

Effectiveness of the Implementation of Presidential Regulation 12 of 2021 on the Procurement of Government Goods and Services at Polda West Java

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ABSTRACT

This study seeks to evaluate the impact of Presidential Regulation Number 12 of 2021 on the procurement of goods and services by the government at Polda West Java, specifically concentrating on Polres Karawang and SPN Polda West Java. The employed research methodology is a normative juridical approach, which entails conducting legal research through the analysis of literature and secondary data sources. The results showed that the Karawang Regional Police Unit and SPN Polda West Java have carried out the implementation process of Perpres 12 of 2021 based on Procurement Management Theory, Effectiveness, and Good Governance well, but there are several obstacles in its implementation, namely the delay in the procurement process of goods and services due to the unavailability of human resources / actors in the procurement of goods and services at SPN Polda West Java who have competency certificates.

INTRODUCTION

One of the efforts to improve the welfare of the community and the competitiveness of the nation is to realize procurement that produces value for money. To achieve this, an efficient procurement market and a competitive business world are needed. This must be supported by Procurement Planning in accordance with applicable rules. Accurate and early planning is very important to avoid planning errors, which ultimately contradict the principles of efficient, effective, transparent, open, competitive, fair and accountable. In addition, improvements in the planning stage can potentially result in savings in procurement.

After the issuance of Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Goods / Services Procurement. Government Procurement of Goods and Services is essentially an effort by the user to obtain or realize the desired goods and services using certain methods and processes in order to reach an agreement on price, work time, and other agreements. A good government goods / services procurement system is a goods / services procurement system that is able to apply the principles of good governance (good government), encourage the efficiency and effectiveness of public spending, and structuring the behavior of the three pillars (government, private, and community) in the implementation of good governance.

The implementation of the procurement of government goods / services is in accordance with the principles of Good Government, all Ministries / Institutions must of course carry it out properly. This implementation must of course be in accordance with and not out of the existing provisions and mechanisms in accordance with Presidential Regulation Number 12 of 2021 concerning Government Procurement of Goods / Services accompanied by Regulations of the Government Procurement Policy Agency (LKPP). Polda West Java in the implementation of public goods / services procurement includes several procurement objects, namely Procurement of Building and Building Maintenance, Procurement of R2 / R4 / R6 Vehicle Maintenance, Maintenance of Water Vehicles (Boats), Procurement of Prisoner Consumption, Procurement of Picket Guard Meals and Procurement of Office Daily Needs. Of these types of procurement, of course, a process must be carried out in accordance with the provisions by paying attention to aspects of openness, honesty, and accountability. Procurement is of course needed in the form of goods and / or services, either procured directly or through a provider or commonly referred to as a partner.

A contract is very important to be prepared carefully because the contract is an engagement that regulates rights and obligations, work mechanisms, work periods, to dispute resolution and contract addendums. The efficiency of the procurement process for goods and services will also influence the extent of budget absorption within an organization. In running the wheels of the organization, the high and low budget absorption is used as a level of measure that can describe how far the targets planned by the organization or government agency have gone. One of the key factors influencing an organization's success in executing its business processes is the effective absorption of its budget. The successful execution of the procurement of goods and services will be both effective and efficient, significantly influencing the optimal utilization of the planned budget, which is largely contingent upon the organization's human resources' capability in planning, executing, and assessing the procurement process.

LITERATURE REVIEW

Government Procurement of Goods and Services

The acquisition of Goods and Services in accordance with Presidential Regulation Number 12 of 2021 involves the procurement activities conducted by Ministries, Institutions, and Regional Apparatus, financed by APBN or APBD, encompassing the entire process from needs identification to the delivery of the final work results.

METHODOLOGY

Researchers in this study used a normative juridical approach method, namely a legal research method carried out through an examination of literature/literature sources or secondary data and qualitative descriptive methods. This approach seeks to furnish information and insights that serve as the foundation for evaluating and detailing the initiatives undertaken by the West Java Police in assessing the effectiveness of the implementation of Presidential Regulation 12 of 2021 regarding Government Procurement of Goods and Services within the West Java Police. In this study, to carry out data collection, researchers used two sources, including through primary data sources, namely field studies, which were carried out through observation and structured interviews. Then secondary data sources through literature studies, which are carried out with documentation.

RESEARCH RESULT AND DISCUSSION

Good Governance is a concept that prioritizes the principles of governance including in the Procurement of Goods and Services. This theory emphasizes that good governance will result in more efficient public services, reduce the level of violations, and increase public trust. In the context of government procurement of goods and services, the application of good governance principles is very important because the procurement process involves the use of a large state budget and needs to be accounted for, is vulnerable to irregularities, and has a direct impact on the quality of public services. The principles of good governance theory that are relevant to government goods and services, especially in the

jurisdiction of Polda West Java and as a case study, namely Polres Karawang and SPN Polda West Java are as follows:

1. Transparency

Polres Karawang and SPN Polda west java in terms of implementing the Goods and Services Procurement Process have been carried out through the LKPP SIRUP Application and LPSE Polri, this is intended for transparency in the procurement implementation process and is known by the public, especially prospective goods and services providers.

2. Accountability

Responsibility within the Public Procurement Process encompasses:

- a. Compliance with procedures for the procurement of goods and services;
- b. Reporting on the results of the procurement of goods and services;
- c. Evaluation and supervision of its implementation

Polres Karawang and SPN Polda west java have implemented the accountability process in the procurement of government goods and services within Polda west java.

3. Participation

Public procurement of goods and services at Polda west java (Polres Karawang and SPN Polda west java) opens space for stakeholder participation, both internal (users of goods and services) and external (suppliers, community groups, and NGOs). This participation includes needs planning, tendering, and evaluation of the results of goods and services procurement.

4. Efficiency and Effectiveness

Procurement of goods and services must produce optimal output with limited resources. This efficiency must be considered in terms of the price offered by the goods and services provider in accordance with the conditions or the amount of budget ceiling owned by Satker Polres Karawang and SPN Polda west java, so that the effectiveness of the procurement of goods and services can be right on target according to the needs of the organization.

Then, based on the procurement management theory which is a series of processes that include planning, selection, contract implementation, contract control, and handover of work results and evaluation of goods and services procurement activities.

Planning for Procurement of Goods and Services at Polres Karawang and SPN Polda West Java

Procurement planning is the first step of the procurement process which includes activities to identify PBJ, determine the type of goods / services, determine the method of procurement, bundling, consolidation, time of utilization of goods / services, and procurement budget. The Procurement Planning Process for goods and services includes:

- a. Identification of Government Goods and Services Procurement Needs.
- b. Determination of Types of Goods and Services.
- c. Determination of Procurement Method.
- d. Bundling and Consolidation.
- e. Time of Utilization of Goods and Services.
- f. Procurement Budget.

Selection of Goods and Services Procurement Providers at Polres Karawang and SPN Polda West Java

Selection of Providers based on the Theory of Goods and Services Procurement Management at Polres Karawang and SPN Polda west java, is as follows:

- a. Karawang police station:
Provider selection is mostly done through e-purchasing and electronic catalog methods. This has a positive impact on time efficiency and reduces the potential for outside intervention.
- b. SPN Polda West Java:
Experienced constraints that resulted in delays in the implementation of provider selection due to the lack of human resources / procurement actors who understand procurement techniques. Some methods of implementing provider selection at SPN Polda west java are carried out by direct procurement and E-Purchasing.

Implementation of Goods and Services Procurement Contracts at Polres Karawang and SPN Polda West Java

- a. Karawang Police Station:
The contract generally runs according to schedule with more intensive supervision from the Commitment Making Officer (PPK). Routine coordination between suppliers and users supports smooth implementation.
- b. SPN Polda West Java:
There were several delays in the implementation of work and completion of procurement/contract administration, as well as delays in submitting contracts to KPPN Bandung Barat.

Control of Goods and Services Procurement Contracts at Polres Karawang and SPN Polda West Java

- a. Karawang Police Station:
The implementation of Contract control can be carried out well in accordance with the conditions and time of the Contract Signing Officer/Commitment Making Officer (PPK).
- b. SPN Polda West Java:
The Contract Signing Officer does not routinely carry out Contract Control, with constraints on the cost, time and distance that must be traveled by the Contract Signing Officer (PPK) considering that the Contract Signing Officer comes from the Karawang Police Working Unit

which is seconded to the SPN Polda west java Working Unit, so that supervision of the work is less than optimal.

Handover of Goods and Services Procurement Work Results at Polres Karawang and SPN Polda West Java

The handover of work results is evidenced by the Handover Minutes. As for Polres Karawang and SPN Polda west java, there is no/has not been made Minutes of Work because the work is still ongoing.

Evaluation of Goods and Services Procurement Activities at Polres Karawang and SPN Polda West Java

Evaluation is carried out in accordance with the stages in the management of public procurement of goods and services, including in the evaluation and assessment of goods and service providers, the implementation of the evaluation is carried out after the handover of the work results.

Furthermore, related to the supervision and ethics of procurement actors which consists of several things including the following:

1. Supervision of Goods and Services Procurement
 - a. Karawang District Police: Supervision is carried out in several stages, namely, the planning and organizing aspect stage, and the controlling aspect stage, each stage is carried out within a certain period of time.
 - b. SPN Polda West Java: Supervision is carried out in several stages, namely, the planning and organizing aspects, and the controlling aspects.
2. Ethics of Procurement Actors

The Ethics of Goods and Services Procurement Actors based on Perpres 12 of 2021 include:

 1. Order and Responsibility.
 2. Professional, Independent and confidential.
 3. Not influencing each other.
 4. Acceptance and responsibility.
 5. Avoiding conflict of interes.
 6. Avoiding and preventing waste and leakage of state finances.
 7. Avoiding and preventing abuse of authority.
 8. Not accepting or offering/ promising.

In addition, the procurement ethics of other personnel (members of the Indonesian National Police) are regulated in Police Regulation Number 7 of 2022 concerning the Police Professional Code of Ethics.

3. Sanctions
 - a. Karawang District Police:

Has implemented procurement ethics properly in accordance with Perpres 12 of 2021 and Perpol Number 7 of 2022.
 - b. SPN Polda West Java:

Has carried out procurement ethics well in accordance with Perpres 12 of 2021 and Perpol Number 7 of 2022.

In the context of public procurement, budget absorption reflects the effectiveness of planning, implementation, and performance of budget managers. High budget absorption indicates that activities are going according to plan, while low budget absorption usually indicates administrative, technical, or coordinative constraints.

Karawang Police

- a. Showed a good trend in terms of budget absorption:
 - Procurement process started earlier in the fiscal year.
 - There is better coordination between the finance department, users, and PPK.
 - Most Procurement Packages are completed before the end of the third quarter.
- b. This success is supported by:
 - The availability of human resources or procurement actors who have PPK Competency Certification.
 - Disciplined and timely preparation of the RUP.
 - Regular absorption monitoring by the head of the Polres.
 - The use of the E-Purchasing system in the Selection of Providers which accelerates the shopping process.

SPN Polda West Java

The implementation of SPN Polda west java budget absorption was not sufficient due to several factors, among others:

- The unavailability of human resources or procurement actors who have PPK Competency Certification, so SPN Polda west java request personnel assistance from other work units that have competency certificates as PPK.
- Delays in the preparation of procurement documents and selection of providers.
- Procurement planning is not on time.

CONCLUSIONS AND RECOMMENDATIONS

The findings derived from the study regarding the effectiveness of implementing Presidential Regulation 12 of 2021 on the procurement of government goods and services at the West Java Police, specifically at the Karawang Police Station and the West Java Police School, indicate that both the Karawang Regional Police Unit and the West Java Police School have executed the implementation process of Presidential Regulation 12 of 2021 in accordance with the principles of Effectiveness Theory. The Karawang Regional Police Unit and the West Java Police School have executed the implementation of Presidential Regulation 12 of 2021 in alignment with the principles of Good Governance Theory. The Karawang Police Department and the West Java Police Academy have initiated the implementation of Presidential Regulation 12 of 2021 in accordance with Procurement Management Theory. However, they face several challenges, including delays in the procurement of goods and services caused by a lack of qualified personnel with competency certificates at the West

Java Police Academy. Additionally, budget absorption at the West Java Police Academy remains low due to delays in the procurement process related to the contractual budget.

The suggestions that can be given include the Karawang Police and the West Java Regional Police SPN must prepare the availability of their personnel to take the Government Goods and Services Procurement Competency Test, both the Commitment Making Officer Competency, Procurement Officer Competency and Selection Working Group. Furthermore, the Karawang Police and the West Java Regional Police SPN coordinate with the West Java Regional Police Logistics Bureau regarding the training and participation of their respective personnel to take the Government Goods and Services Procurement Competency Test. Then, regarding the low budget absorption in the West Java Regional Police SPN Work Unit, it is hoped that the West Java Regional Police SPN will immediately ask for assistance from other Work Units that have Competency Certified personnel as long as none of the West Java Regional Police SPN Personnel have competency certificates, so that the procurement process is not late and the budget absorption of the work unit is not low.

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