

**JURIDICIAL REVIEW OF GOVERNMENT PROCUREMENT OF  
GOODS AND SERVICES BASED ON PRESIDENTIAL  
REGULATION 12 2021 IN CONJUNCTION OF PRESIDENTIAL  
REGULATION 16 2018**

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**Abstract**

*There are a variety of issues that arise in the procurement of government goods and services, ranging from effectiveness and efficiency to the misuse of funds allocated to the procurement of goods and services by the government. Following the numerous issues that arose, the government took efforts to change its policies on goods and services as a result of the various issues that arose. Policy modifications are established by issuing a Presidential Regulation (Perpres) governing the procurement of new goods and services, particularly Presidential Regulation Number 12 of 2021 to reinforce Presidential Regulation Number 16 of 2018. Qualitative methods were used in conjunction with document studies in this study. In this study, secondary data in the form of primary legal materials, in this case Presidential Regulation No. 12 of 2021 concerning the procurement of government goods and services, was used to support the findings of existing scientific research and various related literature. The primary legal materials used in this study were Presidential Regulation No. 12 of 2021 concerning the procurement of government goods and services, which was supported by the findings of existing scientific research and various related literature. The results of this study are the governance of government procurement of goods/services in Presidential Regulation Number 12 of 2021 as a refinement of Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services (hereinafter referred to as Perpres 16/2018) which was promulgated in March 2018. This regulation is intended to accelerate and simplify the process, as well as provide value for money and also easy to manage and supervise.*

*Keywords: Procurement of Goods and Services, Presidential Regulation No. 16 of 2018, Presidential Regulation No. 12 of 2021*

## **1. INTRODUCTION**

Bureaucratic policy change is currently being confronted by the Fourth Industrial Revolution (Industry 4.0) and the increasing globalization of commerce. In response to a variety of changes occurring in the global community, governments are being pushed towards improving the bureaucratic system while also opening up new avenues for expanding community participation and merging it with technological advancements. As a response, the government has implemented a number of policy reforms as a means of keeping up with the times, one of which is changing the government's procurement strategy for both goods and services.

The government must implement policy changes in the procurement of goods and services as a form of modification to the existing regulations in order to improve the prior

regulations. This is due to the complicated bureaucratic system and the difficulties of monitoring the procurement of government goods and services, which are prone to abuse, leading in criminal acts of corruption.

According to the Corruption Eradication Commission (hereinafter referred to as KPK), cases involving the procurement of goods and services have resulted in over 1 trillion rupiah in state losses. Additionally, according to survey data from Indonesia Procurement Watch (IPW), around 93% of entrepreneurs pay bribes/gratuities to win tenders for goods and services procurement projects. The project value is 12.35 trillion rupiah from 97 tender cases which are a combination of private projects and government projects such as State-Owned Enterprises (BUMN) whose budget comes from the State Revenue and Expenditure Budget (APBN), and the Regional Revenue and Expenditure Budget (hereinafter referred to as APBD). Of this amount, at least 8.6 trillion has been proven to be a conspiracy (Ferdinand et al., 2020).

The act of deviating from the budget for the procurement of goods and services, according to the KPK, encompasses all procurement processes, from budget planning to supervision and accountability. There is an element of corruption as the perpetrator of corruption at every level of the procurement of goods and services. Roberthus Yohanes De Deo, a former KPK investigator, discovered issues in the procurement of goods and services, particularly, inconsistencies in the planning, implementation, and supervision/accountability stages (Lestyowati, 2019).

The rise of criminal acts of corruption related to the procurement of goods and services makes the government feel the need to make improvements to existing regulations. Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning the Procurement of Goods and Services is a manifestation of the government's responsibility in carrying out bureaucratic reform, to prevent the spread of irregularities in the procurement of goods and services within the scope of government institutions.

According to research by Lestari and Jannah (2018) shows that the government's procurement policy continues to evolve throughout time in order to address deficiencies in prior regulations. Changes towards the government's procurement policy for products and services are reflected in Presidential Regulation No. 16 of 2018, which replaces Presidential Regulation No. 54 of 2010. The new Presidential Regulation modifies numerous aspects of the regulation of procurement of goods and services, including the regulation's substance and the procurement system, which is less complex than the previous Presidential Decree. This regulatory amendment also adds a new dimension to the procurement of goods and services by prioritizing not only efficiency but also effectiveness in the procurement process.

This study high light on juridical review of government procurement of goods and services under Presidential Regulation No. 12 of 2021 and Presidential Regulation No. 16 of 2018. The objective of this study is to identify and comprehend the procurement of government goods and services in conjunction with Presidential Regulation 12 of 2021 and Presidential Regulation 16 of 2018.

## **2. RESEARCH METHOD**

The research method used in this research is a qualitative method by conducting a document study. Document studies are carried out by reading carefully on Presidential Regulation 12 of 2021 in conjunction with Presidential Regulation Number 16 of 2018 concerning the procurement of government goods and services. The data used in this study is secondary data in the form of primary legal materials, in this case Presidential Regulation 12 of 2021 concerning the procurement of government goods and services supported by the results of existing scientific research and various related literature. Management, analysis and construction of legal research data can be carried out by conducting a review of the legal rules, and then construction is carried out by entering articles into categories based on the basic understanding of the legal system.

## **3. RESULT AND DISCUSSION**

### **3.1.1. Definition of Government Procurement of Goods and Services**

The procurement of goods/services or better known as auctions (procurement) has been carried out by all parties, both government and private. Procurement of government goods/services is an activity to obtain goods/services by Ministries/Institutions/Regional Apparatus Work Units/other institutions whose process starts from planning needs until completion of all activities to acquire goods/services (Susanti, 2020). Meanwhile, according to Presidential Regulation No. 12 of 2021, Government Procurement of Goods/Services, hereinafter referred to as Procurement of Goods/Services, is an activity of Procurement of Goods/Services by Ministries/Institutions/Regional Apparatuses which is financed by APBN/APBD whose process starts since the identification of needs, until the handover of the work (Presidential Regulation No. 12 of 2021).

The scope of government procurement of goods/services includes the following:

1. Procurement of goods and services within K/L/D/I whose financing, either in part or in whole, comes from the APBN/APBD.
2. Procurement of goods/services for investment within Bank Indonesia, State-Owned Legal Entities, and State/Regional Owned Enterprises whose financing, in part or in whole, is charged to the APBN/APBD ( Sanjaya & Siregar, 2013).

The government's procurement of goods/services was first regulated in a separate statutory regulation in Presidential Decree No. 80 of 2003, which was amended by Presidential Regulation no.8 of 2006 concerning Guidelines for the Implementation of Government Procurement of Goods/Services which was later replaced by Presidential Regulation of the Republic of Indonesia Number 54 of 2010 concerning Procurement of Goods/Services which was later changed to Government Presidential Regulation 70 of 2012 concerning Second Amendment to Presidential Regulation 54 of 2010 concerning Government Procurement of Goods/Services then changed again to Presidential Regulation concerning the Third Amendment to Presidential Regulation Number 54 of 2010 concerning Government Procurement of Goods/Services which was later changed again to Presidential Regulation of the Republic of Indonesia Number 4 of 2015 concerning Fourth Amendment to Presidential Regulation Number 54 of 2010 concerning Procurement of Goods/Services Government (Listiyanto, 2012).

The Presidential Regulation concerning the procurement of government goods and services is further amended become Presidential Regulation Number 16 of 2018), and the last one as a Presidential Regulation No. 12 of 2021.

### **3.1.2. Procedures for Procurement of Government Goods and Services Based on Presidential Regulation Number 12 of 2021 in conjunction (jo) with Presidential Regulation Number 16 of 2018**

Procurement of government goods/services is held to obtain goods/services by Ministries/Institutions/Regional Work Units/Institutions whose process starts from planning needs until completion of all activities to obtain goods/services. The government regulates the governance of government procurement of goods/services in Presidential Regulation Number 12 of 2021 as a refinement of Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services (hereinafter referred to as *Perpres* 16/2018) which was promulgated in March 2018. This rule is expected can speed up and simplify and provide value for money, as well as easy to control and supervise. The procedure for the procurement of Government goods and services based on Presidential Regulation Number 12 of 2021 in conjunction with Presidential Regulation Number 16 of 2018, is as follows:

#### **a. Purpose of Procurement of Goods and Services**

According to Article 4 of Presidential Regulation No. 12 of 2021 in conjunction with Presidential Regulation No. 16 of 2018, that the Procurement of Goods/Services aims to:

- 1) Producing the right goods/services for every money spent, measured in terms of quality, quantity, time, cost, location, and Provider - Increasing the use of domestic products
- 2) Increasing the participation of Micro, Small and Cooperatives
- 3) Increasing the role of national business actors
- 4) Support the implementation of research and use of research goods/services
- 5) Increase creative industry participation
- 6) Realizing economic equality and providing expansion of business opportunities
- 7) Improving Sustainable Procurement

#### **b. Procurement Actors**

Government procurement of goods/services involves the parties ministries/institutions/regional apparatus, providers, and/or organizations/groups community together or partly in the procurement process starting from identification of needs in procurement planning up to the handover of results profession (Listiyanto, 2012). According to Article 8 of Presidential Regulation No. 12 of 2021 in conjunction with Presidential Decree No. 16 of 2018, procurement actors consist of: a) PA; b) KPA; c) PPK; d) Procurement Officer; e) Election Working Group; f) Procurement Agent; g) *deleted*; h) Self-Management Operators; and i) provider.

Furthermore, in article 9 it is stated that:

The PA as referred to in Article 8 letter a has the following duties and authorities:

- a. takes actions that result in budget expenditures;
- b. enters into agreements with other parties within the stipulated budgetary limits;
- c. determines procurement planning;
- d. determines and announce the RUP;

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- e. carries out Consolidation of Procurement of Goods/Services;
- f. determines Direct Appointment for Tender/ Re-selection of failed;
  - fl. determines the imposition of Black List Sanctions;
- g. determines PPK;
- h. determines the Procurement Officer;
- i. deleted;
- j. determines the *Swakelola* (Self-management) Operator;
- k. establishes a technical team;
  - 1. determine the jury/expert team for implementation through the Contest/Contest;
- m. declares failed Tender or failed Selection; and
- n. determines the election winner/Provider for the selection method.

Article 10 paragraph 5 states that the KPA on the Procurement of Goods/Services that uses the budget from the APBD, which can double as PPK.

Article 11 states that the PPK in the procurement of goods/services as referred to in Article 8 letter 'c' has the following duties: Letters 'a' to 'p'. In part b. Carry out Consolidation of Procurement of Goods/Services. Paragraph 3. In the event that there is no determination of PPK on the procurement of goods/services using the budget from the APBD, PA/KPA assigns PPTK to carry out the tasks of PPK as referred to in paragraph (1) letter 'a' to letter 'm'. And paragraph 4. PPTK carrying out PPK duties as referred to in paragraph (3) must meet the requirements for PPK competence.

Finally, on the part of procurement actors, article 13 paragraph 1 of the Election Working Group in the Procurement of Goods/Services as referred to in Article 8 letter 'e' has the following duties: a. carry out the preparation and implementation of the selection of Providers except for E-purchasing and Direct Procurement; b. *deleted*.

### **c. Procurement Preparation**

Preparation for the procurement of government goods/services is carried out through self-management (*swakelola*) or through providers (Betham et al., 2019). The preparatory steps taken based on Article 7 of Presidential Regulation No. 12 of 2021 in conjunction with Presidential Regulation No. 16 of 2018, are as follows:

- 1) Other types of Goods/Services Procurement Contracts consist of: a. Lump sum; b. Unit price; c. Combined Lump sum and Unit Price; d. Framework Contract; and e. Cost Plus Fee.
- 2) Types of Construction Work Procurement Contracts consist of: a. Lump sum; b. Unit price; c. Combined Lump sum and Unit Price; d. Turn Key; and e. Cost Plus Fee.
- 3) Types of non-construction Consultancy Services Procurement Contracts consist of: a. Lump sum; b. Assignment Time; and c. Framework Contract.
- 4) Types of Contracts for the Procurement of Construction Consultancy Services consist of: a. Lump sum; and b. Assignment Time.

Article 27 also explains that a turn-key contract is applied if the provider agrees to build the complete project to completion including the installation of equipment and is ready to operate and be occupied. Meanwhile, the cost-plus fee contract is applied in handling emergencies.

Article 38 outlines the procedure for direct appointment election. What is meant by direct appointment is a procurement method of goods/services in which the procurement

committee does not make an announcement but instead requests an offer from the appointed provider of goods/services. The appointed goods/service providers are usually those who have previously supplied or worked on a work package well or are not included in the blacklist of partners (Putra et al., 2015). Direct appointments are carried out for other goods/construction work/services under certain circumstances. Furthermore, in paragraph 5 it is stated that the Criteria for Goods/Construction Works/Other Services for certain conditions as referred to in paragraph (4) includes:

- a. Organizing the preparation of sudden activities to follow up on international commitments attended by the President/Vice President;
- b. Goods/services that are secret in the interest of the State include intelligence, witness protection, security of the President and Vice President, Former President and former Vice President and their families as well as state guests at the level of head of state/head of government, or other goods/services are confidential in accordance with the provisions of the legislation;
- c. Building construction work which is a unified construction system and a unified responsibility for the risk of building failure which as a whole cannot be planned/calculated in advance;
- d. Other goods/construction work/services that can only be provided by 1 (one) capable business actor;
- e. Procurement and distribution of superior seeds which include rice, corn and soybean seeds, as well as fertilizers which include Urea, NPK, and ZA to farmers in order to ensure the availability of seeds and fertilizers in an appropriate and timely manner for the implementation of increasing food security;
- f. Public infrastructure, facilities, and utilities work in residential areas for Low-Income Communities carried out by the developer concerned;
- g. Construction work/other services that are specific and can only be carried out by the holder of the patent right, or the party that has obtained the permit from the holder of the patent right, or the party who wins the tender to obtain the permit from the government;
- h. Other goods/construction works/services which fail after re-tendering; or
- i. Selection of providers to continue the procurement of others goods/construction works/services in case of contract termination

#### **d. Provider Selection**

Government Goods/Services Providers, hereinafter referred to as Providers, are Business Actors who provide goods/services based on a contract (LKPP, 2018). According to article 38 paragraph 2, providers of goods and services can be in the form of E-purchasing as referred to in paragraph (1) letter 'a', implemented for goods/works in other construction/services listed in electronic catalogs or online shops. E-Purchasing is the process of procuring goods/services carried out through electronic catalog (Nursetyo, 2013). The provisions in article 38 paragraph 2 are further explained in article 72 paragraph 1 which reads that electronic catalog can be in the form of national electronic catalogs, sectoral electronic catalogs, and local electronic catalogs. While the explanation of the Online Store is explained in Article 72 A, namely:

- (1) Goods/services transacted through Online Stores have the following criteria:

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- a. standard or can be standardized;
- b. have a low risk nature; and
- c. the price is already formed in the market.

(2) The goods/services as referred to in paragraph (1) are not displayed in the electronic catalog.

(3) Further provisions regarding Online Stores are regulated in the Regulation of the Head of Institution.

Information regarding the contents in the electronic catalog is explained in article 72 paragraph 2, namely: information in the electronic catalog contains a list, type, technical specifications, TKDN, domestic products, SNI products, country of origin, prices, providers, and other information related to goods/services. Furthermore, in article 72 paragraph 3 it is stated that the management of electronic catalogs is carried out by the Ministry/Agency/Local Government or LKPP.

Meanwhile, case-matters relating to tenders are explained in article 38 paragraph 6, namely:

(6) Quick Tenders (*Tender cepat*) are carried out in the event that the Business Actor has been qualified in the Provider Performance Information System for procurement that:

- a. the specifications and volume of work can be determined in detail;
- b. it is possible to mention name brands of parts and parts of an existing system.

Article 51 paragraphs 3 and 11 state that:

(3) Failed Quick Tender (*Tender cepat gagal*) in the event that:

- a. there is no participant or only 1 (one) participant who submits the bidding document after the extension period is granted;
- b. no winner or reserve winner attended the verification of qualification data;
- c. found an error in the Election Document or does not comply with the provisions in this Presidential Regulation;
- d. all participants are involved in corruption, collusion, and/or nepotism;
- e. all participants are involved in unfair business competition; and/or f. corruption, collusion, and/or nepotism involving the Election Working Group/PPK

(11) Following up on the Failed Quick Tender as referred to in paragraph (3), the Election Working Group shall review the causes of the failure of the Quick Tender and conduct another Quick Tender or change to another election method as regulated in Article 38 paragraph (1).

#### **e. Exception**

The procurement of goods/services that are excluded from the government procurement of goods/services is the procurement of goods/services whose provisions are excluded either in part or in whole from the provisions of the government's procurement of goods/services (LKPP, 2018). The provisions for the procurement of goods/services that are excluded are listed in Presidential Regulation Number 12 of 2021 Article 61, namely:

(1) Excepted from the provisions in this Presidential Regulation:

- a. Procurement of goods/services at the Public Service Agency/Regional Public Service Agency;
- b. Procurement of goods/services carried out based on rate that are widely published to the public;

- c. Procurement of goods/services carried out in accordance with established business practices and/or
  - d. Procurement of goods/services regulated by the provisions of the legislation other.
- (2) The procurement of goods/services at the Public Service Agency/Regional Public Service Agency as referred to in paragraph (1) letter 'a' is regulated separately with the regulations of the leadership of the Public Service Agency/Regional Public Service Agency.
- (2a) In the event that the Public Service Agency and the Regional Public Service Agency do not yet have separate regulations for the procurement of goods/services, the implementation of the Procurement of Goods/Services at the Public Service Agency and the Regional Public Service Agency is guided by this Presidential Regulation.
- (3) Further provisions regarding exceptions in the Procurement of Goods/Services as referred to in paragraph (1) are regulated by the Regulation of the Head of the Institution.

#### **f. Micro, Small, Cooperatives and Domestic Products**

In Chapter I Article 1 of Law No. 20 of 2008 concerning Micro, Small and Medium Enterprises (MSMEs), what is meant by Micro, Small and Medium Enterprises are:

- 1) Micro Enterprises are productive businesses owned by individuals and/or individual business entities that meet the criteria for Micro Enterprises as regulated in this Law.
- 2) Small Business is a productive economic business that stands alone, which is carried out by individuals or business entities that are not subsidiaries or not branches of companies that are owned, controlled, or become part either directly or indirectly of Medium Enterprises or Large Businesses that meet Small Business criteria as referred to in this Law.
- 3) Medium Enterprises are productive economic businesses that stand alone, which are carried out by individuals or business entities that are not subsidiaries or branches of companies that are owned, controlled, or become part either directly or indirectly with Small Businesses or Large Businesses with total net assets or annual sales proceeds as regulated in this Law (Anggraeni et al., 2013).

The preparation of technical specifications/KAK is stated in article 19, namely:

- (1) PPK in preparing technical specifications/KAK for goods/services uses:
- a. local product;
  - b. SNI certified products;
  - c. products of micro and small enterprises and cooperatives from domestic production; and
  - d. environmentally friendly products.
- (2) In the preparation of technical specifications/KAK it is possible to mention the brand to:
- a. component of goods/services;
  - b. parts;
  - c. part of an existing system; or
  - d. goods/services in electronic catalogs or Online Stores.
- (3) The fulfillment of the use of the product as referred to in paragraph (1) is carried out as long as it is available.

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- (4) Environmentally friendly products as referred to in paragraph (1) letter d, use goods and services labeled as environmentally friendly.

Meanwhile, the provisions regarding products resulting from MSEs are listed in Article 65, namely:

- (1) Small business consists of Micro and Small Business.
- (2) Ministries/Institutions/Local Governments are required to use small business products and cooperatives from domestic production.
- (3) Ministries/Institutions/Regional Governments as referred to in paragraph (2) are required to allocate at least 40% (forty percent) of the budget value for goods/services expenditures of Ministries/Institutions/Regional Governments.
- (4) Packages for procurement of goods/construction work/other services with a budget ceiling value of up to Rp. 15,000,000,000.00 (fifteen billion rupiahs) are intended for small businesses and/or cooperatives.
- (5) The value of the procurement budget ceiling as referred to in paragraph (4) is excluded for work packages that require technical capabilities that cannot be met by small businesses and cooperatives.
- (6) The ministry that administers government affairs in the field of cooperatives and small businesses and the regional government expands the participation of small businesses and cooperatives by listing the goods/services produced by small businesses and cooperatives in an electronic catalogue.
- (7) Providers of non-small businesses or cooperatives that carry out work the business cooperation with small businesses and/or cooperatives in the form of partnerships, sub-contracts, or other forms of cooperation, if there are small businesses or cooperatives that have capabilities in the relevant field.
- (8) Cooperation with small businesses and/or cooperatives as referred to in paragraph (7) is included in the Bidding Document.

Provisions regarding the use of domestic products are stated in article 66, namely:

- (1) Ministries/Regional Apparatus Agencies are required to use domestic products, including national design and engineering.
- (2) The obligation to use domestic products as referred to in paragraph (1) is carried out if there are domestic products that have the total value of the Domestic Component Level (*TKDN*) plus the Company Benefit Weight (*BMP*) value of at least 40% (forty percent).
- (3) The value of *TKDN* and *BMP* as referred to in paragraph (2) refers to the list of inventories of domestically produced goods/services issued by the ministry that carries out government affairs in the industrial sector.
  - (3a) The obligation to use domestic products as referred to in paragraph (2) is carried out at the stage of Procurement Planning, Procurement Preparation, or Supplier Selection.
- (4) The provisions as referred to in paragraph (3a) are included in the RUP, technical specifications/KAK, and Bleaching Documents.
- (5) Procurement of imported goods can be carried out, in the event that:
  - a. the goods cannot be produced domestically; or
  - b. the volume of domestic production is not able to meet the needs.

- (6) LKPP and/or Ministries/Institutions/Local Governments reproduce the inclusion of domestic products in electronic catalogs.

**g. Sanctions and Legal Services**

As a matter of fact, the organizers of the Procurement of Government Expenditures and Services are uncomfortable, disturbed, and anxious as they carry out the Procurement of Government Expenditures and Services because law enforcement officers (both police officers and/or prosecutors) frequently summon and/or examine the organizers who are currently organizing Procurement of Government Expenditures and Services. There were reports from various parties (including the community, non-governmental organizations (NGOs), and parties involved in the procurement of government expenditures and services) indicating procedural irregularities and violations of law in the administration of the procurement of government expenditures and services (Manalu, 2017). Administrative sanctions and dispute resolution related to the Procurement of Government Expenditures and Services are stated in Presidential Regulation No. 12 of 2021 Article 78, namely:

- (1) In the case of election participants:
  - a. submitting false/incorrect documents or information to fulfill the requirements specified in the Bidding Document;
  - b. indications of conspiring with other participants to set the bid price;
  - c. indication of corruption, collusion, and/or nepotism in the selection of Providers; or
  - d. resigns for reasons that cannot be accepted by the Procurement Officer/Election Working Group/Procurement Agent, the election participant is subject to administrative sanctions.
- (2) In the event that the winner of the election resigns for reasons that cannot be accepted prior to the signing of the Contract, the winner of the election shall be subject to administrative sanctions.
- (3) In the case of Provider:
  - a. does not carry out the Contract, does not complete the work, or does not carry out obligations during the maintenance period;
  - b. causes a building failure;
  - c. submits a Collateral that cannot be disbursed; d. made an error in calculating the amount/volume of work based on audit results;
  - e. delivers goods/services whose quality is not in accordance with the Contract based on the audit results; or
  - f. late in completing the work in accordance with the Contract, the Provider is subject to administrative sanctions.
- (4) The acts or actions as referred to in paragraph (1), paragraph (2), and paragraph (3) are subject to administrative sanctions in the form of:
  - a. the sanction is disqualified in the election;
  - b. sanctions for disbursement of guarantees;
  - c. Blacklist sanctions;
  - d. compensation sanctions; and/or
  - e. fines.
- (5) Violation of the provisions as referred to in:

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- a. paragraph (1) letters a to letter c are subject to sanctions of being disqualified from the election, sanctions for disbursement of Bid Security, and blacklisting sanctions for 2 (two) years;
- b. paragraph (1) letter d is imposed with a sanction for the disbursement of the Bid Guarantee and the Blacklist Sanction for 1 (one) year;
- c. paragraph (21 is subject to sanctions for disbursement of Bid Security and Black List Sanctions for 1 (one) year;
- d. paragraph (3) letter a is subject to sanctions for disbursement of the Implementation Guarantee or sanctions for disbursement Maintenance Guarantee, and Black List Sanction for 1 (one) year;
- e. paragraph (3) letter b to letter e is subject to a penalty of compensation in the number of losses incurred; or paragraph (3) letter f is subject to a fines delay.

#### **4. CONCLUSION**

Procurement policy modifications should be implemented by the government as a means of improving existing regulations in order to improve the regulations that were previously implemented. As a result of the complicated bureaucratic structure and the difficulty in supervising the procurement of government goods and services, which are vulnerable to abuse that leads to the occurrence of criminal acts of corruption. Procurement of government goods/services is held to obtain goods/services by Ministries/Institutions/Regional Work Units/Institutions whose process starts from planning needs until completion of all activities to obtain goods/services. The government regulates the governance of government procurement of goods / services in Presidential Regulation No. 12 of 2021 as a refinement of Presidential Regulation No. 16 of 2018 on Procurement of Government Goods / Services (hereinafter referred to as *Perpres* 16/2018) which was promulgated in March 2018. This regulation is intended to accelerate and simplify the process, as well as provide value for money and also easy to manage and supervise.

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