

Potential corruption of criminal acts in the procurement of government goods or services and their efforts.

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ABSTRACT

Criminal acts of corruption include detrimental finances or the country's economy, misuse of authority and power, give or promise something to civil servants to act under the obligation of the procurement of fraudulent goods/services, and the gratification of civilian servants, the result of criminal corruption detrimental to state and local finances. Efforts to counteract corruption in the procurement of goods/services through prevention by conducting supervision to avoid corruption and repressive by law enforcement against perpetrators of criminal acts of corruption.

Keywords: Procurement, Prevention, Repressive, Corruption.

Introduction

Procurement of goods/services Government has a purpose, among others, to obtain goods/services at a price that can be accountable by the appropriate amount and quality, and timely. In terms of procurement of goods and/or services, the effort to fulfill the rights and needs of the appropriate and adequate public service requires a strong legal basis in the process. Activities create legal certainty and protect every citizen of a series of arbitrary actions and misuse of authority in the implementation of goods/services procurement.

To accountability for procurement of government goods/services, the process of procurement of Government goods/services needs to be regulated in a regulation that can guarantee the legal certainty and produce quality goods and/or services. In addition, the financing of the Government procurement of goods/services sourced from the state budget income and expenditure (APBN) and the regional revenue and expenditure budget (APBD), its use shall be accounted for following the provisions of the prevailing laws and regulations.

The implementation of government goods and services procurement activities are governed in the Presidential Regulation No. 54 the year 2010, about the government procurement of goods/services, that has been amended several times by the presidential Regulation No. 4 the year 2015, about the Fourth Amendment to the Presidential decree number 54 the year 2010, about the procurement of goods/services Government, and lastly, with Presidential Decree No. 16 the year 2018 which is technically regulated further in the regulation of the head of the Agency for procurement policy of the Government goods/Services number 14 the year 2012 Second Amendment of Presidential Regulation No. 54 the year 2010 on procurement of government goods and services (hereinafter referred to as Regulation LKPP number 14 the year 2012).

This regulation was formed with the aim that the procurement of goods/services Government financed by the budget (APBD) can be implemented effectively and efficiently with healthy competition principles of transparent, open and fair treatment for all parties so that the results can be held accountable both in terms of financial physical, and the benefits to the smooth tasks of government and community services. However, in practice, the arrangement about the procurement of goods/services of the Government is often not done according to the procedures by the providers of goods/services and also the user of goods/services that consequently there are many irregularities in the implementation of goods/services procurement of Government. The thing that led to the procurement of government goods/services is a potential condition for perpetrators of criminal acts of corruption. And the majority of corruption cases handled by the Corruption Eradication Commission (KPK) is more than half of corruption in the procurement of government goods/services.

The formulation of research problems is how the procurement of government goods and services.
How potential criminal acts of corruption in the procurement of government goods/services and its attempt.

Discussion

Procurement arrangement of goods and services

Indonesia is a developing country, which is currently actively implementing development in all areas. Development is an effort to create prosperity and the welfare of the people. The procurement of government goods/services has an important role in the implementation of national development for public services improvement, and the development of national and local economies (Djumialdji, 1996).

The procurement of goods/services arises due to the need for goods/services. The term procurement of goods/services is interpreted broadly, including explanations from the preparation phase, determination, and implementation of the administration of tenders for the procurement of goods, scope of work, or other services. Procurement of goods/services also not only limited to the selection of project partners with the purchase or official agreement of both parties only but covers the entire process from the beginning of planning, preparation, licensing, determination of the tender to the implementation stage and the administration process in the procurement of goods, work or services such as technical consulting services, financial consulting services, legal consulting services or other services.

According to article 1 number 1 Presidential Decree number 16 the year 2018, mentioned procurement of goods/Services Government hereinafter called the Procurement of goods/services is the procurement of goods/services by the Ministry/Institution/regional device financed by the APBN/APBD the process since the identification of the needs, until the surrender of the handover of the results of the work.

In the implementation of the procurement of goods/services between the parties that do not need a treaty, one form of the agreement is the agreement/contract procurement of goods and services. In the implementation of the procurement of goods/services, the government is involved in a contractual relationship with a third party through a treaty. The agreement is governed by the third book of the Civil Code. In article 1313 the Civil Code, the agreement is an act by which one or more parties bind themselves to one or more persons. According to Abdul Kadir Muhammad, the Treaty is an agreement by which two or more parties bind themselves to carry out a matter in the field of wealth (Muhammad, 2000).

This type of contractual relationship has various forms. Based on the law of the Republic of Indonesia number 17 the year 2003 about state finances, from the budget, government-generated contracts can be grouped into two, which are contracts that carry revenue receipts and spending contracts. For the fulfillment of goods and services conducted by the Government then the procurement is classified as a type of contract that is of purchase (Simamora, 2012). In fulfilling its needs, almost all government agencies carry out contracts of sponsorship. One of the government activities that belong to the spending contract is the procurement of goods/services. Procurement of goods/services is identical to the existence of new facilities, but basically, procurement is made to meet the needs of companies or government agencies for goods/services that can support the performance (Yahya and Susanti, 2012). Contracts involving Governments as parties usually referred to as government contracts. In this case, the government, utilizing civil law instruments by the Government, therefore the contracts made by the Government have different characteristics if it is to be matched with private contracts in general. The existence of elements of public law causing rules and principles of law in private contract law, not fully applicable to the contract made by the government (Simamora, 2012). In Presidential Decree No. 4 of 2015, the contract of procurement of goods/services called the contract is a written agreement between PA/KPA/PPK with the provider of goods/services or the executor of self-financing. This contractual relationship relates to the obligation to provide, build, and maintain public facilities. In this contract that is an object in the contract are the goods, construction work, consulting services, and other services.

In the implementation of the procurement party, the user is requesting or giving a duty to the provider to supply or make goods or carry out a particular job. Users of goods and services can be an institution/organization and can be individuals. The institutions are among them: Government agencies (central government, the provincial government, district government, municipal government), business entities (BUMN, BUMD, private), and other community organizations. As for those who belong to the individual are individuals or people who need goods and services (Sutedi, 2010).

The term procurement of goods/services or procurement is interpreted broadly, including explanations from the preparation phase, determination, and implementation of an administration of tenders for the procurement of goods, scope of work, or other services. The procurement of government goods/services is interpreted as a government effort represented by the commitment Office (PPK) to obtain the goods/services that they want by using certain methods and processes to achieve the agreement through the price, quality, and time of

procurement of goods and services. For the procurement of goods and services is carried out properly, then the two parties such as PPK and the provider of goods and services must be guided by the rule of law procurement of goods and services (Amiruddin, 2010). Procurement of goods/services is not only limited to the selection of project partners with the purchase or the official agreement of both parties only but covers the entire process from the beginning of planning, preparation, licensing, determination of the tender winner to the implementation stage and administration process in the procurement of goods, work or services such as technical consulting services, financial consulting services, legal consulting services or other services. The procurement of goods/services is the user's effort to obtain or realize the desired goods/services, using certain methods and processes to achieve the price agreement, time, and other agreements.

Given the magnitude of the value of procurement of goods/services and its contribution to the country's economy, and the number of parties involved in the procurement process, the form of goods/services procurement system will have a wide impact on behavioral change, both at the level of bureaucracy and on business actors and society in general. Procurement system of good goods and services is the procurement system of goods and services that can apply good governance principles, encouraging the efficiency and effectiveness of public expenditure, structuring the behavior of three pillars (government, private and community) in the implementation of good governance (Sutedi, 2010). For the substance or essence of the procurement of goods and services can be done properly, then both parties that the user and the provider should always be based on the philosophy of procurement of goods/services, subject to the ethics and norms of procurement of goods and services that apply, following the principles, methods, and processes of procurement of goods/services appropriate. Procurement of goods and services should be carried out based on the principles of procurement by implementing the principles of efficient, effective, transparent, openness, competitive, fair/not discriminatory and accountable will increase the public's confidence in the procurement process of goods/services because the results can be accounted for the community in terms of administration, technical and finance.

It is under the provisions of article 5 of Presidential Decree No. 4 of 2015 as follows. (1) Efficient, means procurement of goods/services must be cultivated using the minimum funds and power to achieve the quality and objectives within the set time or use the funds that have been set to achieve the results and objectives with maximum quality. The business of procurement of goods/services must use limited funds and power to reach the target set in a short time and can be held accountable. The term efficiency in implementation is not always realized by obtaining the cheapest price of goods/services because in addition to the cheap price, should be considered the availability of parts, operational length, and maintenance costs that should be provided at a later date. (2) Effective means procurement of goods/services must be under the needs and objectives that have been set and provide maximum benefit. Effective is benefiting highest with available resources. The highest benefits in the above descriptions can be; Best quality, timely delivery, quantity fulfilled, able to synergize with other goods/services, and realization of the optimal impact on the overall achievement of the policy or program. (3) Transparent means all provisions and information about the procurement of goods/services is clear and can be widely known by the provider of goods/services that are interested and by the public in general. Providing complete information to all prospective participants submitted through information media that can reach the widest of the business is expected to participate in the process of procurement of goods/services is a right to be responded properly. Once the information is obtained, all prospective participants must be given sufficient time to prepare for the announcement response. (4) Open; means procurement of goods/services can be followed by all providers of goods/services that meet certain requirements/criteria based on clear provisions and procedures. (5) Competing means procurement of goods/services must be done through healthy competition among as many providers of goods/services equivalent and meet the requirements because it can be obtained goods/services offered in a competitive and no intervention that interferes with the creation of a market mechanism in the procurement of goods/services. (6) Fair/not discriminatory, means to provide the same treatment for all prospective providers of goods/services and does not lead to giving profit to a particular party, while still paying attention to national interests. Fair/not discriminatory means of giving the same treatment to all candidates who are interested in the presence of healthy competition and does not lead to giving profit to certain parties with and/or any reason. (7) Accountability shall mean under the rules and regulations relating to the procurement of goods/services to be accountable. Accountable means to achieve physical, financial, or beneficial objectives for the smooth execution of public tasks of government and public services by the principles and provisions applicable in the procurement of goods/services. Accountability is responsible for the implementation of procurement of goods/services to the relevant parties and the community based on the ethics, norms, and regulations of the prevailing rules.

Corruption crime in the procurement of goods and services

The term corruption is derived from the Latin word *corruptio* or *corruptus* that is copied to various languages. In English, corruption or corrupt, Dutch *corruptie*. Literally, the term is interpreted as ugliness, corruption, or dishonesty. Corruption as an act of abuse of power aimed at generating personal gains. The sense of this personal advantage should be widely interpreted, including the personal advantage given by economic actors to relatives and their families, political parties or in some cases it is found that such profits are channeled to independent organizations or charitable institutions where the perpetrators have the participation, either from the financial or social side (Amiruddin, 2012).

So far, it is rarely found a detailed explanation in criminal law about the definition of corruption. Generally, criminal law still mixes violence against corruption with other crimes, then also referred to as corruption crimes, for example, bribery (both the giver and the receiver) by government officials both locally and foreigners and private companies, giving money laundering, fraud, data fraud in tenders, evasion, theft, tender (collusion among fellow tender participants), bribery in legislative agencies, etc. Usually, the form and punishment for violations of the criminal laws of each country differ, although it is essentially a corruption criminal act. Bayley declares corruption associated with bribery deeds relating to misuse of authority or power as a result of the consideration of those who hold positions for personal gain (Prodjohamidjojo, 2001). Baharuddin Lopa (1992), citing the opinion of David M Chalemers describing the meaning of the term corruption in various fields, namely those involving bribery issues relating to manipulation in the economic sphere and that concerns in the field of public interest. The problem of corruption in Indonesia has included all fields. Almost all elements of society and community activities are coupled with corruption. Corruption is synonymous with fraudulent or malicious treatment that could harm the country's economy or finances (Lopa, 1992).

Corruption has its autonomy. Economic, political, and social structures are not impossible to be infected with corruption. Corruption actors usually attack various structures. In each structure, there are conflict interactions between the corruptors and those who hate corruption. Corruption can essentially be mapped in two ways. On the one hand, some scholars put corruption as derived from the individual itself. On the other hand, some scientists have instead defined corruption as a social practice in a system (Semma, 2008). Gould in an article depicts corruption in the standards of moralist and sociological. For the moralist, corruption is regarded as an individual deviation, the moral failure of the individual who is weak and unwell-trained (Lubis, 1997). Therefore one does not more corruption because the individual is incapable of dealing directly with the reality outside of him.

One of the practices of criminal acts of corruption occurs is on the procurement of goods/services of government. Even corruption cases handled by KPK in general corruption in the procurement of government goods/services. The government budget for the procurement of goods/services is very much, and the lack of supervision is the attraction for certain persons who want to harm the state's finances by means of corruption. The practice of corruption in the procurement of goods/services is a crime that is detrimental to the state finances and can impede national development. The problem of corruption in the procurement of goods/services is one of the problems of the many major problems faced by the Indonesian state, there is no easy way and the shortcuts eradicate corruption.

It is very ironic because the implementation of national development that does require a huge cost from year to year is growing rapidly. While surveillance officers with existing surveillance systems are difficult to follow the rapid development movement that raises the practice of corruption in the procurement of goods/services. Without good supervision, the supervisory apparatus is difficult to be expected to work best for the benefit of national development efforts. The use and/or misuse of power or authority or the opportunity for the Corruption act may be widespread, contagious because it is an uncontrollable corruption of endemic with no or less functioning of the inherent supervision.

In the act of Corruption Eradication Law also regulates corruption issues that may occur in the procurement of government goods/services. The article that can be linked with corruption that occurs in the procurement of government goods/services, among others: Article 2, article 3, article 5, article 7 paragraph (1), article 11, article 12, article 12B. From all of the above chapters on what matters is governed by the Corruption Act of criminal acts relating to corruption crimes in the procurement of government goods/services, some articles are usually often used to ensnare legally perpetrators of criminal acts of corruption in the procurement of government goods/services, namely article 3 concerning the misuse of power and article 12 concerning extortion and gratification. The provisions of this article become frequently used in the use of criminal corruption perpetrators in the procurement of government goods/services due to criminal acts due to the basis of the extortion of civil servants or state officials and the granting of entrepreneurs or providers of goods and services so that they are won in the tender auction. Another reason that is often used by law enforcement under the Corruption

Eradication Act to ensnare the perpetrators of corruption in the procurement of government goods/services is as stipulated in article 3 which declares any person to benefit oneself or any other person or corporation, abusing the authority, opportunity, or means thereof because of positions that could harm the country's finances.

The practice of abuse of this position, power, or authority in the tender of the Government goods/Services Procurement project is often done by the officials of the agency who conduct the project tender. Misuse of power in the procurement of ordinary goods/services is done by using the authority it has to act unfairly or favoring or choose the love of the individual or one of the entrepreneurs who join the tender auction. This misuse was not done by the person of this office for free, usually corrupt officials with the use of power and the job of requesting cash, tribute, or bribery money so he would use the power of office given to him to determine who the winner. Thus abuses the power of office closely related to other criminal acts such as extortion, bribery, counterfeiting, choosing love, accepting commissions, and nepotism. Misuse of the authority of the lively occurred in the direct appointment of the winner of the tender conducted because the value of the project is not more than Rp. 200 million (two hundred million rupiahs) or the required procurement of this urgent often create a practice of abuse corruption The project leader or committee-maker of treaty deed often uses his position to elect a tender winner who is close to him or who has given the most tribute. Nepotism at the direct appointment of the procurement of goods/services is also often done by the officials. Usually the winners or providers of goods and services that he designees still have blood relations or still family from the authorized officials.

Law number 31 of 1999 Jo Law No. 20 of 2001 on the eradication of corruption crimes governs the sanction of penalties that may be imposed on criminal corruption perpetrators related to corruption crimes in the procurement of government goods/services, such as extortion, conspiracy, bribery, gratification, and others. In law number 31 of 1999 Jo Act No. 20 the year 2001, perpetrators who can be ensnared with this law are any person who detrimental to the state's finances or the country's economy. Each person referred to herein (Hamzah, 2007) includes the public servants as referred to in the Law on personnel. Civil servants as referred to in the Criminal Code. People who receive salaries or wages from the finances of the country or region. The person who receives the salary or wages of a corporation that receives assistance from the financial country or region. People who receive wages or wages from other corporations who use capital or facilities from the country or community.

In practice, some deeds are commonly done by the corruption actors in the procurement of government goods/services to obtain the tender project that is being auctioned. Among others are: (1) giving bribes/kickbacks. Bribery is the gift of something of value to affect the recipient's legal obligations and ultimately benefit the giver. The provision in the form of money, goods, facilities, and promises to do or not to do anything that would result in a profit on oneself or other parties related to the position he held. At this time, the act of bribes is commonly done by entrepreneurs who participated in the tender procurement of Government goods/services. Giving bribery to the Procurement Committee of Goods/services to win the businessman in the tender activities of the procurement of goods/services to be held. The act of bribery that is done by entrepreneurs to people of goods/services usually has been done in distant days even before the announcement of the project tender.

The act of corruption through bribery/kickbacks requires two parties in a corrupt relationship. The first is the giver or bribery and the recipient of bribery. In this case, the giver is the entrepreneur or the provider of goods and/or services while the one who receives a bribe is the office where the auction of the procurement of goods and/or services is done. (2) counterfeiting. Counterfeiting is an act of misleading others or organizations to take advantage for the sake of themselves or others. Counterfeiting can be said to be a process of making, adapting, imitating, or objects, statistics, or documents, with the intent to cheat. Crimes similar to fraud are crimes against others, including through the use of objects acquired through counterfeiting. Counterfeiting in the procurement of goods/services is usually counterfeited against the auction documents, prequalification documents, and other documents that can be forged to perform corruption that will be done. (3) extortion. Extortion is forcing someone to pay or give some money or goods, or other forms, in exchange for a person's public official to do or not do something. The extortion is commonly done by officials from agencies who conduct tender procurement of goods/services. This extortion usually requires the value of the project. Usually, they do with the threat that will not be won if not divide the value of the project or will be difficult to work in fulfilling the procurement of goods/services requested. (4) Abuse of office or authority. Use the authority-owned, to perform favoring actions or to choose love for a group or individual, while being discriminatory against a group or other individual. (5) Conflicts of interest/have their own business. Conducting public transactions using private or family-owned companies employing their opportunities and positions to win government contracts. (6) subjective choices (favoritism). Provide different services based on the reason for the family relationship, the affiliation of ethnic political parties, religions, and groups, which are not to objective reasons such as ability, quality, low price, the

professionalism of work. (7) Receive commissions. Public officials who receive something of value, in the aid of money, stocks, facilities, goods, and others. As a condition for obtaining a job or business relationship with the government. (8) Illegal contributions or donations. This is possible when a political party or a ruling government receives a certain amount of funds as a contribution from the results imposed on government contracts. (9) Nepotism, the action to put relatives, close friends, members of the political party of a view, in the appointment or appointment of staff, the Committee of Auctions or election winners of the auction, and in the bid winnings of the procurement of government goods/services.

In the procurement of goods and services in the Government, there are some forms of corruption. The most frequently made and obvious forms are bribery and granting money to other more refined forms of political corruption. Corruption and the risk of corruption can occur in the entire procurement process of goods and services. Corruption can occur in the following stages: necessity/requirement assessment stage; Planning preparation stage and preparation of tender documents; Participant election stage and tender winner determination; Job execution stage; Financial reporting and auditing.

Here is a description of some factors that could potentially increase the risk of corruption in the procurement of government goods/Services: (1) urgent spending on the year-end budget. Urgent spending at the end of the budget year, often the subject of corruption practices. Because usually transactions in this period are less closely monitored. In many public institutions, many of the funds are not spent until the end of the budget year because it encourages them to immediately spend it for the real is not needed. Not strange if then a lot of funds disappear or spent towards the end of the budget year. In such an emergency is usually the tender process with direct appointment even though the actual open tender process is still possible. (2) Emergency response period during natural disasters or other disasters. Procurement of goods and services in the event of disaster risk of corruption. This happens because there is a large number of funds and should be spent urgently to tackle humanitarian issues. Such as temporary shelter, water supply.

Based on this risk, the humanitarian organization is expected to have awareness in trying to prevent corruption through strengthening the aid distribution system by recruiting Professional staff. The risk of corruption arises due to the difficulty of the procurement of goods and services, including in warfare areas where assistance can be trapped in the conflict. The risk is increasing with the pressure to allow assistance to be sent immediately to the victims in need. Corruption issues that may occur during an emergency are the management of priority assistance that also requires proof of transaction and other things such as efficiency. Essentially, the risk of corruption can be reduced when the management system is implemented properly, accountable, and transparent to the victim. (3) Lack of information access. Corruption has been secretly expanding rapidly. Although the government is pro-active has issued a policy on freedom of information, but weak implementations have caused the opportunity to manipulate information nonetheless. Therefore, transparency and freedom of information is an important component in the effort to reduce corruption. It should, access information is provided efficiently and worthily, for example, the use of Internet sites, or the installation of billboards or announcements in mass media. (4) Standardization of Tender documents. Standardization of tenders and other procurement documents will be easier to be predicted and more systematic. If there is no standardized tender document will cause manipulation efforts that confuse decision making. (5) Tender participant assignment. In general, the tendency to determine tender participants will be at risk of reducing the fairness level in the procurement process of goods and services and usually followed by an increase in purchase costs. If the tender participant has been assigned, it is important to ensure that the process is performed cleanly and clearly and follow the administrative regulations according to the prevailing rules. (6) Public official's company participation. If the tender company is owned or part of its shares by a public official, then the system of transparency and accountability cannot be ensured to run properly. Sometimes company ownership issues are not checked in advance. Therefore, it is necessary to add special requirements that all tender participants get the same treatment. Further information is also required of the company's official ownership structure in the tender document. Some potential signs of risk to be aware of the company's official ownership status to be taken by the prevention measures, as follows: (a) the company with a proprietary structure is unclear, but often wins major government contracts; (b) A family member of a public high official who holds ownership and holds a role in a company; (c) A close-connected community (colleagues) with public officials or business groups led by public officials; (d) Public officials often come or relate to the owner of the company. (7) Companion company participation. Companion companies are usually legal entities, but do not operate actively and are only made to help hide their owner's identity. Besides, usually, this kind of company only serves as a guide by public officials or family members, subcontractors to make a treaty that is collusion between fellow tender participants. Indications of involvement of such companies in the tender, among others: the uncertainty of the form of employment as sub-contractors on large projects; The company is registered in a jurisdiction that permits confidentiality of its owners and managers; The company requires a confidential payment of invoices which is regulated legally; There is a covert work in the portfolio;

The ownership structure consists of a law office or business group.; Lack of facilities owned by the company; Communication line for the company in the form of an individual residence or answering machine service; and absence of performance records in the company database.

Corruption is an extraordinary crime, both on its impact and in the mode of Operandi. In terms of impact, corruption strongly affects the country's economic growth, such as in the private sector, corruption can increase costs (high cost), due to illegal payments, management costs in negotiations with corrupt officials, and risk of cancellation of agreements or investigation. Corruption can also impact the decline in the quality of government services and increase the burden on government budgets. In terms of Law-number 31 the year 1999, as amended into Law-number 20 the year 2001, at least there are 4 (four) reasons why corruption should be eradicated, namely the financial harm of the country or the country's economy, inhibiting national development, criminal acts of corruption have occurred widely, and it is a violation of the social and economic rights of society.

The manifestation and risk of corruption in the procurement of goods and services can differ at each level. The appropriate strategy is required to prevent or minimize corruption potential, it can be detected from the beginning. Also, there is a need for prevention and supervision efforts to cope with the emergence of dangerous signs that are expected to be potentially corrupt. An important aspect to be considered in analyzing the risk of corruption is to identify and distinguish the problems that cause corruption, whether caused by systems that are not efficient or precisely the implementation of the erroneous system. If the resulting decision is less satisfactory, then the next analysis approach should be reviewed from the reason that the cause of the occurrence, especially if the crime is suspected. Not all efficiency issues can be attributed to corruption and vice versa. On the other hand, the thing that is sometimes seen as a corruption act can be caused by a minor mistake or there is a weakness in its implementation capacity. Although the attempt to prevent corruption is still weak, it may be necessary for system reform. For example, if the reform aims to streamline the procurement process of goods and services, but to ignore aspects of transparency and dissemination of information, it is feared that the resulting recommendations will backfire when evaluated. Similarly, vice versa. The process of procurement of goods and services that are transparent but inefficient will also impact on the results and expected target due to the prolonged process. To eradicate corruption is a strategy. A strategy to eradicate a crime should generally contain two elements, namely preventive and repressive. Both elements must be in line and complement each other because the corruption eradication strategy must also understand the two elements.

Prevention

In connection with the prevention of corruption, that at the 4th Regional Anti-corruption meeting in Malaysia has covered three things related to corruption prevention measures, namely increased integrity of officials in the public sector and the private sector; Development of certain systems for the prevention and detection of corruption; Effective investigation and prosecution of corruption. The main problem of corruption in the procurement of goods/services is the weak enforcement of administrative law. The core administration of law enforcement is control. Supervision of superiors to the subordinate is an early precautionary corruption criminal act, especially in the process of procurement of Government goods/services.

In the Legal, Sciences administration is known several types of supervision: (1) Internal and external supervision. Internal supervision is the supervision made by the person or entity in the environment of the relevant organizational unit. This type of supervision employing supervision of a direct supervisor or attached supervision (built-in control) or supervision routinely by the Inspectorate General at each ministry and Inspectorate of the region for each region in Indonesia. External supervision is surveillance performed by supervision units that are outside the supervised organizational unit. In this case in Indonesia is the Financial Audit Board (BPK), which is a state-high institution that regardless of the influence of any power. In doing the task, the BPK does not ignore the results of the Government's internal supervision inspection report, therefore it is only necessary to materialize harmonization of the state's financial supervision process. (2) preventive and repressive supervision. Preventive supervision is the supervision of activity before the activity is performed, therefore it can prevent the occurrence of irregularities. Usually, government supervision to avoid the implementation of financial irregularities that will impose and harm the country is greater. Supervision is also intended to keep the budget running as desired. Preventive monitoring is more useful and meaningful if done by a direct supervisor so that irregularities will be detected early. Repressive supervision is the supervision of activity after the activity is undertaken. This supervision is usually done at the end of the budget year, where a predetermined budget is then submitted to its report. After that, the examination and supervision are carried out to determine the possibility of irregularities. (3) Active and passive supervision. Active supervision is performed as a form of supervision that is implemented in the place of activities concerned. Passive supervision is the supervision that is performed through the research and testing of the answering papers accompanied by the evidence of acceptance and expense. (4) Supervision based on the Formyl Truth (Rechtmatigheid) and

supervision based on Material Truth (Doelmatigheid). The supervision based on the Formyl Truth (Rechmatigheid) is the oversight made against each expenditure whether it complies with the prevailing regulations and its truthfulness is supported by the evidence. While supervision based on the truth of Material (Doelmatigheid) is the supervision of every expenditure whether it has been following the purpose of budgeted budget and has fulfilled the economic principles, i.e. the expenditure is required and the lowest cost burden possible. Concerning state organizing, supervision is aimed at avoiding corruption, misappropriation, and the extravagance of the state budget on the apparatus or public servants. With the supervision is expected management and responsibility of budgets and State policies can run as planned. Supervisory institutions, such as inspectorate, "Irjen", and "BPKP" have not been functioning optimally. This is due to several factors, among others (a) the overlap of supervision for various agencies, (b) lack of professionalism of supervisors, (c) lack of coordination between supervisors, (d) lack of compliance with legal and governmental ethics by supervisors, this is often the supervisors are involved in the practice of corruption.

Repressive

Punishing against corruption actors is a strategy that is applied in the eradication of corruption. This strategy is considered to be the most suitable in combating corruption, on the subject of punishment is the last road (Ultimum remedium). Based on the principle of ultimum remedium, the pattern of eradication of corruption with criminal sanctions only that has been applied is less effective because it does not stop the corruption of other people. Punishing the perpetrator only stops corruption from being punished by the person. Meanwhile, corruption performed by others continues to run.

Notwithstanding punitive perpetrators with severe criminal sanctions and even to the death penalty as determined in article 2 paragraph (2) of Law No. 31 of 1999 as amended by Law No. 20 of 2001, will not be effective to prevent corruption. In addition to the corruption eradication strategy, it is worth noting one of the factors that contribute to the eradication of corruption, which is law enforcement. Law enforcement is a process of achieving legal objectives. From this simple formulation arise question, what is the legal purpose? Is legal purpose the same as the law's purpose? Whether the purpose of criminal law is the same as the purpose of the Corruption Eradication Act? The law, not only interpreted by law (written law) but also unwritten law (i.e. habits of surviving and prevailing in local communities). Although it is different from the sides of the shape, the goal is the same as the public order. Likewise, the purposes of criminal law are aimed at enforcing the order of law and protecting. While the goal of the eradication of corruption law as reflected in the general explanation of law number 20 of 2001 about the amendment to Law No. 31 of 1999 on the eradication of corruption crimes is, "... Considering corruption in Indonesia occurs systematically and extends so as not only detrimental to the state's finances but also has violated the social and economic rights of the Community widely, the eradication of corruption must be in a remarkable way "

Departing from the general explanation above, it can be noted that the purpose of the Corruption Eradication Act is to protect the state's finances and to protect the social and economic rights of the public from corruption. The process of law enforcement itself has supported by 3 (three) pillars, namely (1) Statutory regulations. (2) Law enforcement officers and (3) public. The legislation relating to the eradication of corruption that exists today is sufficient as the basis for law enforcement, the current issue of law enforcement officials. Law enforcement officers such as police, prosecutors, and judges are no longer trusted, because they are slow in the handling of corruption, the application of mild punishment against corruption actors and select officers. Therefore, existing law enforcement agencies are deemed to have not functioned effectively and efficiently to eradicate corruption crimes. Finally, an idea arose about the establishment of an independent corruption agency. Thus, in 2002 formed KPK under Law number 30 the year 2002 which has very broad authority.

There is also a corruption criminal court whose basis for its formation is specified in article 53 of law number 30 the year 2002 on the Corruption Eradication Commission. Then based on the decision of the Constitutional Court shall be contrary to the Constitution of the Republic of Indonesia year 1945, therefore by Law No. 46 the year 2009 of the Corruption Criminal Court formed a corruption crime court which is domiciled in every capital district/city that the law area covers the jurisdiction of the District Court concerned (article 3). Especially for the special Capital Region of Jakarta, the corruption crime court is domiciled in each municipality whose legal area covers the jurisdiction of the relevant district Courts (article 4). In addition to the regulatory factors and law enforcement factors, the community factor also affects the success of eradication corruption. Various terms that exist in the community, such as the money-easing, thank you money is a habit that thrives in our society. Such provision is intended as a thank you to the government officials or apparatus that may be related to various administrative management. This kind of habit can make corruption flourish in this country. Efforts to eradicate this habit is not easy, even though it has been created the system of service through electronic, then it is no

longer face to face, but the fact there are still some such gifts. Therefore, community participation is expected in the eradication of corruption.

Conclusion

Corruption acts under the laws of the Corruption Eradication Act, such as the detriment of the country's finances or economy, misuse of authority and power, give or promise something to the civil Servants to act under the obligation of the procurement of goods/services that are fraudulent, and the gratification of civilian servants, the result of corruption crimes detrimental to the country and region Factors affecting the occurrence of corruption crimes in the procurement of government goods/services, are urgent spending at the end of the budget year, emergency response time during natural disasters or other disasters, lack of information access, standardization of tender documents, assignment of tender participants, company participation belonging to public officials, and the participation of the company is inactive. Efforts to counteract corruption in the procurement of goods/services through prevention by conducting supervision to avoid corruption and repressive by law enforcement against perpetrators of criminal acts of corruption. One way to avoid corruption crimes in the procurement of government goods/services is to apply the principle of good governance with the principle of openness, public accountability, community participation, and the supremacy of the law. Law enforcement must be actively engaged in combating and dealing with complications in the procurement of government goods/services, and strict sanctions for parties who commit irregularities.

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