Corruption in digital-based procurement of goods and services by regional governments has become a frequent occurrence. On October 8, 2024, the Corruption Eradication Commission (KPK) conducted a sting operation related to alleged bribery in the procurement of goods and services for several projects within the South Kalimantan Provincial Government (Pemprov). During the sting operation, the KPK secured several individuals, as well as approximately IDR 12 billion in cash and USD 500 in foreign currency..

The Corruption Eradication Committee then named seven people as suspects, namely SHB as Governor South Kalimantan, SOL Head of the Public Works and Spatial Planning Agency (PUPR), YUL Commitment Making Officer (PPK), AMD administrator of the Darussalam Tahfidz House, FEB Acting Head of the Household Section of the Governor of South Kalimantan, as well as YUD and and as private parties.

³⁰Suhariyanto, Budi, "Corporate Criminal Liability Based on Corporate Culture and Its Implications for Public Welfare," Jurnal Rechts Vinding: Media for National Legal Development, Vol. 6, No. 3, 2017, p. 65

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In the construction of the case, the suspects are suspected of arranging the winner of the project work packages, namely the construction of a soccer field in the integrated sports area of South Kalimantan Province with a work value of Rp23 billion; the construction of an Integrated Samsat with a work value of Rp22 billion; and the construction of a swimming pool in the integrated sports area of South Kalimantan Province with a work value of Rp9 billion.

The mode used by the suspects was by leaking the Self-Estimated Price (HPS), engineering the e-catalog selection process, affiliated planning consultants, and the work had been carried out before the contract was signed. For these actions, the 5 suspects, namely SHB, SOL, YUL, AMD, and FEB, were suspected of violating Article 12 letter a or b, Article 11, or 12B of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.

Meanwhile, the other 2 suspects, YUD and and, are suspected of violating Article 5 paragraph 1 letter a or b or Article 13 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code.³¹

On the one hand, law enforcement by the Corruption Eradication Commission (KPK) ensures that corruption is not tolerated and that justice is served to those affected. However, on the other hand, there are potential tensions. For example, are all suspects of equal culpability? Will the sanctions imposed truly reflect justice? Radbruch recognizes that legal certainty can lead to injustice if the applicable law itself is deeply unjust (for example, a discriminatory law). However, in the context of this case, the applicable law is the anti-corruption law, which aims to uphold justice and prevent state losses.

Implications of the Theory of Legal Certainty: This case underscores the importance of legal certainty as a foundation for upholding justice. With clear rules and a structured process, the public can have confidence that the state is striving to protect the public interest from abuse of authority. However, legal certainty alone is not enough; it must be accompanied by justice. Effective law enforcement in this case is expected to restore public trust and uphold the principle of justice, while ensuring that corruption will be prosecuted.

This alleged corruption case in the South Kalimantan Provincial Government clearly illustrates how Hans Kelsen's theory of legal responsibility works in practice. Individuals suspected of committing unlawful acts are identified and legally held accountable for any sanctions that may be imposed. On the other hand, Gustav Radbruch's theory of legal certainty demonstrates that law enforcement by the Corruption Eradication Commission (KPK) is based on clear norms and a structured process, aimed at providing public certainty

³¹KPK Arrests 7 Suspects in Bribery Project in South Kalimantan <https://kpk.go.id/id/ruang-informasi/berita/tangkap-tangan-suap-proyek-di-kalimantan-selatan-kpk-tetapkan-7-tersangka>, accessed October 10, 2014

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that the state is acting to prevent and eradicate crime and uphold justice. Both, legal responsibility and legal certainty, are essential pillars in maintaining the rule of law and justice in society.

Then, in this case there are several aspects that are relevant to the theory of responsibility (Hans Kelsen), namely emphasizing that legal responsibility is an individual responsibility. Although there is an element "in conjunction with Article 55 paragraph (1) ke-1 of the Criminal Code" which indicates the involvement of several people (medepleger), in the end each individual suspect has legal responsibility for their respective actions. The Governor, Head of PUPR, PPK, and the private sector all have different roles and levels of responsibility but are still bound by the obligation to submit to sanctions.

Implications of Kelsen's Theory: This case demonstrates how the legal system, through law enforcement agencies such as the Corruption Eradication Commission (KPK), operates to identify norm violations, hold individuals responsible for those violations, and impose sanctions as consequences. Responsibility here is objective in law, meaning that regardless of the suspect's personal intentions or motives, the most important thing is the existence of an act that violates the norm and the obligation to accept sanctions.

Based on the analysis of legal certainty (Gustav Radbruch) in the context of corruption in digital-based government procurement policies, namely:

Legal Certainty (Rechtssicherheit) as a Primary Pillar: Radbruch argued that legal certainty is the primary foundation for the existence of law. The law must provide citizens with certainty regarding what is permitted and prohibited, as well as the consequences of their actions. In the procurement of goods/services, corrupt policies fundamentally undermine this certainty. If procurement policies are designed to facilitate corruption, then there is no longer any certainty for honest tender participants, for the public who oversee them, or for government officials who implement them properly.

Policy Corruption Violates Fairness: Corrupt procurement policies are inherently unfair. Corrupt policies often benefit a select few at the expense of the broader public interest. For example, policies that limit the number of tender participants or stipulate highly specific technical specifications that can only be met by one or a few specific companies are forms of unfairness that violate the principles of fair business competition and equal rights for all potential suppliers.

Eroded Benefit: According to Radbruch, the beneficial value of law is when the law is able to provide benefits to society. Corruption in the procurement of goods/services, especially digital-based ones, actually creates significant losses. Public funds that should be used for development or public services instead leak into the hands of corruptors. Corrupt procurement of goods/services can also result in poor quality goods/services due to a non-competitive selection process, which ultimately harms the user community.

Uncertainty Due to Violation of Certainty: When procurement policies are designed for corruption, legal certainty, in the sense of predictability (the ability to predict the outcome of an action based on the law), is lost. Perpetrators of policy corruption may feel secure

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because they are the ones who make the rules, but for others, the rules become unclear and fraught with risk. This creates an environment that is not conducive to transparent investment and development.

Discretion and Legal Certainty: Sources highlight that discretionary authority in the procurement of goods/services is not tested by *wetmatigheid* (compliance with the law), but rather by *doelmatigheid* (compliance with the purpose of benefit). However, this discretion oriented towards the purpose of benefit can shift into corruption if there are no clear benchmarks regarding authority, substance, and procedures. Without clear benchmarks, discretion can be misused to create corrupt policies, thereby ignoring the aspect of legal certainty in the sense of compliance with applicable laws and regulations. Corruption in procurement policies is a form of abuse of discretion that undermines legal certainty.

Based on the analysis of legal responsibility (Hans Kelsen) in the context of corruption in digital-based government procurement policies, namely:

Positional Responsibility and Personal Responsibility: Kelsen, in his theory, distinguishes between personal responsibility and positional responsibility. Unlawful or illegal acts are personal responsibility, while abuse of authority impacts positional responsibility. In cases of corruption in digital-based regional government procurement policies, parties who formulate or implement corrupt policies can be held accountable both personally (e.g., criminal corruption) and professionally (e.g., dismissal, administrative sanctions).

Norms and Sanctions in Procurement of Goods/Services: In the procurement system of goods/services, there are norms that regulate each stage of the process, from planning to implementation and reporting. Policy corruption is a violation of these norms, either directly or indirectly. The Government Procurement Policy Agency (LKPP) and the Goods and Services Procurement Work Unit (UKPBJ) have an important role in ensuring accountability in every process [2]. UKPBJ reports violations criminally for acts such as submitting false documents, conspiracy, or corruption.

Norm Hierarchy and Policy Corruption: If corruption occurs at the policy level (e.g., a regional regulation or regional head decree governing procurement), this indicates a problem with norms higher up in the procurement legal hierarchy. Policy corruption can occur when higher norms (e.g., a Presidential Regulation) are interpreted or implemented through corrupt derivative regulations, or when loopholes in the norms are exploited. Policy corruption is essentially a deviation from the intended purpose of the procurement system's fundamental norms, which are supposed to be in the public interest.

Implications of Sanctions: Kelsen's theory emphasizes that law is a command enforced through sanctions. In the context of corruption in procurement policies, sanctions must be effectively applied to those responsible. These sanctions can be criminal (as stipulated in the anti-corruption law) or administrative sanctions. It is important to note that criminal corruption cases, according to sources, are private matters and are handled without using the state budget (APBN/APBD). This emphasizes that perpetrators of corruption must be personally responsible for the losses they cause.

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Basic Ethics and Responsibilities: The implementation of goods/services procurement is governed by eight basic ethics, including orderly, responsible, professional, independent, non-influencing, accepting and being responsible, avoiding conflicts of interest, preventing waste, avoiding abuse of authority, and not accepting/offering/promising. Policy corruption directly violates these basic ethical principles, which are an integral part of the legal norms governing procurement. Violation of these ethics gives rise to legal liability for the parties involved.

These two theories complement each other in analyzing legal accountability for corruption in policies in digital-based regional government procurement of goods/services:

Legal Certainty as a Prerequisite for Accountability: Radbruch's theory provides a philosophical basis for why policy corruption is bad: it undermines certainty, justice, and utility. Without legal certainty, enforcing legal responsibility (which is Kelsen's focus) will be difficult. If the rules are unclear or designed to accommodate corruption, how can we fairly hold people accountable?

Legal Responsibility to Uphold Certainty: On the other hand, Kelsen's theory explains the mechanism by which legal certainty can be upheld through a system of norms and sanctions. The legal responsibility inherent in every government official involved in the formulation and implementation of procurement policies is an instrument to ensure that fair and clear norms are adhered to, thereby maintaining legal certainty.

Policy Corruption as a Double Violation: Policy corruption in procurement is both a violation of fundamental legal values (Radbruch's perspective) and a violation of binding legal norms, which must be sanctioned (Kelsen's perspective). Policy corruption undermines the foundations of legal certainty, and an effective legal system (as Kelsen explains) must be able to impose sanctions on perpetrators to restore certainty and justice.

4. Conclusion

Based on the description of the research results and discussion, here are some conclusions regarding the main discussion as follows: 1. Digital-Based Procurement of Goods/Services for Regional Governments, implemented through the e-Procurement system, is a crucial effort by the Indonesian government to realize good governance and eradicate the practices of corruption, collusion, and nepotism (KKN). This system is designed to increase transparency, accountability, efficiency, and healthy business competition in the procurement process. The regulations for the digital-based procurement mechanism for regional governments are as follows: Presidential Regulation No. 12 of 2021 concerning Amendments to Presidential Regulation No. 16 of 2018. This amendment updates and refines the provisions of the previous Presidential Regulation, including aspects related to electronic procurement. Presidential Regulation No. 12 of 2021 provides a stronger legal basis for parties in carrying out the government procurement process for goods and services. This Presidential Regulation also provides a foundation for the development of an electronic procurement system, which aims to increase transparency and accountability, expand market access and promote healthy business competition, and improve the efficiency of the procurement process. 2. Legally, accountability for corruption in this policy

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refers to the Corruption Eradication Law, State Administrative Law, the Presidential Regulation on Government Procurement of Goods/Services, and the LKPP Regulation. Responsible parties include public officials/decision-makers, involved State Civil Apparatus (ASN), and goods/service providers. Accountability can be criminal, administrative, or civil. The alleged corruption case in the South Kalimantan Provincial Government involving fixing project package winners, leaking the HPS (Planning Price) (Price Price), and engineering the e-catalog process is a clear example of how corrupt policy practices can occur despite the existence of regulations and digital systems. Legal challenges in implementing digital procurement include regulatory gaps and legal adaptation to technological developments, multiple interpretations of articles, regulatory weaknesses, and gaps in access and digital literacy in the community. Furthermore, human resource capacity and law enforcement, data security and privacy, and the validity of electronic documents and digital signatures are also crucial issues. Digital-based dispute resolution and the validity of digital evidence also require attention.

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Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government

Law Number 30 of 2014 concerning Government Administration

Presidential Regulation Number 95 of 2018 concerning Electronic-Based Government Systems (SPBE)

Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services