

Research Article

Responsibility and Sanction on Accountable Governance in the Procurement of Goods and Services of the Teluk Bintuni Regency Government

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Abstract.

Public procurement of goods and services is intended to enable the government to fulfill its obligation to provide public infrastructure. Accountability stipulates that every activity and the final result of government administration activities through the public bureaucracy must be accountable to the public. This study aims to analyze responsibility and sanction in accountable governance for the procurement of goods and services in the Teluk Bintuni Regency Government.

This research used a qualitative approach. Data collection methods include observation, in-depth interviews, and documentation. Data sources consist of primary data and secondary data. The informants in this research are stakeholders who are directly involved in the procurement of goods and services.

The results of this study indicate that the procurement of goods and services in Southwest Papua Province has not been fully effective. This is because the responsibility dimension in the procurement of goods and services shows that there are limited competencies and understanding of regulations in the Regional Work Unit, delays in the procurement process, lack of coordination and commitment, lack of community participation, limited access to information, and limited capacity to report irregularities. Meanwhile, the action dimension shows that in reporting and complaints, there is a lack of protection for whistleblowers and a lack of understanding and socialization related to reporting and complaints; the reporting process is a challenge for people who do not have access and capacity.

Keywords: responsibility, sanction, procurement of goods and services

1. Introduction

One of the mainstays of the current government that is the subject of reform during this period is bureaucracy. Due to the absence of good governance as intended, the current state of government is considered less than ideal. During the current reform period, the government is trying to implement an open and democratic government by the wishes of the wider community, one of which is by improving and optimizing public services provided to the community through effective, efficient, and transparent policies/regulations. This is because the public is guaranteed access to public/open

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information. The government must fulfill its duties to achieve good governance so that clean governance can be implemented [1].

The government has made many efforts to improve the quality of human resources, one of which is by procuring government goods and services carried out by government agencies. In organizing national life, the government is required to advance general welfare with social justice for all Indonesian people. In organizing national life, the government is required to advance general welfare with social justice for all Indonesian people[2]. To realize this, the government is obliged to meet the needs of the people in various ways, such as through goods, services, and infrastructure development.

Procurement according to (Sembiring, 2017) is an activity to realize needs that have been determined and budgeted for in previous functions [3]. Procurement is an effort to obtain goods and services that are needed and is carried out based on logical and systematic thinking, following norms and ethics according to standard procurement methods carried out as procurement guidelines [4]. Government procurement of goods and services is an activity of procuring goods and services by Ministries, Institutions, and Regional Apparatus funded by the APBN/APBD whose process starts from identifying needs, to handing over the results of the work. Government procurement of goods and services has an important role in the implementation of national development to improve public services and develop the national and regional economy. The implementation of government procurement of goods and services also has a major influence on the utilization of the state budget [5].

Government procurement of goods and services is a very important activity in realizing development. Viewed from various perspectives, Indonesia's progress cannot be separated from this activity. In the economic sector, the development of facilities and infrastructure to support economic growth is realized through the mechanism of government procurement of goods and services. Fulfillment of the need for goods and services is an important part that cannot be separated from the implementation of government. The availability of goods and services, in addition to being part of the government's duties and responsibilities to meet the needs of the people, is also the government's need in running the wheels of government [6].

The current government procurement of goods and services is intended so that the government can carry out its obligations to fulfill public facilities and infrastructure, also to complete government facilities and infrastructure so that the function of service to the community can run optimally and the use of state finances can be controlled and

accounted for by applicable mechanisms [7]. Procurement of goods and services is essentially an effort by the government as a user of goods and services to realize or obtain goods and services that are fulfilled properly by the limited financial capabilities of the state, so the government needs to regulate norms, principles, methods, and processes for procurement of goods and services. Initially, the procurement of goods and services was carried out conventionally, namely directly by users of goods and services [8].

Procurement of goods and services is a crucial aspect of good governance. The view of the procurement process of goods and services is expected to reflect a commitment to the principles of efficiency, transparency, and accountability. The implementation of government procurement of goods and services in Indonesia follows the stages in Presidential Regulation Number 16 of 2019 and its amendment through Presidential Regulation Number 12 of 2021. This process aims to ensure efficiency, transparency, and accountability in the use of the state budget.

The need for goods and services is inevitable to maintain smooth operations and to ensure the growth of the public sector, where it cannot be obtained instantly, but a time limit is needed. The time limit starts from the time of placing an order, the time to produce it, the time to deliver the goods, and even the time to process the goods in the warehouse until they are ready for use. A transparent, non-discriminatory, fair, effective, efficient, and responsive public procurement system or government procurement of goods and services is very important in the implementation of good governance. Procurement of goods and services in development activities in the government has a fairly large size, both in terms of the size of the budget portion. The importance of good regulation in procurement activities requires a system that can change the process of procurement of goods and services from transactional activities that only see procurement as an administrative process of efforts to obtain goods and services with several choices of uses can be changed into a strategic activity as a whole and continuous unit in carrying out its function as a public servant.

The rapid development must of course be balanced with the role of the government in providing goods and services for infrastructure development purposes, therefore procurement of goods and services is a necessity that cannot be avoided. In practice, there are many deviations from the provisions of procurement of goods and services. This indicates that there are many acts of corruption related to government procurement of goods and services. In addition to deviations in the procurement of goods and

services, government procurement of goods and services often faces various obstacles that hinder the efficiency, effectiveness, and accountability of the process.

The Teluk Bintuni Regency Government in the procurement of goods and services still often experiences problems, namely (1) inaccurate planning, such as choosing the wrong procurement method and unrealistic scheduling. (2) Slow auction process, the length of the auction process is caused by complex bureaucracy and lack of coordination between agencies that hinder the effectiveness of budget use. (3) Inappropriate quality of goods and services, often the goods and services received do not match the specifications set out in the contract, which can be detrimental to the government and the community. (4) Lack of supervision, and weak supervision of the procurement process allows for violations or deviations that are not detected and cause state losses. To overcome problems that often occur in the procurement of goods and services, appropriate supervision and decision-making are needed in its implementation. Where in this context it is intended through the Accountable governance approach.

Accountable governance theory is defined in its primary form as a mediated relationship between the government and the governed, where the government must justify its actions to the governed as part of the delegated authority. By supervising, decision-makers are expected to be responsible, from requiring information to implementing sanctions [9]. In the context of Accountable governance in the procurement of goods and services, the Teluk Bintuni Regency Government faces various obstacles and problems, especially in terms of responsibility and ineffective actions. Based on this explanation, this study aims to analyze how the concept of accountable governance is applied in the procurement of goods and services by the Teluk Bintuni Regency Government.

2. Materials and Methods

Qualitative research methods are used in this study. Qualitative research methods in this study aim to explain or describe problems systematically, factually, and accurately [10]. The location of the study is Teluk Bintuni Regency, and no specific research has been conducted on responsibility and saction in Accountable Governance in the procurement of goods and services, making it easier for the author to obtain secondary data or information. Informants in this study are people who are authorized to provide information on responsibility and saction in the procurement of goods and services in Teluk Bintuni Regency.

Primary data is obtained directly from sources and informants, primary data can be in the form of individual or group subject opinions, observations, events, or activities. Secondary data is obtained in finished form or the form of published data. Primary data in this study are the results of direct interviews with informants and observations regarding responsibility and saction in the procurement of goods and services in Teluk Bintuni Regency, while secondary data are in the form of data related to procurement policies for goods and services from the internet, books, journals, and previous research. In this study, the main data collection techniques are in-depth interviews and observations. Documentation is studying documents or records of past events. The data analysis technique in this study uses interactive model data analysis techniques [11].

3. Results and Discussion

This study aims to describe and analyze the responsibility and saction in the procurement of goods and services of the Teluk Bintuni Regency Government. The implementation of the procurement of goods and services of the Teluk Bintuni Regency Government follows the stages that have been regulated in Presidential Regulation Number 16 of 2018 and its amendments through Presidential Regulation Number 12 of 2021. The flow of procurement of goods and services of the Teluk Bintuni Regency Government is as follows:

- a) Procurement Planning, at this initial stage, includes the need for goods and services, determination of technical specifications, cost estimates, and preparation of the General Procurement Plan (RUP). The General Procurement Plan is then announced through the General Procurement Plan Information System (SiRUP), the purpose of submitting the general plan is to provide transparency to the public regarding the government's procurement plan.
- b) Procurement Preparation, at this stage procurement documents are prepared, provider selection methods are determined, and the formation of a committee or procurement officer responsible for the next process is carried out.
- c) Procurement Implementation, in this stage the process involves auction announcements, acceptance and evaluation of bids from providers, and determination of winners. Evaluation is carried out based on established criteria to ensure that the selected provider meets technical and administrative requirements.

d) Contract Implementation, at this stage the contract will be signed between the provider and the government. This stage includes the implementation of work or delivery of goods in accordance with the provisions of the contract, as well as supervision of the implementation of procurement of goods and services.

e) Supervision and Control, this stage is carried out to ensure that the implementation of the contract is in accordance with the specifications, time, and costs that have been agreed upon. Control also includes handling problems that arise during the implementation of the contract. The importance of implementing supervision and control to prevent problems from occurring due to excessive use of the budget in the procurement of goods and services.

f) Handover of Procurement Results, after the work is completed the next stage is the handover of procurement results from the provider to the government. This process involves a final inspection to ensure that the goods/services delivered are by the provisions of the contract.

g) Reporting and Accountability, this final stage includes the preparation of reports on procurement implementation and accountability for budget use.

The implementation of procurement of goods and services of the Teluk Bintuni Regency Government has two procurement methods, namely through tender and non-tender packages. The number of procurements of goods and services of the Teluk Bintuni Regency Government through tender and non-tender packages is shown in the table below:

TABLE 1: Number of Procurement of Goods and Services Based on Package Type.

Package Type	Amount per Year		
	2022	2023	2024
Tender	32	42	45
Non-Tender	18	4	56

Source: LPSE Teluk Bintuni Regency

The table above shows the amount of procurement of goods and services in the Teluk Bintuni Regency Government in the Tender package shows that it has increased every year. While the procurement of goods and services in the non-tender package showed a decline in 2023, then increased again in 2024.

The procurement of goods and services by the Teluk Bintuni Regency Government follows national and local regulations that are adjusted to regional needs. The procurement process of goods and services of the Teluk Bintuni Regency Government is

carried out electronically through the Electronic Procurement Service (LPSE). This system allows the public to access information related to procurement packages, types of procurement, and auction processes, thus supporting the principles of transparency and accountability in the procurement of goods and services of the Teluk Bintuni Regency Government. However, in the procurement process of goods and services, there are various obstacles, such as delays in the procurement process, lack of coordination and commitment, limited competence and understanding of regulations, lack of community participation, limited access to information, and limited capacity to report irregularities.

3.1. Responsibility For Accountable Governance in Procurement of Goods and Services of Teluk Bintuni Regency Government

Responsibility or responsibility is an important part of accountability both in terms of procedural and substantive aspects. The importance of public accountability within a strong governance framework that emphasizes socio-political responsibility to address and resolve sustainability issues that are inherently complex, but important for current and future decision-making and action. In this study, responsibility is meant as the role of stakeholders and who is responsible for the procurement of goods and services, as well as the political role in the decision-making process in the procurement of goods and services.

The research findings show that stakeholders responsible for the procurement of goods and services of the Teluk Bintuni Regency Government Budget Users (PA) have the authority over the use of the budget in ministries, institutions, or regional apparatuses. The Budget Use Authority (KPA) is appointed by the PA to carry out part of the authority of the Budget User (PA). The Commitment Making Officer (PPK) is responsible for the implementation of procurement, from planning to signing the contract. The Procurement Officer carries out direct procurement and direct appointment. The Selection Working Group (Pokja) carries out the process of selecting providers of goods and services through tender or selection methods. The role of the leadership of the Regional Work Unit (SKPD) is very necessary to ensure accountability in the procurement of goods and services. The leadership of the Regional Work Unit (SKPD) has a central role in ensuring accountability in the procurement of government goods and services. The leadership of the Regional Work Unit is responsible for budget management and implementation of the procurement of goods and services of the Teluk Bintuni Regency Government.

To ensure accountability in the procurement process of goods and services, leaders are required to ensure the preparation of procurement plans for goods and services accurately and transparently. Not only the role of leaders needed in the procurement of goods and services but also responsibility at the level of leaders and staff. However, field findings show the ineffectiveness of the responsibility shown by the regional work unit (SKPD), namely the limited competence and understanding of regulations, there are still many employees who do not fully understand the principles of good procurement. This has an impact on the expected needs and quality. Furthermore, there are delays in the procurement process, this condition causes the completion of the procurement of goods and services not to run according to the plan that has been set. The obstacles or problems faced in the procurement of goods and services by the Teluk Bintuni Regency Government are the lack of coordination and commitment between work units and the low commitment to procurement planning and implementation. Another problem found in this study is the lack of understanding and participation from the community, this can reduce the effectiveness of public supervision of the procurement process of goods and services. The importance of public understanding and participation in the procurement of goods and services can help report if there are deviations that occur in the procurement of goods and services. To increase transparency in the procurement of goods and services, there are obstacles to public access to information on the procurement of goods and services. Not only limitations in access to information, limitations in reporting irregularities. The public cannot report suspected irregularities in the procurement of goods and services. This has an impact on accountability and effectiveness of supervision in the procurement of goods and services.

Responsibility does not only focus on institutional responsibility but also looks at how political responsibility. The results of the research findings show that political responsibility is seen in the decision-making process for the procurement of goods and services. The influence of politics in the procurement process of goods and services is shown through the determination of budget priorities. Furthermore, the appointment of providers, in some cases, there is political intervention in the appointment of certain providers of goods and services. Changes in specifications or Estimated Unit Prices, in this case, changes in technical specifications are made to accommodate certain political interests.

3.2. Saction On Accountable Governance in Procurement of Goods and Services of Teluk Bintuni Regency Government

Saction or actions in accountable governance show the means used for complaints and how effective the sanctions are. In this study, saction focuses on how the reporting and complaint mechanisms are. The results of the study show that in the reporting and complaint mechanism for maladministration or irregularities in the procurement of goods and services, the public can report through the complaint application for procurement of goods and services by the Ombudsman of the Republic of Indonesia. This application makes it easier for the public to report alleged maladministration in the procurement of goods and services. Reporting and complaints can be made through the Whistleblowing System application by the Government Goods and Services Procurement Policy Institute (LKPP). Through this platform, the public can report alleged irregularities or violations in the procurement of goods and services. Complaints and reporting of irregularities in the procurement of goods and services,

The public can submit complaints directly to the Government's Internal Supervisory Apparatus (APIP). Through the reporting mechanism that has been provided, the public is expected to play an active role in supervising the procurement process of goods and services. However, there are still problems and obstacles faced by the public to access. This is due to the lack of understanding and socialization provided to the public, the lack of socialization provided to the public so the level of public participation is very low in reporting alleged irregularities in the procurement of goods and services. The obstacles faced by the public in addition to the lack of understanding and socialization are the high burden of proof, complaints submitted often require very strong and complete evidence. However, in reality, the public often does not have access or even the capacity to collect evidence to submit a report. Things that often make people not want to submit reports because of the lack of protection for reporters, and the potential for retaliation and intimidation are concerns of the public. The obstacle that also causes low public participation is the fragmented handling process, namely a separate complaint system between various institutions and levels of government, which often makes the public confused in submitting complaints and reporting findings of irregularities in the procurement process of goods and services. With procedures that are not directed and focused on one system, the complaint-handling process is often late.

Sanctions against parties who deviate from the procurement of goods and services are applied by applicable provisions. The provisions of the sanctions given are based

on Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods and Services. The sanctions given are in the form of administrative sanctions, blacklist sanctions, and criminal sanctions. The imposition of sanctions is seen based on the level of violation committed. However, specific data on the imposition of sanctions is not openly available. The imposition of sanctions is carried out based on the results of audits, internal supervision, and public complaint reports. The imposition of sanctions aims to provide a deterrent effect on parties who commit deviations. However, the sanctions given are often not effective. This is caused by the often long process and intervention. So that there is a need for improvements and enhancements in the supervision system, consistent and firm law enforcement, and increased accountability and transparency in the procurement process of goods and services for the Teluk Bintuni Regency government.

4. Conclusion

The procurement of goods and services by the Teluk Bintuni Regency Government has not been fully effective. Responsibility shows limited understanding of regulations within the scope of regional work units, delays in the procurement process of goods and services which often result in sudden changes to planning documents, and lack of coordination and commitment given by regional government work units. Furthermore, there is a lack of understanding and community participation in supervision, limited access to information, and limited capacity to file complaint reports. The Section element shows a lack of understanding of socialization, the burden of proof that must be strong and complete, a lack of protection for reporters, and a late complaint-handling process. So the imposition of sanctions is often not optimal due to intervention.

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