

## Legal Review of the Implementation Mechanism of Procurement of Goods and Services from the Perspective of Legal Certainty (Case Study at Natuna Police)

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**Abstract.** *Government procurement of goods and services is one of the important aspects in state financial governance that must be implemented based on the principles of efficiency, transparency, accountability, and legal certainty. In the Polri environment, especially in border areas such as the Natuna Police, the implementation of procurement mechanisms often faces complex regulatory and operational challenges. This study aims to analyze the mechanism for implementing procurement of goods and services at the Natuna Police from the perspective of legal certainty, identify the obstacles faced, and formulate strengthening efforts that can be made to encourage procurement governance in accordance with the principles of the rule of law and good governance. The research method used is empirical juridical, with a statute approach, conceptual approach, and case approach. Data were obtained through legal document studies, direct observation, in-depth interviews with procurement officials, and analysis of procurement implementation practices at the Natuna Police. This study recommends reform of procurement governance within the National Police that is oriented towards legal certainty, as well as the need for active involvement of the government and the community in encouraging transparency and accountability in the procurement of goods and services.*

**Keywords:** *Certainty; Jurisprudence; Legal; Procurement.*

### 1. Introduction

Procurement of goods and services is one of the important activities in supporting the operations of government agencies, including the Natuna Police. However, the procurement mechanism often faces various challenges, such as

lack of transparency, low efficiency, and potential abuse of authority. This not only affects the quality of services provided, but also damages public trust in government institutions.

Natuna Police, as part of the police institution, has the responsibility to ensure that the procurement process of goods and services is carried out in accordance with established principles. However, reports from several sources indicate indications of violations in this procurement process, which can have an impact on legal and administrative violations. Therefore, this study is important to identify problems and provide recommendations for improvement.

Procurement of goods and services has a strategic role in ensuring the smooth operation of public institutions. Through a good procurement mechanism, government agencies can ensure the availability of resources needed to carry out their duties effectively. The principles of efficiency, transparency, and accountability are the main guidelines in the implementation of procurement of goods and services to prevent budget misuse and ensure that every expenditure is made according to needs. According to Yulianto, effective procurement not only saves budget but also increases public trust in government institutions.<sup>1</sup> Thus, procurement of goods and services is not merely an administrative process, but also part of good governance.

In addition, the Regulation of the Chief of Police Number 3 of 2020 concerning Procurement of Goods and Services within the Indonesian National Police provides specific directions regarding procurement in police institutions. This regulation clarifies the internal mechanisms that must be followed by each work unit in the police, including the Natuna Police. Natuna Police, as part of the Indonesian National Police, has the task of ensuring that all procurement of goods and services is carried out in accordance with applicable regulations. In accordance with Law Number 2 of 2002 concerning the Indonesian National Police, the police have the authority to use the budget which must be legally accounted for. As an institution located in a border area, Polres Natuna faces special challenges in procuring goods and services, such as limited access to suppliers and difficult geographical conditions. Therefore, it is important to examine the extent to which Polres Natuna is able to apply the principles of efficiency, transparency, and accountability in procuring goods and services.

Furthermore, the Natuna Police also have the responsibility to ensure that every procurement process is carried out professionally and free from unauthorized intervention. According to Harahap, the responsibility of the institution government is not only focused on the results, but also on the process taken to achieve those results.<sup>3</sup> With this study, it is hoped that it can provide a comprehensive picture of the procurement practices of goods and services at the Natuna Police and provide recommendations that can improve the mechanism to support the implementation of institutional tasks optimally.

Potential irregularities in the procurement process of goods and services at the Natuna Police include price mark-up practices, fictitious procurement, and conflicts of interest. Such irregularities not only result in state losses, but also raise serious legal issues. According to Supriyadi, transparency and accountability are key to preventing such practices.<sup>4</sup> Lack of transparency is often caused by limited public access to information related to procurement of goods and services. In addition, complex procurement procedures and lack of internal oversight make the process vulnerable to abuse. According to preliminary research, one of the main obstacles is the low capacity of human resources in understanding and implementing regulations related to procurement of goods and services. The implementation of the principles of efficiency, transparency, and accountability is also often hampered by Natuna's remote geographical factors. This cause limitations in access to competent vendors or providers of goods and services. As an archipelago, Polres Natuna faces unique challenges that require a special approach in the procurement of goods and services.

Based on preliminary research data collected at the Natuna Police, it was found that most procurement of goods and services was carried out through the direct appointment method. This is often in the spotlight due to the lack of clear justification for the method, which has the potential to cause irregularities. For example, the Natuna Police's internal report in 2023 showed that 40% of the total procurement of goods used the direct appointment method without adequate supporting documentation.

Initial data also indicates that there is a mismatch between operational needs and the goods procured. Some of the goods procured are not relevant to the needs of the Police, resulting in budget waste. This is exacerbated by the lack of evaluation of the effectiveness of the goods procured, as noted in the 2022 internal audit report.

Legal studies on the procurement mechanism of goods and services have very high relevance in order to improve compliance with the principles of efficiency, transparency, and accountability. According to Indrawati, procurement carried out in accordance with these principles not only prevents irregularities, but also improves the quality of public services.<sup>5</sup>

In the context of the Natuna Police, the application of legal studies can be a guide to improve the existing procurement system for goods and services. With understanding the applicable legal provisions, the Police can identify loopholes that have the potential to become sources of problems and design corrective measures. This is in line with the mandate of Presidential Regulation (Perpres) Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services.

The relevance of this legal study also lies in efforts to strengthen internal and

external supervision. With an effective supervision mechanism, the procurement process can run transparently and accountably. As stated by Hasibuan, supervision is a key element in creating quality procurement.<sup>6</sup>

In addition, this legal study is expected to provide applicable recommendations for the Natuna Police to improve efficiency in the procurement of goods and services. Thus, not only the interests of the institution are met, but also public trust in the police institution can be maintained. This study is part of an effort to realize good governance at the local level. Thus, this study is not only relevant to provide solutions to the problems faced by Polres Natuna, but also has broader implications in the development of procurement policies for goods and services in the public sector. It is hoped that the results of this study can be a reference for other agencies facing similar challenges.

## **2. Research Methods**

The type of research used in this thesis is empirical or sociological legal research. Empirical or sociological legal research is a type of legal research that not only sees law as a norm or regulation (doctrinal), but also analyzes how law works in social reality. This approach examines the behavior of society or individuals related to law, as well as the impact of law on society. Therefore, this research often uses the method field data collection such as interviews or observations to obtain information directly from research subjects.<sup>38</sup>The focus is on understanding the effectiveness of law in practice, the factors that influence law enforcement, and the gaps between law in text and law in action.

## **3. Results and Discussion**

### **3.3. Mechanism for Implementing Procurement of Goods and Services from the Perspective of Legal Certainty Case Study at Natuna Police**

The implementation mechanism for procurement of goods and services within the Natuna Police is inseparable from the national legal framework that generally regulates the procedures, principles, and stages of government procurement of goods and services. As part of a central government institution located in the region, the Natuna Police are required to comply with the provisions of Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services, which was last amended by Presidential Regulation Number 12 of 2021, as well as special sectoral provisions such as Regulation of the Chief of Police Number 3 of 2020. The Presidential Regulation regulates procurement based on the principles of efficiency, effectiveness, transparency, openness, competition, fairness, and accountability. In practice, the Natuna Police carry out procurement through stages starting from planning, preparation, selection of providers, to contract implementation and supervision.

The procurement implementation procedure begins with the preparation of the

General Procurement Plan (RUP) as stipulated in Article 18 of Presidential Regulation 16/2018. The Goods/Services Procurement Work Unit (UKPBJ) prepares the RUP based on the budget ceiling from the approved DIPA. This stage is very important from a legal certainty perspective because it determines the transparency and predictability of procurement. The Natuna Police RUP, like other work units, must be announced through the General Procurement Plan Information System (SIRUP) application to ensure public accessibility to procurement information that will be carried out.

Furthermore, procurement is carried out through the selection of providers of goods/services according to the contract value and type of need. Presidential Regulation 12 of 2021 introduces flexibility in provider selection methods such as direct procurement, direct appointment, and fast tender, as long as they are in accordance with the provisions of the value and urgency of the need. In the context of the Natuna Police, this method is used selectively, for example direct appointment for emergency procurement or goods/services with certain technical specifications, such as police equipment, which cannot be obtained through the general tender mechanism. This mechanism is strengthened by the requirement to prove the qualifications of providers and internal supervision by the commitment-making officer (PPK) and the inspectorate.

More specific technical regulations within the National Police are contained in the Chief of Police Regulation No. 3 of 2020 concerning Procurement of Goods and Services within the National Police of the Republic of Indonesia. This regulation adjusts the provisions of the Presidential Regulation to the organizational structure and operational needs of the police. In the Regulation, it is stated that officials authorized to carry out procurement within the National Police include the KPA, PPK, and the Selection Working Group. This provides a clear legal basis for the appointment and division of responsibilities for implementing procurement, thereby minimizing loopholes for abuse of authority and ensuring legal accountability.

In addition, although Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest is more relevant for large-scale land acquisition projects such as the construction of Polri facilities, the principle of legal certainty contained therein remains relevant. This law emphasizes that every land acquisition process must be carried out transparently, participatory, fair, and respect the civil rights of the community. In the context of the Natuna Police, if there is a procurement or construction of a new office, the land acquisition process must also refer to the mechanism in the Law to maintain legal certainty for all parties involved.

By using the statute approach, it can be concluded that the procurement procedure at the Natuna Police has a clear, complete, and structured legal basis. Presidential Regulations, Chief of Police Regulations, and related laws have

provided a sufficient normative framework in ensuring legal certainty for the implementation of procurement. However, the effectiveness of its implementation is highly dependent on the understanding of the apparatus regarding the applicable norms and managerial ability in complying with the procedures. Therefore, the application of legal norms consistently and transparently is the main requirement in realizing procurement that meets the principle of legal certainty.

The implementation of procurement of goods and services at the Natuna Police in practice shows a fairly good application of the principle of efficiency, although it still faces technical obstacles in budget planning. Based on the results of interviews with the Commitment Making Officer (PPK), efficiency is achieved through procurement of goods using an electronic catalog (e-catalog) for routine needs such as office stationery, uniforms, and other technical equipment. The use of e-catalogs is considered to save time and costs because it does not go through a long tender process. However, this efficiency is sometimes hampered by limited choice of products and local providers that are not yet fully integrated into the national catalog system.

In terms of transparency, the Natuna Police have integrated most of the procurement process into the LPSE (Electronic Procurement Service) platform. According to information from procurement staff, the announcement of procurement plans, tender documents, and provider evaluation results are carried out openly through the LPSE portal. This is in accordance with the principle of openness of public information. However, interviews with several local providers showed that there is still a perception of closedness in the technical evaluation stage, which has not been fully socialized clearly to auction participants. This shows a gap between the normative principle of transparency and factual implementation in the field.

The principle of accountability in the implementation of procurement at the Natuna Police is enforced through an internal audit mechanism and inspection by the National Police General Supervision Inspectorate (Itwasum). Based on the PPK's recognition, every procurement process must be supported by complete accountability documents that are ready to be audited. However, on the other hand, several technical justification documents or provider evaluations are considered to be still compiled administratively without in-depth substantive studies. This shows that formal accountability has been met, but there is still room for substantial quality improvement in procurement reporting and documentation.

The principle of healthy competition is implemented through the use of provider selection methods that open up space for more than one participant. Public tenders are still the main method in large-value procurement. However, the results of the interview with local business actors shows that the involvement of

local providers in the auction process is not optimal due to technical constraints such as business licensing, HR qualifications, and access to procurement information. This shows that even though the principle of healthy competition is implemented, not all business actors have sufficient competitiveness to actively participate in procurement in the Polres environment.

In the perspective of Sudikno Mertokusumo's theory of legal certainty, a legal norm is said to provide certainty if it is clear, not open to multiple interpretations, and can be implemented. Based on field observations, the implementation of procurement at the Natuna Police has followed the norms in Presidential Regulation No. 12 of 2021 and Regulation of the Chief of Police No. 3 of 2020. However, administrative practices show different interpretations between technical units and procurement units, especially in determining procurement methods. This has implications for reducing legal predictability, which according to Mertokusumo is an important element in ensuring legal certainty.<sup>80</sup>

In line with that, Gustav Radbruch's theory states that legal certainty is a basic legal value that must guarantee that the law can be predicted and enforced consistently. From primary data, it was found that there was inconsistency in terms of provider qualification verification, where some procurement processes ignored the principle of objective evaluation, especially in urgent procurement conditions. In Radbruch's view, inconsistencies such as this can undermine public confidence in the legal system and open up opportunities for corrupt practices.<sup>81</sup>

The conceptual approach to procurement principles shows that the norms contained in the regulations have provided a fairly strong legal basis. However, through a sociological approach, it was found that the implementation of procurement in the field is greatly influenced by organizational culture, the level of integrity of procurement officials, and relations between units. The presence of pressure from superiors or external parties in determining certain providers, although not written, is a challenge in itself in realizing procurement that is truly based on legal principles and norms.

Therefore, from the results of empirical research at Polres Natuna, it can be concluded that although the procurement mechanism has been implemented based on national and internal Polri regulations, its implementation has not fully reflected the principles of procurement from the perspective of legal certainty. Strengthening of legal understanding, ethical development, and increasing the integrity of the apparatus is needed so that the law does not only apply as a normative document, but also as an effective instrument in forming fair, transparent, and accountable administrative behavior.

Analysis of the legal substance applicable in the procurement mechanism for goods and services at the Natuna Police shows that the regulations used contain



normative principles that are in accordance with the principles rule of law. This substance is derived from Presidential Regulation No. 16 of 2018, which was updated by Presidential Regulation No. 12 of 2021, and strengthened by the Chief of Police Regulation No. 3 of 2020. Based on primary data from interviews with the Selection Working Group, the legal substance has been used as a guideline in compiling procurement documents and determining the method of selecting providers. However, in practice, it was found that the application of the legal substance often experienced limitations due to varying interpretations between work units, thus giving rise to ambiguity in the stages of procurement implementation.

In terms of legal structure, the procurement implementation system at the Natuna Police is supported by formal institutions consisting of the Budget User Authority (KPA), Commitment Making Officer (PPK), and Selection Working Group (Pokja). Interviews with the PPK stated that this structure has been running as regulated, but there are still challenges in the technical coordination and decision-making aspects that tend to be centralistic. The weakness of this coordination has an impact on the delay of the procurement process and inefficient tender repetition. Structurally, the existence of LPSE is also an integral part of this system, but not all units within the Polres understand the technical procedures for its operation optimally.

In the context of legal culture, the implementation of procurement at the Natuna Police still shows a strong influence from the hierarchical and formalistic bureaucratic culture. Based on the results of an interview with one of the local service providers, there is a tendency for business actors to depend on informal relationships with internal parties to obtain non-public information related to procurement opportunities. This reflects that the legal culture underlying the implementation of procurement does not fully reflect the principles of openness and healthy competition. The culture of compliance with procedures has also not become a consistent part of all levels of procurement policy makers.

Evaluation of the legality of procurement implementation shows that formally, every procurement process at the Natuna Police has been equipped with legal documents in the form of contracts, Minutes of Handover (BAST), and other supporting documents. However, primary data shows that in some cases emergency procurement occurs without going through adequate planning stages, so it is prone to potential procedural violations. For example, in the procurement of operational support equipment that is carried out quickly due to field demands, justification evidence documents are often made later to adjust to the factual conditions that have occurred.

In the perspective of legal predictability, procurement actors and service providers conveyed that not all procurement processes can be predicted in stages and results transparently. This is reinforced by the lack of socialization of



regulatory changes and high dependence on the interpretation of structural officials. The concept of predictability according to Gustav Radbruch refers to the ability of legal actors to know the legal consequences of their actions. In this context, uncertainty in the tender schedule, changes in technical specifications, and delays in payments have caused low provider trust in the procurement system in force in the Polres environment.

The conceptual approach shows that doctrinally, procurement implementation should uphold the principles of legality and measurable legal certainty. However, the sociological approach in this study reveals that factors such as limited human resources, patterns of power relations in organizational structures, and resistance to transparency are obstacles to the actualization of these principles in practice. This confirms that the existence of legal norms is not fully effective if it is not supported by legal awareness and ethical culture of policy implementers.

On the other hand, inconsistent procurement implementation has the potential to harm the principle of fairness between service providers. For example, procurement is carried out by direct appointment in categories that should be through open tenders, as reported by one of the sources from among providers. Practices like this not only violate the principles of positive law, but also reduce the credibility of law enforcement agencies such as the police in the eyes of the public and business actors.

Based on the overall empirical analysis, it can be concluded that although normatively the procurement system at the Natuna Police has a complete legal framework and structure, its implementation practices still face serious obstacles in terms of legal culture and implementation consistency. Therefore, efforts to improve the quality of human resources, foster a culture of integrity, and strengthen internal supervision are urgent in order to optimize the procurement mechanism that guarantees legal certainty as mandated in modern legal theories.

### **3.1. Obstacles Faced in the Implementation Mechanism of Procurement of Goods and Services from the Perspective of Legal Certainty Case Study at Natuna Police**

#### **1) Structural Constraints**

Structural constraints in the procurement mechanism of goods and services at the Natuna Police are most dominantly seen from the institutional aspect which is not yet fully capable of carrying out its functions independently and professionally. Based on the results of an interview with one of the members of the Selection Working Group, the structure of the Goods/Services Procurement Work Unit (UKPBJ) at the Natuna Police still relies on personnel from the logistics

and general staff who are appointed periodically, not functional procurement personnel who have certified expertise. This dependency results in procurement often being carried out by personnel who do not have an adequate educational background or procurement training, so that the administrative and technical decision-making process tends to be slow and prone to procedural errors.

In terms of human resources (HR), the main problem lies in the lack of personnel who have procurement certification according to LKPP provisions. Most procurement officials at the Natuna Police hold concurrent positions, so the workload is disproportionate. Based on notes from interviews with PPK, formal training organized by LKPP and internal Polri has not evenly reached all personnel involved in procurement. As a result, understanding of the regulations that are always updated is uneven and causes inconsistency in the application of procurement standards, such as the accuracy of the appointment of provider selection methods, supervision of contract implementation, and management of legal risks.

Coordination between units is also one of the structural obstacles that hinders the implementation of effective and principled procurement. Observation results show that communication between the planning, logistics, finance, and procurement units is not integrated in an integrated digital-based management system. For example, there are often differences in data between the planning of needs and DIPA, which causes delays in the announcement of the General Procurement Plan (RUP). This delay has an impact on the process of selecting providers which is rushed and does not provide enough time for business actors to prepare competitive and quality offers. This situation clearly contradicts the principles of efficiency and healthy competition as stated in Article 6 of Presidential Regulation No. 16 of 2018.

From a legal certainty perspective, these structural constraints lead to inconsistent and unpredictable procurement implementation, especially for external parties such as goods/services providers. Primary data from interviews with one local provider showed that tender announcements were often not made according to schedule or even canceled without sufficient explanation. This creates legal uncertainty for providers in planning their participation in government procurement, and has the potential to violate the principles of state administrative law which require definite, open, and accountable procedures. In this case, structural constraints become a real obstacle in ensuring the legal certainty that should be provided by the state through the procurement system.

Based on the results of observations and analysis of factual cases of procurement implementation at the Natuna Police, it can be concluded that structural problems are not only bureaucratic technical issues, but are a manifestation of

the less than optimal implementation of the legal system as a whole. Legal substances that are available and quite progressive will not be able to be implemented properly without a professional institutional structure and competent human resources. Therefore, to ensure legal certainty in procurement, institutional restructuring of procurement is needed within the Police at the Polres level, as well as strengthening the capacity of procurement human resources that are carried out in a planned, systematic, and sustainable manner.

## 2) Substantial Constraints

Substantive obstacles in the implementation of procurement of goods and services at the Natuna Police Department arise mainly due to the lack of synchronization between national regulations and internal police policies, which causes procurement implementation to not run optimally. Based on the results of interviews with procurement officials, there is often confusion in implementing certain technical provisions, for example in the use of provider selection methods or contract value limits for direct appointment. Presidential Regulation Number 16 of 2018 and Presidential Regulation Number 12 of 2021 provide general provisions, but their implementation within the Police must be adjusted to Police Chief Regulation Number 3 of 2020. When there are differences in interpretation between these regulations, implementers at the Police Department level tend to choose the easiest approach to implement even though it risks not being in accordance with the legal principles of procurement.

One example of a factual case that is of concern is the procurement of tactical communication equipment in the previous budget year, where the supplier selection process was carried out based on internal Polri technical guidelines, but contrary to the method that should be regulated in the Presidential Regulation. According to a source from the logistics section, the procurement unit followed verbal instructions from structural superiors on the grounds of urgent operational needs. As a result, the administrative documents accompanying the procurement were incomplete or were prepared retrospectively. Practices like this show that the legal substance that should be binding and provide legal certainty has been compromised by internal interests, which in turn weakens the integrity of the procurement process.

From an administrative law perspective, the lack of synchronization in the substance of this regulation creates a gray area that is vulnerable to abuse of authority. The provisions in the Presidential Regulation require a General Procurement Plan (RUP) and open selection of providers, while in practice at the Natuna Police, this process is often set aside due to urgent needs that were not anticipated in the initial planning. Based on direct observation and clarification of procurement documents, it was found that a number of procurement activities were not registered in the SIRUP, which is contrary to the principles of

transparency and legal predictability. This shows that the weak harmonization of legal substance has a direct impact on the validity of procurement procedures.

Legal certainty, as emphasized by Sudikno Mertokusumo, demands clarity, consistency, and fulfillment of procedures that leave no room for multiple interpretations. However, in practice, procurement personnel at the Natuna Police do not receive explicit written guidelines to bridge the gap between national regulations and internal police policies. In an interview with one of the service providers, it was conveyed that this uncertainty hampers their business planning because information regarding procurement specifications and procedures often changes depending on verbal instructions from authorized officials. This shows the existence of disharmony

law before and during the procurement process.

### 3) Legal Culture Constraints

One of the most fundamental obstacles in the implementation of procurement of goods and services at the Natuna Police is the low level of compliance with applicable legal norms, which reflects the weak legal culture among implementing officials. The results of interviews with procurement officials show that although regulations are available and have even been socialized in several internal forums, practices in the field are still heavily influenced by old administrative habits that are not in line with the principles of modern procurement law. Several stages of procurement, such as the preparation of technical specifications and evaluation of bids, are often carried out with a purely formal administrative approach without really prioritizing substance and procedural justice.

The culture of integrity is also still a serious challenge in the implementation of procurement in the regional police environment. Based on the results of observations and limited group discussions with logistics staff and procurement support personnel, it was found that there was a tendency to accommodate providers who were already "well known" without any objective technical considerations. This practice takes place informally, but has very serious legal implications because it opens up space for conflicts of interest, collusion, and even potential corruption. Although not always accompanied by real transactional evidence, this symptom shows that a culture of integrity is not yet firmly embedded in the institutional behavior of procurement.

The factual case that occurred in the procurement of operational communication equipment in the previous budget year revealed how a weak legal culture can disrupt legal certainty. The provider selection process was carried out in a short time with the justification of urgent needs, but did not go through an adequate qualification assessment mechanism. The results of interviews with one of the One provider who lost the tender revealed indications of bias by the

procurement committee towards certain participants. When investigated, this was not officially reported because there was no complaint channel that was considered effective by the provider. This situation shows that the low culture of reporting and enforcement of sanctions also strengthens the weak legal culture.

From the perspective of legal certainty, poor legal culture has an impact on inconsistent application of the law and reduces the predictability of the procurement system. When clear legal norms are not adhered to by the apparatus and are not enforced consistently, business actors or third parties become doubtful about the fairness and certainty of the results of the procurement process. This is contrary to the idea of Gustav Radbruch who emphasized that legal certainty can only be achieved if the law is enforced consistently, without discrimination or intervention of illegitimate interests. Therefore, the low level of compliance with legal procedures at the Natuna Police is a real obstacle in realizing a transparent and trustworthy procurement system.

Based on these empirical findings, it can be concluded that the constraints of legal culture in procurement at the Natuna Police do not only stem from limited legal capacity, but more deeply concern issues of bureaucratic values and ethics. Continuous coaching is needed for procurement officers so that they have strong legal awareness and moral integrity in carrying out administrative functions. In addition, strengthening the internal monitoring system and transparent reporting mechanisms must be part of the strategy improve the legal culture in the procurement system of goods and services as a whole.

#### 4) Technical and Non-Technical Constraints

One of the main technical constraints identified in the implementation of procurement of goods and services at the Natuna Police is the limited understanding and skills of personnel in operating the e-procurement system, especially the Electronic Procurement System (SPSE) and SIRUP applications. The results of interviews with procurement personnel indicate that although this system has been required nationally, there are still technical errors such as errors in inputting the General Procurement Plan, delays in uploading selection documents, and inconsistencies in the tender schedule. This problem occurs mainly because some personnel do not have sufficient ICT training background, and often learn autodidactically in the implementation.

In addition to technical constraints in using the application, the problem of unstable internet network access in the Natuna area is also an obstacle in itself. This has an impact on the delay in the process of uploading documents and sending notifications in the SPSE system. In one case of construction service procurement, it was found that pre-qualification documents were not uploaded on time, causing delays in the next stage and triggering objections from auction

participants. This case illustrates how technical constraints can give rise to the potential for administrative disputes between providers and procurement committees which ultimately lead to reporting to the Internal Supervision Unit of the Police.

In terms of supervision, obstacles arise from the weak internal monitoring of procurement implementation by functional supervisory officials. Based on interview data with the Regional Supervision Inspectorate (Itwasda), it is known that most procurement activities within the Polres environment are not audited thoroughly, unless there is a report or request for clarification. This situation results in the absence of early detection of potential procedural violations or deviations in contract implementation. Without active and structured supervision, the e-procurement system that should support transparency is at risk of becoming merely an administrative formality.

Another non-technical obstacle lies in the low dissemination of the latest regulations, both from LKPP and from within the National Police. In interviews with the Selection Working Group, several personnel admitted that they did not know the substance of the changes to Presidential Regulation No. 16 of 2018 to Presidential Regulation No. 12 of 2021, including new regulations regarding the use of e-marketplaces and direct procurement based on electronic catalogs. This ignorance causes a mismatch between field practices and legal norms, which risks disrupting the principle of legal certainty in the implementation of procurement.

#### 5) Impact of Constraints on Legal Certainty

The impact of these technical and non-technical constraints directly reduces the level of legal certainty, because procurement actors cannot ensure that all stages are running according to applicable norms and procedures. Legal certainty demands uniformity, predictability, and procedural clarity; however, with the obstacles in the use of technology, weak understanding of regulations, and minimal supervision, all of these elements become unclear. As a result, both providers and internal parties experience doubts about the validity of the procurement process being carried out.

In terms of transparency, these obstacles worsen the perception of business actors towards the credibility of procurement within the Natuna Police. One service provider expressed that they felt that the winner selection process was not fully transparent, especially when documents were not published on time in the LPSE. This is contrary to the principle of openness of public information and raises the assumption of unfair treatment of auction participants. When transparency is disrupted, there is also a risk of loss of public trust in the integrity of institutions that should be law enforcers.

Furthermore, the potential for procurement disputes will increase if there is no

effective resolution system. In one case found in the field, a provider filed a complaint because they did not receive a technical evaluation report, even though it is mandatory according to regulations. However, because there was no internal resolution path that was running responsively, the provider chose not to continue the complaint formally. Indecisiveness in responding to potential disputes causes an accumulation of problems in the future, including the risk of the procurement process being reported to external supervisory authorities such as APIP and even law enforcement.

Based on the empirical analysis, it can be concluded that the success of implementing e-procurement-based procurement is not only determined by technological readiness, but also depends greatly on readiness. human resources, monitoring systems, and a strong culture of compliance. Technical and non-technical constraints that occurred at the Natuna Police have had a significant impact on legal certainty, disrupted transparency, and created loopholes for disputes. Therefore, system improvements must be carried out comprehensively, both through increasing the technical capacity of personnel, strengthening internal regulations, and establishing an effective and reliable monitoring and complaint system.

### **3.3. Efforts That Can Be Made in the Mechanism for Implementing Procurement of Goods and Services from the Perspective of Legal Certainty Case Study at the Natuna Police**

One of the main steps in strengthening the procurement mechanism of goods and services at the Natuna Police is to adjust the internal regulations of the Police to be in sync with Presidential Regulation No. 16 of 2018 and its amendments. Based on interviews with procurement officials, there is a gap between the provisions in the Presidential Regulation and the implementation in the Chief of Police Regulation No. 3 of 2020 which has not been fully integrated. Therefore, it is necessary to carry out regulatory harmonization which is outlined in operational technical guidelines (Technical Instructions/Juknis) that adopt the latest principles in national procurement, such as the use of e-marketplaces, sectoral electronic catalogs, and merit-based evaluation systems.

Efforts to strengthen internal regulations must also take into account the needs and operational conditions of the police, especially in border areas such as Natuna. In practice, there are often emergency situations or urgent needs which requires fast procurement, so it must be specifically regulated in the internal regulations of the National Police without ignoring the principles of transparency and accountability. One source from the logistics section said that there is no standard SOP on procurement in emergency operational conditions, so each work unit tends to interpret the applicable general provisions. This is a gap in legal inconsistency that needs to be closed immediately with internal technical revisions.



The next very important step is strengthening the capacity of resources procurement human resources (HR), especially at the level of implementers and procurement officers. Based on field observations, many personnel assigned as procurement officers at the Natuna Police do not yet have a procurement competency certification issued by LKPP. Most of them have never attended official training that includes procurement law materials, needs planning, bid evaluation, and contract management. This is a serious obstacle in realizing a procurement process that is in accordance with the principles of legality and legal certainty.

In one factual case in the electronic goods procurement process, negligence was found in determining technical specifications which resulted in the goods received not being in accordance with the requirements. From the results of interviews with the PPK, it was found that this weakness was caused by the technical ignorance of the personnel who prepared the procurement documents, not because of the intention to deviate. This case shows that improving HR competency is not only important for efficiency, but also as legal protection for procurement implementers so that they do not get caught in administrative errors that could result in legal sanctions.

To overcome these problems, it is recommended that the Natuna Police establish an internal policy that requires all personnel assigned to procurement to attend LKPP training and certification at least once during their term of office. In addition, capacity building can also be carried out through mentoring or technical assistance by more experienced UKPBJ at the Polda or Mabes Polri level. This step will help transfer knowledge and standardize procurement implementation in regional work units that have limited resources.

Efforts to improve human resource capacity must also be accompanied by monitoring and evaluation of procurement performance, so that the training and certification that have been carried out have a real impact. In the focus group discussions (FGD) conducted in this study, several participants conveyed the importance of rewards and punishments based on objective procurement performance indicators. For example, the level of compliance at the procurement stages, planning accuracy, and the conformity between contract output and initial specifications. Thus, the human resource development system will be directly connected to the quality and integrity of the procurement process itself.

Legal certainty in procurement does not only depend on written rules, but also on the ability of implementers to understand and apply these rules consistently. Therefore, strengthening regulations and HR capacity is not just an administrative reform, but is a key pillar for building a reliable procurement legal system. When implementers have a comprehensive and certified understanding, the room for misinterpretation of regulations will be increasingly narrow, and

the procurement process can run predictably, fairly, and responsibly.

As part of a long-term strategy, it is recommended that strengthening procurement regulations and human resources at the Natuna Police be made part of the roadmap for budget governance reform within the Police, not just a short-term program that is responsive. Integration between central regulations and sectoral technicalities must be supported by the establishment of an independent professional procurement unit that is directly responsible to the Chief of Police or Deputy Chief of Police. That way, procurement of goods and services can truly become an effective public service instrument while reflecting the principles of a state based on law.

One of the prominent weaknesses in the implementation of procurement of goods and services at the Natuna Police based on the results of field research is the minimal active involvement of the Regional Supervision Inspectorate (Itwasda) and Propam in the monitoring process since the early stages of procurement. Supervision is usually only carried out after the activity or when a report of a violation arises, even though the basic principle of effective supervision is prevention. In the case of the procurement of communication equipment in the previous year, Itwasda only made a clarification after there was a complaint from the service provider, indicating weak preventive supervision. For this reason, it is necessary to optimize the internal supervision system by placing supervision as part of the procurement cycle, not just a control instrument at the end of the process. One effort that can be made is by forming an internal procurement audit unit that works in parallel with the Selection Working Group. This unit is tasked with ensuring that tender documents, bid evaluations, and technical justifications are in accordance with the principle of legal certainty before the contract is signed. With this model, the Inspectorate and Propam act as development partners, not merely as enforcement tools.

Strengthening the monitoring system must also include aspects of a whistleblowing system and complaint mechanisms that can be accessed by both internal and external parties. In the results of the FGD with local providers in Natuna, they said that there was no official channel or complaint procedure that was easy to access when there were indications of fraud in the tender process. As a result, some providers were reluctant to report violations for fear of impacting their opportunities in the future. This shows the need for a structured transparency approach and guarantees of legal protection for whistleblowers.

In addition to strengthening internal supervision, digitalization of the procurement system through optimization of Electronic Procurement Services (LPSE) is also a strategic instrument to increase transparency and efficiency. Based on primary data, although LPSE has been used by the Natuna Police, its use is still limited to administrative aspects. Several stages such as technical clarification and bid evaluation are still carried out manually, even

communication between the committee and auction participants is still often through informal channels such as WhatsApp. This practice risks reducing the integrity of the process because it is not officially documented.

Therefore, strengthening the function of LPSE is not only in the form of procuring a technology system, but also integrating procedures and training its use. LPSE must be equipped with an automatic notification system, procurement performance dashboard, and real-time digital complaint channel. This will help create a complete digital footprint so that each stage of procurement can be audited at any time, while increasing the accountability of procurement officials. In international practice, technology-based transparency has been proven to reduce the opportunities for corruption and conflicts of interest in public procurement.

All of these efforts ultimately lead to the fulfillment of the principle of legal certainty as formulated by Sudikno Mertokusumo, namely that the law must be permanent, consistent, predictable, and apply equally to all parties. In the context of procurement at the Natuna Police, efforts to strengthen an integrated legal system will provide assurance that every process runs within the legal corridor, produce administrative justice, and minimize the risk of disputes or deviations. With a structured system and legal values that are alive in practice, procurement will function optimally as an instrument of the rule of law that guarantees efficiency, justice, and leg

#### **4. Conclusion**

The mechanism for implementing procurement of goods and services at the Natuna Police has normatively followed the provisions of Presidential Regulation Number 16 of 2018 and its amendment to Presidential Regulation Number 12 of 2021, as well as internal Polri regulations. However, in its implementation, there are still discrepancies between legal norms and practices in the field, especially in the application of procurement principles such as efficiency, transparency, accountability, and healthy competition. This shows that although procedurally the implementation of procurement has been designed to ensure legal certainty, in practice there is still a gap between the concept and reality which has an impact on legal certainty and predictability. Obstacles in the implementation of procurement of goods and services at the Natuna Police include structural, substantial, and cultural obstacles. Structural obstacles include the suboptimal procurement institutions and the lack of competent and certified human resources. In terms of substance, there is still a lack of synchronization of technical regulations and weak internal guidelines. Meanwhile, in terms of legal culture, the low level of compliance with procedures and weak integrity of the apparatus are significant obstacles that disrupt the implementation of

procurement in accordance with the principle of legal certainty.

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