

EFFORTS TO PREVENT THE  
CRIMINAL ACTION OF  
CORRUPTION THROUGH THE  
ESTABLISHMENT OF A WORK  
UNIT FOR THE PROCUREMENT  
OF GOODS AND SERVICES IN  
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EFFORTS TO PREVENT THE CRIMINAL ACTION OF CORRUPTION THROUGH THE ESTABLISHMENT OF A WORK UNIT FOR THE PROCUREMENT OF GOODS AND SERVICES IN ACCORDANCE WITH THE REGULATION OF THE LKPP INSTITUTION NO. 10 YEAR 2021

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### ABSTRACT

**Objectives:** This article is intended research and identify factors that may be the cause of criminal corruption in the procurement of goods and services. **Methods:** Research was conducted using the statute approach and the conceptual approach. Secondary data is the data used in writing this article, namely interview data as complementary acquired by no direct action of the author. Data collection techniques in research: this is literature studies (Library Research) conducted with the method of researching ingredient references, or what is known as secondary ingredient law. About Procurement: government goods and services, and regulations related to others, related to Presidential Decree Number 12 of 2021 concerning Changes to Regulations President Number 16 of 2018. The following step is descriptive-qualitative data, which is presented data and information that is then analyzed using a variety of conclusions. **Results:** UKPBJ is directly involved in planning, management, procurement of goods through a provider or applicable self-management. In LKPP Institutional Regulation Number 10 of 2021, concerning not quite enough answers. **Conclusion:** Therefore, it could be concluded that because corruption occurs in procurement of goods and services, among others, greed (getting personal profit), abuse of authority, and taking advantage of opportunity. Regulation 10 of the LKPP for 2021.

**Keywords:** Follow Criminal Corruption, Procurement Goods and Services, LKPP Institution.

### 1 INTRODUCTION

Though studies about corruption have a long history, especially in the field of economics, they are conducted confidentially or quietly. King Hammurabi then threatened the officials under him with punishment by death. There is an existing case of embezzlement involving the employee that Also, determine how much more efficient institutions of government are not what is called "knowledge sure. Corruption in public procurement of goods and services is the highest in Indonesia.

The application principle is not without accountability and transparency issues in various management governments. development infrastructure To use technology to promote well-being and equitable public social policies for all

Indonesians. Source power professional human is not yet supported. Deviation in the procurement process of goods and services is detrimental State finance is one of the forms of criminal corruption. That thing, in accordance According to Handayani , an efficient, transparent, and accountable approach is very much needed for affordability. government will impact on increasing public service. However, in reality, things like The greater the increase Neither the buyer nor the user agrees. The second party must follow agreed-upon norms and rules in order to conduct activity buy and sell effectively and efficiently. However, in implementation, there is often a deviation in the procurement process of goods or services Poor management of state finances is a form of criminal corruption. Corruption alone has become a very dangerous and threatening social, nation, and state in Indonesia.

Goods and services procurement must be held credible through good arrangements that are fair, transparent, professional, and competitive. The government poured criminality into the Constitution through policy and law. This regulation has seen number of fair changes for all parties, and the end result may be accountable. Procurement of government goods and services is regulated by Regulation President Number 21 of 2021. UKPBJ defines superior procurement as superior organization, HR, and governance in implementing best practice.

UKPBJ is already formed in every ministry, institution, and region. Realize system procurement for goods and services Transparent and accountable government since set based on LKPP Institution Regulations has been implemented in 55 Ministries/Institutions (K/L).

Based on the description stated in the background above, the formulation of the problem can be stated as follows:

1. What are the factors that cause corruption in the procurement of government goods and services?
2. What are the efforts to prevent corruption by the Goods and Services Procurement Work Unit in accordance with LKPP Institution Regulation Number 10 of 2021?

### 1.1 literature review

The terms "white collar crime" and "crime" have the meanings "crime" and "collar white". Collar white is a symbol of position. They escape punishments and reproaches that are prohibited by society. Under offender law, this could just state his actions that are not correct. The classic concept of white collar crime is always related to the declaration in Constitution Number 20 of 2001 concerning the eradication of criminal corruption.

In accordance with the typology of crime, that is, use position. The word "job" or "position" is what refers to the term "white-collar". Common Law A crime is a crime of law and custom. For example, murder, rape, robbery, and assault. Meanwhile, white collar crime or occupational crime, which is considered by people from circles of business, workers, politicians, and other relationships with their

occupation (work), Temporarily, the perpetrator of the offense they commit is generally characterized by indiscipline and defiance of social norms.

According to Edwin H. Sutherland, white collar crime is a type of crime that involves a violation of the perpetrator's trust through his job, resulting in disorganization, social or economic loss. Dangerous work health and doctor fraud to the medical utilization program. community or public, perpetrator act of white collar crime can avoid entanglement law. Different people have different perceptions, understandings, and opinions about something evil. Corruption/embezzlement/money politics is neither a legal principle nor a perpetrator. Murder, opposition politics, violations by the apparatus (military and or police).

The core you want confirmed by Sutherland with the state definition as above, according to Sahetapy is as follows: a. Because the actions of the leaders of a corporation are against the law, According to Harkrisnowo there are a number of characteristics attached to the crime collar act, among others: (1) low visibility; (2) complexity; (3) diffusion of responsibility; (4) ambiguous criminal law; and (6) weak detection and prosecution. start submitting seven types of characteristics, the crimes of honorable that people.

Organization that is professional and system complex. Related to something scientific, technological, financial, legal, or organized. Third, there is a shift in responsibility from the apparatus to the enforcer of the law. So, policy law refers to criminal acts that result in efforts to achieve well-being or prosperity in a community (citizens). View from the second term that, then reach a specific destination, especially in dealing with crime, must be recognized in a variety of ways.

Political law and criminal law could be seen from the competent bodies to set expected desired rules that can used to express what contained in society. According to Sudart, the meaning of penal policy is something known at a time and place where a practical organizer or executor decision court is finally established.

## 2 METHODS

A researcher is someone who studies legal aspects of the establishment and implementation of a given agency based on regulation legislation. Using references from studies or library research UKPBJ, for example, Legal Dictionary, Indonesian Language Dictionary, which explains the ingredients of primary law, that is, policy, institutional regulation, procurement, government goods and services. The creation of UKPBJ results, scientific scholars, documents, official books, tangible research reports, and others is a research bibliography (library research) on Presidential Decree No. 12 of 2021.

Descriptive is non-hypothetical research, so that in step the research does not need to formulate a hypothesis, while qualitative research is the data depicted with words or separated sentences according to category to get a conclusion. What is meant by qualitative data analysis is a method used to analyze data, describe

data in the form of words, and use the resultant data to interpret and interpret the particular person/behavior being observed.

### 3. RESULTS

The author achieved the following results during the study:

- The factors that cause <sup>4</sup>corruption in the procurement of government goods and services include: greed (getting personal gain), abuse of authority, and taking <sup>6</sup>advantage of opportunities.
- Efforts to prevent corruption in the procurement of goods and services by the government as regulated in LKPP Institution Regulation Number <sup>4</sup>10 of 2021, namely: making UKPBJ a professional and competent work unit as a center of excellence in the procurement of government goods and services; a detailed affirmation regarding the responsibility of UKPBJ; UKPBJ must <sup>12</sup>be able to play the role of a Procurement Agent who consistently implements applicable laws and regulations; and the actors in the procurement of government goods and services must be independent (there is no conflict of interest).

### 4. DISCUSSION

Corruption is happening by massive response in Indonesia with an approach to criminal law that is repressive and action-oriented. However, it is conducted by secretly using miscellaneous passwords or symbols. The involvement of officials (rich people) in various cases of corruption in Indonesia is consistent with the white-collar crime theory proposed by Geis and Goff. Maslow's hierarchy of needs, described above, describes hierarchy needs from the most basic (bottom) to clothing and food (physical needs), so whatever it is, do to achieve it, including those that are adhered to his subordinates. If someone were to increase their need for appreciation, they would wish that we appreciated, behaved commendably, democratically, and others.

A corruption case involving a convicted (former) officer making the commitment of the Banten Provincial Health Office proves that in the procurement process, goods and services are particularly vulnerable. Just do a shameful act, that is, get prosperity with action by Ross. For example, contracts are given to suppliers who haven't estimated them before. However, none of the incidents could be confirmed as acts of criminal corruption. There is a price not caused by inflation or changed specifications.

Many events show large procurement processes for goods and services. They (perpetrators) can abuse power by making officials public for personal profit or group profit in the form of crime and corruption. in accordance with the White-Collar Crime Theory as proposed by an honorable individual with a high social status in his field of occupation.

Corruption acts, which are massively carried out by collaborating officials with the public (private), have colored various activities in state administration. That thing



is one factor that causes the rampant cases of corruption involving officials in Indonesia. White Collar Crime promotes existence deviation because a position is assigned to a self-assigned officer for the sole purpose of profiting himself and others. This is sector procurement for goods and services, but not from the proposed community but from entrepreneurs. If this happens, take action to do budget markups.

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Adi Wahyono, former Director General of the Ministry of Social Affairs and Officials Maker The Ministry of Social Affairs' commitment (PPK) for social assistance Corruption is one dimension of choice; that is, make it yourself or get it from a private sector. When the government needs goods and services, there are two open alternatives for him. Here, cost or price could become a problem for the government area.

More know could provide advice on goods and services when government departments lack the ability to detail needs, particularly in the field of technology. maximum dealing<sup>10</sup> with KKN in the environment of regional government, in particular the procurement of goods and services. as well as inequality in the distribution of power and wealth in the region.

government in order to profit solely for itself Obviously, things that by law have violated Constitution Number 31 of 1999 (Article 2 paragraph 1 & Article 18), as expressed by Clinard and Yeager, as a leader in a structured organization, the government gives an example of how to behave as a trustworthy and responsible person in the success of the policy process. Existing cases of corruption have resulted in state losses, despite government efforts. System procurement for applicable goods and services. At the moment, this is fine, but no, it means without the presence of an integrity leader and civil servants.

They see the rampant crimes committed by their own officials and the rich people (businessmen) who take advantage of their position. When compared to traditional crime, white-collar crime will cause significant losses to the state and society. This will cause the level of security in Indonesia to be low as well as hinder the development of the national state of Indonesia's ability to increase the well-being of its people. The goal of white collar crime is to get power and political good, formally or informally. Contrary to function, the law is used as a tool to get profit for individuals and groups.

Law enforcement that is not firm and effective is influenced by white-collar criminals who work for judges, prosecutors, police, and lawyers to do their job. However, the second type of crime generally results in a loss for society and the state. This will harm the Indonesian state and give a bad impression of Indonesia in the eyes of the international community.

Effort To prevent corruption in the procurement of goods and services, the government could do the following: LKPP formed a work unit or unit of work, namely LKPP Unit Number 10 of 2021. One of the activities that requires work units is maintenance merchant/service, until they accept the results of the job . Before Regulation President Number 16 of 2018, which was later changed and enacted,



Work Unit Procurement Goods and Services (UKPBJ) were accessible for convenience in Thing administration. The establishment of UKPBJ itself is motivated by the existence of disintegration institutions that run e-procurement, namely: service procurement by electronic (LPSE). Otherwise, the administrative process will be difficult and take a long time.

It institutionalized a center service superior for integrating a second service that is in need of analysis. not to mention the ramifications' Institution Regulation Number 10 of 2021 does not explain how device organization as well as clear institutional from Work Unit Procurement of these goods and services (UKPBJ) when applied within the scope of the Ministry/Institution/Regional Government. This is a procurement center superiority submission for government goods and services, which means that all related activities with management are insufficient from UKPBJ. From various perspectives, Indonesia's progress is not free from activity. The Work Unit Procurement Goods and Services are structural work units, according to Article 2 of the LKPP Institutional Regulation Number 10 of 2021. Besides that, the amount of funds provided by the government in the form of activity procureme<sup>24</sup> of goods and services is not small.

So it's clear<sup>2</sup> that the Ministry of Law and Basic Human Rights is the work unit position for procurement of goods and services (UKPBJ). After that, the head of the area's good environmental province or district/city will form UKPBJ according to the nomenclature required by published Regulation Governor for Government Province. Then the work unit is expected to be capable of operating its job as well as possible with permanent based on the rules of applicable legislation. Besides that, there is a structure for clear organization that naturally could minimize competition or disintegration between existing work units in Work Unit Procurement Goods and Services (UKPBJ). A User Budget (PA) is an office holder's authorized use budget of the State Ministries/Agencies/Regional Apparatuses.

The leadership institution for managing elections of meaningful providers (UKPBJ) is determined by the leadership institution for managing elections of meaningful providers. Next up, Group Work<sup>3</sup> sorting source power waiting for human procurement goods and services. As<sup>18</sup> result of the Work Unit Procurement Fixed Goods and Services (UKPBJ) notice, Minister of Home Affairs Regulation Number 112 of 2018. Meanwhile, for the scope of government areas provinces will set in regulation, the UKPBJ is very strategic in its effort to oversee the procurement process of goods and services. However, as previously stated, the position of the UK PBJ can prevent such criminal corruption.

That thing will could prevent, or minimum minimize happening action corruption. Government can think for more strengthen UKPBJ's position is independent institution (free) from existence intervention. Then very "vulnerable " existence conflict what it should be is office independent. In accordance with the opinion expressed by Marc Ancel at the time 6th United Nations congress in 1980 in Caracas.

Existing regulations still have loopholes that perpetrators take advantage of. To

commit corruption Whereas as inherent authority to him, as explained in Presidential Decree No. 12 of 2021, LKPP Institution Regulation Number 10 of the 21st Century, oranggaran shopping area. Guidelines Implementation Procurement Government goods and services later changed President Republic of Indonesia Regulation No. 54 of 2010 is a separate piece of legislation. Again, provide strong regulation with a destination to manage the implementation process of procuring goods and services in accordance with moderate need in society. Because in 2021 the government will publish regulations under President Number 12 of 2021 concerning supplier anbarang/medium Such a growing market requires fast government action and technology.

In general, the Work Unit Procurement Goods and Services is responsible for checking documents and composing catalogs until the end of the procurement of goods or services that the government has completed. However, as seen from function regulation President Number 12 of 2021, which means that the implementation process is required for information, when work is tendered in a competitive tender process (competitive tendering), an increase in the number of participants will produce more offers (aggressive). Organizer procurement of goods and services by electronic means is rated as one method for preventing corruption, collusion, and nepotism . So will many providers who have the opportunity to take part in tenders especially.

To meet professional-appropriate targets and gain a deeper understanding of procurement goods and services, respond to the work unit Procurement Goods/Services (UKPBJ). This leads to the internals of the work unit. This is efficient, meaning measuring how much effort it takes. In the procurement of goods and services, there are a number of systems that must be understood, both internally by the Work Unit Procurement of Goods and Services. systems that then must be introduced to the public, especially the parties involved directly in the process. The purpose of the guidance is to prevent the disinformation of people whose function is to announce Plan General Submission (RUP).

So it has already become a role as well as not quite enough of an answer from System Procurement By Electronics, used to manage Provider Performance Information for Goods and Services. Usually, transactions like this involve the use of network computers. In practice, there are a number of forms of procurement for goods and services that give rise to state losses. To prevent cases of criminal corruption in government procurement of goods and services. The most important thing is that affirmation will not be quite enough, UKPBJ replied. From the description above, it can be concluded that every possible effort has been made to prevent superiority in the implementation of LKPP Institution Regulation Number 10 of 2021.

UKPBJ is directly involved in planning, management, and procurement of goods through a provider or self-management. It means needing to make UKPBJ a must-agreed upon in the implementation budget. For example, with PA, KPA, PPK, and others do not come from office structural from the Ministry/Agency/Government,






so that the role has no intervention by the top management.


## 5. CONCLUSIONS

UKPBJ, as a professional and competent work unit, becomes the center of superiority in government procurement of goods and services, with detail confirming responsibility. UKPBJ must be capable of acting as an Agent in accordance with applicable legislation and perpetrators of LKPP regulation Number 10 of 2021. (No, there is no conflict of interests). UKPBJ should be filled by competent employees in the field as well as have high integrity in **procurement of goods and services by the government**. recommended existence of a change in Institutional Regulation Number 10 of 2021 with the entry aspect of not quite enough responsibility and possible actions.

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