

Research Article

Effectiveness of the Law in Supervision of Goods and Services in the Body of the Police

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Abstract.

Procurement in the body of goods and services of the National Police is currently carried out electronically since the enactment of Law Number 11 of 2008 concerning Electronic Information and Transactions has been given broad legal space. E-procurement as an information system is a synergy between data, data processing machines (which usually include computers, application programs, and networks), and humans to produce information. This study uses a normative legal approach method with analytical descriptive research specifications. Secondary data comes from primary legal materials, secondary law, and tertiary law, as well as legal expert sources. Data collection through a mixed method between field data and literature. Data processing is carried out qualitatively, then conclusions are drawn using the inductive method. Research problems are analyzed using the theory of legal protection, theory of legal systems, and theory of legal certainty. The results of this study indicate that the effectiveness of the law on procurement of goods and services in the National Police in terms of the effectiveness of its legislation by referring to the organizational perspective on government procurement of goods and services and the role of supervisory institutions in government procurement of goods and services. The data collection was carried out by literature study with legal materials, namely laws and regulations. Data obtained from the literature study were qualitatively analyzed from an empirical perspective. The results of the study show that the law governing the procurement of goods and services has not provided sufficiently strict sanctions, leading to violations still occurring. But with the existence of e-procurement, procurement of goods and services has become more transparent.

Keywords: effectiveness, goods and services, national police, procurement

1. Introduction

In organizing national life, the government is required to advance general welfare with social justice for all Indonesian people. To realize this, the government is obliged to provide the needs of the people in various forms of goods, services, and infrastructure development¹. In addition, the government, in organizing government, also needs goods and services, for that it is necessary to procure goods and services (Yohanes Sogar Simamora, 2005).

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Procurement of goods and services begins with the transaction of purchasing/selling goods in the market directly (cash), then develops into a purchase with a payment term, by making accountability documents (buyer and seller), and finally through procurement through an auction process. In the process, procurement of goods and services involves several related parties so that there needs to be ethics, norms, and principles of procurement of goods and services to be able to regulate or be used as a basis for determining policies for procurement of goods and services.

Procurement of goods and services is essentially an effort by the user to obtain or realize the desired goods and services by using certain methods and processes in order to reach an agreement on price, time and other agreements. 2. In order for the nature or essence of procurement of goods and services to be carried out as well as possible, both parties, namely the user and the provider, must always adhere to the philosophy of procurement of goods and services, submit to the ethics and norms of procurement of goods and services that apply, follow the principles, methods and processes of procurement of goods and services that are standard.

A good procurement system for goods and services is a procurement system for goods and services that is able to implement the principles of good governance, electronic procurement which is hereinafter abbreviated as e-procurement as an auction system in the procurement of goods and services by the government using internet-based technology, information and communication facilities. With e-procurement, the auction process can take place effectively, efficiently, openly, competitively, transparently, fairly/non-discriminatory, and accountably so that it is expected to reflect openness/transparency and also minimize fraudulent practices in the auction of procurement of goods and services that result in losses to state finances. In Indonesia, the implementation of e-procurement is regulated to encourage efficiency and effectiveness of public spending, as well as the arrangement of the behavior of the three pillars (government, private sector and society) in the implementation of good governance. In the current era of reform, the government is trying to realize an open and democratic government. One way is by improving and optimizing public services to the community through policies/regulations that are effective, efficient, and reflect openness/transparency considering that the community has the right to receive accountability.

This law also states that everyone has the right to obtain public information in accordance with the provisions of this law⁴. Transparency is a condition that provides greater opportunities for the public to access information on government processes, while efficiency is various steps to shorten the bureaucratic process in terms of public

services. The government as the state administrator should carry out its duties proportionally to the maximum in order to achieve good governance, so that a clean government can be realized. Departing from the above, there is a guarantee of access to public information/freedom of information, as stated in Law Number 14 of 2008 concerning Openness of Public Information, where one of the objectives of openness of public information is to realize good state administration, namely transparent, effective and efficient, accountable and can be through Presidential Regulation Number 8 of 2006 concerning the Fourth Amendment to Presidential Decree Number 80 of 2003 concerning Guidelines for the Implementation of Government Procurement of Goods/Services. E-Procurement has been implemented since 2007 with the establishment of the Government Goods/Services Procurement Policy Institute (LKPP)⁵. E-Procurement is a government goods/services procurement process that is implemented electronically based on the web/internet by utilizing communication and information technology facilities that include electronic public auctions.

Procurement in the Indonesian National Police is currently carried out electronically since the enactment of Law Number 11 of 2008 concerning Electronic Information and Transactions has been given broad legal space. E-procurement as an information system is a synergy between data, data processing machines (which usually include computers, application programs, and networks) and humans to produce information. Electronic procurement of goods/services is basically aimed at (LKPP, 2025):

Increasing transparency and accountability (Baiq Dewi Yustisia, n.d.);

1. Improving market access and healthy business competition;
2. Improve the efficiency level of the procurement process;
3. Supports monitoring and audit processes.
4. Fulfilling the need for real-time information access. concrete) or paper-based transactions, namely not purely conducting electronic trade like e-commerce, so that the legal rules of the agreement still apply.

Regarding e-procurement, President Prabowo Subianto specifically asked the Minister of Economy, Minister of Finance, and Minister of State for National Development Planning/Head of Bappenas to study and test the implementation of the e-procurement system so that it can be applied in all government agencies so that it can prevent various leaks and waste in the use of state finances.⁸ The target is that by 2025, at least 75% of all K/L spending and 40% of Regional Government spending (Province/District/City)

used for procurement of goods/services must use the Electronic Procurement System (SPSE) through the Electronic Procurement Service (LPSE) (Indonesia).

Corruption, Collusion and Nepotism. Procurement of goods and services in the Polri sector is a very significant amount which if properly controlled, will result in significant savings¹⁰. One of the efforts to prevent corruption in the field of Polri procurement of goods/services is by issuing Presidential Regulation Number 54 of 2010 as an improvement of Presidential Decree Number 80 of 2003 concerning government procurement of goods/services by the Polri Goods/Services Procurement Policy Institute (LKPP). Article 111 of Presidential Regulation No. 54 of 2010 regulates the establishment of Electronic Procurement Services (LPSE) to facilitate the Procurement Service Unit (ULP) in implementing Polri procurement of goods and services.

The implementation of e-procurement is included in one of the national programs to realize a clean and corruption-free Polri. Where later through this program all government agencies, both central and regional, must implement e-procurement in the procurement of goods/services. E-procurement offers the widest possible opportunity for improvements in costs and productivity. Therefore, e-procurement is one of the most effective ways to improve management, both directly and indirectly, in finding purchasing sources. As a result, e-procurement will increase the key to success in increasing competitiveness in the future.

In its journey, electronic procurement of goods and services (e-procurement) is not without obstacles. In this study, the author is interested in analyzing the effectiveness of the law in the implementation of electronic procurement of government goods and services (electronic procurement) compared to procurement of goods and services that still use conventional methods and to what extent the role of supervisory institutions in the procurement process of goods and services of the Police in anticipating fraud in the procurement process of goods and services of the Police that can cause state financial losses.

2. Methods

This study uses a sociological legal approach method, which is an approach that is not only legal but also uses social sciences. To find the problems in this study, the author uses descriptive analysis research specifications, namely describing the effectiveness of procurement of goods and services in the Polri body.

3. Results and Discussion

3.1. Effectiveness of Law on Procurement of Goods and Services in the Police

Viewed from the effectiveness of the legislation. The effectiveness of a legislation can be seen from various factors, namely:

1. Knowledge of the substance (content) of legislation.
2. Ways to acquire this knowledge.
3. Institutions related to the scope of legislation within its people.
4. How is the process of birth of a law that should not be born?

in a hurry for instant (temporary) interests, which is termed sweep legislation, which is of poor quality and does not suit the needs of the community.

The effectiveness of legislation can be seen from 2 (two) perspectives, namely:

1. Organizational perspective, namely a perspective that views legislation as an “institution” when viewed from its characteristics.
2. Individual perspective or obedience, which focuses more on the individual aspect or individuals, where their social life is regulated by legislation.

In this writing, the author focuses on research from an organizational perspective. Some issues to be studied are:

1. When did it arise? urgent need to draft legislation certain.
2. When did it arise? the moment when changes to legislation are needed In what areas of life is this legislation needed and why is there a need for it?
3. Which parties have the initiative to draft or create this legislation?
4. Which groups are pressure groups in society.

The laws and regulations that we wish to review regarding e-procurement are as follows (Prof. Dr. Achmad Ali, 2009):

1. Presidential Regulation Number 54 of 2010 concerning Procurement of Goods/Services Government.
2. Law Number 17 of 2003 concerning State Finance.
3. Law Number 11 of 2008 concerning Electronic Information and Transactions.
4. Constitution Number 14 of 2008 about OpennessPublic Information.

Procurement of goods and services by the government has been around for a long time, even the regulations have been changed several times. The changes to the existing regulations are intended to make the implementation of government procurement of goods and services more perfect and reduce deviations that can harm state finances. The latest regulation related to government procurement of goods/services is Presidential Regulation Number 54 of 2010. In Presidential Regulation No. 54 of 2010, procurement of goods/services is specifically regulated in articles 104 to 112. Regulations on e-procurement are considered urgent because they are based on the current phenomenon in society where many procurement processes for goods and services are indicated by corruption, collusion and nepotism (KKN) practices. Procurement is a very important issue in eradicating KKN in Indonesia because when viewed from the corruption assessment indicators issued by Transparency International in the Corruption Perceptions Index (CPI)⁶⁸, in 2011 out of 183 countries surveyed, Indonesia was ranked 100th with a score of 3.0, up from regions and BUMN in Indonesia that procure goods and services through e-procurement. Currently, the number of agencies that have implemented e-procurement in Indonesia until April 19, 2012 has reached 681 agencies, including Ministries/Institutions, BUMN, Provinces, Regencies, Cities, and Universities. Since 2008 until April 2012, the number of procurement packages auctioned through the national e-Procurement system was 46,183 packages, of which in 2012 reached 13,554 packages. The ceiling auctioned from 2008 to 2012 reached Rp 99.6 trillion with providers of goods/services that have been registered online in the national e-Procurement system reaching 216,295 providers.

3.2. Obstacles or barriers in the supervision of goods and services within the National Police

As regulated by the provisions in Presidential Decree Number 54 of 2010, supervision and inspection of procurement of goods and services are intended to: Improving the performance of government apparatus, creating an apparatus that is...professional, clean and responsible.

Eradicating abuse of authority and corrupt practices.

Enforcing applicable regulations and securing state finances.

To support the principles of government procurement of goods and services in accordance with the provisions, in the process of procurement of goods and services, there are several parties involved in the supervisory function, namely:

The head of the relevant government agency

The supervisory function carried out by the head of this agency/institution is preventive supervision¹⁰¹ and repressive supervision¹⁰² namely by means of:

Establish policies and technical instructions (juknis) for implementing procurement goods and services.

Creating a management control system for procurement purposes goods and services.

Creating a monitoring system for the implementation of procurement of goods and service.

Require users of goods/services and procurement committees/officials to document every procurement process for goods and services, and store it as a means of accountability.

Users of Goods and Services

As a party interested in the procurement of goods and services in governance in accordance with its main tasks and functions, then the user Goods and services can carry out preventive supervision, namely by:

Prepare a work plan that describes the activities to be carried out.

implemented, the form of working relationships and the targets to be achieved.

Prepare written procedures for implementing activities so that they can be carried out understood and implemented, especially those related to procurement of goods/services Carrying out recording and reporting on the results of procurement activities. Storing goods and services and maintaining records, reports and other documents related to the procurement of goods and services.

Conduct supervision.

The Internal Audit Unit makes a complaint if the following things occur:

Indications of procedural irregularities were found.

The existence of corruption, collusion and nepotism in the implementation of government procurement of goods/services.

There is unhealthy competition in the provider selection process goods/services.

Community supervision can function as:

Barometer to measure and understand public trust in performance government apparatus, especially in the procurement of goods/services.

Providing corrections to deviations in procurement implementation goods/services.

Providing input and formulation of planning, budgeting policies, implementation and supervision in procurement of goods/services.

The internal audit unit is a unit within an agency and independent of other units, and directly responsible to the head of the agency. In accordance with its function, in the procurement of goods and services, the Internal Supervisory Unit carries out supervision by: Carrying out direct supervision of activities/projects being implemented Audit in and inspection of the implementation of the work has been and is being implemented by the goods and services provider, if necessary, can order a third party to do so, such as a consulting firm, accounting firm, and BPKP

4. Conclusion

The Effectiveness of Law in Supervision of Goods and Services within the Police Force has implemented properly Supervision can be interpreted as an activity of continuous observation and assessment of an activity object using certain methods, tools, and rules to ensure the conformity of its implementation with the established plans and policies. Supervision of goods and services is supervision carried out on the implementation of procurement of goods and services whether it is in accordance with the plan, basic principles of procurement, procedures, and applicable rules. The nature of supervision is to prevent as early as possible the occurrence of deviations, waste, and failures, and so that procurement can run efficiently, effectively, economically and orderly. Supervision of procurement of goods and services in government agencies is the responsibility of every leader in a government agency related to procurement. Supervision in the procurement of goods and services must be carried out by government agencies as an effort to realize justice, transparency, and accountability in the context of good governance. Obstacles or Barriers to Supervision of Goods and Services in the Police Force Government procurement of goods/services needs to be carried out more effectively and efficiently. and prioritize the implementation of several basic principles, namely healthy, transparent, open business competition and fair treatment for all parties. For this, it is necessary to plan, develop and formulate strategies, determine policies and regulations for government procurement of goods/services in accordance with the demands and developments of the environment, both internal and external, which are sustainable, periodic, integrated, directed and coordinated. Until now, the method of procurement of goods and services that is considered better because its implementation is more effective, efficient and transparent is the electronic procurement

method or e-procurement. With e-procurement, the auction process can take place effectively, efficiently, openly, competitively, transparently, fairly/non-discriminatory and accountably so that it is expected to reflect openness/transparency and also minimize fraudulent practices/KKN in the auction of procurement of goods/services that result in state financial losses.

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