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Legal Analysis of the Criminal Acts of Corruption in the Procurement of Goods and Services by State Civil Apparatus Based on Discretion

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Abstract. *In procuring goods and services, a government must comply with applicablelaw sander gulations, one of which hcan beuseda sagui deline in the applicablelaws and regulation sand the Presidential Regulation concerning Procurementof Good sand Services. Revenueand Expenditure Budget Regions/States(APBD/APBN) which is contrary to statutory regulations. In the management there are regulations regarding regional finances, namely the Regulation of the Ministe rof Home Affairs Number 13 of 2006 concerning Guidelines for Regional Financial Management. If not managed properly, criminal sanctionsor administrative sanctions may beimposed.To conduct a study in this research, the author used EmpiricalJurisprudential Method. EmpiricalJuris prudential Researchis research that using a method of approaching problems by looking at norms or The lawapplies asapositive provision, alongwith there levant theory with this paper by linking its implementation to the considerations-consideration of court judge's decision and approach to a caseand comparativeapproach.*

Keywords: *Criminal; Corruption; Services.*

1. Introduction

State Civil Apparatus (ASN) in carrying out their duties can exercise Discretion. Discretion in English is known as "discretion" or "discretion power", while in Indonesia it is better known as discretion with the meaning of "freedom to act" or decisions taken based on one's own judgment. According to the Big Indonesian Dictionary (KBBI), discretion is defined as the freedom to make one's own decisions in every situation faced.[1] In the law, the definition of discretion based on the provisions of Article 1 number 9 of Law No. 30 of 2014 concerning Government

[1] Big Dictionary Of Languages Indonesian (KBBI).

Administration, is a decision and/or action that is determined and/or

carried out by Government Officials to overcome concrete problems faced in the implementation of government in terms of laws and regulations that provide choices, do not regulate, are incomplete or unclear, and/or there is government stagnation.

Discretion often occurs during the procurement of government goods and services, in its implementation discretion is one of the rights of state administrative officials in carrying out their duties, but the implementation of duties through such discretion can only be carried out by authorized officials. The Budget User Authority (KPA) or Commitment Making Officer (PPK) is an authorized official and is an official who is responsible for the implementation of discretion in the procurement of goods and services in government. Decisions or actions of officials in the form of discretion cannot be implemented immediately, because the implementation of discretion must meet certain requirements in accordance with Article 22 of Law 30 of 2014, namely facilitating the implementation of government, filling legal vacuums, providing legal certainty, and overcoming government stagnation in certain circumstances for the benefit and public interest. Discretion must be implemented properly and correctly, but if discretion is not implemented properly and correctly which can cause state financial losses or corruption, then those responsible are the Budget User Authority (KPA) or Commitment Making Officer (PPK) and the private sector as service providers

good and correct, but if discretion is not carried out properly and correctly which can result in state financial losses or corruption, then those responsible are the Budget User Authority (KPA) or Commitment Making Officer (PPK) and the private sector as service providers.

We can see that someone who has authority over his position tends to abuse his authority to enrich himself or take the rights of others under his authority. From the results of a survey by the Indonesian Survey Institute (LSI) in 2021, it was shown that 26.2% of respondents who said they abused corruption mostly took the form of using their authority for personal gain. This was revealed by LSI Executive Director Djayadi Hanan. The survey was conducted by LSI whose population was Civil Servants (PNS) in several Institutions or Ministries, in the regions or centers. From January 3 to March 3, 2021, 1,201 PNS as survey respondents were interviewed. Where this caused 22.8% of state finances to suffer losses, 19.8% gratification and 14.9% received bribes or unofficial receipts. Then, there were also 4.9% embezzlement in office, 1.7% actions cheating, 0.2% extortion, and 2.3% others.[2]

[2] Christine S.T. Kansil and Vinshen Saputra, *Legal Accountability of State Officials who Abuse Their Authority Based on Indonesian Positive Law*, article: Community Development journal Vol.4 No.2 June 2023 Pp.4799-4805, accessed on January 24, 2025.

Abused discretion can be said to be an unlawful act or abuse of authority as stated.

referred to in the elements of criminal acts in Article 2 and Article 3 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption. Examples of cases include case Number: 11/ Pid.Sus-TPK /2022/PN Tte, the Commitment Making Officer in the Procurement of Goods and Services has been found guilty of committing a criminal act of corruption and sentenced to a criminal sentence of 1 (one) year in prison and a fine of Rp. 50,000,000.00 (fifty million rupiah) for exercising discretion resulting in state financial losses in the procurement of goods and services regarding the construction of dams and irrigation networks in Kaporo, Sula Islands Regency.

2. Research Methods

2.1. Approach Method

To conduct a study in this study, the author uses the Empirical Jurisprudential method. Empirical Jurisprudential Research is a study that uses an approach method to a problem by looking at the norms or laws that apply as positive provisions, along with theories that are relevant to this paper by linking its implementation to the considerations of court judges' decisions and approaches to a case and comparative approaches.

2.2. Research Specifications

The research specification used the analytical descriptive approach method, which is to systematically present and analyze data with the intention of providing data that is as accurate as possible about humans, conditions and other symptoms. Descriptive means that the author wants to describe and provide data that is as accurate as possible, systematic and comprehensive. Analytical means grouping, combining and comparing aspects related to the problem in theory and practice.

3. Results and Discussion

3.1. Criminal Law Regulations Regarding Discretion Exercised By State Civil Apparatus in the Context of Criminal Acts of Corruption in Procurement of Goods and Services

Discretion is a fundamental principle held by government officials in managing the government. This principle provides legitimacy for policies taken by the government for the public interest. Based on this principle, an official cannot be punished as long as he follows the guidelines for the use of discretion. In fact, discretion is a free power and can be used to overcome certain problems. The use of discretion has also been regulated in writing in Law No. 30 of 2014 concerning Government Administration.

Discretion as a government authority is a free authority owned by government apparatus as well as the opposite of bound authority (gebondenbevoegdheid). The nature and character of the law of government action requires that the government's power is not merely to implement the law (asaswetmatigheid van bestuur), but must prioritize "doelstelling" (determination of objectives) and beleid (policy).

Based on Law No. 30 of 2014 concerning Government Administration, it is an effort to codify in the field of Administrative Law as well as a normative source of government actions. In the law, discretion is defined as "the authority of a Government Agency or Official that allows them to make choices in taking legal actions and/or factual actions in government administration" (Article 1 number 5). The existence of this law also clarifies discretion and its use which is a choice and not absolute freedom. In Article 6 concerning discretion in the Law on Government Administration, the criteria and requirements are regulated if government officials use discretion in making decisions must consider the purpose of discretion, laws and regulations that are the basis for discretion, and general principles of good governance (paragraph 1).

Based on Law No. 30 of 2014 concerning Government Administration. The General Principles of Good Governance are a way which directs and maintains the use of government authority so that it remains controlled from acts of abuse of power.

government officials. The application of AUPB as a reference in exercising discretionary authority is a necessity.must be carried out by government officials. Every decision or action of a government official can cause or give rise to legal consequences that can be sued court.

Law No. 30 of 2014 concerning Government Administration provides an understanding of the principle of benefit in a fairly broad manner that includes the interests of individuals with other individuals, citizens with foreign communities, one community group with another community group, the government with citizens, the current generation with future generations, humans and their ecosystems, and the interests of men and women. The essence of the principle of benefit captured from Law No.

30 of 2014 concerning Government Administration is an element of benefit that must be considered in a balanced and fair manner between the various interests. Balanced benefits mean that the benefits must be enjoyed by all interested parties fairly, balanced, and not unequally, where one interest is more

In government practice, discretion is exercised in the event that there are no laws and regulations governing inconcrete issues regarding a problem when the problem must be resolved immediately. For example, in the face of a natural disaster or an outbreak of an infectious disease, government officials must immediately take action that is beneficial to the state and the people, action solely

on their own initiative.

Law No. 30 of 2014 limits the use of discretionary authority in the provisions of Article 22. Discretion may only be exercised by authorized government officials and aims to:

1. Facilitate government administration
2. Filling the legal gap
3. Providing legal certainty
4. Overcoming government stagnation in certain circumstances for the benefit and public interest. What is meant by "government stagnation" is the inability to carry out government activities.

government as consequence deadlock in governance.

That a policy maker is attached to authority. In making a policy, a policy maker must consider the benefits. or whether or not policy the for the sake of the public interest it protects. The policy taken is the best choice in the situation and conditions at that time in order to protect the public interest. If matter This done by policy makers without evil motives, for example with the intention of enriching themselves

/benefiting oneself or others, then what one decides cannot be punished even if it has implications for example state losses

The basis for the policy of not being able to be punished for the sake of public interest is the Supreme Court Jurisprudence of 1966. This jurisprudence abolishes criminal penalties arising from policy actions as long as they meet three conditions, namely that the State is not harmed, a person or legal entity is not unlawfully benefited and for public service or to protect the public interest.

However, if the policy maker when making a policy contains elements of bribery, threats, and fraud, he can still be punished. So it depends on the intention or motivation. To prove the existence of evil intentions (mens rea) with the aim of enriching/benefiting oneself or others, it must be proven that there is a conflict of interest or collusion between the policy maker and other parties. This can be seen from the objective things obtained that indicate whether there is a problem or not.

In relation to criminal law on corruption, especially Articles 2 and

3 UUPTPK, administrative violations can be a place/location or cause of the emergence of unlawful nature of the act, if the element is deliberate (will and awareness) to benefit oneself by abusing the power of office, which therefore harms the finances or economy of the State. Administrative acts that meet these

requirements form criminal liability.

There are various legal considerations for the Supreme Court's decision, which are considered to be an abuse of authority, namely:

1. Supreme Court Decision No. 742 K/Pid/2007, namely "abusing authority", namely having used his authority

2. for purposes other than those for which the authority was granted or what is known as detourment de pouvoir

3. Supreme Court Decision No. 979 K/Pid/2004, namely that the authority had been used for purposes other than those for which the authority was granted, or what is known as detournement de pouvoir.

4. The definition of detournement de pouvoir in relation to Freies Ermessen complements the expansion of meaning based on French Jurisprudence which according to Prof. Jean Rivero and Prof. Waline, the definition of abuse of authority in Administrative Law can be interpreted in 3 forms, namely:

5. Abuse of authority to carry out actions that are contrary to the public interest or to benefit personal, group or class interests.

6. Abuse of authority in the sense that the official's actions are indeed aimed at the public interest, but deviate from the purpose for which the authority was granted by law or other regulations.

7. Abuse of authority in the sense of misusing procedures that should be used to achieve a certain goal, but using other procedures to achieve it;

8. No. 2257 K/Pid/2006 regarding what is meant by the position or position referred to in Article 3 of Law Number 31 of 1919 in conjunction with Law Number 20 of 2001 is not explained by the Law, therefore it must be interpreted as including people who have a position or position in private law, for example a Director of PT.

9. The core crime of Article 3 of the UUPTPK is "abusing authority". A criminal charge that is linked to the elements of "authority" or "position" or "position", then in considering it cannot be separated from the aspect of state administrative law that applies the principle of job responsibility (job liability), which must be separated from principlepersonal liability in criminal law. The meaning of “abuse of authority” in criminal law

(especially in criminal acts of corruption) does not have an explicit meaning, therefore an extensive approach is required.

Based on the doctrine put forward by HA Demeersemen regarding the study of "De Autonomieven het Materieele Strafrecht" (Autonomy of Material Criminal

Law), the essence of which is to question whether there is harmony

and disharmony between the same understanding between criminal law, especially with civil law and state administrative law as another branch of law. Indriyanto Seno Adji describes the meaning of "abuse of authority" in administrative law (adopting the explanation of Jean Rivero and Waline) into 3 (three) forms, namely:

1. Abuse of authority to carry out actions that are contrary to the public interest or to benefit individuals, groups or classes;

2. Abuse authority in the sense that the official's actions are truly aimed at the public interest, but deviate from the purpose for which the authority was granted by law or other regulations;

3. Abuse of authority in the sense of misusing procedures that should be used to achieve a certain goal, but using other procedures to achieve it.

The basis for testing whether or not there is abuse is the basic regulation (legality) as written positive law which underlies whether or not there is authority when issuing a decision, meaning

"The measure or criteria for the presence or absence of the element of "abuse of authority" must be based on basic regulations (legality) regarding duties, position, function, organizational structure and work procedures."

The differences between abuse of authority, contravention of the law and arbitrary action are as follows:

1. The abuse of authority of parameters or testing benchmarks is based on the principle of specialization or according to Prof. Tatiek Djatmiati uses the term legality of substance which is better known as the principle*good morning*;

2. Contrary to legislation, it is divided into three, namely:

a. Contrary with legislation Which procedural/formal in nature;

b. Contrary with legislation Which material/substantial in nature;

c. Legislative regulations issued by the Agency or

d. State Administrative Officials who are not authorized;

3. Arbitrary action is an action that ignores relevant facts that have been verified by him in exercising his authority and does not match these facts with the provisions of the laws and regulations that regulate the authority he has.

1. Supreme Court Decision No. 742 K/Pid/2007 - "abusing authority" means using his authority for a purpose other than the purpose for which the authority was

granted or what is known as "detourment de pouvoir" or "that in connection with the definition of the element of "abusing authority" in Article 3

Law no. 31 of 1999 in conjunction with Law no. 20 of 2001,

The Supreme Court is guided by its decision dated 17 February 1992, No. 1340 K/Pid/1992, which has taken over the definition of "abusing authority" in Article 52 paragraph

(2) letter b of Law No. 5 of 1986, namely having used his authority for other purposes with the intention of being granted said authority or what is known as "detourment de pouvoir"

2. Supreme Court Decision No. 979 K/Pid/2004

This decision has used its authority for other purposes with the intention of granting the authority or what is known as detournement de pouvoir.

Considering, that in relation to the elements of the criminal act, it is necessary to first state the opinions of Prof. Dr. Indriyanto Seno Adji, SH, MH in his paper "Between Public Policy" (PubliekBeleid, Principles of Material Unlawful Acts in the Perspective of Criminal Acts of Corruption in Indonesia)" which

in essence, the concept of “abusing authority” in criminal law, especially in corruption, does not have an explicit meaning. Given the absence of such an explicit meaning in criminal law, an extensive approach is used based on the doctrine put forward by HA Demeersemen on the study of “De Autonomie van het MaterieleStrafrecht” (Autonomy of material criminal law). The point is to question whether there is harmony and disharmony between the same understanding between criminal law, especially with Civil Law and State Administrative Law, as another branch of law. Here, an attempt will be made to link the same understanding between the branch of criminal law and other branches of law.

What is meant by disharmony in cases where we provide an understanding in the Criminal Code with other content regarding the same understanding in other branches of law, or the disregard of theory, fiction and construction in applying criminal law to other branches of law.

In conclusion, it is said that regarding the same words, Criminal Law has the autonomy to provide a different understanding from the understanding contained in other branches of law, however, if criminal law does not specify otherwise, then the understanding contained in that branch of law is used.

others. This, if the definition of “abusing authority” is not explicitly found in criminal law, then criminal law can use the same definition and words that exist or originate from other branches of law. The teaching on “Autonomie van het MaterieleStrafrecht” was accepted by the North Jakarta District Court which was

further strengthened by the Decision of the Supreme Court of the Republic of Indonesia No. 1340 K/Pid/1992 dated 17 February 1992 when there was a corruption case known as the "Export Certificate" case where Drs. Menyok Wijonodidak was found guilty of violating Article 1 paragraph (1) sub b of Law No. 3 of 1971 as Head of the Export Division of Regional Office IV of the Directorate General of Customs and Excise, Tanjung Priok, Jakarta. The Supreme Court carried out a legal refinement (rechtsvervijning) of the broad meaning of Article 1 paragraph (1) sub b of Law No. 3 of 1971 by taking over the meaning of "abusing authority" contained in Article 52 paragraph (2) letter b of Law No.

5 of 1986 (regarding State Administrative Courts), namely having used its authority for purposes other than the purpose for which the authority was granted or what is known as detournement de pouvoir. Indeed, the understanding of detournement de pouvoir in relation to Freies Ermessen complements the expansion of meaning based on French jurisprudence which according to Prof. Jean RiveroAnd Prof. Wali, understanding abuse of authority in

Administrative Law can be interpreted in 3 (three) forms, namely:

a. Abuse of authority to carry out actions that are contrary to the public interest or to benefit personal, group or class interests.

b. Abuse of authority in the sense that the official's actions are indeed aimed at the public interest, but deviate from the purpose of the authority granted by law or other regulations.

c. Abuse of authority in the sense of misusing procedures that should be used to achieve a certain goal, but using other procedures to achieve it.

3. No. 2257 K/Pid/2006 (defendant Lim Kian Yin)

That, regarding what is meant by the position or position referred to in Article 3 of Law Number 31 of 1919 in conjunction with Law Number 20 of 2001 is not explained by the Law, therefore it must be interpreted to include people who have a position or position in private law, for example a Director of PT. Article 3 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption (Corruption Eradication Law) as amended by Law Number 20 Year 2001.

3.2. The Use of Discretion by State Civil Apparatus and Its Relation to State Financial Losses Resulting in Criminal Acts of Corruption

That discretion is needed as a complement to the principle of legality, namely the principle of state administrative law which states that every action or deed of state administration must be based on the provisions of the law. However, it is impossible for the law to regulate all kinds of cases of positions in everyday life practices. Therefore, there needs to be freedom or discretion from state administration which consists of

on free discretion and bound discretion. The use of discretion is basically

has been expressly regulated in the law on government administration. Article 24 explains that the use of discretion must basically meet several requirements, including:

1. In accordance with the purpose of discretion, namely to facilitate the implementation of government, fill legal gaps, provide legal certainty, overcome government stagnation;
2. Does not conflict with the provisions of statutory regulations;
3. In accordance with the general principles of good governance;
4. Based on objective reasons;
5. Does not create a conflict of interest;
6. Done in good faith.

From the conditions for the use of discretion as contained in the law on state administration, it can be seen that the guidelines for the use of discretion and the creation of government policies based on state administrative law are the general principles of good governance, especially the principle of prohibiting arbitrary actions. In other words, a policy is deviant if there is an arbitrary element in it. In addition, a policy is considered deviant if it is contrary to the public interest. Furthermore, the law on state administration states that the use of discretion must be accounted for to superior officials and the community who are harmed by the discretionary decision that has been taken and can be tested through administrative efforts or lawsuits in the state administrative court. This provision means that the law on government administration not only provides limits on the use of discretion by government agencies/officials against the use of discretion that is not only passive in the sense of waiting for a lawsuit from the community through the state administrative court, but also active with the obligation to be accountable for the use of discretion to superior officials considering that this is an obligation that is inherent in the authority that is the basis for the existence of the discretion itself and in its explanation it is stated that accountability to superiors is carried out in written form by providing reasons for making discretionary decisions.

The State Administration Law also provides confirmation of the limits of the scope of the use of discretion by government officials, including:

1. Decision making or action based on provisions of laws and regulations that provide a choice of decisions or actions;
2. Retrieval decision or action Because regulation legislationinvitation does not regulate;

3. Retrieval decision or action Because regulation legislationthe invitation is incomplete or unclear; and

4. Retrieval decision or action Because existence stagnationgovernment for broader interests.

Administrative Law in Indonesia recognizes two types of discretion, namely free discretion and bound discretion. Free discretion means that the law sets boundaries and the state administration has the freedom to make any decision as long as it does not exceed the established boundaries. Bound discretion means that the law sets several alternatives and the state administration is free to choose one of the alternatives. An example of discretion that often appears in Indonesia is Policy Regulations (beleidregels). Policy regulations are products of state administration based on discretion in the form of legal regulations such as guidelines, announcements and circulars made to fill the gaps in legal regulations in urgent or emergency situations, or to completing and perfecting provisions that are deemed no longer in line with the accelerated demands of modern development.

That the relationship between discretion and abuse of authority in the context of criminal acts of corruption, one of the parties stating that there is a relationship between corruption and discretion is Klitgaard (a researcher on anti-corruption) who stated that Corruption = Monopoly + Discretion–Accountability, or corruption is the same as monopoly plus Discretion minus Accountability. According to Klitgard, someone tends to find corruption when an organization or person has a monopoly over goods and services, own freedom (discretion) to decide who will receive and how many people will get goods and services and No account table. Therefore, According to Klitgaard, to eradicate corruption, we must start by designing a better system, namely monopolies must be reduced or regulated.in a way Be careful, Discretion by official must be clarified And transparency must be improved. Discretion or what is known as freiesermessen functions as a complement to the principle of legality in state administrative law.So that authority must own basedegislation and also that the authority of its contents is determined by the norms of the law so that its implementation becomes absolute. However, the condition of the countrywelfare Withdemand mix handgovernment in various sectors of activity often cannot be followed by law or existing legal regulations have not been regulated clearly and completely. For this reason, the government is given authority in the form of discretion, namely an action or act of state administration that is free to assess and consider the situation orimportant issues which are urgent and arise suddenly for which there are no settlement arrangements, so that government officials are forced to act quickly to resolve the problem.

Important issues that require the use of discretion must contain at least the following elements:

1. The issues that arise must concern the public interest, namely the interests of the nation and state, the interests of the wider community, the interests of the people/collectively, and the interests of development.

2. The problem arose suddenly, outside of the predetermined plan.

3. To resolve this issue, laws and regulations have not yet regulated it or only regulate it in general terms, so that state administration has the freedom to resolve it on its own initiative.

4. The procedure cannot be completed according to normal administration, or if completed according to normal administrative procedures, it is less effective and efficient.

With the existence of discretion, it means that some of the power held by the legislative body is transferred into the hands of the government/state administration, as the executive body. So supremacy. the legislative body is replaced by the supremacy of the executive body. This is because the state administration is considered to have resolved the problem without having to wait for changes to the law from the legislative body. However, these actions must be accounted for both legally and morally.

In this context, there is often a debate in the realm of state administrative law and criminal law. State administrative law views discretion as a legitimate authority and action, while in criminal law, discretion is identified with abuse of authority because the nature of discretion as a free authority whose limits are not clearly measured, causing law enforcement officers to use the provisions of Article 3 of the Corruption Eradication Law to bring discretion into the realm of criminal law. In fact, as a legitimate action, discretion cannot be qualified as an unlawful act, unless it can be proven that the discretionary action is a practice of abuse of authority.

That abuse of authority is a condition when an authority by a state administrative official is used for purposes that are contrary to or deviate from what is stipulated by the relevant law. If this is linked to the Corruption Eradication Law, then this contradictory or deviant purpose can easily be qualified as an abuse of authority. And (potential) harm finance country.

Temporary in the context of discretion, the substantial basis of discretionary authority is the public interest or public good. In line with the concept then the assessment of whether there has been abuse of authority in discretionary actions can be done more operationally. The public interest is essentially the legitimate goal of discretionary power. Thus, whether through government discretionary actions the public interest is served or not is an objective fact to determine whether there has been abuse of authority in discretionary action or not.

The public interest or public welfare as the aim of discretion is also adopted in the

State Administration Law in Article 22 paragraph (2) which explicitly regulates the aims of discretionary actions.

4. Conclusion

Criminal Law Regulations Concerning Discretion Carried Out by State Civil Apparatus in the Context of Criminal Acts of Corruption Based on Benefit. That Discretion provides legitimacy for policies taken by the government for the public interest. In government practice, discretion is carried out when there are no laws and regulations that regulate in concrete matters regarding a problem, even though the problem must be resolved immediately resolution. However If the policy maker when making a policy contains elements of bribery, threats and fraud, he can be subject to criminal penalties for corruption, especially Articles 2 and 3 of the UUPTPK, administrative violations can be the place/location or cause of the emergence of the unlawful nature of the act, if there is an element of intent (will and awareness) to benefiting oneself by abusing the power of office, which therefore harms the country's finances or economy. The Use of Discretion by State Civil Apparatus and Its Relation to State Financial Losses Resulting in Criminal Acts of Corruption Discretion is a legitimate act that can be carried out by government officials. Abuse of authority is a parameter to limit the implementation of government authority. In other words, if discretion has been carried out by fulfilling the requirements of discretion, this cannot be categorized as abuse authority based on qualification in decision Number11 /Pid.Sus-TPK/2022/PN/T because discretion carried out in good faith and for the public interest should be in accordance with the intent and purpose of granting the authority granted.

5. References

Journals:

Abdual Aziz Dahlan, et. all, (editor), Ensiklopedi Hukum Islam, jilid 2, PT Ichtiar Baru Van Hoeve, Jakarta, 1997.

Abu Sopian, 2014, Dasar-Dasar Pengadaan Barang/Jasa Pemerintah, Jakarta: In Media. Kajian Depdiknas, Kamus Besar Bahasa Indonesia, Jakarta: Balai Pustaka, 2002

Tim Sistem dan Hukum Administrasi Negara, "Kajian DiskresidalamPenyelenggaraanPemerintahanBerdasarkanUndang-UndangAdministrasiPemerintahan", (Jakarta: Pusat Kajian Sistem dan Hukum Administrasi Negara –LAN 2016).

Suharso dan Ana Retnoningsih, Kamus Besar Bahasa Indonesia, edisi lux, Semarang, Widya Karya, 2011.

WiryonoProdjodikoro, 2003, Tindak-TindakPidanaTertentu Di Indonesia, PT. Refika Aditama, Bandung.